



Official Gazette

No. 22

XLV

No. 22

Published by Authority

Friday 28th February 2020

GOVERNMENT NOTICES

The following Government Notice is published by Order of the President.

No. 136 of 2020

GAZETTE SUPPLEMENTS

The following Regulations and Bills are published as Legal Supplements to this number of the Official Gazette.

Gazette	Description	Price
22	Immigration (Amendment) Regulations, 2020. (S.I. 24 of 2020)	1.15
	Anti-Corruption (Amendment) Bill, 2020. (Bill No. 4 of 2020)	2.75
	Financial Institutions (Amendment) Bill, 2020. (Bill No. 5 of 2020)	2.75
	Financial Services Authority (Amendment) Bill, 2020. (Bill No. 6 of 2020)	2.75
	Foundations (Amendment) Bill, 2020. (Bill No. 7 of 2020)	2.75
	International Business Companies (Amendment) Bill, 2020. (Bill No. 8 of 2020)	2.75
	Limited Partnerships (Amendment) Bill, 2020. (Bill No. 9 of 2020)	2.75
	Securities (Amendment) Bill, 2020. (Bill No. 10 of 2020)	2.75

No. 137 of 2020

NOTICE

The Minister responsible for environment proposes to designate in exercise of powers conferred by section 5 of the National Parks and Nature Conservancy Act (*Cap 141*) read with the Transfer of Statutory Functions (Seychelles National Environment Commission) Order (*S.I. 61 of 1998*) certain areas specified in the Schedule to be National Parks and hereby gives notice of his intention as required by section 6 of the said Act and regulation 2 of the National Parks and Nature Conservancy (Procedure for Designation of Areas) Regulations (*S.I. 110 of 1971*) to do so.

A copy of the map relating to each area proposed to be designated as National Parks specified in the Schedule may be inspected without payment of fee during normal working hours at —

- (a) the Documentation Centre of the Ministry of Environment, Energy and Climate Change, Botanical Gardens, Mont Fleuri, Mahé; or
- (b) the Department of Environment, Fond B'Offay, Praslin.

An owner or a person having an interest in any area as specified in the Schedule may make a representation in writing to the Principal Secretary, Department of Environment, Botanical Gardens, Mont Fleuri, Mahé on or before the 16th March, 2020.

SCHEDULE

(1) Aldabra Group (Marine) National Park

Aldabra Group (Marine) National Park shall comprise an area surrounding the Aldabra Group and following the Seychelles exclusive economic zone border from Tanzania to Madagascar with the boundary starting at the southernmost point of EEZ at Point 54 (UTM38, 583,807.45; 8,768,462.93), northwest to Point 55 (UTM38, 554,642.81; 8,794,475.76), northwest to Point 56 (UTM38, 483,583.61; 8,844,829.37), northwest to Point 57 (UTM38, 301,113.69; 9,113,825.85), east to Point 58 (UTM39, 407,934.64; 9,113,939.18), south to Point 59 (UTM39, 407,934.64; 8,779,602.01), northwest to Point 60 (UTM39, 328,431.16; 8,862,842.05), southwest to Point 61 (UTM39, 225,219.20; 8,780,563.75), west-northwest to Point 62 (UTM38, 709,055.59; 8,822,044.50), then southwest back to Point 54, the point of commencement.

Aldabra Group (Marine) National Park shall not include:

Aldabra Special Reserve with the boundary starting at southwest corner Point 9 Starting at southwest corner Point 63 (UTM38, 618,873.19; 8,939,000.39), north to Point 64 (UTM38, 618,999.96; 8,980,000.05), east to Point 65 (UTM38, 681,998.89; 8,979,758.49), south to Point 66 (UTM38, 681,804.94; 8,938,749.48), then west back to Point 63, the point of commencement.

Cosmoledo and Astove Islands with the boundary starting at southwest corner Point 13 (UTM38, 784,775.23; 8,860,262.37), northwest to Point 14 (UTM38, 745,079.85; 8,932,483.36), northeast to Point 15 (UTM38, 781,899.34; 8,961,737.19), southeast to Point 16 (UTM38, 809,212.81; 8,941,233.91), south to Point 17 (UTM39, 175,032.64; 8,859,912.98) and west back to Point 13, the point of commencement.

(2) Bird Island (Ile aux Vaches) (Marine) National Park

Bird Island (Ile aux Vaches) (Marine) National Park shall comprise an area on the Mahé Plateau surrounding Bird Island (Ile aux Vaches), with the boundary starting at the southwest corner Point 38 (UTM40, 290,471.17; 9,581,844.20), northwest to Point 39 (UTM40, 287,236.15; 9,587,657.65), northeast to Point 40 (UTM40, 302,495.61; 9,591,774.46), southeast to Point 41 (UTM40, 306,337.82; 9,585,781.64), then southwest back to Point 38, the point of commencement.

(3) D'Arros Atoll (Marine) National Park

D'Arros Atoll (Marine) National Park shall comprise an area in the Amirantes Group surrounding D'Arros Atoll, with the boundary starting at the southwest corner Point 14 (UTM39, 750,067.36; 9,398,310.33), north to Point 15 (UTM39, 750,067.36; 9,402,535.58), east to Point 16 (UTM39, 755,972.20; 9,402,535.58), south to Point 17 (UTM39, 755,972.20; 9,398,310.33), then west back to Point 14, the point of commencement.

(4) D'Arros to Poivre Atolls (Marine) National Park

D'Arros to Poivre Atolls (Marine) National Park shall comprise an area in the Amirantes Group between the D'Arros and Poivre Atolls, with the boundary starting at the southwest corner Point 18 (UTM39, 741,163.01; 9,366,928.97), north to Point 19 (UTM39, 741,452.63; 9,395,235.43), east to Point 20 (UTM39, 754,463.26; 9,395,105.46), south to Point 21 (UTM39, 754,176.23; 9,366,793.25), then west back to Point 18, the point of commencement.

(5) Amirantes South (Marine) National Park

Amirantes South (Marine) National Park shall comprise an area in the Amirantes Group surrounding the islands of Etoile, Boudeuse, Desnoeufs and Marie-Louise with the boundary starting at the southernmost point, Point 30 (UTM39, 717,289.79; 9,296,478.68), northwest to Point 31 (UTM39, 692,121.55; 9,317,384.30), northeast to Point 32 (UTM39, 726,891.98; 9,352,899.74), southeast to Point 33 (UTM39, 739,566.43; 9,319,129.34), then southwest back to Point 30, the point of commencement.

MADE this 27th day of February, 2020.

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

No. 138 of 2020

NOTICE

The Minister responsible for environment proposes to designate in exercise of powers conferred by section 5 of the National Parks and Nature Conservancy Act (*Cap 141*) read with the Transfer of Statutory Functions (Seychelles National Environment Commission) Order (*S.I. 61 of 1998*) certain areas specified in the Schedule to be Areas of Outstanding Natural Beauty and hereby gives notice of his intention as required by section 6 of the said Act and regulation 2 of the National Parks and Nature Conservancy (Procedure for Designation of Areas) Regulations (*S.I. 110 of 1971*) to do so.

A copy of the map relating to each area proposed to be designated as an Area of Outstanding Natural Beauty specified in the Schedule may be inspected without payment of fee during normal working hours at —

- (a) the Documentation Centre of the Ministry of Environment, Energy and Climate Change, Botanical Gardens, Mont Fleuri, Mahé; or
- (b) the Department of Environment, Fond B'Offay, Praslin.

An owner or a person having an interest in any area as specified in the Schedule may make a representation in writing to the Principal Secretary, Department of Environment, Botanical Gardens, Mont Fleuri, Mahé on or before the 16th March, 2020.

SCHEDULE

(1) Amirantes (Marine) to Fortune Bank (Marine) Area of Outstanding Natural Beauty.

Amirantes (Marine) to Fortune Bank (Marine) Area shall comprise an area from the Amirantes Group, across the Mahé Plateau to Fortune Bank with the boundary starting at the southwest corner at Point 1, (UTM39, 665,317.06; 9,115,400.93), north to Point 2 (UTM39, 666,464.23; 9,294,411.65), northeast to Point 3 (UTM39, 754,795.44; 9,502,203.13), northeast to Point 4 (UTM40, 298,195.18; 9,612,943.93), east southeast to Point 5 (UTM40, 401,718;

9,594,669.03), southeast to Point 6 (UTM40, 555,379.82; 9,389,615.42), south to Point 7 (UTM40, 555,136.09; 9,115,222), then west back to Point 1, the point of commencement.

Amirantes (Marine) to Fortune Bank (Marine) Area shall not include Port of Victoria which comprises an area on the Mahé Plateau surrounding the Inner Islands with the boundary starting at the southernmost Point 8 (UTM40, 335,519.25; 9,460,050.57), northwest to Point 9 (UTM40, 292,934.33; 9,483,907.25), north to Point 10 (UTM40, 292,840.07; 9,520,772.40), northeast to Point 11 (UTM40, 337,214.53; 9,535,612.97), east to Point 12 (UTM40, 385,316.68; 9,535,689.85), south to Point 13 (UTM40, 394,622.35; 9,491,480.72), then southwest back to Point 8, the point of commencement.

(2) Denis Island (Marine) Area of Outstanding Natural Beauty.

Denis Island (Marine) Area shall comprise an area on the Mahé Plateau, with the boundary starting at the southwest corner Point 42 (UTM40, 349,175.37; 9,576,237.87), north to Point 43 (UTM40, 349,175.37; 9,582,007.33), east to Point 44 (UTM40, 354,549.16; 9,582,007.33), south to Point 45 (UTM40, 354,549.16; 9,576,237.87), then west back to Point 42, the point of commencement.

(3) Desroches Atoll (Marine) Area of Outstanding Natural Beauty.

Desroches Atoll (Marine) Area shall comprise an area in the Amirantes Group with the boundary starting at the southwest corner Point 26 (UTM39, 783,597.32; 9,366,519.92), north to Point 27 (UTM39, 783,531.18; 9,383,618.65), east to Point 28 (UTM39, 802,978.09; 9,383,585.58), south to Point 29 (UTM39, 803,044.24; 9,366,519.92), then west back to Point 26, the point of commencement.

(4) Poivre Atoll (Marine) Area of Outstanding Natural Beauty.

Poivre Atoll (Marine) Area shall comprise an area in the Amirantes Group, with the boundary starting at the southwest corner Point 22 (UTM39, 752,165.59; 9,358,018.46), north to Point 23 (UTM39, 752,074.54; 9,366,793.26), east to Point 24 (UTM39, 758,493.46; 9,366,793.26), south to Point 25 (UTM39, 758,561.74; 9,358,007.08), then west back to Point 22, the point of commencement.

(5) Alphonse Group (Marine) Area of Outstanding Natural Beauty.

Alphonse Group (Marine) Area shall comprise an area in Alphonse Group with the boundary starting at the southwest corner Point 34 (UTM39, 688,106.48; 9,205,854.36), north to Point 35 (UTM39, 688,118.34; 9,227,940.26), east to Point 36 (UTM39, 697,792.05; 9,227,937.66), south to Point 37 (UTM39, 697,792.05; 9,205,852.26), then west back to Point 34, the point of commencement.

(6) Farquhar Atoll (Marine) Area of Outstanding Natural Beauty.

Farquhar Atoll (Marine) Area shall comprise an area in Farquhar Archipelago with the boundary starting at the southwest corner Point 50 (UTM39, 501,264.44; 8,864,392.17), north to Point 51 (UTM39, 501,261.54; 8,884,051.04), east to Point 52 (UTM39, 522,174.30; 8,884,051.81), south to Point 53 (UTM39, 522,178.42; 8,864,395.73), then west back to Point 50, the point of commencement.

(7) Farquhar Archipelago (Marine) Area of Outstanding Natural Beauty.

Farquhar Archipelago (Marine) Area shall comprise an area in Farquhar Archipelago, with the boundary starting at the southwest corner Point 46 (UTM39, 474,467.71; 8,839,295.43), northwest to Point 47 (UTM39, 441,389.17; 8,997,734.34), northeast to Point 48 (UTM39, 522,003.56; 9,043,836.71) southeast to Point 49 (UTM39, 552,916.88; 8,857,692.59), then west-southwest back to Point 46, the point of commencement.

(8) Cosmoledo and Astove Archipelago (Marine) Area of Outstanding Natural Beauty.

Cosmoledo and Astove Archipelago (Marine) Area shall comprise an area with the boundary starting at southwest corner Point 67 (UTM38, 784,775.19; 8,860,262.37), northwest to Point

68 (UTM38, 745,079.85; 8,932,483.36), northeast to Point 69 (UTM38, 781,899.34; 8,961,737.19), southeast to Point 70 (UTM38, 809,212.86; 8,941,233.91), south-southeast to Point 71 (UTM39, 175,032.64; 8,859,912.98), then west back to Point 67, the point of commencement.

MADE this 27th day of February, 2020.

WALLACE COSGROW
MINISTER OF ENVIRONMENT, ENERGY AND CLIMATE CHANGE

**INTERNATIONAL BUSINESS COMPANIES (AMENDMENT)
BILL, 2020**

(Bill No. 8 of 2020)

OBJECTS AND REASONS

The Beneficial Ownership Bill, 2020 (Bill No. 3 of 2020) was published in the Official Gazette on 4th February, 2020 and laid before this August House for consideration. In view of the enactment of the said legislation, certain consequential amendments are required to be made in the International Business Companies Act, 2016 (Act 15 of 2016).

This Bill seeks to amend sections 173, 272, 349, repeal of Part XX and repeal of subparagraph (b) of subsection (1) of section 390 of the International Business Companies Act, 2016 (Act 15 of 2016) to ensure the maintenance of the register of beneficial owners under the Beneficial Ownership Act.

Dated this 28th day of February, 2020.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

**INTERNATIONAL BUSINESS COMPANIES
(AMENDMENT) BILL, 2020**

(Bill No. 8 of 2020)



A BILL

OF

AN ACT to amend the International Business Companies Act, 2016.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the International Business Companies (Amendment) Act, 2020 and shall come into operation on such date as the Minister responsible for Finance may appoint, by Notice published in the Gazette.

Short title and
commencement

Act 15 of
2016

2. The International Business Companies Act, 2016 is hereby amended as follows: —

- (a) in section 173 (1) —
 - (i) in paragraph (f), insert the word “and”, after the word “directors;”;
 - (ii) repeal paragraph (g);
- (b) in section 272 (1) (b) —
 - (i) in subparagraph (iv), by repealing the words “, register of beneficial owners”;
 - (ii) after subparagraph (iv), insert the following subparagraph —

“(iva) register of beneficial owners to be maintained under the Beneficial Ownership Act, 2020;”;
- (c) in section 349 (1) (c), by inserting the words “maintained under the Beneficial Ownership Act, 2020” after the words “beneficial owners”;
- (d) by repealing PART XX; and
- (e) by repealing subparagraph (b) of subsection (1) of section 390.

ANTI-CORRUPTION (AMENDMENT) BILL, 2020*(Bill No. 4 of 2020)***OBJECTS AND REASONS**

The Anti-Money Laundering and Countering the Financing of Terrorism Bill, 2020 (Bill No. 2 of 2020) was published in the Official Gazette on 4th February, 2020 and laid before this August House for consideration. In view of the enactment of the said legislation, certain consequential amendments are required to be made in the Anti-Corruption Act, 2016 (Act 2 of 2016) to expand the functions of the Anti-Corruption Commission.

This Bill seeks to amend section 5 of the Anti-Corruption Act, 2016 (Act 2 of 2016) to empower the Anti-corruption Commission to investigate money-laundering aspects in corruption cases.

Dated this 28th day of February, 2020.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

ANTI-CORRUPTION (AMENDMENT) BILL, 2020

(Bill No. 4 of 2020)



A BILL

OF

AN ACT to amend the Anti-Corruption Act, 2016.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Anti-Corruption (Amendment) Act, 2020 and shall come into operation on such date as the Minister responsible for Finance may appoint, by Notice published in the Gazette.

Short title and
commencement

Act 2 of 2016

2. In section 5 of the Anti-Corruption Act, 2016, by repealing paragraph (a) of subsection (1) and substituting therefor the following paragraph —

“(a) to enquire into and conduct investigation of offences relating to corruption and money laundering offences in furtherance of such corrupt practices;”.

S.I. 25 of 2020

MISUSE OF DRUGS ACT

(Act 5 of 2016)

Misuse of Drugs (Cannabidiol-based Products for Medical Purposes) Regulations 2020

ARRANGEMENT OF REGULATIONS

**PART I
PRELIMINARY**

1. Citation and commencement.
2. Interpretation.
3. Object of regulations.

**PART II
IMPORTATION OF MEDICINAL CANNABIS**

4. Importation of medicinal cannabis.
5. Records on imported medicinal cannabis.
6. Prohibition on entering or leaving Seychelles with medicinal cannabis.

**PART III
APPROVAL TO PRESCRIBE MEDICINAL CANNABIS**

7. Submission of medical certification by Specialist.
8. Information to be included in medical certification.
9. Review of medical certification by Authority.
10. Maintenance of confidential register.
11. Grant of medicinal cannabis permit by the Authority.
12. Issuance of prescription by Specialist or medical practitioner.

**PART IV
ACCESS TO MEDICINAL CANNABIS**

13. Use of medicinal cannabis.
14. Dose limitation.

15. Caregiver.
16. Dispensing of medicinal cannabis to a patient.

PART V
MISCELLANEOUS

17. General duties of medical practitioners.
18. Prohibition on advertisement.
19. Prohibition on smoking and cultivating cannabis.
20. General duties of caregivers and family members.

Schedule 1

S.I. 25 of 2020**MISUSE OF DRUGS ACT***(Act 5 of 2016)***Misuse of Drugs (Cannabidiol-based Products for Medical Purposes) Regulations, 2020**

In exercise of the powers conferred by section 54(2)(a) of the Misuse of Drugs Act, 2016, the Minister responsible for home affairs, in consultation with the Minister responsible for health, makes the following regulations —

**PART I
PRELIMINARY**

1. These regulations may be cited as the Misuse of Drugs (Cannabidiol-based Products for Medical Purposes) Regulations, 2020, and shall come into operation on 1 July 2020.

Citation and
commencement

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

Interpretation

“Act” means the Misuse of Drugs Act, 2016;

“Agency” means the Health Care Agency established under the Health Care Agency Act, 2013;

“Authority” means the Public Health Authority established under the Public Health Authority Act, 2013;

“cannabidiol” or “CBD” means a substance found in the cannabis plant which;

(a) contains cannabidiol; or

(b) either —

- (i) does not contain a specified substance; or
- (ii) contains specified substances in an amount that is no more than 2% of the sum of the amount of cannabidiol in the product; and
- (c) does not contain any other controlled drug; and
- (d) does not contain any other psychoactive substance or new psychoactive substance as defined in section 2 of the Act.

For the avoidance of any doubt, cannabidiol reacts with specific receptors in the human body to give a therapeutic effect and shall not include any form of cannabis that gives a psychoactive effect;

“caregiver” means —

- (a) a person, other than a minor, who is designated as a caregiver by a patient under regulation 15; or
- (b) the parent or custodian of a minor who is a patient;

“Commissioner” means the Public Health Commissioner appointed under the Public Health Authority Act, 2013;

“Council” means the Seychelles Medical and Dental Council established under the Medical Practitioners and Dentists Act, Cap 126;

“cultivate” growing cannabis, sowing or scattering the seed produced by the cannabis plant, planting cannabis plant or any part thereof, nurturing or

tending the plant or harvesting the flowers, leaves or seeds or the whole or any part of the cannabis plant and includes cultivation by enhanced indoor means as defined by section 2 of the Act;

“custodian” means a person, other than a parent of a minor, who —

- (a) has the actual custody of a child; or
- (b) is guardian of a child;

“medical certification” means a document submitted by a Specialist to the Authority, in respect of a patient, in accordance with regulation 7;

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act, Cap 126;

“medicinal cannabis” means a product produced or manufactured from cannabidiol that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, tinctures and there is medical testimonial or scientific evidence that such a product can treat a qualifying medical condition;

“medicinal cannabis permit” or “permit” means a document issued by the Authority to a patient or caregiver, as applicable, who is registered under regulation 11, which —

- (a) attests to the validity of the identity of the patient or caregiver to whom the permit is issued; and
- (b) authorizes the patient or caregiver, subject to

these regulations, to obtain, possess, store, administer or use medicinal cannabis;

“minor” means a person under the age of 18 years;

“patient” means any person in Seychelles who suffers from a qualifying medical condition;

“pharmacy” or “authorized pharmacy” means a pharmacy under the control and supervision of the Agency, or a pharmacy that is given written authorization, to dispense medicinal cannabis on such conditions that the Agency may specify;

“qualifying medical condition” means a serious illness or condition that is likely to result, or continue to result in, a significant reduction in the quality of life of a person, whether from the symptoms of the illness or condition or from treatment for the symptoms of the illness or condition as determined under Schedule 1;

“smoke” means inhaling, exhaling or handling ignited or heated cannabis of any form or type;

“Specialist” means a medical practitioner who has special training, experience or academic qualifications in a speciality in relation to a qualifying medical condition and is qualified to submit to the Authority, in respect of a patient, a medical certification for the approval to prescribe medicinal cannabis to treat a patient, where the patient has been diagnosed by the medical practitioner with a specific qualifying medical condition;

“speciality” means a speciality in medicine or surgery, including but not limited to: cardiology,

neurophysiology, immunology, neurology, oncology, ophthalmology, palliative medicine, radiology or rheumatology;

“specified substance” means a substance that —

- (a) naturally occurs in cannabis; and
- (b) is —
 - (i) a tetrahydrocannabinol; or
 - (ii) an isomer, ester, or ether of a tetrahydrocannabinol; or
 - (iii) an ester or ether of an isomer of a tetrahydrocannabinol; or
 - (iv) a salt of any substance described in subparagraphs (i) to (iii); or
 - (v) a substance that has a structure substantially similar to that of any substance described in subparagraphs (i) to (iv); and
- (c) for substances listed in paragraphs (b)(ii) to (v), is capable of inducing more than a minor psychoactive effect, by any means, in a person;

“therapeutic” means intended to prevent, diagnose, monitor, alleviate, treat, cure, or provide palliative care for a disease, ailment, defect or injury in a person;

“visiting qualifying patient” means a person who is not a resident of Seychelles who is in possession of

a document issued in accordance with the laws of another country or a state or province of another country, which certifies that the person is suffering from a qualifying medical condition and which is equivalent to a permit issued pursuant to regulation 11.

Object of
regulations

3. The object of these regulations is to provide for the lawful access to medicinal cannabis as an alternative treatment for persons who are suffering from a qualifying medical condition and to promote the right of every citizen to the protection of health under Article 29 of the Constitution subject to such supervision and conditions as are necessary in a democratic society.

PART II

IMPORTATION OF MEDICINAL CANNABIS

Importation of
medicinal
cannabis

4.(1) The Agency may import or export medicinal cannabis to supply a pharmacy of the Agency or an authorized pharmacy.

(2) A person, other than the Agency, shall not import or export medicinal cannabis without obtaining a licence.

(3) The Commissioner, where the Commissioner considers it necessary or expedient after consultation with the Authority, may grant a licence to a person to import or export medicinal cannabis on such terms and conditions the Commissioner may specify in the licence.

(4) A person who contravenes subregulation (2) commits an offence under the Act and that person is subject to the evidential burden of proving that the Commissioner granted that person a licence to import or export medicinal cannabis.

Records on
imported
medicinal
cannabis

5. The Agency or any person who imports medicinal cannabis, in respect of each consignment of medicinal cannabis

so imported, shall provide the Commissioner with a copy of a register which shall specify —

- (a) the date of the arrival of the consignment in Seychelles;
- (b) the form and quantity of the medicinal cannabis, and the trade name or brand under which the medicinal cannabis is imported;
- (c) the country from which the medicinal cannabis was imported;
- (d) the name of the exporter in the foreign country;
- (e) where an export certificate is required under any for the export of medicinal cannabis in a foreign country, the particulars of that certificate;
- (f) any such other information that the Commissioner may require.

6. A patient or visiting qualifying patient shall not enter or leave Seychelles with medicinal cannabis unless the Authority gives that patient or visiting qualifying patient prior written authorization to do so.

Prohibition on entering or leaving Seychelles with medicinal cannabis

PART III

APPROVAL TO PRESCRIBE MEDICINAL CANNABIS

7.(1) Subject to subregulation (2), a Specialist may submit to the Authority, in respect of a patient, a medical certification for the approval to prescribe medicinal cannabis to treat a patient, where the patient has been diagnosed by the Specialist or medical practitioner with a qualifying medical condition after the Specialist has conducted an assessment of the medical history of the patient and is of the opinion that —

Submission of medical certification by Specialist

- (a) all the medical treatments that have been prescribed to treat the patient for the qualifying medical condition have proven to be ineffective and provided little or no relief;
- (b) the patient may receive therapeutic care from the use of medicinal cannabis; and
- (c) the potential benefits of the use of medicinal cannabis would likely outweigh the health risks to the patient.

(2) Pursuant to subregulation (1), a Specialist shall not submit a medical certification to the Authority, in respect of a patient, unless —

- (a) the patient has been under the continuing care of the Specialist for the treatment of the qualifying medical condition;
- (b) the Specialist, in completing an assessment of the patient, has conducted all the appropriate diagnostic or personal physical examinations;
- (c) the patient is suffering from a qualifying medical condition; and
- (d) the Specialist has explained the potential risks and benefits of the use of medicinal cannabis to the patient or the patient's caregiver.

(3) A Specialist may submit a medical certification to the Authority, in respect of a patient, where the patient was referred to the Specialist by a medical practitioner and that medical practitioner had continuing care of the patient for the treatment of the qualifying medical condition and the Specialist complies with subparagraphs (b), (c) and (d) of subregulation (2).

8.(1) The Authority shall provide a medical certification form which may contain the following particulars —

Information to be included in medical certification

- (a) the name, address, nationality and date of birth of the patient;
- (b) the qualifying medical condition of the patient;
- (c) sufficient information, in accordance with regulation 7(2), to confirm that the patient has been in the continuing care of either the Specialist or the medical practitioner who referred the patient to the Specialist;
- (d) a medical plan prepared by the Specialist which outlines the on-going assessment and follow up care of the patient;
- (e) whether the patient has a history of substance abuse;
- (f) whether the patient is terminally ill;
- (g) any requirement or limitation concerning the appropriate form of medicinal cannabis to be prescribed, and limitation on the duration of use, if applicable;
- (h) proof of identity of the patient;
- (i) the name, address and telephone number of the Specialist;
- (j) the date of issuance of the medical certification; and
- (k) where applicable, any information about the designated caregiver in accordance with regulation 15.

(2) A medical certification submitted to the Authority shall be signed by the Specialist and the patient or where applicable, the caregiver.

(3) The signing of the medical certification by the patient shall be proof of consent of the patient to have the medical records or information in relation to the patient's qualifying medical condition submitted to the Authority and for the Authority to discuss the patient's medical records or information with the Council.

(4) A Specialist shall —

- (a) submit the original medical certification to the Authority;
- (b) give a copy of the medical certification to the patient; and
- (c) keep a copy of the medical certification of the patient.

(5) A medical practitioner who makes a false statement on a medical certification commits an offence and is liable on conviction to a fine not less than SCR 20, 000 or to imprisonment for a term not exceeding 2 year, or both a fine and imprisonment.

Review of
medical
certification
by Authority

9.(1) On receipt of a medical certification submitted to the Authority in accordance with regulations 7 and 8, the Authority shall, in consultation with the Council, —

- (a) review the contents of the medical certification;
- (b) determine whether the Specialist, by training or experience, is qualified to treat the patient for the qualifying medical condition; and

- (c) notify the Specialist, in writing, of the approval or refusal of the medical certification.

(2) If the Authority does not approve the medical certification, the Authority shall inform the Specialist.

(3) If the Authority approves the medical certification, the Authority shall register the patient by entering the particulars relating to the patient in the confidential register maintained under regulation 10.

(4) Where the Authority approves the medical certification, the Authority shall issue to the patient a medicinal cannabis permit in accordance with regulation 11.

(5) Where a patient has a caregiver, subregulations (3) and (4) shall apply *mutatis mutandis* in relation to the caregiver.

(6) In conducting a review of a medical certification under subregulation (1), the Authority, in consultation with the Council, may carry out an investigation to determine —

- (a) the extent to which the patient is suffering from a qualifying medical condition;
- (b) whether medical testimonial or scientific evidence exists in relation to the treatment of the qualifying medical condition with medicinal cannabis;
- (c) the manner in which medicinal cannabis may be prescribed to treat the qualifying medical condition and the time frame regarding its use;
- (d) the benefits to be derived by the patient from the use of medicinal cannabis to treat the qualifying medical condition.

Maintenance of
confidential
register

10.(1) The Authority shall maintain a confidential register of all patients whose medical certification have been approved, and issued a medicinal cannabis permit, by the Authority.

(2) A patient's name and other identifying information contained in the confidential register shall be kept in the strictest of confidence and shall not be subject to disclosure, except in accordance with subregulation (3).

(3) Where the Authority needs to confirm or attest that a medicinal cannabis permit is valid, the Authority shall do so without disclosing, to any law enforcement agency, more information than is reasonably necessary in the circumstances.

Grant of
medicinal
cannabis permit
by the Authority

11.(1) Pursuant to regulation 9(4), a medicinal cannabis permit shall be issued to a patient and where applicable, a caregiver, in a form determined by the Authority which may contain any of the following information —

- (a) the name of the holder of the permit;
- (b) the designation as to whether the holder of the permit is a patient or caregiver;
- (c) a random alphanumeric identification number that is unique to the holder of the permit;
- (d) the date of issuance and expiration date of the permit;
- (e) if the holder of the permit is a caregiver, the random alphanumeric identification number of the patient whom the caregiver is authorized to assist shall also be included on the permit; and
- (f) any other information that the Authority may require.

(2) A permit issued under these regulations to —

(a) a patient, shall authorize the patient to —

- (i) obtain medicinal cannabis as is specified in a prescription issued by a Specialist or medical practitioner; and
- (ii) possess, store and use medicinal cannabis;

(b) a caregiver, shall authorize the caregiver to —

- (i) obtain medicinal cannabis on behalf of the patient whom the caregiver is designated to assist; and
- (ii) possess and store medicinal cannabis on behalf of, and administer medicinal cannabis to, the patient whom the caregiver is registered to assist.

(3) A permit shall be valid for a period not exceeding 1 year or for such other period as determined by the Authority.

(4) A permit shall be renewed in the same manner in which it was issued.

(5) A person shall keep in that person's possession the permit issued by the Authority at all times whilst the person is engaging in any activity involving medicinal cannabis.

(6) The holder of a permit shall notify the Authority if the permit is lost, defaced or destroyed, and the Authority may grant the holder a substitute permit at a cost of SCR 200.

12.(1) A Specialist shall issue to a patient or caregiver a prescription for medicinal cannabis if the Specialist has received approval, in writing, of a medical certification submitted in respect of the patient and on proof of issuance of a

Issuance of
prescription by
Specialist or
medical
practitioner

permit by the Authority to the patient, and where applicable the caregiver.

(2) A prescription issued under subregulation (1) shall not exceed a 30 day supply of individual dose, after which the patient shall be examined by the Specialist or the medical practitioner who referred the patient to the Specialist pursuant to regulation 7(3).

(3) After examining a patient, the Specialist or medical practitioner referred to in subregulation (2) may issue further prescriptions for medicinal cannabis to the patient or caregiver in accordance with regulation 17.

PART IV ACCESS TO MEDICINAL CANNABIS

Use of
medicinal
cannabis

13.(1) A person who uses medicinal cannabis without being authorized to use medicinal cannabis by the Authority commits an offence and is liable on conviction to a fine not exceeding SCR 10, 000 or to imprisonment for a term not exceeding 6 months, or both a fine and imprisonment.

(2) A parent or custodian of a minor shall obtain a document in writing from the Authority certifying that the use of medicinal cannabis is necessary in the case of that minor, and the parent or custodian shall consent in writing to the use of medicinal cannabis by the minor.

(3) A parent or custodian of a minor who fails to comply with subregulation (2) and permits or causes the minor to use medicinal cannabis commits an offence and is liable on conviction to a fine of SCR 10, 000 or to imprisonment for a term not exceeding 3 months, or both a fine and imprisonment.

Dose
limitation

14. In circumstances where a prescription or recommendation by a medical practitioner requires repeated usage of medicinal cannabis which may span several months, a

pharmacy of the Agency or an authorized pharmacy shall not dispense to the patient more than a 30 day supply of individual doses at a time.

15.(1) Subject to these regulations, a patient may designate a person as a caregiver and that person has the responsibility for —

Caregiver

- (a) the immediate care and safety of the patient;
- (b) assisting the patient with obtaining and administering medicinal cannabis; or
- (c) acting in the best interest of the patient.

(2) A person who has full authority over the care of a patient under the Mental Health Act, Cap. 127, shall be deemed to be the caregiver of that person.

(3) A person appointed a guardian or sub-guardian by the Supreme Court to a person who is interdicted under the Civil Code of Seychelles Act, Cap. 33, shall be deemed to be the caregiver of that person.

(4) A parent or custodian of a patient who is a minor shall be deemed to be the caregiver of that minor unless another person is designated as the caregiver of the minor by the court.

(5) A minor shall not be designated as a caregiver.

(6) A person who has been convicted of an offence under the Act or who is identified by the court as a drug user or drug dependent in accordance with the Act is ineligible to be designated a caregiver.

(7) A patient who changes the designated caregiver shall notify the Authority of the change and give the Authority

such information as the Authority may require in respect of the new caregiver.

(8) A person designated by a patient as a caregiver shall provide the Authority the following particulars —

- (a) the name, address and date of birth of the caregiver;
 - (b) proof of identity of the caregiver; and
 - (c) any such other information.
- (9) A caregiver who —
- (a) gives medicinal cannabis to a person other than the patient;
 - (b) acts in contravention of regulation 11(2)(b); or
 - (c) sells the medicinal cannabis dispensed under regulation 16

commits an offence and is liable on conviction to a fine not less than SCR 20,000 or to imprisonment for a term not exceeding 2 years, or to both a fine and imprisonment.

Dispensing of
medicinal
cannabis to a
patient

16.(1) A pharmacy of the Agency or an authorized pharmacy may dispense medicinal cannabis to a patient and where applicable, to a caregiver for a patient.

(2) A pharmacy of the Agency or an authorized pharmacy shall only dispense or supply medicinal cannabis on the submission by a patient, or where applicable a caregiver, of a valid medicinal cannabis permit and prescription from a Specialist or medical practitioner in accordance with these regulations.

(3) On dispensing medicinal cannabis to a patient, or where applicable a caregiver, a pharmacy of the Agency or an

authorized pharmacy shall ensure that the label given in respect of the prescription has the information required by law.

(4) A pharmacy of the Agency or an authorized pharmacy shall enter the information referred to in subregulation (3) in a register kept by a pharmacy of the Agency or an authorized pharmacy and established for that purpose, in such manner as may be determined by the Authority.

(5) A pharmacy of the Agency or an authorized pharmacy shall not dispense to a patient, or where applicable a caregiver, a quantity of medicinal cannabis greater than that which the patient or caregiver is permitted to obtain under a prescription.

(6) A pharmacy of the Agency or an authorized pharmacy shall conform to any requirement or limitation set by a Specialist or medical practitioner with regards to the form or type of medicinal cannabis that is required in relation to the patient and shall provide to a patient, and where applicable a caregiver, the following information —

- (a) the lawful methods for administering medicinal cannabis in individual doses;
- (b) any potential danger stemming from the use of medicinal cannabis;
- (c) how to prevent or deter the misuse of medicinal cannabis by a minor; and
- (d) any other information that the Authority may consider to be relevant.

PART V MISCELLANEOUS

17.(1) A Specialist or medical practitioner who is authorized to prescribe medicinal cannabis to a patient in

General duties
of medical
practitioners

accordance with these regulations, shall immediately notify the Authority, in writing, where —

- (a) the patient no longer suffers from the qualifying medicinal condition for which a medical certification was approved by the Authority;
- (b) medicinal cannabis is no longer proving to be therapeutic in the treatment of the patient for any qualifying medicinal condition;
- (c) the patient is no longer under the care of the Specialist or medical practitioner; or
- (d) the patient has died.

(2) A Specialist or medical practitioner who fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not less than SCR 20, 000 or to imprisonment for a term not exceeding 6 months, or both a fine and imprisonment.

Prohibition on
advertisement

18.(1) A Specialist, medical practitioner or any person shall not in any way make use of any form of advertisement calculated to attract persons to a Specialist or medical practitioner, or any business or organization with which a Specialist or medical practitioner is associated with, for the purposes of a Specialist submitting to the Authority, in respect of a patient, a medical certification for the approval to prescribe medicinal cannabis to treat a patient.

(2) A Specialist, medical practitioner or any person who contravenes subregulation (1) commits an offence and is liable on conviction to a fine not less than SCR 20, 000 or to imprisonment for a term not exceeding 1 year, or both a fine and imprisonment.

19.(1) For the avoidance of any doubt, a person shall not cultivate or smoke cannabis of any form or type.

Prohibition on smoking and cultivating cannabis

(2) A person who contravenes subregulation (1) commits an offence under the Act.

(3) A police officer may arrest without warrant any person who is suspected of acting in contravention of subregulation (1).

20. On the death of patient, any medicinal cannabis issued to the patient shall be returned to a pharmacy of the Agency by the caregiver, executor, or family member of the patient.

General duties of caregivers and family members

SCHEDULE 1

(1) The Commissioner, acting on the advice of the Authority and Council, may by notice published in the Gazette, declare an illness or a medical condition to be a qualifying medical condition.

(2) A Specialist may submit to the Authority, in respect of a patient, a medical certification, in accordance with regulations 7 and 8, for approval to prescribe medicinal cannabis to treat a patient, where the patient has been diagnosed with an illness or a medical condition that is not declared a qualifying medical condition by the Commissioner.

(3) The Authority shall apply the procedures set out in regulation 9 to evaluate a medical certification submitted under paragraph (2) of this Schedule.

(4) Where the Authority does not approve a medical certification under paragraph (2), the Authority is deemed to be acting in the best interest of the patient.

MADE this 28th day of February, 2020.

MACSUZY MONDON
MINISTER RESPONSIBLE FOR HOME AFFAIRS

FINANCIAL INSTITUTIONS (AMENDMENT) BILL, 2020*(Bill No. 5 of 2020)***OBJECTS AND REASONS**

The Beneficial Ownership Bill, 2020 (Bill No. 3 of 2020) was published in the Official Gazette on 4th February, 2020 and laid before this August House for consideration. In view of the enactment of the said legislation, certain consequential amendments are required to be made in the Financial Institutions Act (Cap. 79).

This Bill seeks to amend section 39 of the Financial Institutions Act (Cap. 79) to ensure the maintenance of the register of beneficial owners under the Beneficial Ownership Act.

Dated this 28th day of February, 2020.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

**FINANCIAL INSTITUTIONS (AMENDMENT)
BILL, 2020**

(Bill No. 5 of 2020)



**A BILL
OF**

AN ACT to amend the Financial Institutions Act (Cap.79).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Financial Institutions (Amendment) Act, 2020 and shall come into operation on such date as the Minister responsible for Finance may appoint, by Notice published in the Gazette.

Short title and
commencement

Cap 79

2. In section 39 of the Financial Institutions Act, the following subsection shall be added after subsection (2) —

“(3) Notwithstanding subsection (2), every financial institution shall maintain the register of beneficial owners under the provisions of the Beneficial Ownership Act, 2020.”.

FOUNDATIONS (AMENDMENT) BILL, 2020*(Bill No. 7 of 2020)***OBJECTS AND REASONS**

The Beneficial Ownership Bill, 2020 (Bill No. 3 of 2020) was published in the Official Gazette on 4th February, 2020 and laid before this August House for consideration. In view of the enactment of the said legislation, certain consequential amendments are required to be made in the Foundations Act (Cap. 270).

This Bill seeks to amend section 98 of the Foundations Act (Cap. 270) to ensure the maintenance of the register of beneficial owners under the Beneficial Ownership Act.

Dated this 28th day of February, 2020.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

FOUNDATIONS (AMENDMENT) BILL, 2020

(Bill No. 7 of 2020)



A BILL

OF

AN ACT to amend the Foundations Act (Cap 270).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Foundations (Amendment) Act, 2020 and shall come into operation on such date as the Minister responsible for Finance may appoint, by Notice published in the Gazette.

Short title and
commencement

Cap. 270

2. Section 98 (1) of the Foundations Act is hereby amended as follows: —

- (a) in paragraph (a), by repealing the words “or” after the words “for a Foundation”;
- (b) after paragraph (a), insert the following paragraph —

“(aa) has failed to maintain the register of beneficial owners under the Beneficial Ownership Act, 2020;”.

FINANCIAL SERVICES AUTHORITY (AMENDMENT) BILL, 2020*(Bill No. 6 of 2020)***OBJECTS AND REASONS**

The Beneficial Ownership Bill, 2020 (Bill No. 3 of 2020) was published in the Official Gazette on 4th February, 2020 and laid before this August House for consideration. In view of the enactment of the said legislation, certain consequential amendments are required to be made in the Financial Services Authority Act, 2013 (Act 19 of 2013).

This Bill seeks to amend section 23 of the Financial Services Authority Act, 2013 (Act 19 of 2013) to ensure the maintenance of the register of beneficial owners under the Beneficial Ownership Act.

Dated this 28th day of February, 2020.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

**FINANCIAL SERVICES AUTHORITY (AMENDMENT)
BILL, 2020**

(Bill No. 6 of 2020)



A BILL

OF

**AN ACT to amend the Financial Services Authority Act,
2013.**

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Financial Services Authority (Amendment) Act, 2020 and shall come into operation on such date as the Minister responsible for Finance may appoint, by Notice published in the Gazette.

Short title and
commencement

Act 19 of
2013

2. Section 23 (1) of the Financial Services Authority Act, 2013 is hereby amended as follows: —

(a) after paragraph (a), insert the following paragraph —

“(aa) the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020;

(ab) the Beneficial Ownership Act, 2020;”.

S.I. 24 of 2020

IMMIGRATION DECREE

(Cap 93)

Immigration (Amendment) Regulations, 2020

In exercise of the powers conferred by section 29 (c) of the Immigration Decree, the Minister responsible for immigration hereby makes the following regulations —

1. These regulations may be cited as the Immigration (Amendment) Regulations, 2020 and shall come into operation on 1st March, 2020.

Citation and
commencement

2. The Immigration Regulations is hereby amended in the Second Schedule by inserting after item 5 (b) the following —

Amendment of
S.I. 12 of 1981
as last
amended by
S.I. 21 of 2019

“(ba) For workers who have
worked in Seychelles for
an aggregate period of
more than 12 years SCR2000/- per month.”.

MADE this 25th day of February, 2020.

**MYRIAM TELEMAQUE
MINISTER OF EMPLOYMENT
IMMIGRATION AND CIVIL STATUS**

LIMITED PARTNERSHIPS (AMENDMENT) BILL, 2020*(Bill No. 9 of 2020)***OBJECTS AND REASONS**

The Beneficial Ownership Bill, 2020 (Bill No. 3 of 2020) was published in the Official Gazette on 4th February, 2020 and laid before this August House for consideration. In view of the enactment of the said legislation, certain consequential amendments are required to be made in the Limited Partnerships Act (Cap. 281)

This Bill seeks to amend section 16 of the Limited Partnerships Act (Cap. 281) to ensure the maintenance of the register of beneficial owners under the Beneficial Ownership Act.

Dated this 28th day of February, 2020.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

**LIMITED PARTNERSHIPS (AMENDMENT)
BILL, 2020**

(Bill No. 9 of 2020)



A BILL

OF

AN ACT to amend the Limited Partnerships Act (Cap 281).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Limited Partnerships (Amendment) Act, 2020 and shall come into operation on such date as the Minister responsible for Finance may appoint, by Notice published in the Gazette.

Short title and
commencement

Cap 281

2. Section 16 (1) of the Limited Partnerships Act is hereby amended as follows: —

- (a) in paragraph (c), by repealing the words “or” after the words “reputation of Seychelles;”;
- (b) after paragraph (c), insert the following paragraph —

“(ca) A limited partnership has failed to maintain the register of beneficial owners under the Beneficial Ownership Act, 2020; or”.

SECURITIES (AMENDMENT) BILL, 2020*(Bill No. 10 of 2020)***OBJECTS AND REASONS**

The Beneficial Ownership Bill, 2020 (Bill No. 3 of 2020) was published in the Official Gazette on 4th February, 2020 and laid before this August House for consideration. In view of the enactment of the said legislation, certain consequential amendments are required to be made in the Securities Act (Cap. 208).

This Bill seeks to amend section 2 of the Securities Act (Cap. 208) to define the term “recognized jurisdiction” and to repeal Schedule 2 of the said Act.

Dated this 28th day of February, 2020.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

SECURITIES (AMENDMENT) BILL, 2020

(Bill No. 10 of 2020)



A BILL

OF

AN ACT to amend the Securities Act (Cap. 208).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Securities (Amendment) Act, 2020 and shall come into operation on such date as the Minister responsible for Finance may appoint, by Notice published in the Gazette.

Short title and
commencement

Cap 208

2. The Securities Act is hereby amended as follows: —

- (a) in section 2(1), by repealing the definition of “recognized jurisdiction” and substituting therefor the following new definition: —

“recognized jurisdiction” means a jurisdiction in which a regulatory authority for securities market is an ordinary member of the International Organisation of Securities Commissions;”;

- (b) by repealing Schedule 2.