EXPORT OF FISHERY PRODUCTS (AMENDMENT) BILL, 2010

(Bill No. 34 of 2010)

OBJECTS AND REASONS

This Bill seeks to amend the Export of Fishery Products Act (Cap 77A) to facilitate the better implementation of its provisions.

This Bill would transfer the responsibilities of the Director of Veterinary Services under the Act to the Chief Executive Officer of the Seychelles Bureau of Standards.

It seeks to amend the definitions of "factory vessel", "fishery products" and "freezer vessel"

A Fish Inspection and Quality Control Unit is to be established to ensure compliance with standards of quality required particularly in international trade.

The Bill provides for the protection of confidential information, avoidance of corruption and protection of official acts done in good faith.

The Bill also seeks to enhance the penalties under the Act.

Dated this 8th day of November, 2010.

R. J. GOVINDEN
ATTORNEY-GENERAL

(4) The C.E.O. may appoint one or more officers of the Unit or such other persons as the C.E.O. thinks fit to be authorised officers and issue to each authorised officer a certificate of authority to act as such.";

(d) in section 10(1)(g), by repealing the word "Minister" and substituting therefor the word ""C.E.O";

(e) by inserting after section 10, the following section—

"Confidentiality

"10A. Any person who, in the performance of any official function under this Act, obtains confidential information relating to the activities of another person shall not disclose such information except—

(c) to any person who requires it for the performance of that person's functions under this Act;

(d) when directed by any court of law;

(e) for the purpose of a crimin investigation; or

(f) on the authorisation of the Minister or the C.E.O.";

(f) by inserting after section 11, the following section—

"Application of certain Penal Code provisions

"11A. All officers and other employees of the Fish Inspection and Quality Control Unit shall be deemed to

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A BILL

OF

AN ACT to amend the Export of Fishery Products Act (Cap 77A)

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Export of Fishery Products (Amendment) Act, 2010. Short title

Amendment of Act 18 of 1996 (Cap 77A)

2. The Export of Fishery Products Act is amended as follows—

(a) in section 2—

(i) by repealing the definition of "Director" and substituting therefor the following definition—

" "C.E.O" means the Chief Executive Officer of the Seychelles Bureau of Standards established by the Seychelles Bureau of Standards Act;";

(ii) by repealing the definition of "factory vessel" and substituting therefor the following definition—

" "factory vessel" means any vessel on which fishery products intended for export undergo any one or more of the following operations, namely, filleting, slicing, skinning, mincing or processing, followed by packaging, chilling or freezing;";

(iii) by repealing the definition of "fishery products" and substituting therefor the following definitions—

"fishery products"—

(a) means any cold blooded aquatic animal or part or product deprived derived therefrom intended as food for human consumption and includes any fish, crustacean, mollusc, echinoderm, holothurian or aquatic reptile but does not include live fish other than shell fish;

(b) includes aquaculture feed, fish oil and fish meal;

"freezer vessel" means any vessel on which freezing of fishery products intended for export is carried out after preparatory work such as bleeding, heading, gutting and removal of fins and where necessary wrapping and packaging;

"Minister" means the Minister charged with the portfolio responsibility for Industry.";

(b) by repealing the word "Director" wherever it occurs in the Act and substituting therefor the words "C.E.O";

(c) by repealing section 9 and substituting therefor the following section—

"Fish Inspection and Quality Control Unit"

9A.(1) There shall be established, for the purposes of this Act, a unit within the Seychelles Bureau of Standards to be known as the Fish Inspection and Quality Control Unit.

(2) The Unit shall aim to facilitate through inspection and certification of fishery products internal and international trade in such products.

(3) The C.E.O. shall appoint as the manager of the Unit a competent person experienced in the inspection and quality assurance of fishery products and ensuring compliance with relevant international standards.

be employed in the public service for the purposes of sections 91 to 96 of the Penal Code.";

(g) in section 12(1)—

(i) by repealing the words "R5000" and substituting therefor the words "R15,000" and

(ii) by repealing the words "R50,000" and substituting therefor the words "R150,000";

(h) by inserting, after section 14, the following section—

"Protection

15. A person performing any function under this Act shall not be liable in respect of any loss arising from the performance of such function in good faith and without negligence.".

X (i) by repealing in paragraph (a) the letter + figure "R 5000" and substituting therefor, the letter + figure "SR 15,000";

(ii) by repealing in paragraph (b) the letter + figure "R50,000" and substituting therefor, the letter + figure "SR 150,000".