

CHAPTER 37

THE COCO-DE-MER (MANAGEMENT) DECREE

[30th January, 1978]

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1. This Decree may be cited as the Coco-de-Mer (Management) Decree.

2. In this Decree, unless the context otherwise requires-

“mature nut” means the coco-de-mer nut of the coco-de-mer palm tree (*Lodoicea maldivica*) in which the kernel or meat is hard to the touch and includes a part of the mature nut;

“immature nut” means one which is not mature;

“trees” mean trees producing mature nuts;

“in-bearing” means female trees bearing at least one nut whether immature or mature;

“approval label” means a label approved by the Minister under section 40 (1)(b);

“Licensing Authority” means the Licensing Authority established by section 3 of the Licences Act;

“licensed premises” or “premises” mean the apartment, room, store or compound specified in the licence of any licensed dealer;

“the registering officer” means the officer appointed by the Minister under section 9;

“deal” means purchase or receive into one’s possession or custody for the purpose of doing business;

“purchase” includes barter or exchange;

“police officer” means any member of the police force not below the rank of corporal and any constable in charge of a police station;

“producer” means the owner or tenant or person in actual possession of, and the manager of or any other person having main authority on, any land on which trees grow;

“licensed dealer” means any person who is the holder of a licence to deal in coco-de-mer nuts in terms of section 16;

“register” includes any book kept by an authorised officer under the provision of this Decree.

PART II – DECLARATION AND REGISTRATION OF PRODUCERS

3. Every producer shall on or before the 15th June in each and every year make a declaration in duplicate to the minister in such form and containing such particulars as are prescribed in Form A in the Schedule to this Decree.
4. The Minister may make such enquiries as he considers necessary to satisfy himself that such a declaration is accurate, and if so satisfied may accept the declaration.
5. When a declaration is accepted, the registering officer assigns to the producer a set of serial numbers being as many numbers as there are in-bearing female trees disclosed in the declaration.
6. The registering officer shall enter the serial numbers as assigned in section 5 on both copies of the declaration, return the duplicate copy to the producer and file the original in a register to be opened and kept in his custody.
7. Within two months of the receipt of his duplicate declaration from the registering officer, the producer shall have his trees numbered with the numbers assigned to him. Such numbers shall be legibly painted in white paint not less than two inches wide. It shall be the duty of the producer to take whatever steps are necessary to prevent such numbers from being obliterated and a producer failing to mark his trees as prescribed or allowing the markings to be obliterated shall be guilty of an offence and shall on conviction be liable to a fine of R5000 and to imprisonment for 2 years.
8. Any producer making a late or false declaration or failing to make a declaration as prescribed shall be guilty of an offence and shall on conviction be liable to a fine of R5000 and to imprisonment for 2 years.
9. The registering officer shall be an officer of the Ministry appointed as such by the Minister.
10. The registering officer shall make such corrections, alterations and additions to the register as the Minister may direct.
11. A certificate of registration signed by the Minister or a person authorised by the Minister under this decree is prima facie evidence that the producer named is correctly registered.
12. Notwithstanding the date specified in section 3 the Minister shall have power to prescribe by notice in the Gazette a date other than the 15th June as the final date for making a declaration.
13. (1) A person who is in possession of a mature coco-de-mer nut on the coming into force of this section shall, within such time as the Minister may by a notice in Gazette specify, make a declaration in the prescribed form to the registering officer

(2) A person who contravenes subsection (1) or makes a false or misleading declaration is guilty of an offence and liable on conviction to a fine of R50,000 and to imprisonment for two years

(3) A person is in possession of a mature nut for the purposes of subsection (1) if the nut is under the control of the person or, unless the person adduces evidence to the satisfaction of the court to show the coco-de-mer nut was on the premises or place referred to hereinafter without the person's knowledge, is found on the premises of person or any other place occupied by the person or used by the person in connection with any activity carried on by the person.

(4) In any proceedings under this section, a certificate signed by the registering officer stating that a person has or has not made a declaration and, where there is a declaration, the number of coco-de-mer nuts the person has in the person's possession shall be prima facie evidence of the fact stated in the certificate without proof of the signature of the registering officer.

PART III – LICENSING OF DEALERS

14. It shall not be lawful for any person other than the holder of a licence to carry on the business of dealing in mature nuts.

15. (1) *An application for a licence to deal in mature coco-de-mer nuts shall be made to the Licensing Authority in the manner provided in the Licences Act,

(2) Any person obtaining or trying to obtain a licence by giving false or misleading information shall be guilty of an offence and shall on conviction be liable to a fine of R5000 and to imprisonment for 2 years.

16. The Licensing Authority may grant a licence to deal in mature coco-de-mer nuts in accordance with the Licences Act.

17. (1) Any warehouse, store or godown which may be needed by the licensed dealer to store mature nuts may be included under the same licence and shall form part of his licensed premises.

*See the Licences (Coco-de-Mer) regulations made under the Licences Act (Cap 113, Sub. Leg).

(2) Agents or servants carrying on branch business on behalf of their principals or employers shall in all cases be personally licensed either alone or with their principals or employers to deal on the premises on which such branch is conducted.

18. Where a licensed dealer is convicted of an offence under this Decree, the Court may, in accordance with the Licences Act, suspend his licence.

19. Two or more persons carrying on business in partnership shall not be obliged to take out more than one licence in respect of the same place of business; and where

any person intending to carry on such business is not resident in Seychelles, application for a licence may be made by his partner, attorney or agent, and such partner, attorney or agent shall be personally liable for all offences under this Decree in the same manner as if such licence had been granted to him. A licence to two or more persons shall not be determined by the death or retirement from the business of any one or more of such partners, but no licence shall be assignable or shall be deemed to authorize any person to carry on business by reason of his being the representative of the person to whom such licence may have been granted beyond such time as would enable such representative to apply for and obtain a licence under this Decree.

20. Where a licence is granted under this Decree to two or more persons, every such person is liable under the Decree for the acts or omissions of the other or others of them; and on the hearing of any information against such persons for any offence against this decree evidence of any act done or omitted to be done by any of them shall be evidence against the other or others of them.

21. Licences shall not be transferred or assigned in any way provide always that a licence is deemed to allow the representative of a deceased, retired, bankrupt or incapable dealer to carry on the business until the representative has had reasonable time to obtain a licence in his own name.

PART IV – MOVEMENT OF COCO-DE-MER

22. Save as provided in the proviso to section 36 no mature nuts shall be removed from any place in Seychelles to another without being accompanied by a permit.

23. (1) the following persons shall be entitled to issue permits for the removal of mature nuts as hereunder specified: -

- (a) owners, lessees or occupiers of land for nuts borne by trees growing in such land, except lessees of State land not exceeding ten acres in the aggregate;
- (b) licensed dealers for mature nuts;
- (c) officers of the Ministry responsible for the management of this Decree.

(2) A lessee of State Land not exceeding ten acres in the aggregate may obtain a permit from an officer of the Ministry responsible for the management of this Decree entitled to issue permits under the provisions of paragraph © of subsection (1).

(3) It shall be lawful for an officer of the Ministry responsible for the management of this Decree to whom application is made for a permit, before issuing such a permit to satisfy himself by inquiry or otherwise as to how the mature nuts have been obtained, and if satisfied that the mature nuts or any part thereof have been stolen or unlawfully obtained, he or any part thereof have been stolen or unlawfully obtained, he may refuse to issue the permit, A person who has been refused a permit may appeal to the Minister and the decision of the Minister shall be final

(4) A register shall be kept at the Ministry responsible for the management of this Decree in which shall be entered the names of all persons authorised to issue and sign permits as proxies, and of persons on who behalf they are authorised to issue and sign such permits.

(5) Any person not being a person entitled to issue permits or duly authorised to issue and sign permits as a proxy under the provisions of this section, who shall issue or sign a permit for the removal of mature nuts shall be guilty of an offence and shall on conviction be liable to a fine of R5000 and to imprisonment for a term 2 years.

24. (1) Any person entitled to issue permits under the provisions of subsection (1) 23 may have such number of permit books from which permits may be issued as the Minister may authorize.

(2) The Minister shall authorize any person entitled to issue permits to have at lease one permit book:

Provided that if the Minister is satisfied that a person who claims to be entitled to issue permits under the provisions of paragraph (a) or subsection (1) of section 23 is not the owner, lessee or occupier of land or in the case of a lessee of State Land that such portions of State Land are not more than ten acres in area he may in his entire discretion refuse to authorise such person to have any permit book. Such person shall then be deemed to be a person not entitled to issue permits.

(3) Every permit book shall be a counterfoil book and shall bear on each permit counterfoil thereof an official mark approved by the Minister.

(4) Permit books before being used shall be produced to the Minister for the purpose of having the official mark affixed thereto.

(5) The counterfoil shall give all the particulars contained in the permit and shall bear the same index number.

(6) Every person authorised to have a permit book shall retain the counterfoil of permits issued for a period of three years from the date of issue of the permit and shall exhibit such counterfoil or the book in which it is contained whenever required by an officer of the Ministry responsible for the management of this Decree who may make notes from or take away and retain such counterfoil or the book in which it is contained for the purpose of an inquiry.

25. Every producer personally carrying from one place to another mature nuts shall be bound to provide himself with a permit.

26. (1) Every permit shall be signed and dated by the person issuing the permit and shall state the property and place from which and to which the mature nuts are removed, the number of mature nuts so removed and the name of the person by whom such mature nuts are removed.

(2) The number of any mature nuts mentioned in any permit shall be written in full, and no numerals except for the date shall be inserted in any permit

27. The quality of the mature nuts shall be described in the permits as follows:-

- (a) Superior Grad;
- (b) Inferior Grade; or
- (c) Misshapen

28. No permit shall be recognized which contains any erasures, surcharges, insertions or alterations between the lines unless such erasures, surcharges, insertions or alteration are initialed by the person signing the permit.

29. All permits shall bear the date on which the mature nuts mentioned therein are to be removed, and shall be available only between the hours of 6 a.m. and 6 p.m. on such date:

Provided that permits for the removal of mature nuts from one island or another, or by sea from one place to another on the same island, shall be available for the time necessary to effect the voyage.

30. Any mature nuts removed or received under a permit not in conformity with provisions of section 26 shall be deemed to have been removed and received without a permit.

31. Any person who signs, issues, or gives or knowingly uses or utters a false permit for the removal of any mature nuts shall be guilty of an offence and shall on conviction be liable to a fine of R5000 and to imprisonment for 2 years.

32. It shall be lawful for -

- (a) the owner, manager, overseer or agent of any property to call upon any person having in his possession or carrying or conveying any mature nuts in and over such property, or in place immediately adjoining such property to produce the permit required by this Decree in respect of such mature nuts or to account for his possession of such mature nuts and, if such person neglects or refuses to produce such permit or if such owner, manager, overseer or agent has reasonable cause to suspect that any mature nuts found in possession of, or conveyed by such person, has been stolen or unlawfully obtained, such owner, manager, overseer or agent, may arrest such person without a warrant;
- (b) any member of the police force to stop and examine any motor vehicle, cart, wagon, boat or other conveyance in order to ascertain whether any mature nuts are being conveyed thereon or therein and to call upon any person having in his possession, or who shall be found any where carrying or conveying any mature nuts to produce the permit required by this decree in respect of such mature nuts or to account for this possession of such mature nuts and, if such person neglects or refuses to produce such permit or if such member of the police force has reasonable cause to suspect that any mature nuts found in possession of

being carried or conveyed by such person, has been stolen or unlawfully obtained such member of the police force may arrest such person without a warrant:

Provided that –

- (i) the owner or manager of any property or any person duly authorised by such owner or manager shall not, when on such property or on any part of the public road which passes through or bounds such property, be bound to produce any permit or to justify the possession of any mature nuts or be liable to arrest under this section;
- (ii) if any person be found on any private property or road carrying or in possession of any mature nuts, he shall be taken forthwith to the owner or occupier of the land by the member of the police force for enquiry, and such person shall be released, if it is shown that he is in bona fide possession of such mature nuts.

33. If the person who may be called upon to produce a permit under section 32 in respect of any mature nuts or to justify the possession of the same shall let fall or throw away any such mature nuts from his possession and avoid or escape arrest, it shall be lawful for a Judge or the Registrar of the Supreme Court, or for nay Magistrate or Justice of the Peace within the limits of his district, upon his arrest such person shall be deemed to be a person apprehended and detained within the meaning of section 32.

34. Immediately upon the apprehension or detention of any person, under the powers contained section 32, such person shall, together with the mature nuts in respect of which he has failed or refused or been unable to justify and any motor vehicle, cart, wagon, boat or other conveyance used in carrying and conveying the same, be taken to the nearest police station. Such person shall be dealt with in accordance with provisions of section 24 of the Criminal Procedure Code.

35. (1) Any person found in possession or disposing of or proved to have or have had in his possession, or to have disposed of more mature nuts than can be reasonably derived from land owned by him or land in his possession or under his management and control and who does not give some good and valid explanation of such apparent excess shall be guilty of an offence and shall on conviction to liable to a fine of R5000 and to imprisonment for 2 years.

(2) in case any police officer or any officer of the Ministry responsible for the management of this Decree shall have cause to suspect an offence against the provisions of this section has been or is being committed on any estate, premises or place, it shall be lawful for such officer without a warrant to enter such estate, premises or place and there to make investigation as he may think necessary.

(3) No prosecution for an offence under subsection (1) shall begin except within twelve months after the offence is committed.

36. Any person who shall remove or cause to be removed from any place, any mature nuts without the permit required by this Decree and any person receiving or found under any of the circumstances mentioned in paragraph (a) or paragraph (b) of section 32 in possession of mature nuts, without the same being accompanied by permit in strict conformity with the provisions of this Decree or who shall fail to produce such permit when bound under section 32 so to do, shall be guilty of an offence and shall on conviction be liable to a fine of R5000 and to imprisonment for 2 years:

Provided that no offence shall be committed by any person carrying without an individual permit a load of mature nuts when such load forms part of a greater quantity of mature nuts specified in a collective permit.

PART V – SALE OF COCO-DE-MER

37. No person shall deal in mature nuts unless he is a registered producer or a licensed dealer.

38. A registered producer shall only be allowed to sell mature nuts to the Ministry responsible for the management of this Decree.

39. A licensed dealer may buy mature nuts only from officers of the Ministry responsible for the management of this Decree nominated for this purpose by the Minister.

40. (1) On the sale of a mature nut to a licensed dealer, the nominated officer shall use the following procedure:

- (a) assign a number to each mature nut;
- (b) give the licensed dealer a label approved by the Minister bearing the number assigned in paragraph (a) of this section;
- (c) keep a record in a book of the said number and the name and address of the licensed dealer who makes the purchase; and
- (d) provided particulars of the record referred to in paragraph © of this section for the Commissioner of Police at such intervals as the Minister may, in his discretion, prescribe.

(2) A licensed dealer who has in his possession a mature nut in respect of which there is an approved label and who intends to cut the nut for the purposes of producing other products therefrom shall surrender the approved label to the Minister in return for an approved label for each of the products he intends to produce.

41. A licensed dealer who -

- (a) being in possession of a mature nut does not have approved label referred to in section 40 for the nut;
- (b) exposes for sale a mature nut without an approved label;

is guilty of an offence and liable on conviction to a fine of R5000 and to imprisonment for 2 years.

(2) A licensed dealer is in possession of mature nut for the purposes of subsection (1) if the nut is under the control of the dealer or, unless the dealer adduces evidence to the satisfaction of the court to show that the nut was on the premises or place referred to hereinafter without the dealer's knowledge, is found on the premises of the dealer or any other place occupied by the dealer or used by the dealer in connection with an activity carried on by the dealer.

42. Any person who -

- (a) buys a mature nut other than from a licensed dealer; or
- (b) buys a mature nut which does not bear an approved label,

shall be guilty of an offence and shall on conviction be liable to a fine of R5000 and to imprisonment for 2 years.

43. At his place of sale of mature nuts the licensed dealer shall display a notice, clearly visible, as prescribed in Form B in the Schedule, warning buyers to retain an approved label as proof of legal purchase.

44. Every licensed dealer shall keep on his licensed premises at his place of business a book to be called "Purchases and Sales Book" as prescribed in Form C in the Schedule which book shall contain particulars of mature nut numbers and dates and details of purchases and sales.

45. It shall be lawful for any police officer to enter the premises of any licensed dealer and to call for and inspect any mature nuts and also the purchases and sales book and approved labels at any time between the hours of six in the forenoon and six in the afternoon, or at any time such premises are open (or if he has reasonable ground for believing that an offence has been committed against this Decree at any other time during the day or night and on all days including Sundays or holidays) and to make a copy of any entries such a book and examine the mature nuts and approved labels in the possession of the licensed dealer and the place where it is stored. It shall also be lawful for any such police officer to take away and retain the purchases and sales book, approved labels and mature nuts for police enquiry. If such licensed dealer fails to produce such purchases and sales book, possession or refuses to allow any such copy to be taken or obstruct or neglects to give and provide such assistance as may be necessary to enable such police officer

46. No person shall in any immature nuts and any person contravening the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine of R5000 and to imprisonment for 2 years.

47. (1) the Minister may delegate in writing any function conferred on the Minister by this Act, other than the function of hearing appeals 23(3) or the function conferred by this section, to any person employed in the Ministry responsible for the administration of this Act.

(2) The Minister may exercise a function notwithstanding the fact that it has been the subject of a delegation under subsection (1).

PART VI – REGULATIONS

48. (1) the Minister may make regulations for the purpose of carrying out the objects and provisions of this Decree.

(2) Without prejudice to the generality of the foregoing power, the Minister may make regulations -

- (a) revoking replacing, amending, adding to or varying the Schedule to this decree;
- (b) for determining the number of licences that may be issued to licensed dealer;
- (c) for fixing licence fees or other charges to be paid;
- (d) for fixing the retail price of mature nuts, and for fixing the price paid by Government to producers and by dealers to Government;
- (e) providing that contravention of or failure to comply with any regulation shall be an offence and may prescribe a penalty of a fine of R5000 and imprisonment of 2 years for such offence.

SCHEDULE

FORM A

(Section 3)

FOERM OF DECLARATION BY PRODUCER OF
COCO-DE-MER

Note: The form must be completed in duplicate and returned to the following address on or before 15th June:

<p>1. Full Name</p> <p>2. Postal Address</p> <p style="padding-left: 100px;">.....</p> <p>3. Situation of property/properties in respect of which declaration is being made:</p> <p style="padding-left: 20px;">(a)</p> <p style="padding-left: 20px;">(b)</p> <p style="padding-left: 20px;">©</p> <p>4. Number of coco-de-mer trees growing on above property/properties:</p>	<p>For Official Use</p>
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Property	In-bearing female Trees	Other trees	Total	Number Assigned
(a)				
(b)				
©				

I declare that the particulars given above are Accurate to the best of my knowledge and Belief.

Signature: Date:

Status (e.g. Owner, tenant, manager, agent_

.....

N.B. A person signing as manager or agent Should state below on who behalf he is Managing the property or proerties or Acting as agent>

.....

The particulars given above have been checked and found to be accurate
(Signature of checking officer) (Date)

Declaration accepted

..... (Signature of Minister) (Date)

Declaration registered and duplicate returned to producer (Signature
of registered officer) (Date)

(Section 43)

COCO-DE-MER (MANAGEMENT DECREE

PURCHASERS OF COCO-DE-MER NUTS ARE WARNED THAT IS AN OFFENCE TO BUY A NUT THAT DOES NOT BEAR AN APPROVED LABEL OR TO BUY A NUT FROM ANYONE EXCEPT A LICENSED DEALER. IN YOUR OWN INTEREST YOU ARE ADVISED TO RETAIN THE APPROVED LABEL AS PROOF OF LEGAL PURCHASE

PRINCIPAL SECRETARY MINISTRY
RESPONSIBLE FOR
MANAGEMENT OF THE DECREE.

FORM C

(Section 44)

PURCHASES AND SALES BOOK

Balance brought forward from

Previous month =

Purchases			Sales		
Dates	Number of Mature nuts	Number assigned	Dates	Number of mature nuts	Remarks
	Total Purchases For month Of=			Total sales for month of=	

Balance of nuts carried over to succeeding month (Purchases-Sales)=
