

## **SEYCHELLES MADE ACT, 2025**

*(Act 2 of 2025)*

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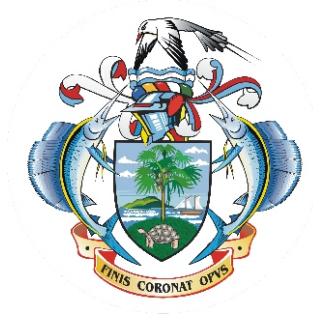
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## SEYCHELLES MADE ACT, 2025

*(Act 2 of 2025)*

*I assent*



A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan  
President

*16<sup>th</sup> April, 2025*

**AN ACT TO PROMOTE SEYCHELLES MADE PRODUCTS AND PRODUCE IN LOCAL AND EXPORT MARKETS; TO ISSUE SEYCHELLES MADE CERTIFICATES; TO PRESCRIBE LOGOS, MARKS OR LABELS FOR ANY CLASS OR CATEGORY OF SEYCHELLES MADE PRODUCTS; AND TO PROVIDE FOR OTHER INCIDENTAL OR CONNECTED MATTERS.**

**ENACTED BY THE PRESIDENT AND THE NATIONAL ASSEMBLY.**

### **PART I - PRELIMINARY**

#### **Short title and commencement**

1.(1) This Act may be cited as the Seychelles Made Act, 2025.

(2) This Act shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

## Interpretation

2.(1) In this Act, unless the context otherwise requires —

“Agency” means the Enterprise Seychelles Agency established under section 3 of the Enterprise Seychelles Agency Act, 2018;

“certificate holder” means the holder of a Seychelles Made certificate;

“Code of Practice” means the Seychelles Made code of practice incorporating the rules and conditions governing the use of the name, brand and logo;

“Committee”, means the Seychelles Made Evaluation Committee constituted under section 6;

“Chief Executive Officer” means the Chief Executive Officer of the Agency;

“Minister” means the Minister responsible for industry;

“Seychelles Made certificate” means a certificate issued under section 13;

“Seychelles Made product” means a product or produce in respect of which a Seychelles Made certificate has been issued; and

“Secretary” means the Secretary appointed under section 8.

## Purposes of the Act

3. The purposes of this Act are to —

- (a) prescribe the criteria that a product or produce should meet to be certified as a Seychelles Made product;
- (b) prescribe logos, marks or labels for Seychelles Made products and produce; and
- (c) authorise the issue of Seychelles Made certificates.

## PART II - SEYCHELLES MADE PRODUCTS

### Seychelles Made products

4.(1) The Agency may certify a product or produce as a Seychelles Made product.

(2) The Minister shall prescribe the criteria that a product or produce shall meet, to be certified as a Seychelles Made product.

(3) A person shall not use the name “Seychelles Made” in respect of a product or produce otherwise than in accordance with this Act.

### Logo, mark and label

5.(1) The Minister may prescribe a logo, mark or label that may be used in connection with the Seychelles Made products.

(2) The Minister may prescribe different logos, marks or labels for any class or category of Seychelles Made products as the Minister deems appropriate.

(3) The certificate holder may use the logo, mark and label for promotion and marketing of a Seychelles Made product in such manner as may be prescribed.

(4) The mark, logo or label may be registered under any other law.

### Establishment of the Committee

6.(1) The Minister shall establish a committee known as the Seychelles Made Evaluation Committee.

(2) The mandate of the Committee is to —

- (a) evaluate applications referred to the Committee by the Agency under section 11; and
- (b) make recommendations to the Agency in respect of such applications.

(3) The Minister shall appoint a person as Chairperson of the Committee and other members of the Committee.

(4) The number of members and the composition of the Committee shall be prescribed by the Minister.

(5) Subject to subsection (9), the terms and conditions of appointment of the members of the Committee shall be as determined by the Minister.

(6) The members of the Committee shall hold office for a period of 3 years and may be subject to re-appointment.

(7) The Minister shall cause the appointment of the members under subsection (3) to be published in the *Gazette*.

(8) The Committee may appoint a person with a special expertise and knowledge as an *ad hoc* member to assist the Committee in the discharge of its mandate.

(9) A member, including an *ad hoc* member and the Secretary, may be paid such allowances as may be determined by the Minister responsible for finance in accordance with government policies.

### **Meetings of the Committee**

7.(1) The Committee shall meet at such time and place as the Chairperson may determine.

(2) In a meeting of the Committee, two thirds of the total number of members of the Committee shall constitute a quorum for the meeting.

(3) All matters for determination by the Committee shall be decided by a simple majority of the votes of the members present and voting.

(4) In the event of an equality of votes, the Chairperson shall have a casting vote.

(5) A member who has direct or indirect financial, personal or other interest in a matter before the Committee, shall —

- (a) prior to the date of the meeting, or at the commencement of the meeting, disclose the nature of his or her interest in the matter; and
- (b) recuse himself or herself from the deliberations and voting in respect of that matter.

(6) The Committee shall regulate its own proceedings and shall keep records and minutes of the proceedings.

### **Secretary to the Committee**

8.(1) The Minister may appoint a Secretary to the Committee to manage the day-to-day affairs of the Committee on such terms and conditions as the Minister determines.

(2) The Secretary may be an employee of the Agency or any other public body.

- (3) The functions of the Secretary shall be to —
- (a) receive applications referred to the Committee by the Agency;
  - (b) coordinate and convene the meetings of the Committee;
  - (c) keep records of the proceedings of the meetings of the Committee;
  - (d) submit the recommendations of the Committee to the Agency in respect of applications;
  - (e) receive notices of appeals on decisions of the Agency;
  - (f) relay all relevant documents of the Committee to the Fair Trading Tribunal; and
  - (g) perform such other functions as may be assigned by the Committee.

## **Inspectors**

9.(1) The Agency may appoint any of its officers or suitable officers of other public bodies as inspectors for the purposes of this Act.

- (2) The functions of the inspectors are to —
- (a) conduct investigations under section 11(3) in respect of the applications and submit their report to the Agency;
  - (b) conduct periodical inspections on the premises of the certificate holders to ensure that Seychelles Made products continue to meet and satisfy the criteria for Seychelles Made products; and
  - (c) carry out such other duties assigned to them by the Agency.

## **Application for Seychelles Made certificate**

10.(1) A person who makes, produces, processes or manufactures a product or produce may apply to the Agency for a Seychelles Made certificate.

(2) An application under subsection (1) shall be made to the Agency in such form and manner and subject to the payment of such fees as may be prescribed.

(3) The application shall be accompanied by such supporting documents as may be prescribed.

## **Procedure on application**

11.(1) An application received under section 10 shall be subject to a preliminary examination by the Agency to ensure that it is submitted in accordance with the prescribed procedure.

(2) The Agency may call for additional documents from the applicant, if required, for preliminary examination of the application.

(3) The Agency may, if satisfied that the application is in order, refer the application to an inspector appointed under section 9 to conduct such investigation as appropriate in respect to the manufacturing, processing, making or production of the product or produce and to submit a report to the Agency.

(4) An applicant shall grant the inspector access to the applicant's premises for the purpose of the investigation.

(5) The Agency shall, upon receipt of the report from the inspector, refer the application together with the report to the Committee, for its evaluation and recommendation.

(6) Where the Committee requires any further information or document for the determination of the application, the Agency shall, on request from the Committee, make available such information or document and may request an inspector to conduct further investigation and submit a report.

(7) The Committee may, if considered necessary, require the inspector to appear before the Committee to substantiate his or her report.

### **Confidentiality of information**

**12.(1)** A person, when submitting information to the Agency, may identify information that the person claims to be confidential information.

(2) Any claim under subsection (1) shall be supported by a written statement explaining why the information is confidential.

(3) The Agency, an inspector or the Committee shall take all necessary measures to maintain the confidentiality of information that the Agency has determined as confidential and shall not disclose it to third parties without the explicit consent of the applicant, except as required by law or for the purpose of processing the application.

### **Grant or refusal of certificate**

**13.(1)** The Agency shall, upon receipt of the recommendation of the



Committee under section 11, either grant the Seychelles Made certificate or reject the application.

(2) A certificate holder may use the logo, mark or label only on or in respect of a Seychelles Made product for which the certificate has been granted under subsection (1).

(3) In cases where the application is rejected under subsection (1), the Agency shall specify the reasons for the rejection.

### **Issue of new certificate on change of ownership**

14.(1) Where there is a change in the manufacturer, producer or maker of a Seychelles Made product, the certificate holder shall notify the Agency and the Agency shall cancel the Seychelles Made certificate issued to the certificate holder and issue a new Seychelles Made certificate in the name of the new manufacturer, producer or maker of the Seychelles product or produce.

(2) Where the Agency considers that an inspection is necessary prior to the issuance of a new certificate, the Agency may cause an inspection to be conducted in accordance with section 9(2)(b).

### **Period of validity of a Seychelles Made certificate**

15.(1) A Seychelles Made certificate issued by the Agency under section 13 shall be valid for a period of 3 years.

(2) A Seychelles Made certificate may be subject to renewal on payment of such fees as may be prescribed.

(3) An application for renewal of a Seychelles Made certificate shall be subject to such evaluation and inspection as the Agency shall determine.

### **Cancellation of certificate**

16.(1) A Seychelles Made certificate shall be cancelled by the Agency where —

- (a) the production, making or the manufacturing of the Seychelles Made product permanently ceases; or

- (b) the Agency determines that the product or produce for which a Seychelles Made certificate was issued fails to meet the criteria of a Seychelles Made product.

(2) A Seychelles Made certificate may be cancelled by the Agency where —

- (a) the certificate holder commits a material breach of the Code of Practice or regulations issued under this Act; or
- (b) the certificate holder is convicted of an offence under this Act.

(3) A certificate holder shall be given an opportunity to be heard before the cancellation of his or her certificate under subsection (1) or (2).

(4) A Seychelles Made certificate shall be deemed as cancelled on the expiration of the period of validity of the Seychelles Made certificate, unless the Agency directs otherwise.

(5) Where a decision is taken to cancel a Seychelles Made certificate, the Agency may direct the certificate holder to cease the use of the logo, mark or label on the product or produce for which a Seychelles Made certificate was issued or other associated promotion or marketing material in respect of that product or produce.

### **Informing the Agency upon non-compliance with criteria**

17. A certificate holder shall inform the Agency —

- (a) where there is a material alteration to a production process resulting in a deviation from criteria in respect of the Seychelles Made product;
- (b) where there is a material alteration in the origin or source of materials, components or other inputs in the production, manufacturing or making of the Seychelles Made product resulting in non-compliance with the criteria for the Seychelles Made product; or

- (c) on the occurrence of any event resulting in non-compliance with the criteria for the Seychelles Made product.

## **Register**

**18.(1)** The Agency shall maintain —

- (a) a register of all applications received by the Agency under section 10; and
- (b) a register of Seychelles Made products and certificate holders,

in such form as the Agency shall determine.

(2) The Agency may publish on the Agency's website or, where applicable, the Seychelles Made website, information regarding Seychelles Made products that the Agency shall determine.

(3) A certificate holder may request the Agency to rectify the register where —

- (a) there is a change in the name of the certificate holder, the business name of the certificate holder, the owner of the Seychelles Made product or change of address of the certificate holder; or
- (b) there is a change in the name of the Seychelles Made product or produce.

## **Offences**

**19.(1)** A person who uses the logo, mark or label in respect of a product or produce without being issued with a Seychelles Made certificate under this Act commits an offence and shall be liable on conviction to a fine not exceeding level 2 on the Standard Scale.

(2) A certificate holder who uses the logo, mark and label in respect of a Seychelles Made product in contravention of this Act or regulations made

under this Act commits an offence and shall be liable on conviction to a fine not exceeding level 2 on the Standard Scale.

- (3) A person who —
- (a) applies to any goods manufactured, made, produced or sold by that person; or
  - (b) imports any goods to which there has been applied,

the logo, mark or label or the words “Seychelles Made” product or design that so nearly resembles the logo, mark or label so as to be calculated to deceive, commits an offence and shall be liable on conviction to a fine not exceeding level 2 on the Standard Scale.

(4) A person shall not, except with the written authorisation of the Agency, use or permit to be used or register as a trade mark or design in connection with a business, trade, calling or profession the logo, mark or label.

(5) A person who contravenes subsection (4) commits an offence and shall be liable on conviction to a fine not exceeding level 2 on the Standard Scale.

(6) Where a person is convicted of an offence under this section, the court may, in addition to the punishment specified in the section, order the forfeiture to the Republic of any product or produce in relation to which the offence was committed.

### **Compounding of offences**

20.(1) Where the Chief Executive Officer is satisfied that an offence under section 19 has been committed by any person and if the person admits the commission of the offence and agrees in writing to the matter being dealt with under this section, the Chief Executive Officer may, in consultation with the Attorney General, compound the offence *in lieu* of instituting or continuing with criminal proceedings by accepting a sum of not more than the maximum fine specified for the offence.

(2) A sum of money received under this section shall be dealt with as though it were a fine imposed by a Court.

(3) The Chief Executive Officer shall determine the sum of money to be paid by the offender having due regard to the provisions of this Act, the nature, the circumstances, extent and gravity of the offence, the past behaviour and conviction of the offender and the financial benefit accrued to the offender by the commission of the offence.

(4) An *ad-hoc* compounding committee may be established by the Chief Executive Officer to advise the Chief Executive Officer in determination of the sum of money to be paid by the offender in accordance with subsection (1).

(5) Upon determination of the sum of money to be paid by the offender by way of fine in accordance with subsection (3), the Chief Executive Officer shall sign the compounding agreement and serve it on the offender who shall pay the sum of money within 14 days from the date of service of the compounding agreement.

(6) In the event that the offender fails to pay the sum of money within the period set out in subsection (5), the compounding agreement shall be null and void and criminal proceedings may be instituted or continued, as the case may be.

(7) Where criminal proceedings are pending before the court for the offence, the payment of the sums mentioned in this section and the compounding of any offence under subsection (1) shall be filed in court and thereupon any proceedings in connection with the commission of the offence which are pending shall be noted as compounded and the offender absolutely discharged or deemed absolutely discharged.

(8) The compounding of an offence under this section shall be conclusive and final and no criminal proceedings shall be instituted or continued for that offence.

(9) In any criminal proceedings brought against any person for an offence under section 19, it shall be a defence if the person proves that the offence has been compounded under this section.

### **PART III - APPEALS**

#### **Appeal**

**21.(1)** A person aggrieved by a decision of the Agency may appeal to the Fair Trading Tribunal.

(2) An appeal under subsection (1) shall —

- (a) be in writing;
- (b) specify the reasons for making the appeal; and
- (c) be filed within 14 days of the decision against which the appeal is made.

(3) The Fair Trading Tribunal may after considering the appeal —

- (a) reject the appeal and confirm the decision of the Agency;
- (b) allow the appeal and vary the decision of the Agency;
- (c) direct the Agency to reconsider its decision;
- (d) set aside the decision of the Agency; or

(4) An appeal filed under subsection (1) shall be decided within 30 days from the date of filing of the appeal.

(5) At the hearing of an appeal, the Fair Trading Commission may seek the opinion of an expert in any relevant field to which the appeal relates.

### **PART IV- MISCELLANEOUS**

#### **Regulations**

**23.(1)** The Minister may make regulations for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations made under subsection (1) may provide for —

- (a) any matter which in terms of this Act is required or permitted to be prescribed;
- (b) any procedure and form to be prescribed;
- (c) criteria for eligibility for a Seychelles Made certificate;
- (d) the manner of dealing with complaints from the public; and
- (f) fees.

### **Code of Practice**

**24.(1)** The Agency may publish on the Agency's website or, where applicable, the Seychelles Made website, a Code of Practice to —

- (a) provide information to certificate holders of their rights and obligations to ensure the consistent, and proper usages of the logo, mark and label;
- (b) build consumer confidence that goods promoted with the logo, mark and label are produced, manufactured or made under established regulatory requirements for certifying a product or produce as a Seychelles Made product and promote the benefits of buying such goods; and
- (c) enable the logo, mark or label to be used to raise the domestic and international profile of Seychelles goods that are produced in Seychelles.

(2) Where the Agency is unable to publish the Code of Practice under subsection (1) for any reason whatsoever, the Agency shall make the Code of Practice available in any appropriate form on demand to the public.

- (3) The Agency may amend the Code of Practice.

**Public complaints**

25.(1) A person may file a complaint to the Agency in respect of the misuse of the logo, mark and label by a certificate holder.

(2) A complaint received under subsection (1) shall be dealt with by the Agency in such manner as the Agency shall determine.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 2<sup>nd</sup> April, 2025.



Mrs. Tania Isaac  
Clerk to the National Assembly