



LICENCES (AMENDMENT) ACT, 1998  
(Act No. 9 of 1998)

*I assent*



F. A. René  
President

17th June, 1998

AN ACT to amend the Licences Act (Cap 113).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Licences (Amendment) Act, Short title  
1998.

Amendment  
of Cap. 113

2. The Licences Act is amended as follows —

(a) in section 6 —

- (i) by repealing paragraph (a) of subsection (3) and substituting therefor the following paragraph —

“(a) Where any activity, business, trade, profession, premises, animals, goods, vehicles or vessels in respect of which a licence is granted by the Authority is under the control, superintendence or management of a public officer of a Government Ministry, department, agency or statutory body, that officer, Ministry, department, agency or statutory body may for a breach of any conditions of the licence or for any other reasonable cause suspend the licence for a period not exceeding 60 days where, after giving the holder of the licence an opportunity to show cause, the officer, Ministry, department, agency or statutory body is of the opinion that such action is necessary in the interests of such activity, business, trade, profession, premises, animals, goods, vehicles or vessels and shall inform the Authority of such action.”;

- (ii) by inserting after subsection (6), the following subsection —

“(7) The Authority shall, before it decides under subsection (1) to suspend, revoke or refuse to grant a renewal of, a licence give the holder of the licence an opportunity of showing cause against such action.”;

(b) in section 7 —

- (i) by renumbering section 7 as subsection (1) of that section;
- (ii) by repealing in the renumbered subsection (1), paragraph (e) of that subsection and substituting therefor the following paragraph —

“(e) where the Authority has reasonable grounds to believe that any activity, business, trade or profession is being engaged in or carried on or any animals, goods, vehicles or vessels are kept, used or possessed or any premises are kept or managed in breach of this Act, and has given the holder of the licence an opportunity to show cause, order —

- (i) the closure of the premises in which such activity, business, trade or profession is engaged in or carried on or which are kept or managed;
- (ii) the seizure of any material, equipment, animals, goods, vehicles or vessels used in connection with the breach.”;

(c) by inserting after subsection (1) the following subsections —

“(2) Where in the exercise of the powers of the Authority under subsection (1)(e), any premises have been closed or any material, equipment, animal, goods, vehicle or vessel has been seized and no prosecution in relation to the premises, material, equipment, animal, goods, vehicle or vessel has been instituted within 60 days after the closure or seizure —

- (a) the premises shall be released from closure;
- (b) subject to subsection (3), the material, equipment, animal, goods, vehicle or vessel shall be released to the person from whom they were seized.

(3) Where any goods seized under subsection (2) are of a perishable nature or where the custody of goods or animals seized under that subsection would involve unreasonable expense and inconvenience, the goods or animals may be disposed of in such manner as the Authority thinks fit and —

- (a) where no prosecution has been instituted in relation to the goods or animals within 60 days after the seizure, the Authority shall pay to the person who claims those goods or animals the value realised by their disposal;
- (b) where a prosecution has been instituted in relation to the goods or animals within the period of 60 days after the seizure, the Authority shall comply with the order of the court in which the prosecution has been instituted in respect of the goods or animals.”;
- (d) by repealing section 13 and substituting therefor the following section —

"Licence Fee 13.(1) The Authority shall, subject to subsection (2), pay into the Consolidated Fund the licence fee received by it in respect of a licence.

(2) The licence fee received by the Authority under the Licences (Television Set) Regulations shall be paid by the Authority to

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Sub. Leg. Pg. 39 the Seychelles Broadcasting Corporation established under section 3 of the Seychelles Broadcasting Corporation Act.

Cap. 211A (3) Where the applicant for a licence or the holder of a licence is a non-Seychellois, the Authority may, notwithstanding any other written law, require the applicant or the holder to pay the fees due in respect of the licence in such currency, other than the currency of Seychelles, as may be determined by the Authority.

Cap. 95 (4) In subsection (3), "non-Seychellois" has the same meaning as in section 2 of the Immovable Property Transfer Restriction Act.

(5) Where a licence under this Act is granted —

(a) for a period of one year, the licence fee for that year, shall, subject to paragraph (c), be paid before the grant of the licence;

(b) for a period in excess of one year —

(i) the licence fee for the whole period may be paid before the grant of the licence;

(ii) the licence fee for the first year of the period shall, subject to paragraph (c), be paid before the grant of the licence; and

- (iii) the licence fee for each year subsequent to the first year, shall, subject to paragraph (c), be paid on or before the beginning of each subsequent year;
  - (c) the Authority may permit the holder of the licence to pay the licence fee in such instalments as may be determined by the Authority.
- (6) Where the holder of a licence fails to pay the licence fee or any instalment thereof in accordance with subsection (5), the licence shall cease to be valid on the date the fee or the instalment of the fee is due, without prejudice to the right of the Authority to recover the fee or instalment due on the date the licence ceased to be valid.”;
- (e) in section 20(1)(a), by repealing the words “to a fine of R20,000” and substituting therefor, the words “to a fine of not less than R5000 and not exceeding R.50,000”;
  - (f) by inserting after section 20, the following section —
- “Compounding of offences 20A.(1) The Director may, if the Director is satisfied that a person has committed an offence against this Act and if that person has admitted that fact and agreed in writing to its being dealt with under this section -
- (a) compound such offence by accepting from such person a sum of money not exceeding the fine specified for that offence; and

- (b) deal with the sum of money received under this section as though it were a fine imposed by the court.

(2) In any proceedings brought against any person for an offence against this Act, it shall be a good defence if the person proves that the offence has been compounded under this section.”

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I certify that this is a correct copy of the Bill which was passed by the National Assembly on 9th June, 1998.



Sheila Banks  
Clerk to the National Assembly