

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

Act 7 of 1933.
Act 2 of 1934.
Act 7 of 1940.
Act 4 of 1956.
Act 3 of 1957.
Act 38 of 1961.
S.I. 95 of 1975.
Act 23 of 1976.

CHAPTER 16

BIRDS' EGGS ACT

[13th May, 1933]

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Definitions.
3. Regulations.
4. Unlawful possession.
5. Seizure.
6. Fixing of quota.
7. Share of quota not to be allotted as of right.

1. This Act may be cited as the Birds' Eggs Act.
2. In this Act unless the context otherwise requires:-

"birds' eggs" means the eggs of sea-birds;

"close season" means such period or periods as shall be determined by regulations under this Act as a close season for the protection of birds' eggs in relation to any island or place as may be specified in such regulations;

"quota" means the quantity of birds' eggs or birds' egg products produced in Seychelles which may be exported during any period in accordance with an order published in the Gazette made by the Minister under section 6;

"prescribed" means prescribed by regulations under this Act.

3. (1) It shall be lawful for the Minister from time to time to make regulations:-

- (a) fixing a close season during which the collection of bird's eggs as scheduled in the regulations shall be prohibited in any island or place as may be specified in such regulations;
- (b) for effectually preventing the collecting of such eggs during the close season;
- (c) fixing the period during which the export of birds' eggs and birds' egg products shall be permitted;
- (d) for effectually controlling the export of birds' eggs and birds' egg products;
- (e) for effectually controlling the collection and disposal of birds' eggs;
- (f) providing for the furnishing of returns or the giving of information generally or as may be required by a prescribed authority;
- (g) generally for carrying out or giving effect to the objects and provisions of this Act.

(2) Such regulations may provide that contravention of or failure to comply with any such regulation shall be an offence and any person guilty of any such offence shall on conviction be liable to a fine not exceeding R.1,000 or to imprisonment not exceeding one year or to both such fine and imprisonment.

4. Any person found in possession, without sufficient excuse or justification, of birds' eggs collected or gathered in contravention of any regulations made under this Act shall be guilty of an offence and liable to imprisonment not exceeding one month or to a fine not exceeding two hundred rupees or both.

5. (1) Wherever there shall be sufficient grounds to suppose that any boat or any fishing tackle or any other appliance or article whatsoever has been used in the commission of any offence under this Act, it shall be lawful for any officer of the Department of Agriculture or of police to seize such boat, fishing tackle, appliance or article.

(2) It shall be lawful for the court to order any eggs, the subject matter of any offence under this Act or any boat, fishing tackle or any other appliance or article used in contravention of any of the provisions of this Act to be sold by a sworn auctioneer and the proceeds thereof lodged in the Treasury.

(3) Any boat, fishing tackle, appliance or article seized under this Act, the sale of which shall not have been ordered by a court as provided for under subsection (2) and not claimed within thirty days from the date of the seizure shall be ipso facto forfeited as fully and effectually as if the forfeiture had been pronounced by judgment of a competent court.

6. The Minister may fix by an order published in the Gazette the quota which may be exported from Seychelles during any period as may be fixed by regulations and also allot to any owner, lessee, contractor or person in charge of any island producing birds' eggs a share of the quota.

7. No owner, lessee, contractor or person in charge of any island producing birds' eggs shall be entitled as of right to any share of the quota or to the renewal of any share allotted to him in the preceding year.

LAWS OF SEYCHELLES

G.N. 118/1941.

BIRDS' EGGS ACT

CHAPTER 16

SUBSIDIARY LEGISLATION

SECTION 3

BIRDS' EGGS AND BIRDS' EGG PRODUCTS

(EXPORTATION) REGULATIONS

[16th April, 1941]

ARRANGEMENT OF REGULATIONS

SECTION

1. Citation.
2. Restrictions on export.
3. Period of export.
4. Penalty.

1 These regulations may be cited as the Birds' Eggs and Birds' Egg Products (Exportation), Regulations.

2 No person shall export from Seychelles any birds' eggs or birds' egg products:

Provided that any owner, lessee, contractor or person in charge of any island in Seychelles to whom a share of the quota has been allotted by the Minister under section 6 of the Act, may export from Seychelles any birds' eggs or birds' egg products not exceeding such share of the quota.

3 The period during which birds' eggs or birds' egg products may be exported from Seychelles shall be from the 1st day of January to the 31st day of December in any year.

4 Any person contravening the provisions of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rupees or to imprisonment not exceeding twelve months or to both such fine or imprisonment.

BIRDS' EGGS (COLLECTION)

REGULATIONS

[12th June, 1972]

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definition.
3. Prohibition on collection.
4. Prohibited islands and quota.
5. Prohibition on owner of property.
6. Collection for specified purposes.
7. Close season.
8. Right of entry.
9. Right of search.
10. Returns.
11. Offences.

SI. 72 of 1972
SI. 49 of 1973
SI. 48 of 1974
SI. 67 of 1974
SI. 55 of 1975
SI. 104 of 1975
SI. 51 of 1976
SI. 63 of 1976
SI. 63 of 1976
SI. 41 of 1977
SI. 44 of 1977
SI, 24 of 2003

1 These regulations may be cited as the Birds' Eggs (Collection) Regulations.

2 In these regulations "birds' eggs" shall mean the eggs of the following sea-birds:-

Goelette, Sooty or Wideawake tern (*Sterna fuscata nubilosa*) Mocoa or Common Noddy (*Anous stolidus pileatus*).

3 No person shall collect or gather birds' eggs during the period of the close season.

4 (1) No person shall collect or gather birds' eggs on any island not listed in the first column of the Schedule.

(2) No person shall in any year collect or gather birds' eggs in excess of the number specified in the second column of the Schedule in respect of each island listed therein.

5 A person having the possession, management or control of property on which birds' eggs have been laid or deposited, or being responsible for the collection or gathering of birds' eggs, shall not permit birds' eggs to be collected or gathered during the close season (save as provided in regulation 6) or in excess of the number laid down in regulation 4.

6 Notwithstanding the provisions of regulation 3 birds' eggs may be collected or gathered during the close season for bona fide natural history or scientific purposes provided written permission has previously been obtained from the Minister and in accordance with the terms of such permission.

7 (a) In respect of all islands other than those specified in the Schedule the close season shall extend during the whole year.

(b) In respect of the islands specified in the Schedule the close season in each year shall extend from the 1st October to the end of the year.

8 It shall be lawful for any Government or police officer to enter and remain in or to visit and inspect any island or other place where birds' eggs are laid or deposited for the purpose of enforcing the provisions of the Act or of any regulations made thereunder.

9 It shall be lawful for any customs officer or officer of the Department of Agriculture or of Police who has reason to believe that there are birds' eggs on board any vessel, to search and inspect such vessel and any boxes or other articles found on such vessel and suspected to contain such eggs.

10 The owner of any islands listed in the Schedule or, when such islands are leased, the lessee thereof shall during the month of September in every year make a signed return to the Chief Agricultural Officer giving the number of birds' eggs collected, the disposal of such eggs and such other information as may be required by the Chief Agricultural Officer with respect to such islands. When no eggs have been collected a nil return shall be furnished.

11 Any person who contravenes or fails to comply with the provisions of regulations 3, 4, 5 and 10 of these regulations shall be guilty of an offence and shall on conviction be liable to the penalties prescribed in section 3(2) of the Act.

SCHEDULE

Proc. 11/1941.

Islands	Quota
Desnoeuvs	Unlimited
L'Illot (Fregate)	70,000

SECTION 6

QUOTA OF BIRDS' EGGS AND PRODUCTS

[16th April, 1941]

WHEREAS by section 6 of the Act, it is provided that the Minister may fix by order the quota of birds' eggs and birds' egg products produced in Seychelles which may be exported during any period as may be fixed by regulations:

Quota not NOW, THEREFORE, by and in virtue of the powers in me vested to exceed by the aforesaid Act, I do hereby order and declare that the 20 tons. quota of birds' eggs and birds' egg products which may be exported from Seychelles during the period fixed by the Birds' Eggs and Birds' Eggs Products (Exportation) Regulations, shall not exceed 20 tons.
