

## **CONSERVATION AND CLIMATE ADAPTATION TRUST OF SEYCHELLES (AMENDMENT) BILL, 2022**

*(Bill No. 19 of 2022)*

### **EXPLANATORY STATEMENT**

The object of this Bill is to improve the operationalization of the Seychelles Conservation and Climate Adaptation Trust (SeyCCAT) and remedy a few legislative gaps, shortcomings and ambiguities that exist in the Conservation and Climate Adaptation Trust of Seychelles Act, 2015.

Firstly, the Bill seeks to make it clear that SeyCCAT can explore, develop or administer any fund or source of funding other than the Endowment Fund, the Revolving Fund and the Additional Endowment Fund. SeyCCAT therefore can explore and manage any bond, endowment, investment, guarantees or securities for the benefit of conservation, climate adaptation and mitigation or sustainable blue economy development.

Further, the Bill seeks to clarify and widen the scope of Seychellois who are eligible for a grant from SeyCCAT. The Bill makes it clear that a grant from the debt swap incomes or monies from any fund or source of funding may be disbursed as a grant to be used to undertake any activity which is consistent with the objects of the Act, including the implementation of the Seychelles Marine Spatial Plans.

Also, the Bill seeks to clarify the application of the Public Finance Management Act, 2012 to SeyCCAT. Some of the finances that SeyCCAT manages are not public funds and would include, for instance, philanthropic contributions and private funds. As such, it is being proposed that the reference to the “Public Finance Management Act” is repealed and replaced with “regulations”. The intention is that the regulations will set out two separate regimes for the management of public funds and private funds, respectively.

The Bill proposes a few other minor amendments in relation to the Board of Directors; introduces the concept of observers at the meeting of the Board; and seeks to increase the percentage from the debt-swap incomes that can be

used to meet the meet the administrative expenses of the Trust. Also, it is being proposed that the annual workplan and budget of SeyCCAT should be presented to the National Assembly in the same manner as the other non-budget dependent agency as opposed to being laid in the National Assembly.

Further, the Bill seeks to revise a few definitions in the existing law; for instance, the Bill seeks to align the definition of “protected area” with that stipulated under the Nature Reserves and Conservancy Act, 2022. Also, the short title of the Act and title of the organization in the law is being revised; for example, the Trust is known as “Seychelles Conservation and Climate Adaptation Trust” (SeyCCAT) but in the Act, the Trust is called “Conservation and Climate Adaptation Trust of Seychelles”.

**Dated this 29<sup>th</sup> day of August, 2022.**

**FLAVIEN PHILOMEL JOUBERT  
MINISTER FOR AGRICULTURE, CLIMATE CHANGE AND  
ENVIRONMENT**

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**CONSERVATION AND CLIMATE ADAPTATION TRUST OF  
SEYCHELLES (AMENDMENT) BILL, 2022**

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**ARRANGEMENT OF SECTIONS**

SECTIONS

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**SEYCHELLES CONSERVATION AND CLIMATE ADAPTATION  
TRUST (AMENDMENT) BILL, 2022**

*(Bill No. 19 of 2022)*



**A BILL  
FOR**

**AN ACT TO AMEND THE CONSERVATION AND CLIMATE ADAPTATION  
TRUST OF SEYCHELLES ACT.**

**ENACTED** by the President and the National Assembly.

**Short title**

1. This Act may be cited as the Conservation and Climate Adaptation Trust of Seychelles (Amendment) Act, 2022, and shall be read and construed as one with the Conservation and Climate Adaptation Act Trust of Seychelles Act, 2015, which is hereinafter referred to as the “principal Act”.

### **Amendment of short title**

2. The principal Act is amended by repealing the short title “Conservation and Climate Adaptation Trust of Seychelles Act, 2015”, wherever it appears, and substituting therefor the short title “Seychelles Conservation and Climate Adaptation Trust Act, 2015”.

### **Amendment of Act**

3. The principal Act is amended by repealing the words “Conservation and Climate Adaptation Trust of Seychelles”, wherever they appear, and substituting therefor the words “Seychelles Conservation and Climate Adaptation Trust”.

### **Amendment of section 2**

4. The principal Act is amended in section 2 —

- (a) in the definition of “administrative expenses” by repealing the words “prescribed by regulations” and substituting therefor the words “determined by the Board”;
- (b) in the definition of “Board” by repealing the words “and formally constituted under section 8(4)”;
- (c) in the definition of “budget” —
  - (i) in paragraph (ii) by repealing the word “and”
  - (ii) by inserting immediately after paragraph (iii) the following new paragraph —

“(iv) such other costs approved by the Board;”
- (d) by repealing the definition of “eligible protected area”;
- (e) in the definition of “ex officio Director” by inserting immediately after the words “section 7(2)(a)” the words “and (b)”;
- (f) by repealing the definition of “protected area”;

- (g) in the definition of “Seychelles system of protected areas” by repealing the words “and includes any other eligible protected area”;
- (h) in the definition of “special majority vote” by repealing the words “section 7(2)(b)” and substituting therefor the words “section 7(2)(c)”;
- (i) by inserting in the proper alphabetical order, the following new definitions —

“**biodiversity**” means the variability amongst living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and includes diversity within species, between species and of ecosystem;

“**business tax**” means tax imposed under the Business Tax Act, Cap. 20;

“**conservation**” means protection of biodiversity including associated ecosystem and cultural values;

“**Director**” means a person appointed as a Director of the Board under section 7(2)(c) and, where the context permits, includes an ex officio Director;

“**ecosystem**” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

“**non-governmental organization**” means an organization, body or juristic person who is not under the control of any Government;

“**protected area**” means a clearly defined geographical space, recognised, dedicated and managed to meet the objectives for conservation or sustainable uses;

“**sustainable use**” means an activity that does not lead to the long term decline in the health and integrity of biodiversity;”.

### **Amendment of section 5**

5. The principal Act is amended in section 5 —

- (a) in paragraph (a) by repealing the words “, and any other sources of funding”;
- (b) by renumbering paragraphs (b) and (c) as paragraphs (c) and (d), respectively;
- (c) by inserting immediately after paragraph (a) the following new paragraph —

“(b) explore, develop or administer any fund or source of funding, including but not limited to bonds, endowments, grants, investments, loans, guarantees or securities for the benefit of conservation, climate adaptation and mitigation or sustainable blue economy development;”.

### **Amendment of section 6**

6. The principal Act is amended in section 6 —

- (a) in subsection (3) is amended by repealing the words “, subject to the condition that the aggregate of such payment does not exceed 5 percent of the annual revenue of the Trust for any fiscal year or such higher amount as may be prescribed by regulations”.
- (b) in subsection (5) by repealing the words “or eligible protected area”.

### **Amendment of section 7**

7. The principal Act is amended in section 7 by repealing subsection (2) and substituting therefor the following —

“(2) The Board shall comprise —

- (a) the Minister who shall be an ex officio Director;
- (b) a representative of the Nature Conservancy who shall be an ex officio Director;
- (c) 7 Directors approved by the 2 ex officio Directors. 3 of the Directors shall be nominated by the Government and

4 of the Directors shall be nominated by non-governmental organizations.”

### **Repeal and replacement of section 8**

8. The principal Act is amended by repealing section 8 and substituting therefor the following —

#### **“Observers at the meetings of Board of Directors or Trust**

(1) The Board may invite a person from outside the Trust, to be known as an “Observer”, who may observe or participate in any meeting of the Board or the Trust.

(2) The Board shall decide the rights and privileges of an Observer.”

### **Amendment of section 9**

9. Section 9(5) of the principal Act is amended by repealing the words “, absence from Seychelles”.

### **Amendment of section 10**

10. Section 10 of the principal Act is amended by repealing the words “, at the first meeting after its formal constitution under section 8(4),”.

### **Amendment of section 11**

11. Section 11(6) of the principal Act is amended by repealing the words “, by rules”.

### **Amendment of section 12**

12. Section 12(1) of the principal Act is amended by repealing the words “specified by rules, subject to the Government policy applicable to the public bodies” and substituting therefor the words “as determined by the Board”.

### **Amendment of section 13**

13. Section 13(1) of the principal Act is amended by repealing the words “in accordance with the procedures prescribed by rules”.



### **Amendment of section 14**

14. Section 14 of the principal Act is amended by repealing the words “prescribed by regulations”.

### **Amendment of section 15**

15. The principal Act is amended in section 15 —

- (a) in subsection (1) by repealing the words “, as soon as practicable after the first meeting of the Board but not later than 1 year from the commencement of this Act,”;
- (b) in subsection (3) by repealing the words “, subject to such restriction as may be prescribed by regulations,”.

### **Amendment of section 17**

16. Section 17 of the principal Act is amended by repealing subsection (1) and substituting therefor the following —

“(1) No action shall lie or prosecution shall be brought, instituted or maintained in any court against an ex officio Director, a Director, the Chief Executive Officer, any staff of the Trust or a member of a committee established under section 13, if the act was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served by it and for the carrying into effect the provisions of this Act.”

### **Amendment of section 18**

17. Section 18 of the principal Act is amended by repealing the words “A Director or the Chief Executive Officer of the Board” and substituting therefor the words “An ex officio Director, a Director or the Chief Executive Officer”.

### **Amendment of section 21**

18. Section 21 of the principal Act is amended —

- (a) in subsection (5) by repealing the words “Any moneys shall not be paid out” and substituting therefor the words “No monies shall be paid out”;

- (b) in subsection (7) by repealing the words “the Public Finance Management Act, 2012” and substituting therefor the words “regulations”.

### **Repeal and replacement of section 23**

19. Section 23 of the principal Act is repealed and substituted therefor the following —

#### **“Eligibility for a grant**

(1) Subject to this Act and the operational manual, the Trust may disburse the debt swap incomes or monies from any other fund or source of funding, as a grant, to —

- (a) a citizen of Seychelles;
- (b) a Ministry, Department or an Agency of the Government;
- (c) a non-governmental organization;
- (d) any other person or classification of persons that the Board may determine by notice published in the Gazette,

if the person or entity specified in paragraphs (a) to (d) satisfy the criteria, priorities and procedures for the grant as determined by the Board.

(2) Subject to subsection (3), the debt swap incomes or monies from any fund or source of funding may be disbursed as a grant to be used to undertake any activity, approved by the Board, which is consistent with the objects of the Trust.

(3) The Trust shall not disburse the debt swap incomes or monies from any other fund or source of funding, as a grant, to undertake any activity relating to the extraction of non-renewable natural resources.

(4) For the purposes of this section (1)(d), the word “person” shall be construed as including any company, partnership or other juridical person”.

**Amendment of section 25**

**20.** Section 25(2) of the principal Act is amended by repealing the words “who shall cause them to be laid before the National Assembly”.

**Amendment of section 26**

**21.** Section 26 of the principal Act is repealed and substituted therefor the following —

**“Limit on administrative expenses**

26. The Trust may, in each fiscal year, use up to 30 percent of the debt swap incomes to meet the administrative expenses of the Trust.”

**Amendment of section 31**

**22.** Section 31 of the principal Act is amended by repealing paragraphs (a), (b), (d) and (e).

**Amendment of section 32**

**23.** Section 32 of the principal Act is amended —

(a) by renumbering the section as subsection (1);

(b) in subsection (1) —

(i) by repealing the words “The Trust shall make” and substituting therefor the words “The Board shall make”;

(ii) by repealing paragraph (b);

(iii) in paragraph (e) by repealing the full stop and substituting therefor a semi-colon;

(iv) by inserting immediately after paragraph (e) the following new paragraph —

“(f) staff rules.”

(c) by inserting immediately after subsection (1) the following new subsection —

(2) For the purposes of this section, the word “rules” shall be construed as guidelines that are binding on the Trust and such rules do not form part of the laws of Seychelles.”

### **Transitional provision**

**24.** The Public Finance Management Act, 2012, shall continue to apply to the Trust until regulations are made by the Minister under sections 21(7) and 31 of this Act.