

S.I. 102 of 2020

TOURISM DEVELOPMENT ACT, 2019

*(Act 8 of 2019)***Tourism Development (Accommodation Establishments)
Regulations, 2020**

In exercise of the powers conferred by section 18 of the Tourism Development Act, the Minister responsible for Tourism makes the following regulations —

1. These regulations may be cited as the Tourism Development (Accommodation Establishments) Regulations, 2020. Citation

2. In these regulations — Interpretation

“beneficial interest” means an interest or control in an accommodation establishment or a right to receive benefits through ownership or any other means;

“carrying capacity” means the acceptable level of change that can occur in a given place or region with a view of achieving sustainable development and safeguarding environmental protection;

“Environment Impact Assessment” means an Environmental Impact Assessment Study carried out in accordance with the Environment Protection (Impact Assessment) Regulations, 1996 (S.I. 39 of 1996);

“development plan” means the development plan specified in section 4 of the Town and Country Planning Act (Cap 237);

“Management contract” means an agreement between the investors or owners of an accommodation establishment and a company hired for coordinating and overseeing the establishment in consideration of a management fee;

“non-Seychellois” shall have the same meaning assigned to it in the Immovable Property (Transfer Restriction) Act, 1963 (Cap 95).

“Seychellois” means a person who is a citizen of Seychelles and includes a company which has full beneficial interest in the assets of an accommodation establishment.

Bed
capacity

3.(1) Accommodation establishments shall be built on the basis of study on carrying capacity and development plan of the island concerned.

(2) Subject to sub-regulation (1) —

- (a) on La Digue, the size of new accommodation establishments shall be limited to 5 rooms (10 beds) per developer;
- (b) development of new accommodation establishments in Beau Vallon, Bel Ombre and Glacis shall be limited to 20 rooms per developer;
- (c) for the rest of Mahe and Praslin, the size of new accommodation establishments shall be limited to 24 rooms;
- (d) tourism development on Cerf Island shall be limited to 15 rooms per developer;
- (e) development scope on other islands shall be guided by Environment Impact Assessment,

and the Environment Impact Assessment shall determine whether environmental authorisation has to be granted or not; and

- (f) The Environment Impact Assessment shall decide the size of the accommodation establishment on an island considering the size and special features of the island.

(3) The study on carrying capacity shall be conducted every five years by an independent person appointed by the Minister.

(4) A person may have beneficial interest in one or more accommodation establishments where the total number of rooms does not exceed the limit specified in paragraphs (a), (b) and (c) of subregulation (2).

(5) Where a person has beneficial interest in a parcel of land, it shall be deemed to constitute a beneficial interest in the development.

4.(1) Any investment involving a non-Seychellois shall require the approval of the Seychelles Investment Board.

Restriction on ownership of accommodation establishment

(2) No person other than a Seychellois shall be eligible to own or invest in an accommodation establishment having 15 rooms or fewer.

(3) A non-Seychellois may own up to 80 percent of the shares in an accommodation establishment of 16 to 24 rooms.

(4) A non-Seychellois may own 100 percent shares in an accommodation establishment of 25 rooms or more.

5.(1) Management contracts for an accommodation establishment of up to 15 rooms shall be held only by Seychellois.

Management contracts

(2) Notwithstanding sub-regulation (1), granting of management contracts or leasing out of accommodation establishments of 16 rooms or more that have foreign investment up to 80 percent, to non-Seychellois may be considered subject to the following conditions —

- (a) the licence for management contract shall be issued in the name of the non-Seychellois who shall be responsible for the operations, administration and management of the accommodation establishments;
- (b) the owner shall not be involved in the operations of the hotel but is entitled to collect a fixed management fee from the management contractor or lessee;
- (c) the management contractor or lessee shall be considered as the owner and manager, during the term of the management contract or lease, regarding all earnings and liabilities except the hotel property.

Location
and access

6.(1) All accommodation establishments shall be located in areas where the land classification allows tourism development.

(2) Accommodation establishments shall not be allowed in high density residential areas unless the parcel of land is within an area conducive to tourism as may be determined by the Tourism Department in consultation with the Seychelles Planning Authority.

(3) The parcel and surrounding areas shall be conducive to tourism establishments and shall not be within a radius of 100 metres of —

- (a) any parcel designated under the development plan for crop production, small scale

agriculture, livestock, small industry or medium industry;

- (b) any heavy commercial activities such as mechanical garage, carpentry, mechanical workshops or activities that require heavy loading and unloading such as warehousing and wholesale distributors; and
- (c) any other activities that may cause noise, smell or other visible pollution.

7.(1) An application for a licence under regulation 5(2)(i) shall be accompanied by a bank guarantee of not less than SCR500,000 issued in favour of the Seychelles Licencing Authority.

Financial guarantee

(2) Subject to sub-regulation (1), a copy of the lease agreement with the owner of the accommodation establishment shall also be submitted with the application.

8.(1) Accommodation establishments and residential facilities shall not be permitted to function within the same building, block or apartment or on the same parcel of land.

Mixed use development of tourism and residential

(2) Notwithstanding sub-regulation (1), residential facility of owners or managers of tourism accommodation establishments can be located on the same parcel of land if separate access is provided to the accommodation establishment and residential facility.

(3) No portion of the owner's or manager's residential facility shall be let out.

9.(1) Accommodation establishments and commercial development activities may function within the same complex, unit, house or parcel of land only if such activities are compatible for accommodation establishments.

Mixed use development of tourism and commercial

(2) The Ministry shall assess the compatibility of activities based on the impact of the activity on people at any given time and the level of nuisance of potential disturbances to clients.

Risk
management
and
insurance
cover

10.(1) An accommodation establishment shall have a comprehensive crisis management plan that integrates emergency response and evacuation plans and procedures for multi-hazard preparedness for disaster risk reduction, safety and security.

(2) An accommodation establishment shall have appropriate insurance cover with a disaster insurance policy including third party liability.

MADE this 20th day of August, 2020.

DIDIER DOGLEY
MINISTER OF TOURISM, CIVIL AVIATION,
PORTS AND MARINE
