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**LAWS OF SEYCHELLES**

**CHAPTER 113**

**LICENCES ACT**

**SUBSIDIARY LEGISLATION: LICENCES (MANUFACTURING) REGULATIONS**

*[9th August, 1999]*

1. These Regulations may be cited as the Licences (Manufacturing) Regulations.

2. In these Regulations -

"manufacturing" means making goods or articles by subjecting physical matter to any process which materially changes it in substance, character or appearance, or assembling components into finished products, or bottling mineral water or natural water, for export sale or reward;

"goods" includes food and beverages.

3. (1) Subject to subregulation (2) no person shall engage in the business or manufacturing unless the person holds a licence under these Regulations.

(2) A person who holds a licence to carry on any activity, profession, trade or business involving the manufacture of goods or articles, under any other Regulations made under the Act shall not require a licence under these Regulations to carry on the activity, profession, trade or business specified in the first mentioned licence.

4. (1) A person shall before applying for a manufacturing licence, submit to the Ministry responsible for Industries a memorandum setting out in detail the nature of the manufacturing business the applicant intends to engage in, and obtain its approval for the business.

(2) An application for a manufacturing licence shall be in the Form provided by the Authority and shall be accompanied by the relevant fees set out in Schedule I.

(3) Where an application is refused, the Authority shall refund the licence fee and the surcharge, if any, to the applicant.

(4) Subregulation (1) shall not apply to a person manufacturing foodstuff on a small scale and referred to in regulation 13, or to a person operating a furniture workshop not involving assembling of imported timber as furniture.

5. An application for a licence shall be accompanied by the following documents –

(a) in the case of an individual applying for a licence, documentary proof to the satisfaction of the Authority that the applicant has the education, competence, skill or experience required of a holder of the licence;

(b) in the case of a firm, documentary proof of the education, competence, skill or experience referred to in paragraph (a) in respect of each of the partners of the firm;

(c) in the case of a corporate body,

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- (i) copies of the certificate of incorporation and memorandum of association;
  - (ii) documentary proof to the satisfaction of the Authority that the applicant has in its employment persons including the manager possessing the required education, competence, skill or experience;
- (d) where an applicant intends to manufacture goods or articles under an authority given by a foreign person, an authorised dealer certificate or other permission from such person;
- (e) proof that the applicant has the original manufacturer's warranty for a period of 12 months and that after sales service and parts for a period of 5 years are to be provided by the original manufacturer;
- (f) documentary proof that the applicant is the owner or lessee of the premises to be used for manufacturing;
- (g) where the premises referred to in paragraph (f) is new or has been renovated -
- (i) planning approval and certificate of occupancy that the premises comply with all the planning requirements under the Laws of Seychelles;
  - (ii) a certificate from the person in charge of the Fire Services Agency that the premises comply with the planning requirements relating to fire protection under the Laws of Seychelles;
  - (h) the letter of approval of the Ministry responsible for Industries, referred to in regulation 4(1);
  - (i) a signed statement of the estimated gross turnover for the first year of manufacturing after the grant or renewal of licence.

6. The Authority shall not grant a licence to –

- (a) an individual who
  - (i) is less than 18 years old;
  - (ii) is an undischarged bankrupt; or
  - (iii) has been convicted of an offence involving dishonesty;
- (b) a firm if any of its partners is disqualified from obtaining a licence under paragraph (a) or if the firm does not have a place of business in Seychelles;
- (c) a company which is not incorporated in Seychelles or is not registered as an overseas company under the Companies Act;

7. Before granting a licence, the Authority shall consult -

- (a) the Ministry responsible for Industries in the case of manufacturing of electrical, electronic and industrial goods or articles;
- (b) the Department responsible for Public Health as to whether the premises comply with all health requirements under the law of Seychelles;

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(c) the Seychelles Bureau of Standards as to whether the goods or articles to be manufactured require compliance with any relevant standard specification or code of practice.

(d) Subregulation (a) and (c) shall not apply to small scale manufacturers of food products set out under Regulation 13.

8. (1) A holder of a licence to manufacture food or beverages shall –

- (i) comply with the provisions of the Food Act and regulations made under that Act;
- (ii) ensure that the premises shall at all times be kept clean and in a hygienic condition.

(2) Every licence holder shall comply with any mandatory specification of the Seychelles Bureau of Standards relating to the manufacture of goods or articles.

(3) A licence holder shall ensure that the manufacturing activity does not cause nuisance by reason of noise, smell, dirt or fumes, to the properties and their occupiers in the neighbourhood.

(4) A manufacturer of electrical and electronic products under a licence shall –

- (i) carry on the manufacture at least for a period of five years and ensure that spare parts are available;
- (ii) provide a warranty of a minimum of twelve months and furnish a copy of the warranty to the Authority.

(5) In the case of manufacturing and processing of liquor, tobacco and tobacco products, the licence holder shall –

- (i) not deliver or sell liquor to, or allow any consumption of liquor by, any person under the age of 18 years or deliver or sell tobacco or tobacco products or allow it to be used on the premises by such a person;
- (ii) not employ any person under the age of 18 on the business premises.

(6) A licence holder shall –

- (i) ensure that the relevant premises comply with all occupational safety requirements under the Laws of Seychelles;
- (ii) make arrangements with the Land Waste Management Agency (LWMA) or a licensed refuse collector for the disposal of refuse from the premises; and
- (iii) keep the premises clean at all times and maintain it in good order and repair.

(7) The licence holder shall comply with any reasonable written request of the Ministry responsible for Industries for information on the business relating to its size, raw materials used or to be used, skills of personnel employed, type of equipment and source of funding.

Notwithstanding the Licences (Trade) Regulations, the holder of a licence under these regulations may import raw material or products and components for assembly and sell on the premises any goods or articles manufactured under the licence.

10. The Authority may, in the interest of an existing manufacturing business or a sector of the Industry limit the number of licences for such period of time as the Authority may deem necessary.

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11. The holder of a licence shall display the licence at a conspicuous place at his principal place of business.

12. (1) The Authority may on an application, grant a licence for a period of years or 10 years as the case may be.

(2) A licence may, with the approval of the Authority and subject to such conditions as the Authority may impose, be transferred to another person.

13. Where the application is in respect of small scale manufacturing of food products and the annual gross turnover does not exceed SCR100,000, the Authority shall require the applicant to pay an administrative fee of SCR500.

14.(1) The Authority may suspend, revoke, or refuse to renew a licence to manufacture where it has reasonable grounds to believe that the holder of the licence –

(a) has made any misrepresentation or failed to disclose any material fact in applying for the licence and thereby influenced the Authority to grant the licence;

(b) has acted in contravention of the Act or these Regulations;

(c) has contravened any conditions of a licence;

(d) is incapable of carrying on the business of manufacturing as authorised by the licence;

(e) having obtained a licence, has not carried on the business of manufacturing for a continuous period of 6 months;

(f) the manager or any of the directors of the licence holder has been convicted of an offence involving dishonesty, fraud or moral turpitude;

(g) the goods or articles manufactured are of poor quality and despite warnings the licence holder has failed to remedy matters.

(2) Where the Authority suspends, revokes or refuses renewal of a licence, the Authority shall give the holder of the licence or applicant an opportunity of making representations and, having considered such representations, inform its decision to the holder or the applicant as the case may be.

(3) Where a licence is suspended or revoked, the holder of the licence shall cease to carry on the licensed activity whether an appeal against the suspension or revocation of the licence has been preferred or not.

15. A person, who was the holder of a licence under Licences (Manufacturing) Regulations (Cap 113 Sub.Leg P.33) or under these Regulations and applies, after the expiration of the licence, for a licence under these Regulations shall, unless the Authority is satisfied that the person had, during the period between the expiration of the previous licence and the application for new licence, ceased manufacturing, be liable in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part of a month constituting that period.

16. Any licence granted under the Licences (Manufacturing) Regulations and in force on the commencement of these Regulations shall continue in force for the period of validity of the licence.

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17. Where there is any change in the management or ownership of a business in respect of which a licence has been granted the holder of the licence shall notify the Authority in writing of the particulars of such change within ten days of its occurrence.

18. (1) Any person authorised by the Authority or a police officer not below the rank of sergeant may, at any time, enter a licensed premises or a building or place reasonably suspected of being used for manufacturing goods or articles for the purpose of ensuring compliance with these Regulations and may make such search and inspection as may be necessary.

(2) Without prejudice to the generality of the power referred to in subregulation (1), any such person or officer may -

(a) inspect the building and all parts thereof and the facilities for manufacturing and sanitation;

(b) question the holder of the licence and any employee.

19. The Licences (Manufacturing) Regulations are repealed.

	SCHEDULE – FEE		Reg. 4(2)
Licence fee	5 years	10 years	
	SCR	SCR	
where the projected annual turnover of the manufacturing enterprise			
(a) Exceeds SCR100,000	1,200	2,400	
(b) Exceeds SCR100,000 but does not exceed SCR500,000	1,400	2,800	
(c) Exceeds SCR500,000	2,000	4,000	