

S.I. 10 of 2001

LICENCES ACT

(Cap 113)

**LICENCES (ACCOMMODATION, CATERING AND
ENTERTAINMENT ESTABLISHMENTS)
REGULATIONS, 2001**

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S.I. 10 of 2001.

LICENCES ACT

(Cap 113)

Licences (Accommodation, Catering and Entertainment Establishments) Regulations, 2001

In exercise of the powers conferred by sections 16(2) and 21 of Licences Act, the Vice-President acting as the Minister of Finance hereby makes the following Regulations —

1. These Regulations may be cited as the Licences (Accommodation, Catering and Entertainment Establishments) Regulations, 2001.

Citation

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

Interpretation

“cafe” means any establishment where coffee, tea, soft drinks, meals and refreshments are served and sold to customers for consumption on the premises;

“cafeteria” means any establishment where meals and beverages are sold to customers on the premises on a self service basis;

“catering service” means the business of cooking, preparing and supplying meals, snacks, coffee, tea or soft drinks for parties, meetings and gatherings held either in a house, office or any other place;

“dancing hall” means a place used for public dancing and to which members of the public are admitted on payment of a fee or otherwise;

“discotheque” means a place offering drinks and a floor show or dancing to the accompaniment of recorded or live music, to which persons are admitted on payment of a fee or otherwise;

“floor show” means a musical, dance or theatrical performance by a person, or a group of persons but excludes indecent act including stripping or striptease;

“hotel” means any establishment that provides lodging or sleeping accommodation with or without food and drink, to the public for hire, the rate of which is calculated on a daily basis, or for reward of any kind whatsoever;

“luxury villa” means any establishment that provides high quality lodging, specialised car service, swimming pool and other associated amenities for hire, the rate of which is calculated on a daily basis, or for reward of any kind whatsoever;

“premises” means the premises where a person is licensed to keep or manage any type of accommodation or establishment or activity under these Regulations;

“restaurant” means any establishment that prepares, cooks and serves meals and beverages for sale to customers;

“self catering establishment” means any establishment that provides lodging or sleeping accommodation to the public for hire or reward of any kind whatsoever in which meals are prepared by the client;

“take-away business” means the business of preparing or selling meals to be consumed elsewhere than on the premises;

“weapon” means an object which may be used to cause harm to others or endanger the life of others and includes firearms, offensive weapons, ammunition and explosives as defined in S84(8) of the Penal Code.

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Application for
licence

3.(1) Before applying for a licence to keep or manage a hotel, luxury villa, restaurant, self catering establishment, discotheque, cafeteria or cafe, the applicant shall submit to the Ministry

responsible for Tourism a project memorandum setting out in detail the nature of the business the applicant intends to carry on, and obtain its approval for the project.

(2) A person who intends to make an extension involving additional rooms to any existing hotel, a luxury villa or a self-catering establishment shall comply with the preceding provisions of this regulation.

(3) An application for a licence referred to in subregulation shall be in the form provided by the Authority.

4.(1) An application for a licence shall be accompanied by the licence fee specified in Schedule 1 and documents specified in Schedule 2.

Fee and documents to accompany application

(2) When an application is refused the Authority shall refund to the applicant the licence fee and the surcharge, if any.

5. The Authority shall not grant a licence to —

Restrictions on grant of licence

- (a) an individual who —
 - (i) is less than 21 years old;
 - (ii) is an undischarged bankrupt; or
 - (iii) is not a fit and proper person to hold a licence due to the bad character or physical infirmity of the individual;
 - (iv) has, within the five years preceding the date of the application, been convicted of any offence involving dishonesty or immorality;
 - (v) does not have the qualifications and experience referred to in Schedule 2;
- (b) to a firm, if any of the partners of the firm is disqualified from obtaining a licence under paragraph (a) (i) to (v);

(c) to a company —

A. if any of its directors or manager has been convicted of an offence involving dishonesty within the 5 years preceding the application, and

B. if the manager is not qualified under paragraph (a) (iii) and (iv).

Bodies to be consulted

6. Before granting a licence, the Authority shall consult—

- (a) the Ministry responsible for Tourism as to whether the premises satisfy the requirements laid down by that Ministry for the licence applied for;
- (b) the Ministry responsible for Health as to whether the premises comply with all health requirements under the laws of Seychelles;
- (c) in the case of a discotheque or dancing hall, the Commissioner of Police.

Extended scope of licences

7.(1) A licence to keep or manage a hotel shall, subject to these Regulations and any other law controlling or regulating the sale of liquor, in so far that they are not inconsistent with these Regulations, also authorise the holder of the licence to keep or manage a restaurant, or more than one restaurant, in accordance with the relevant standards, on the premises of the hotel and to sell liquor, cigars, cigarettes, tobacco and matches —

- (a) to a bona fide guest in the hotel on any day at any time for consumption or use by the guest on the premises of the hotel;
- (b) to any person in the public bar of the hotel on any day and at any time for consumption or use in the public bar;

- (c) to any person taking meals in the restaurant of the hotel on any day at any time for consumption or use in the restaurant.

(2) A licence to keep or manage a luxury villa shall, subject to these Regulations and any other written law controlling or regulating the sale of liquor, in so far that they are not inconsistent with these Regulations, also authorise the holder of the licence to keep a restaurant on the premises of the luxury villa which is used exclusively with and forms part of the business of the luxury villa and to sell liquor, cigarettes, tobacco and matches —

- (a) to a bona fide lodger in the luxury villa on any day at any time for consumption or use by the lodger on the premises of the luxury villa;
- (b) to any person in the public bar of the luxury villa on any day and at any time for consumption or use in the public bar;
- (c) to any person taking meals in the restaurant of the luxury villa on any day at any time for consumption or use in the restaurant.

(3) A licence to keep or manage a restaurant or cafeteria shall, subject to these Regulations and to any written laws controlling and regulating the sale of liquor, in so far that they are not inconsistent with these Regulations, also authorise the holder of the licence to sell liquor, cigars, cigarettes, tobacco and matches to any person taking meals in the restaurant or the cafeteria on any day at any time for consumption or use in the restaurant or cafeteria as the case may be.

(4) A licence to keep or manage a discotheque or dancing hall shall, subject to these Regulations and to any written law controlling and regulating the sale of liquor, in so far that they are not inconsistent with these Regulations, also authorise the holder of the licence to sell liquor, cigars, cigarettes, tobacco and matches

to any person during the hours of business for consumption or use on the premises of the discotheque or dancing hall.

(5) A licence to keep a hotel, a restaurant or a cafeteria shall also authorise the holder of that licence to engage in providing catering services.

(6) Where a hotel is classified by the Ministry responsible for Tourism as a five star hotel, subject to compliance with the Licences (Road Transport) Regulations the licence in respect of that hotel shall also authorise the holder of the licence to own vehicles for use by the staff and guests of the hotel.

(7) A licence to keep or manage a luxury villa shall, subject to compliance with the Licences (Road Transport) Regulations, also authorise the licence holder to provide transport for the use of the guests as part of the hire of the luxury villa or part thereof.

(8) A licence to keep or manage a take-away business shall authorise the holder of the licence to sell soft drinks to be consumed elsewhere than on the premises.

(9) A licence to keep or manage a hotel where the hotel does not have enclosed and secured premises which would satisfy the physical requirements of a discotheque shall also authorise the holder of the licence to hold dances and floor shows for bona fide guests and members of the public on payment of a fee or otherwise should the management so decide.

Restriction on
sale of liquor
and cigarettes
etc.

8. The holder of a licence or the servant or agent of the holder of a licence shall not sell liquor, cigarette and tobacco products or allow liquor to be consumed or cigarette or any tobacco products to be used on the premises by any person under the age of 18 years.

Classification of
hotels.

9.(1) The Ministry responsible for Tourism may classify and grade hotels based on criteria set by the Ministry as follows —

Five Stars

Four Stars

Three Stars
Two Stars
One Star

(2) Hotels with less than 24 rooms shall be known as "small hotels" and hotels comprising 25 rooms or more shall be known as "large hotels".

10.(1) Where the Authority is informed by the Ministry responsible for Tourism that a hotel is not being kept or managed in conformity with the standard of a hotel of the class to which such hotel belongs and recommends reclassification, the Authority may, upon giving notice thereof to the holder of the licence, remove the hotel from such class or grade and place it in a lower class or grade.

Re-classification, etc.

(2) The re-classification or re-grading of a hotel shall not take effect until —

- (a) the expiration of ten days from the date of the notice thereof; and
- (b) in the case where an appeal has been made to the Minister responsible for Finance against the re-classification or re-grading of a hotel within the period of ten days referred to in paragraph (a), the appeal has been determined and the Minister has confirmed such re-classification or re-grading.

(3) Notice of every re-classification or re-grading shall on its taking effect be published by the Authority in the Gazette.

11.(1) Where there is any change in management or the ownership of an establishment for which a licence has been granted, the holder of the licence shall notify the Authority and the Ministry responsible for Tourism in writing of the particulars of such change within ten days of the occurrence of the change.

Change of management or ownership

(2) The holder of a licence of a hotel shall not change the

name of the hotel without the prior written approval of the Ministry responsible for Tourism.

Conditions of
licence

12. The holder of a licence shall, in addition to any other conditions the Authority may specify in the licence, fulfil the following conditions —

- (i) in the case of a licence to keep or manage a hotel, luxury villa, self-catering establishment or restaurant —
 - (a) submit to the Minister responsible for Tourism, where applicable, details of any changes in the prices of accommodation, set meals, drinks and such services as the Minister may from time to time specify, not less than 30 days before the holder of the licence proposes to make them effective;
 - (b) submit to the Minister responsible for Tourism such further information in connection with the details submitted under paragraph (a) as the Minister may request;
 - (c) submit, within two weeks of the end of every month, to the Minister responsible for Tourism —
 - (i) a return showing the number of guests staying in the hotel, luxury villa or self-catering establishment during the month for which the return is made;
 - (ii) a return showing details of advance bookings for the period of three months following the month in respect of which the return is made;

- (d) ensure that the premises comply with the physical standards laid down by the Planning Authority and the Ministry responsible for Tourism;
- (e) ensure that the premises comply with the standards of hygiene laid down by the Ministry responsible for Health;
- (f) make necessary arrangements with the Solid Waste and Cleaning Agency or other licensed refuse collector approved by the Solid Waste and Cleaning Agency for the disposal of the rubbish from the premises and to ensure that the area surrounding the premises is kept clean;
- (g) ensure that the premises is kept or managed by a person qualified to manage the particular type of premises;
- (h) provide employees with a standard form of dress and a name badge to be worn while on duty;
- (i) ensure that the prices charged in respect of accommodation, set meals, drinks and services are not in excess of those approved or fixed by the Minister responsible for Tourism under regulation 18;
- (j) avoid making misleading or inaccurate statements, claims or representations in advertising material or otherwise in respect of the hotel, luxury villa, self-catering establishment or restaurant and, in particular —
 - (i) using terms such as “minutes away”,

- “short distance”, “near” and similar terms without indicating the actual distance involved;
- (ii) making statements regarding prices or future prices except those approved by the Ministry responsible for Tourism;
 - (iii) using asterisks or other such symbols or smaller print in order to contradict or alter substantially any statement previously made or as a means of obscuring material facts;
 - (iv) making use of sketches, photographs or other pictorial representations to portray existing or proposed developments or non-existent scenes without indicating that such portrayal is a sketch or other pictorial representation and, where appropriate, that the proposed development or scene does not exist; and
 - (v) making use of statements, sketches, photographs or other pictorial representations relating to facilities for sports, recreation or other facilities which do not exist at the hotel, luxury villa, self-catering establishment or restaurant or within the curtilage of the hotel, luxury villa, self-catering establishment or restaurant;
 - (vi) making derogatory or unfair references to any other person licensed to keep or manage a hotel,

luxury villa, self-catering establishment or restaurant or to any premises as a hotel, luxury villa, self-catering establishment or restaurant;

(vii) permitting any gaming, drunkenness, drug abuse or disorderly conduct of any kind to take place within the premises;

(ii) in the case of a licence to keep or manage a cafeteria, cafe, or take-away business—

(a) avoid making derogatory or unfair references to any other person licensed to keep a cafeteria, cafe, or engage in a take-away business;

(b) not sell or permit the consumption of liquor on the premises licensed as a cafe or take-away;

(c) ensure that the premises comply with the physical standards laid down by the Planning Authority and the Ministry responsible for Tourism;

(d) ensure that the premises comply with the standards of hygiene laid down by the Ministry responsible for Health;

(e) ensure that the premises is kept or managed by a person qualified to manage that particular type of premises;

(f) ensure that the take-away box or plate used by the take-away business to supply meals bears a stamp, sticker or logo to identify the business premises where the take-away meal is sold; and

- (g) ensure that no seating facilities are provided for the consumption of food on the premises of the take-away business.
- (iii) in the case of a licence to keep or manage a discotheque or dancing hall —
 - (a) not employ or allow a person under the age of 18 years or a person who has been convicted of an offence under any written law at any time in force regulating or controlling the sale of, liquor to have custody or control of liquor on the premises;
 - (b) not sell liquor to a person already in a state of intoxication;
 - (c) not encourage or incite, by any means whatsoever, a person already in a state of intoxication to drink liquor on the premises;
 - (d) not permit any drunkenness, violence, drug abuse or any quarrelsome or riotous conduct of any kind on the premises;
 - (e) not allow liquor to be consumed on the premises during any time when it is not authorised under the licence to sell liquor;
 - (f) not adulterate any liquor intended for sale to the public, or have in the licence holder's possession adulterated liquor;
 - (g) ensure that the premises comply with the physical standards laid down by the Planning Authority and the Ministry responsible for Tourism;

- (h) ensure that the premises comply with the standards of hygiene laid down by the Ministry responsible for Health;
- (i) employ 2 or such larger number of security officers as may be decided by the Authority according to the capacity of the premises, at any time during the opening hours to ensure the maintenance of order on the premises;
- (j) have on the premises a metal detector for the purpose of detecting any weapon hidden on a person seeking admission to the premises;
- (k) ensure that the premises is kept or managed by a person qualified to manage that particular type of premises;
- (l) ensure that the number of persons admitted to the premises at any time does not exceed the maximum number specified in the licence;
- (m) ensure that the premises is soundproofed to the satisfaction of the Authority.

day 3. (1) The holder of a licence to keep or manage a discotheque or dancing hall shall not permit a person under 18 years of age or who is unable to produce an identification document which proves to the satisfaction of the holder of the licence that the person is 18 years old or over to enter the premises except if the premises is being used for the purposes stated in regulation 33(d).

Restriction on admission to discotheque or dancing hall

(2) It is not a defence for the holder of a licence, who has contravened this regulation, that the person admitted without proof of the person's age, appeared to be 18 years old.

Particulars of
guests

14.(1) The holder of a licence to keep or manage a hotel, luxury villa or self catering establishment shall require every guest seeking accommodation on the premises to furnish in a guest card provided by the holder of the licence the following particulars:

- (a) full name;
- (b) nationality;
- (c) particulars of any identity card, passport or other travel document issued to the guest;
- (d) the place of origin of the guest and the address of the guest in that place;
- (e) the probable duration of the stay and intended destination;
- (f) occupation and place of employment of the guest, and
- (g) the time and date of arrival.

(2) The guest shall complete and sign the guest card before occupying a room in the hotel, luxury villa or self catering establishment.

(3) Where a guest is unable to sign, the guest shall place such other mark as the holder of the licence may require.

(4) On the departure of every guest the holder of the licence shall record the time and date of the departure of the guest in the guest card.

Register of
property left by
guest

15. A book shall be kept, in such form as the Authority may specify in consultation with the Ministry responsible for Tourism, in which shall be entered without delay the particulars of any property left on the premises of a hotel, luxury villa or self-catering establishment by any guest.

Infectious
disease

16.(1) In the event of any person in a hotel or self catering establishment or luxury villa, whether a guest or otherwise,

contracting an infectious disease, the holder of the licence shall forthwith report the fact to the Medical Officer of Health or the police.

(2) The holder of the licence shall thereafter carry out the instructions given by the Medical Officer of Health or the Commissioner of Police.

17. In the event of any death of any person in a hotel, luxury villa or self-catering establishment, the holder of the licence shall without delay make or cause to be made to the officer in charge of the nearest police station a report of such death.

Deaths

18.(1) The Minister responsible for Tourism shall, within 30 days after receiving the details referred to in regulation (12)(i)(a), or where the Minister has requested additional information in respect of the details submitted, within 30 days after receiving the additional information, approve or, where the Minister considers the prices to be excessive, refuse to approve the prices submitted by the holder of a licence.

Maximum
prices

(2) Where the Minister refuses to approve the prices under subregulation (1), the Minister shall give notice of the refusal to the holder of the licence and the holder of the licence may, within 30 days after the date of the refusal, make representations to the Minister.

(3) The Minister shall, within 15 days after the period allowed under subregulation (2) for a holder of a licence to make representations and after taking into consideration any such representation, fix the maximum prices which the holder of the licence may charge in respect of accommodation, set meals, drinks and specified services.

19. Every licensed premises shall at all times be kept clean and shall be maintained in good order and repair.

Maintenance
of premises

20. No refuse or filth shall be deposited in any part of the premises except in refuse bins.

Disposal of
refuse

Fire-fighting
equipment, etc.

21.(1) Fire-fighting equipment shall be installed and maintained and staircases and exits shall be provided and maintained in all licensed establishments to the satisfaction of the Ministry responsible for Fire Services.

(2) Where lifts are provided, they shall be kept in good and safe operational condition.

(3) All staircases, passages, landings and exits shall be kept clear of obstructions and doors shall be so constructed and fitted as to be capable of being readily opened.

Staircases

22. Every staircase of a licensed premises shall be provided with sufficient handrails securely fixed and all such staircases and handrails shall be kept in good repair and structurally sound condition.

Search of
persons seeking
admission to
discotheque or
dancing hall

23.(1) Where a licence holder, the agent or servant of the licence holder suspects that a person, who is seeking entrance to the discotheque or dancing hall, is in possession of any weapon, the licence holder, the agent or the servant of the licence holder may require the person to submit to a search and if the person refuses to submit, the licence holder, the agent or the servant of the licence holder shall refuse the person admission to the premises.

(2) A female person seeking admission to a discotheque or dancing hall, if the need arises, shall be searched only by a female agent or servant of the licence holder.

(3) If during a search under this regulation a weapon or liquor is found on the person seeking admission the licence holder, the agent or the servant of the licence holder shall refuse admission to the person onto the premises.

(4) No person except a Police Officer on duty or any other person under the authority of the Commissioner of Police may be allowed to enter a premises licensed as a discotheque or dancing hall with a weapon.

(5) A person who contravenes this regulation is guilty of an offence and is liable to a fine of not less than Rs5000 and not exceeding Rs50,000 and to imprisonment for two years.

(6) The holder of a licence shall be in breach of the condition of the licence if a weapon which could have been detected by a metal detector required under Regulation 12 (iii) (j) is found on the premises.

24.(1) The holder of a licence to keep or manage a hotel, self-catering establishment, restaurant, cafeteria, cafe, dancing hall, or discotheque shall refuse to admit to, and shall expel from, the premises any person —

Power to
refuse
admission

- (i) who is drunk, violent, quarrelsome or disorderly,
- (ii) whose presence on the premises would make the holder of the licence liable to a penalty under the Act or any other written law, or
- (iii) who is prohibited by a notice under subregulation (2) from entering the premises; or
- (iv) who refuse to submit to a search under regulation 23.

(2) The Commissioner of Police may issue a notice to a person who has been expelled from or refused admission on more than one occasion to the premises under subregulation (1) and who, in the opinion of the Commissioner of Police, has on the premises —

- (a) caused annoyance to any person;
- (b) caused a nuisance;
- (c) behaved in a manner likely to cause a breach of peace;
- (d) behaved in a disorderly or indecent manner;
- (e) publicly done an indecent act;
- (f) used indecent or obscene language; or
- (g) solicited for immoral purposes,

prohibiting that person for a specified period not exceeding 12 months from entering the premises specified in the notice.

(3) A notice under sub-regulation (2) shall be delivered personally to the person to whom it is addressed and copies of the notice together with a photograph of the person banned shall be sent to all licence holders of such premises and to the Authority

(4) A person to whom a notice has been delivered under subregulation (3) who fails to comply with the notice shall be guilty of an offence and liable to imprisonment for 2 years.

(5) A police officer may, on the demand of the holder of the licence or the manager of the premises, expel or help to expel from the premises any person who has been refused admission to, or expelled from, the premises or who has been issued with a notice under this regulation.

Admission to
hotel's
restaurant or
bar

25. The holder of a licence to keep or manage a hotel shall not refuse to admit to the restaurant or bar of the premises any person provided that the premises is not closed for a private function or the person has not been issued a notice under regulation 24.

Suspension,
revocation and
non-renewal of
licence

26.(1) The Authority may suspend, revoke, or refuse to renew, a licence to keep or manage a hotel, self-catering establishment, restaurant, cafe, cafeteria, discotheque or to engage in a take-away business or provide catering services where the Authority has reasonable grounds to believe that the holder of the licence—

- (a) has made any misrepresentation or failed to disclose any material fact in applying for the licence and thereby influenced the Authority to grant the licence;
- (b) has acted in contravention of this Act;
- (c) has contravened any conditions of the licence;
- (d) is incapable of providing the services authorised by the licence;

- (e) has not carried on the business for which the licence was granted for a continuous period of 6 months;
- (f) or the manager or any of the directors of the licence holder has been convicted of an offence involving dishonesty, fraud or moral turpitude;
- (g) or the manager or any of the directors of the licence holder has been discourteous on at least two occasions within a period of one year to any officer of the Authority or the Ministry responsible for Tourism when the officer was performing any duties under this Act.

(2) Where the Authority suspends, revokes or refuses renewal of a licence, the Authority shall give the licence holder or the applicant an opportunity of making representations and having considered such representations, inform its decision to the licence holder or the applicant as the case may be.

(3) Where a licence is suspended or revoked, the licence holder shall cease to carry on the licensed activity whether an appeal against the suspension or revocation of the licence has been preferred or not.

27.(1) Except as is provided for in subregulation (2), a licence shall be valid for 12 months from the date of issue unless earlier revoked by the Authority, and is not transferable.

Validity of a
licence

(2) A licence for a dancing hall shall be for the period specified in the licence.

28. The holder of a licence shall —

- (i) display the licence at a conspicuous place at the licence holder's principal place of business;
- (ii) clearly and conspicuously display on the premises of the hotel, luxury villa, self-catering establishment, restaurant, cafeteria, cafe or take-

Display of
licence etc.

away business for the information of guests and the public, where applicable, a list of the prices for accommodation, set meals, drinks and services provided by the licence holder;

- (iii) display in a conspicuous place outside the hotel, luxury villa, self catering establishment, restaurant, cafe, cafeteria or take-away business a signboard showing plainly in English and such other language as the licence holder may require, the name and type of the establishment.

Licence fees

29.(1) The licence fees payable under these Regulations are specified in Schedule 1.

(2) The licence fee in respect of a hotel, luxury villa or self catering establishment is payable not later than the 1st day of the following month. If the holder of the licence fails to pay the licence fee accordingly the licence shall be deemed to have expired without prejudice to the right of the Authority to recover the fee or instalment due on the date the licence is deemed to have expired.

Surcharge

30. A person who was the holder of a licence and who makes an application, after the expiration of the licence, for the same type of licence, shall, unless the Authority is satisfied that the person had, after the expiration of the person's licence, ceased to carry on the activity that had been licensed, be liable, in addition to the licence fee and any other penalty under this Act, to a surcharge equal to 10% of the licence fee for each month or part thereof constituting the period between the date of expiration of the licence and the date of the application.

Powers of entry inspection and search

31.(1) Any person authorised by the Authority or a police officer not below the rank of sergeant may, at any time, enter a licensed premises or any building or place reasonably suspected of being used for the purpose of a hotel, luxury villa, self catering, establishment, restaurant, cafeteria, cafe, discotheque, take-away

business, dancing hall or providing catering services, for the purpose of ensuring compliance with these regulations and may make such search and inspection as is considered necessary.

(2) Without prejudice to the generality of the powers referred to in subregulation (1), any such person or officer referred to in subregulation (1) may —

- (a) inspect registers and other documents kept by the licence holder or occupant;
- (b) inspect the building and all parts thereof and the facilities for cooking and sanitation;
- (c) enter into rooms to identify guests; and
- (d) question the holder of the licence or occupant and employees.

(3) The licence holder shall provide all the necessary assistance possible to such person or officer referred to in subregulation (1) to enable such person or officer to conduct such inspection or search referred to in subregulations (1) & (2).

(4) A person or officer referred to in subregulation (1) shall provide proof of the person's or officer's identity or authorisation to the licence holder or the licence holder's servant prior to conducting any search or inspection referred to in subregulations (1) & (2).

32. No person shall hinder or obstruct a police officer or a person authorised by the Authority in the performance of the officer's or authorised person's functions under these Regulations.

Obstruction of
Police Officer
etc.

33. These Regulations shall not apply to the following classes of premises or services provided therein —

Exemptions

- (a) student hotels approved by the Authority;
- (b) residential clubs and other institutions approved by the Authority;

- (c) any building used exclusively for the boarding of persons under the control of a religious institution, school or training institution.
- (d) licensed discotheques, or dancing halls, when the premises are being used upon the approval of the Authority to host —
 - (i) a private function;
 - (ii) an indoor sporting competition, fashion show or cultural show or other show where there is no restriction on the age of admission.

Repeal of
Sub. Leg.

34. The Licences (Accommodation, Catering and Entertainment Establishments) Regulations 1996 are hereby repealed.

Transitional
provisions

35.(1) Any licence granted under the Licences (Accommodation, Catering and Entertainment Establishments) Regulations 1996 and in force on the commencement of these Regulations shall continue in force until the expiry of the licence.

(2) Holders of licences for guesthouses of 14 rooms or less issued under the repealed regulations shall be deemed to hold a self catering establishment licence.

(3) Holders of licences for guesthouses of more than 14 rooms issued under the repealed regulations shall be deemed to hold a hotel licence.

(4) Holders of licences for existing discotheques have 24 months from the commencement of these Regulations to comply with regulation 12(iii)(m).

SCHEDULE 1

Reg 4(1)

LICENCES FEES

- | | | |
|-----|---|---------------------------|
| 1. | Processing fee for an application for a licence. | R. 75 |
| 2. | Licence fee to keep or manage a cafe | R. 500 |
| 3. | Licence fee to keep or manage a cafeteria | R. 800 |
| 4. | Licence fee to engage in providing catering services | R. 200 |
| 5. | Licence fee to keep or manage a dancing hall | R. 350 |
| 6. | Licence fee to keep or manage a discotheque | R. 1100 |
| 7. | Licence fee to keep or manage a hotel | R. 310 per room per year; |
| 8. | Licence fee to keep or manage a luxury villa | R. 310 per room per year; |
| 9. | Licence fee to keep or manage a Restaurant | R. 15 per cover per year |
| 10. | Licence fee to keep or manage a self-catering establishment | R. 160 per room per year; |
| 11. | Licence fee to engage in a take-away business | R. 500 |

SCHEDULE 2

Reg 4(1)

DOCUMENTS TO ACCOMPANY APPLICATION

1. Hotel, Luxury Villa, Self Catering Establishment
 - (i) In the case of an individual applying for a licence to keep or manage a hotel, luxury villa or self catering establishment —
 - (a) a certified copy of a certificate showing that the applicant possesses a degree or diploma in hotel

management from an institution of international reputation acceptable to the Authority.

- (b) documentary proof to the satisfaction of the Authority that the applicant has the necessary experience and finance to keep and manage the type of hotel referred to in the application;
- (c) where the number of hotel rooms is less than 25 and the hotel is categorised as a small hotel, the applicant shall be required to provide only documentary proof to the satisfaction of the Authority that the applicant has the necessary experience in hotel management to keep or manage this type of establishment and the necessary finance to keep and manage the hotel.
- (d) the fee for the first month of operation as set out in Schedule 1;
- (e) documents showing that the hotel has been registered as a business name under the Registration of Business Names Act;
- (f) in the case of any application for a licence to keep or manage a new hotel, luxury villa or self catering establishment or one which has been renovated —
 - (i) planning approval and certificate of occupancy that the premises comply with all the planning requirements under the laws of Seychelles;
 - (ii) certificate from the person in charge of Fire Brigade that the premises comply with all the planning requirements relating to fire protection under the laws of Seychelles;
 - (iii) letter of approval to carry on the project from the Ministry responsible for Tourism;
- (g) certificate of registration issued by the Ministry responsible for Tourism or the Authority if any which is responsible for registration of hotels.

- (ii) in the case of a manager, of an establishment belonging to a firm or body corporate, applying for a licence —
 - (a) documentary proof to the satisfaction of the Authority that the manager of the premises possesses a degree or diploma from an institution of international repute acceptable to the Authority and having the necessary experience to keep the type of establishment referred to in application and licence fees as specified in paragraph 1(i)(d);
 - (b) proof that the firm or body corporate has the necessary finance to keep and manage the type of establishment referred to in the application;
 - (c) documentary proof to the satisfaction of the Authority that the firm or body corporate is the owner or lessee of the premises;
 - (d) if a licence requested is for a newly constructed or renovated hotel, luxury villa or self catering establishment documents specified in paragraph 1(i)(f).
 - (e) certificate of registration issued by the Ministry responsible for Tourism or the Authority if any which is responsible for registration of hotels.

2. Restaurant, Cafeteria, Discotheque, Dancing Hall, Take-Away Business Or Providing Catering Services.

- (i) in the case of an individual applying for any type of licence referred to above the applicant shall provide documentary proof to the satisfaction of the Authority that —
 - (a) the applicant has the necessary experience and finance to keep and manage the type of establishment to which the application refers;
 - (b) the business name of the establishment has been registered under the Registration of Business Names Act;
 - (c) that the applicant is the owner or lessee of the premises;

- (d) that the premises to be used for catering services or take-away business has been approved by the Ministry responsible for Health as satisfying the health requirements under the laws of Seychelles.
- (e) in the case of an application for a licence to keep and manage an establishment in a new premises or a premises which has recently been renovated, the following documents:
 - (i) planning approval and certificate of occupancy that the premises comply with all the planning requirements under the laws of Seychelles;
 - (ii) certificate from the person in charge of the Fire Brigade that the premises comply with all the planning requirements relating to fire protection under the laws of Seychelles;
 - (iii) except in the case of take-away business, dancing hall and providing catering services, a letter of approval to carry on the project from the Ministry responsible for Tourism;
- (ii) In the case of a firm
 - (a) the documents specified in paragraph 2 (i) (a) in respect of each of the partners of the firm and documents specified in paragraph 2(i)(c) and (d) where applicable;
 - (b) the certificate of registration of the firm and the licence fees as specified in Schedule 1.
- (iii) in the case of a corporate body
 - (a) a true copy of the certificate of incorporation and memorandum of association;
 - (b) documents specified in paragraph 2 (i) (a), (c), (d) and (e) and the licence fee specified in Schedule 1;
 - (c) documentary proof to the satisfaction of the Authority that the applicant has in employment persons having

the necessary experience to keep the type of establishment to which the application refers;

- (d) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises.

made this 8th day of February, 2001.

JAMES MICHEL
VICE-PRESIDENT