

S.I. 86 of 2020**COCO-DE-MER (MANAGEMENT) DECREE***(Cap 37)***Coco-de-Mer (Restriction on the Processing, Trade and Export of unprocessed kernel of mature nut) Regulations, 2020**

WHEREAS, the Coco-de-Mer (Restriction on the Processing, Trade and Export of unprocessed kernel of mature nut) Regulations, 2019 was published as S. I. 58 of 2019 in the *Gazette* dated 4th October, 2019;

AND, WHEREAS the National Assembly in its session on the 15th October, 2019 considered S.I. 58 of 2019 and annulled it with instructions to the Minister to reissue the regulation with certain modifications;

NOW, THEREFORE, in exercise of the powers conferred by section 48 of the Coco-de-Mer (Management) Decree, the Minister responsible for Environment makes the following regulations —

1. These regulations may be cited as the Coco-de-Mer (Restriction on the Processing, Trade and Export of unprocessed kernel of mature nut) Regulations, 2020.

Citation

2. In these regulations, unless the context otherwise requires —

Interpretation

“kernel” means the whole or part of the white meat (endosperm) found inside the mature nut;

“mature nut” shall have the meaning assigned to it in the Coco-De- Mer (Management) Decree (Cap 37);

“Minister” means the Minister responsible for environment;

“processed” means any alteration or a combination of mechanical, chemical or physical alteration of the kernel from its natural state, into a commercial product”;

“trade” means to buy, sell or exchange processed kernel of a mature nut;

“unprocessed” means the state of not being processed.

Restriction on
exportation of
Mature Nut

3. The exportation of any form of unprocessed kernel of a mature nut is hereby restricted.

Process, trade
and export of
coco-de-mer
kernel without
permit

4.(1) No person shall process, trade and export the kernel of a mature nut without a valid permit issued by the Minister.

(2) A permit to process, trade and export the kernel of a mature nut under subregulation (1) shall be as set out in Form II provided under the First Schedule.

(3) The procedure for obtaining a permit to process, trade and export the kernel of a mature nut under subregulation (1) shall be as set out in the Second Schedule.

(4) Notwithstanding subregulation (3) and subregulation (2) a permit may be issued for the exportation of unprocessed kernel for scientific, diplomatic and any other justified purpose.

Selection
Committee

5.(1) The Minister, in consultation with the relevant organisations, shall set up a Selection Committee.

(2) The Selection Committee shall assess the request for permit and decide whether a permit shall be issued or not.

- (3) The Selection Committee shall consist of —
- (a) a representative of the Ministry responsible for Environment;
 - (b) a representative of the Ministry responsible for Trade;
 - (c) a representative of the Civil Society;
 - (d) a representative of the National Institute of Science, Technology and Innovation; and
 - (e) an expert in the field of conservation.

(4) One of the Members of the Committee shall be appointed as Chairperson and three members shall constitute a quorum.

(5) The Terms of Reference that will guide the work of the Selection Committee shall be agreed upon at the first meeting of the Committee.

(6) The Term of Reference shall include a review of the stock of mature Coco-de-Mer nuts and a review of previous requests and permits granted under these regulations.

(7) The decision of the Selection Committee shall be communicated to the applicant, in writing, within 7 days of the decision and a copy thereof shall be sent to the Minister for information.

6.(1) Any person aggrieved by the decision of the Selection Committee may, within 14 days of the receipt of the decision, submit a written appeal to the Minister. Appeal

(2) The Minister, in consultation with relevant organisations, shall constitute an ad-hoc Appeals Committee to assist the Minister in hearing or deciding an appeal.

- (3) The Appeals Committee shall consist of —
- (a) a representative of the Department of Legal Affairs who shall be the Chairperson;
 - (b) a representative of the Ministry responsible for environment; and
 - (c) an expert relevant to the subject matter appealed against.

(4) The Appeals Committee shall assess the merit of the appeal and within 30 days convey its recommendation to the Minister, on whether to confirm, vary or quash the decision of the Selection Committee.

Communication
of decision to
aggrieved
person

7.(1) The Minister shall, on receipt of the recommendation of the Appeals Committee, confirm, vary or quash the decision of the Selection Committee.

(2) The Minister shall communicate, in writing, the decision taken under subregulation (1) to the aggrieved person within 7 days of receipt of the recommendation of the Appeals Committee.

Offence and
penalty

8. A person who contravenes regulation 4 shall be guilty of an offence and on conviction shall be liable to a fine not exceeding SCR20,000 or to imprisonment for 2 years or to both such fine and imprisonment.

FIRST SCHEDULE

**FORM I
APPLICATION FOR PERMIT**

APPLICATION FORM TO OBTAIN PERMIT TO PROCESS, TRADE AND EXPORT KERNEL OF A MATURE NUT	
1	Business Particulars:
1.1	Business Name: <input type="text"/>
1.2	Business Address: <input type="text"/>
2	Permit for
	Processing <input type="checkbox"/>
	Trade <input type="checkbox"/>
	Export <input type="checkbox"/>
3	Proposed Activities:
	Oil Extraction (essential oil products) <input type="checkbox"/>
	Cream, elixir, serum <input type="checkbox"/>
	Liquor <input type="checkbox"/>
	Gourmet/food products <input type="checkbox"/>
	Other (specify) <input type="checkbox"/>

4	Specific Information:
4.1	Quantity required (unity weight/volume):
4.2	Volume required (to process the kernel):
4.3	Total volume exported/Quota:
4.4	Volume kept for re -planting/Quota:
4.5	Particulars of producers and suppliers:
4.6	Target market:
4.6.1	Countries of export (including sale points):
4.6.2	Sale points on the local market:
4.7	Nature of the product(s):
4.8	Unit price of the product(s):
4.9	Net profits:

5	Specific conditions required for processing: <ul style="list-style-type: none"> a. The permit issued must be displayed at the business location at all times b. The Coco De Mer has to be acquired through legally recognized channels from registered producers c. All Processing works has to be undertaken in Seychelles d. Processing must be done only according to the methodologies approved at the time of this application with all the equipment required and relevant technologies e. Shall there be any alterations to the approved processing methodology the Ministry should be notified immediately
6	Conditions required for trade: <ul style="list-style-type: none"> a. <i>Must define the sale price of all products</i> <i>The proponent has to indicate all the ingredients on an etiquette including percentages as well as a label showing the character organic of the products</i> b. All the products have to be sold through legally recognized channels
7	Conditions required for export: <ul style="list-style-type: none"> a. Proponents must ensure that all the products adheres to the international standards b. The country of export has to be clearly indicated at the time of each export c. Proponent has to ensure that each consignment for export is declared to acquire relevant paper work d. The sale price must be specified.

FORM II

PERMIT

PERMIT TO *PROCESS/TRADE/EXPORT KERNEL/EXPORT UNPROCESSED KERNEL OF A MATURE NUT.

(Regulation 4)

Business Address:.....

District:.....

*Business Name/Owner:

Permission is hereby issued to *Process/Trade/Export/Export Unprocessed Kernel of a Mature Nut.

(Specify here further details, if any.....

This permit is valid for 2 years (24 months)

From:.....

To:.....

Date of issue:

Authorised Officer:

Terms and Conditions

This permit is subject to such terms and conditions which may be imposed during the validity of the permit on the basis of policies and legislations made from time to time.

** Strike off whichever is not applicable*

SECOND SCHEDULE

**PROCEDURE TO OBTAIN PERMIT TO PROCESS, TRADE
AND EXPORT KERNEL OF A MATURE NUT**

(Regulation 4)

1. The Ministry shall invite application from interested individuals who wish to obtain a permit to process, trade and export kernel of a mature nut.
2. The invitation of application shall be published in a local newspaper for 3 consecutive weeks.
3. A person interested in obtaining a permit shall apply to the Ministry in Form I provided under the First Schedule.
4. The Selection Committee set up under regulation 5 shall take action on the applications received and prepare a list of eligible applicants.
5. All eligible applicants shall be informed, in writing, within 30 days after the last publication of invitation.
6. Invitation of application shall be made every 2 years.

MADE this 8th day of July, 2020.

**WALLACE COSGROW
MINISTER OF ENVIRONMENT,
ENERGY AND CLIMATE CHANGE**
