

LAWS OF SEYCHELLES
CHAPTER 113
LICENCES ACT

Subsidiary Legislation: Licences (Motor Vehicle Dealers) Regulations
[SI 94 of 1996]

Citation

1. These Regulations may be cited as the Licences (Motor Vehicle Dealers) Regulations.

Interpretation

2. In these Regulations, 'motor vehicle dealer' means a person who, as a trade or business, manufactures, imports, sells or otherwise deals with motor vehicles or trailers or for a fee or commission act as an agent for the import of any motor vehicles or trailers.

Application and eligibility

- 3.(1) An application for a licence to engage in any activity as a motor vehicle dealer, hereafter referred to as a motor vehicle dealer's licence shall be made in the form provided by the Authority.
- (2) No person, other than a company incorporated under the Companies Act, not being an overseas company within the meaning of that Act, shall be eligible to apply for a motor vehicle dealer's licence under these Regulations.

Documents and fee to accompany application

- 4.(1) An application under Regulation 3 shall be accompanied by -
 - (a) the certificate of incorporation and the memorandum of association of the Company;
 - (b) a document to the satisfaction of the Authority that the premises in which the activity is sought to be carried out comply with all planning requirements under the laws of Seychelles;
 - (c) documentary proof to the satisfaction of the Authority that the Manager or Directors of the applicant has or have the necessary experience to engage in the activity sought to be carried out;
 - (d) proof to the satisfaction of the Authority of the ownership or lease by the company of the premises referred to in paragraph (b);
 - (e) documentary proof to the satisfaction of the Authority that there is a policy of insurance (motor trade) in force on the date of application in conformity with the Motor Vehicle Insurance (Third Party Risks) Act in respect of motor vehicles;

(f) documentary proof of the working capital as required under Regulation 7;

(g) the fees specified in schedule 1.

(2) When an application is refused the Authority shall refund to the applicant the fees and the surcharge, if any.

Restriction on grant of licence

5. The Authority shall not grant a motor vehicle dealer's licence to a company where its manager or any of its directors has, within the 5 years preceding the application, been convicted of an offence involving dishonesty.

Bodies to be consulted

6. Before granting a motor vehicle dealer's licence the Authority shall consult –

- (a) the Ministry responsible for Finance; and
- (b) the Ministry responsible for Land Transport.

Conditions of licence

7. A holder of a motor vehicle dealer's licence shall –

- (a) have a working capital of R600,000 or, where there is documentary proof to the satisfaction of the Authority of credit facilities for a period of not less than 6 months granted to the holder by any person outside Seychelles, a working capital of R300,000;
- (b) ensure a regular supply of vehicle spare parts for the customers of the holder and the ability to order them when so requested by the customers;
- (c) display the licence in a conspicuous place on the premises, where the activities under the licence are carried on;
- (d) be courteous to persons availing its services and ensure that its employees do likewise;
- (e) when acting as an importer of a motor vehicle or trailer for the purpose of sale to any of its customers at the customer's request -
 - (i) enter into written contract with the customer which shall specify the costs, including freight of the vehicle in Seychelles currency and the expected date of delivery of the vehicle in Seychelles;
 - (ii) request and accept payment for same only in Seychelles currency;
 - (iii) ensure delivery of the vehicle in Seychelles within a period of not exceeding 4 months from the date of the contract;

- (f) when acting as an agent for a fee or commission for the import of a vehicle or trailer for any of its customers at the customer's request, not demand a fee or commission in excess of 15% of the costs including the freight of the vehicle and only accept payment of the fee or commission in Seychelles currency;
- (g) keep in force during the validity of the licence, the policy of insurance referred to in Regulation 4(e);
- (h) where the holder has been deemed to be the holder of a motor vehicle's licence shall comply with the provisions of the Road Transport Act and regulations made thereunder as are applicable to a motor dealer's vehicle licence.

Validity and non-transferability of the licence

- 8.(1) A motor vehicle dealer's licence shall be valid for a period of 5 years unless earlier revoked by the Authority.
- (2) A motor vehicle dealer's licence is not transferable.

Suspension or revocation and non-renewal of licence

- 9.(1) The Authority may suspend, revoke or refuse renewal of renewal of a motor vehicle dealer's licence where the Authority has reasonable grounds to believe that the holder of the licence –
 - (a) has made by misrepresentation or failed to disclose any material in applying for the licence and the misrepresentation or nondisclosure has influenced the Authority to grant the licence;
 - (b) has acted in contravention of the Act and these Regulations ;
 - (c) has contravened any conditions of the licence or of the licence that had expired before the application for renewal;
 - (d) is incapable of providing the services authorised by the licence;
 - (e) has not acted as a motor vehicle dealer for a continuous period of 6 months;
 - (f) or its manager or any of its directors has been convicted of an offence involving dishonesty, fraud or moral turpitude;
 - (g) or its manager, any of its directors or any of its employees has been discourteous to any officer of the Authority when the officer is performing any official duties under the Act or these Regulations.
- (2) Where the Authority suspends, revokes or refuses renewal of a motor vehicle dealer's licence, the Authority shall forthwith inform its decision to the holder of the licence or the applicant for its renewal.

- (3) Where a motor vehicle dealer's licence is suspended, the holder shall, notwithstanding any appeal there from, cease to act as a motor vehicle dealer during the period of suspension.
- (4) Where a motor vehicle dealer's licence is revoked, the holder shall, notwithstanding any appeal there from and subject to the decision on the appeal, cease to act as motor vehicle dealer.

Trade number and trade number plates

10.(1) The Authority may in granting a motor vehicle dealer's licence, if requested by the holder for the purposes specified in section 6 of the Road Transport Act –

- (a) assign to the holder a trade number; and
- (b) issue to the holder a pair of trade plates bearing those numbers,

and the holder shall be deemed to be the holder of the motor dealer's vehicle licence.

(2) The Authority may issue to the holder of a motor vehicle dealer's licence, if applied for by the holder, additional trade plates on payment of the fee specified in Schedule 1.

(3) A trade plate issued under sub-regulation (1)(b) –

- (a) shall be of the colour, form and dimension specified in Schedule 2;
- (b) shall be manufactured only by a person authorised by the Ministry responsible for Land Transport;
- (c) shall remain the property of the Government and be surrendered to the Authority within 15 days of –

- (i) the expiration or revocation of the motor vehicle dealer's licence; or
- (ii) the holder otherwise ceasing to be a motor vehicle dealer.

(4) The trade plates issued under Regulation (1)(b) or (2) shall not be used by the holder of the motor vehicle dealer's licence except for the purposes specified in section 6 of the Road Transport Act and between 6 a.m and 6 p.m on any day.

(5) The holder of a motor vehicle dealer's licence shall, when using a motor vehicle or a trailer for the purposes specified in section 6 of the Road Transport Act, display on each such vehicle, at the front and the rear, a trade plate issued under Regulation.

Motor mechanic and garage owner

11.(1) A holder of a licence to provide services as a garage owner or motor mechanic granted under the Licences (Services) Regulations shall on application made to the Authority and subject to sub-regulation (2);

- (a) be assigned a trade number; and
- (b) be issued with a pair of trade plates bearing those numbers;

for the purposes specified in section 6 of the Road Transport Act and such garage owner or motor mechanic shall for the Cap. 206 purposes of that section be deemed to be the holder of a motor dealer's vehicle licence.

- (2) An applicant under sub-regulation (1) shall satisfy the Authority that there is in force a policy of insurance (motor trade), in conformity with the Motor Vehicle Insurance (Third Party Risks) Act in respect of motor vehicles.
- (3) An application under sub-regulation (1) shall be accompanied by the fees specified in Schedule 1.
- (4) Provisions of Regulations 10(2), (3), (4) and (5) with the necessary changes shall apply to a garage owner or motor mechanic as they apply to the holder of a motor vehicle dealer's licence and the garage owner or motor mechanic shall comply with the provisions of the Road Transport Act and regulations made thereunder when using a vehicle for the purpose of section 6 of the Road Transport Act.

Right of entry

- 12.(1) Any person authorised by the Authority may, for the purpose of ensuring compliance with these Regulations, at any reasonable time, enter the premises in which any activity authorised by a motor vehicle dealer's licence is being carried on and inspect any books of account, record or other document and take copies or extracts therefrom.
- (2) No person shall prevent or obstruct a person authorised by the Authority in the performance of the functions under sub-regulation (1).

Surcharge

13. A person who was the holder of a motor vehicle dealer's licence and who applies, after the expiration of the licence shall, unless the Authority is satisfied that the person, during the period between the expiration of the previous licence and the application, ceased to operate as a motor vehicle dealer be liable, in addition to the licence fee and any other penalty under this Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence and the date of lodging of the application.

Duplicate licence or trade plate

14. The Authority may, on application in the Form provided by the Authority and on payment of the fee specified in Schedule 1 issue a duplicate copy of a motor vehicle dealer's licence or a replacement of a trade plate issued under these Regulations, where the licence or plate has been lost, destroyed or defaced or where the writing on the licence or plate has been altered by fading or otherwise.

Existing licence

15. A motor dealer's vehicle licence granted under the Licences (Road Transport) Regulations and in force on the commencement of these Regulations shall cease to be valid on the expiration of 3 months from such commencement and the holder of

such licence shall within 15 days of the expiration of the licence surrender to the Authority the trade plates issued under those Regulations.

**SCHEDULE I
FEES**

Motor vehicle Dealers	
Licence fee	R3000 for 5 years
Additional trade plates	R300 for each
Replacement of trade plates	R200 for each
Garage owners and Motor Mechanic	
Application fee	R2000
Additional plates	R300 for each plate
Replacement of trade plates	R200 for each plate