

ALCOHOLIC DRINKS CONTROL BILL, 2019*(Bill No. 8 of 2019)***OBJECTS AND REASONS**

This Bill seeks to provide for control of manufacturing, production, sale and promotion or advertisement of alcoholic drinks, in order to —

- (a) protect the health of the individuals in the light of the danger for excessive consumption of alcoholic drinks;
- (b) protect the health of persons under the age of eighteen years by preventing their access to alcoholic drinks;
- (c) discourage more production of alcoholic drinks within the territory of Seychelles;
- (d) discourage the promotion of alcoholic drinks etc., by licencees;
- (e) label the alcoholic drinks regarding the percentage of alcohol and other contents in the alcoholic drinks;
- (f) to provide timings for sale of alcoholic drinks by regulations;
- (g) demarcate inner Victoria area for non-issuance of any new licencees for sale of alcoholic drinks, so as to provide a conducive atmosphere in such area for everyone.

Part I provides for preliminary matter such as short title, commencement and interpretation of various expressions used in the Bill.

Part II provides for the moratorium on the issuance of new licencees for alcoholic drinks, control the promotion of alcoholic drinks and for penalties for contravention of the provisions.

Part III provides for mandatory labelling of alcoholic drinks by the manufacturers, ensuring the labelling of imported alcoholic drinks by the

importer, regulating the manufacturing and distilling the Baka and Lapire, production of analysis reports by the manufacturers to the authorised officer, collection of samples by authorised officer etc. and for penalties for contravention of the provisions.

Part IV provides for making regulations regarding manner of displaying and sale of alcoholic drinks, restrict access to persons below 18 years of age to alcoholic drinks and for prescribing the hours of sale of alcoholic drinks and for demarcation of areas of inner Victoria for non-issuance of licence for sale of alcoholic drinks in the demarcated areas and for penalties for contravention of the provisions.

Dated this 31st day of May, 2019.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

ALCOHOLIC DRINKS CONTROL BILL, 2019

(Bill No. 8 of 2019)

ARRANGEMENT OF SECTIONS

Sections

PART I PRELIMINARY

1. Short title and commencement
2. Application of the Act
3. Interpretation

PART II MORATORIUM ON THE ISSUANCE OF NEW LICENCES FOR THE PRODUCTION OF ALCOHOLIC DRINKS, CONTROL ON PROMOTION OF ALCHOLIC DRINKS

4. Moratorium for issuance of new licences
5. Regulation for promotion relating to alcoholic drinks

PART III LABELLING OF ALCOHOLIC DRINKS

6. Mandatory labeling of alcohol content in the alcoholic drinks
7. Regulations

PART IV SALE OF ALCOHOLIC DRINKS AND MORATORIUM ON ISSUANCE OF NEW LICENCES FOR SALE OF ALCOHOLIC DRINKS

8. Demarcation of inner Victoria

ALCOHOLIC DRINKS CONTROL BILL, 2019

(Bill No. 8 of 2019)



A BILL

OF

AN ACT to provide for the control of the manufacturing, production, sale and promotion or advertisement of alcoholic drinks in Seychelles and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

**PART I
PRELIMINARY**

1. This Act may be cited as the Alcoholic Drinks Control Act, 2019 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint and different dates may be appointed for different provisions of the Act.

Short title and commencement

Application of
the Act

2. This Act shall apply to all manufacturers, producers, importers, distributors and retailers of alcoholic drinks.

Interpretation

3. In this Act, unless the context otherwise requires —

“advertisement” means any audio or visual publicity, representation, endorsement or pronouncement made by means of light, sound, smoke, gas, print, billboards, advertisement on windows, shop walls, vehicles, surfaces in public or private places, print media, electronic media, social media, internet or website and includes any notice, circular, label, wrapper, invoice or such other documents and the term “advertise” shall be construed accordingly;

“alcohol” means the product known as ethyl alcohol or any product obtained by fermentation or distillation of any fermented alcoholic product, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with the prescribed formulas;

“alcoholic drinks” includes alcohol, spirit, wine, beer, traditional alcoholic drink, homemade alcohol beverages, and any one or more of such varieties containing one and one half per cent. of alcohol by volume, including mixed alcoholic drinks, and every liquid or solid patented or not, containing alcohol, spirit, wine or beer and capable of being consumed by a human being;

“authorised officer” means an officer of the Authority or an officer of Customs or a public health officer or an officer of the Seychelles Police

Force or a public officer designated or authorised by the Minister under this Act or any other person upon whom any written law vests functions for the maintenance of law and order;

“Authority” means the Seychelles Licensing Authority established under section 3(1) of the Licences Act;

Cap. 113

“baka” means any liquor made from pure juice of sugar cane, except by process of distillation;

“lapire” means any fermented liquor from either the juice, maceration or decoction of any fruit, vegetable, plant, cereal, pulse or any other food stuff and includes any other beverage subject to fermentation except toddy, baka, beer, wine, imported liquor and any other liquid, which the Minister or the Minister responsible for the grant of licences under the Licences Act may from time to time by Notice in the Gazette declare to be lapire for the purposes of this Act;

“Licence” means —

- (a) A manufacturer's licence;
- (b) A bottler's licence;
- (c) An off-licence;
- (d) A public bar licence;
- (e) A members club liquor licence;
- (f) A baka licence;
- (g) A lapire licence;
- (h) A temporary licence; or

(I) An outdoor entertainment licence,

granted under the Licences Act and the regulations made thereunder;

“Licencee” means a person who holds a licence granted under the Licences Act and the regulations made thereunder;

“manufacture” means the processing or production, or bottling of an alcoholic drink and includes the packaging, labelling, distribution or importation of an alcoholic drink for sale in Seychelles;

“manufacturer” in respect of an alcoholic drink, includes any person that is involved in the manufacturing or production, including a person that controls or is controlled by the manufacturer or producer, or that is controlled by the same person that controls the manufacturer or producer;

“Minister” means the Minister responsible for Health and the term Ministry shall be construed accordingly;

“promotion” includes advertisement or sponsorship;

“Regulations” means the regulations made by the Minister;

“retailer” means a licensee for sale of alcoholic drink to consumers and the term “retail” shall be construed accordingly;

“sell” includes—

- (a) barter or exchange without use of money;
- (b) offer or expose for sale, barter or exchange without use of money;
- (c) supply or offer to supply, in circumstances in which the supplier derives or would derive, a direct or indirect pecuniary benefit;
- (d) supply or offer to supply, gratuitously but with a view of gaining or maintaining custom, or otherwise with a view for commercial gain; and

“sponsorship” means sponsoring any event by a licensee or any person authorised by a licensee for the purpose of promoting or advertising alcoholic drinks;

PART II MORATORIUM ON THE ISSUANCE OF NEW LICENCES FOR THE PRODUCTION OF ALCOHOLIC DRINKS, CONTROL ON THE PROMOTION OF ALCOHOLIC DRINKS

4.(1) Notwithstanding anything contained in any other law for the time being in force, no new licences for manufacturing of alcoholic drinks shall be issued by the Authority.

Moratorium
for issuance
of new
licences

(2) The moratorium for issuances of new licenses for the manufacturing of alcoholic drinks under subsection (1), shall be removed by the Minister responsible for grant of licences under the Licences Act, by notice published in the Official Gazette.

5.(1) No person shall promote an alcoholic drink or an alcohol-related brand element except in accordance with the provisions of the regulations made under this subsection.

Regulation for
promotion
relating to
alcoholic drinks

(2) The regulations made under subsection (1) may provide for all matters including the timing of advertisements on alcoholic drinks, mandatorily displaying the effects of alcoholic drinks in the advertisements including the permission of the ministry, department agency or public body responsible for broadcasting and advertisements.

(3) A person who contravenes the provisions of subsections (1) and (2) or the regulations made under subsection (1) commits an offence and is liable on conviction —

- (a) for the first offence, to imprisonment for a term not exceeding two years or to a fine not exceeding SCR200,000/-, or to both;
- (b) for a second or subsequent offence, to imprisonment for a term not exceeding five years and a fine not exceeding SCR400,000/-.

PART III LABELLING OF ALCOHOLIC DRINKS

6.(1) A manufacturer of alcoholic drinks shall declare and label the alcohol percentage in the alcoholic drinks manufactured in Seychelles.

(2) An importer of alcoholic drinks shall not import into Seychelles an alcoholic drink that the container of the alcoholic drink does not contain thereon a label regarding the percentage of alcohol in the alcoholic drink.

(3) The percentage of alcohol in baka and lapire manufactured or distilled and the labelling of the percentage of alcohol therein shall be such as may be prescribed by regulations.

(4) No person shall manufacture, import, distribute or sell an alcoholic drink that does not conform to the

Mandatory
labelling of
alcohol
content in
the alcoholic
drinks

requirements of subsection (1) and (2) and the regulations made under this Act.

(5) A manufacturer shall produce a certificate of analysis of the alcoholic drinks manufactured by him, as and when demanded by an authorised officer.

(6) An authorised officer may make random checks of alcoholic drinks at any place regarding declaration and labelling of the percentage of alcohol content in any alcoholic drink.

(7) An authorised officer may take samples of alcoholic drinks for testing the alcohol content etc., in the designated laboratories, as may be specified by the notification.

(8) A person who makes a false declaration and labelling of false percentage under subsection (1) or a person who imports an alcoholic drink in contravention of subsection (2) commits an offence and is liable on conviction —

- (a) for the first offence, to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR100,000/- or with both;
- (b) for a second or subsequent offence, to imprisonment for a term not exceeding 5 years and to a fine not exceeding rupees SCR200,000/-.

PART IV SALE OF ALCOHOLIC DRINKS AND MORATORIUM ON ISSUANCE OF NEW LICENCES FOR SALE OF ALCOHOLIC DRINKS

7.(1) The Minister may by regulations —

- (a) prescribe the manner of display and sale of alcoholics drinks by retailers or at outdoor

Regulations

events or entertainment programmes or specified events;

- (b) prescribe restrictions for access of persons under the age of 18 years to alcoholic drinks;
- (c) the hours within which the sale of alcoholic drinks shall be permitted.

(2) A person shall not display or sell alcoholic drinks except in accordance with the regulations made under subsection (1).

(3) A person who contravenes the provisions of subsection (2) or any regulation made under subsection (1) commits an offence and on conviction shall in addition to the revocation of his licence be liable—

- (a) for the first offence to imprisonment for a term not exceeding 6 months or to a fine not exceeding SCR20,000/-, or with both;
- (b) for a second offence or subsequent offence to imprisonment for a term not exceeding to 1 year and a fine not exceeding SCR50,000/-.

Demarcation
of inner
Victoria

8.(1) Notwithstanding anything contained in any other law for the time being in force, except a public bar licence, a members club liquor licence or any licence that permits the sale and consumption of alcohol in a restaurant, café, discotheque or hotel, the Authority shall not grant or renew a licence for sale of alcoholic drinks within the vicinity of inner Victoria as may be demarcated by Notice published in the Official Gazette by the Minister.

(2) For the purpose of subsection (1), an off-licence already granted for sale of alcoholic drinks within the vicinity of inner Victoria, as may be demarcated under subsection (1), shall not be renewed.