

S.I. 72 of 2021**ENVIRONMENT PROTECTION ACT, 2016***(Act 18 of 2016)***Environment Protection (Prohibition of Balloons) Regulations, 2021**

In exercise of the powers conferred by section 80 read with section 41(c) of the Environment Protection Act, 2016, the Minister responsible for environment makes the following regulations —

Citation

1. These regulations may be cited as the Environment Protection (Prohibition of Balloons) Regulations, 2021.

Interpretation

2. In these Regulations —

“Act” means the Environment Protection Act, 2016 (Act 18 of 2016);

“balloons” means a flexible bag made of any material, that can be inflated with air or any gas lighter than air, used for decorations or as a toy;

“deadline” means the 1st September, 2021;

“Ministry” means the Ministry responsible for environment;

“officer” means a person appointed under section 7 of the Act.

Prohibition of balloons

3.(1) The manufacturing, distribution, sale and use of balloons within Seychelles shall be prohibited after the deadline.

(2) Notwithstanding sub-regulation (1), on publication of these regulations the use of balloons on beaches shall be prohibited.

(3) Subject to sub-regulation (1) and (2), no person shall have in his or her possession, any balloons.

(4) Any balloons found in contravention of sub-regulation (1) and (2) shall be seized and destroyed by the officers of the Ministry.

Exemption

4. These regulations shall not apply to balloons used for meteorological services.

Offences and Penalties

5. Any person who contravenes these regulations commits an offence and shall be liable on conviction to a fine not exceeding SCR20,000 or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

Fixed Penalties

6.(1) Where an officer has reason to believe that a person has committed an offence under regulation 3(3), the officer may give that person a notice offering the person the opportunity of discharging that person's liability to conviction for the offence by payment of a fixed penalty.

(2) Where a person is given a notice under this regulation in respect of the offence —

- (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice;
- (b) the person shall not be convicted of that offence if the person pays the fixed penalty before the expiration of that period.

(3) A notice under this regulation shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall —

- (a) state the period during which, by virtue of subregulation (2) proceedings shall not be taken for the offence;
- (b) specify the amount of the fixed penalty; and
- (c) state the person to whom and the address at which the fixed penalty may be paid.

(4) The fixed penalty payable pursuant to a notice under this regulation shall be SCR500, which shall be paid within fourteen days of the receipt of the notice to the person specified in the notice.

(5) The fixed penalty notice under sub-regulation (1) shall be issued in the Form appended under the Schedule.

SCHEDULE

[Regulation 6(5)]

FORM

FIXED PENALTY NOTICE

ENVIRONMENT PROTECTION ACT, 2016

Environment Protection (Prohibition of Balloons) Regulations, 2021

No.

To.....

On at am/pm at

you committed an offence under Regulation 3(3) under the Environment Protection (Prohibition of Balloons) Regulations, 2021.

You may discharge your liability to conviction for that offence by paying a fixed penalty of SCR500.00 at; the Registrar of the Supreme Court at Ile du Port, or at the Office of the Assistant Registrar at Grand Anse Praslin, or at the Office of the Assistant Registrar at Anse Royale within 14 days of the date of this notice.

.....

Date

.....

Name, designation and Signature of the Officer

Note: Failure to pay the fixed penalty within the time stipulated may result in a prosecution proceedings initiated against you, for the offence.

Please note that if the last day of the period is a Saturday, Sunday or a public holiday, the period shall not include that day and the last day for payment shall be the next working day.

MADE this 5th day of August, 2021.

**FLAVIEN JOUBERT
MINISTER OF AGRICULTURE,
CLIMATE CHANGE AND ENVIRONMENT**
