

ALCOHOLIC DRINKS CONTROL ACT, 2019

(Act 13 of 2019)

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ALCOHOLIC DRINKS CONTROL ACT, 2019

(Act 13 of 2019)

I assent

Danny Faure
President

26th December, 2019



AN ACT to provide for the control of manufacturing, production, sale and promotion of advertisement of alcoholic drinks in Seychelles and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

**PART I
PRELIMINARY**

1. This Act may be cited as the Alcoholic Drinks Control Act, 2019 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint and different dates may be appointed for different provisions of the Act.

Short title and commencement

Application of
the Act

2. This Act shall apply to all manufacturers, producers, importers, distributors and retailers of alcoholic drinks.

Interpretation

3. In this Act, unless the context otherwise requires —

“advertisement” means any audio or visual publicity, representation, endorsement or pronouncement made by means of light, sound, smoke, gas, print on billboards, windows, shop walls, vehicles, surfaces in public or private places, or in print media, electronic media, social media, internet or website and includes any notice, circular, label, wrapper, invoice or similar documents and the term “advertise” shall be construed accordingly;

“alcohol” means the product known as ethyl alcohol or any product obtained by fermentation or distillation of any fermented alcoholic product, rectified either once or more, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with prescribed formulas;

“alcoholic drinks” includes alcohol, spirit, wine, beer, traditional alcoholic drinks, homemade alcohol beverages, and any one or more of these products containing in excess of one and one half per cent of alcohol by volume, including mixed alcoholic drinks, and every liquid or solid, patented or not, containing alcohol, spirit, wine or beer and capable of being consumed by a human being;

“authorised officer” means an officer of the Authority, Customs officer, a public health officer, an officer of the Seychelles Police Force, an officer designated or authorised by the Minister

under this Act or any other person upon whom any written law vests functions for the maintenance of law and order;

“Authority” means the Seychelles Licensing Authority established under section 3(1) of the Licences Act;

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“baka” means any fermented liquor made solely from sugar cane juice, except by process of distillation;

“lapire” means any fermented liquor from either the juice, maceration or decoction of any fruit, vegetable, plant, cereal, pulse or any other food stuff and includes any other beverage subject to fermentation except toddy, baka, beer, wine, imported liquor and any other liquid, which the Minister or the Minister responsible for the grant of licences under the Licences Act may from time to time by Notice in the Gazette declare to be lapire for the purposes of this Act;

“Licence” means —

- (a) A manufacturer's licence;
- (b) A bottler's licence;
- (c) An off-licence;
- (d) A public bar licence;
- (e) A members' club liquor licence;
- (f) A baka licence;
- (g) A lapire licence;
- (h) A temporary licence; or

(i) An outdoor entertainment licence,

granted under the Licences Act and the regulations made thereunder;

“Licencee” means a person who holds a licence granted under the Licences Act and the regulations made thereunder;

“manufacture” means the processing or production, or bottling of an alcoholic drink and includes the packaging, labelling, distribution or importation of an alcoholic drink for sale in Seychelles;

“manufacturer” in respect of an alcoholic drink, includes any person involved in the manufacturing or production, including a person who controls or is controlled by the manufacturer or producer, or who is controlled by the same person who controls the manufacturer or producer;

“Minister” means the Minister responsible for Health and the term “Ministry” shall be construed accordingly;

“promotion” includes advertisement or sponsorship;

“Regulations” means the regulations made by the Minister;

“retailer” means a licensee for sale of alcoholic drinks to consumers and the term “retail” shall be construed accordingly;

“sell” includes —

(a) barter or exchange without use of money;

- (b) offer or expose for sale, barter or exchange without use of money;
- (c) supply or offer to supply, in circumstances in which the supplier derives or would derive, a direct or indirect pecuniary benefit;
- (d) supply or offer to supply, gratuitously but with a view to gaining or maintaining custom, or otherwise with a view to commercial gain; and

“sponsorship” means sponsoring any event held by a licensee or any person authorised by a licensee for the purpose of promoting or advertising alcoholic drinks.

PART II

MORATORIUM ON THE ISSUANCE OF NEW LICENCES FOR ALCOHOLIC DRINKS PRODUCTION, CONTROL OF PROMOTING ALCOHOLIC DRINKS

4.(1) Notwithstanding any other law, no new licences for manufacturing of alcoholic drinks shall be issued by the Seychelles Licensing Authority.

Moratorium
for issuance
of new
licences

(2) The moratorium on issuance of new licenses for the manufacturing of alcoholic drinks under subsection (1), may, by notice published in the *Gazette*, be removed totally or partially by the Minister responsible for the grant of licences under the Licences Act after consultation with the Ministers or departments responsible for Finance, Trade and Industry, the Seychelles Licensing Authority and any agency responsible for the prevention of alcohol abuse.

5.(1) No person shall promote an alcoholic drink or an alcohol-related brand element except in accordance with the provisions of regulations made under this subsection.

Regulation
for promotion
relating to
alcoholic
drinks

(2) The regulations made under subsection (1) may provide for all matters including the timing of advertisements on alcoholic drinks, the mandatory display of the effects of alcoholic drinks in the advertisements and the permission of the ministry, department agency or public body responsible for broadcasting and advertisements.

(3) A person who contravenes the provisions of subsections (1) and (2) or the regulations made under subsection (1) commits an offence and is liable on conviction —

(a) for the first offence, to imprisonment for a term not exceeding two years or to a fine not exceeding SCR200,000 or to both;

(b) for a second or subsequent offence, to imprisonment for a term not exceeding five years together with a fine not exceeding SCR400,000 or to both.

PART III LABELLING OF ALCOHOLIC DRINKS

Mandatory
labelling of
alcohol
content in the
alcoholic
drinks

6.(1) A manufacturer of alcoholic drinks shall declare and label the alcohol percentage in alcoholic drinks manufactured in Seychelles.

(2) An importer of alcoholic drinks shall ensure that the alcoholic drinks imported into Seychelles shall be labelled with the percentage of alcohol in the alcoholic drinks imported by the importer.

(3) The percentage of alcohol in baka and lapire shall be prescribed by regulations.

(4) No person shall manufacture, import, distribute or sell an alcoholic drink that does not conform to the requirements of subsection (1) and (2) and the regulations made under this Act.

(5) A manufacturer shall produce a certificate of analysis of the alcoholic drinks manufactured by him as and when demanded by an authorised officer.

(6) An authorised officer may carry out random checks of alcoholic drinks at any place to ascertain the declaration and labelling of the percentage of alcohol content in any alcoholic drink.

(7) An authorised officer may take samples of alcoholic drinks for testing in laboratories designated by the Public Health Commissioner pursuant to the Public Health Authority Act, 2013 (Act 7 of 2013).

(8) A person who makes a false declaration and labelling under subsection (1) commits an offence and is liable on conviction —

Transitional
provision

(a) for the first offence, to imprisonment for a term not exceeding 2 years or to a fine not exceeding SCR100,000 or to both;

(b) for a second or subsequent offence, to imprisonment for a term not exceeding 5 years and to a fine not exceeding SCR200,000 or to both.

PART IV

SALE OF ALCOHOLIC DRINKS AND MORATORIUM ON ISSUANCE OF NEW LICENCES FOR SALE OF ALCOHOLIC DRINKS

7.(1) The Minister may by regulations —

Regulations

(a) prescribe the manner of display and sale of alcoholic drinks by retailers or at outdoor events, or entertainment programmes or specified events;

- (b) prescribe restrictions for access by persons under the age of 18 years to alcoholic drinks;
- (c) prescribe the hours within which the sale of alcoholic drinks shall be permitted; and
- (d) prescribe moratoria on new licences for importation or retail sales of alcoholic drinks.

(2) A person shall not display or sell alcoholic drinks except in accordance with regulations made under subsection (1).

(3) A person who contravenes the provisions of subsection (2) or any regulation made under subsection (1) commits an offence and on conviction shall, in addition to the revocation of the person's licence, be liable —

- (a) for the first offence to imprisonment for a term not exceeding 6 months or to a fine not exceeding SCR20,000 or to both;
- (b) for a second or subsequent offence to imprisonment for a term not exceeding one year and to a fine not exceeding SCR50,000 or to both.

Demarcation
of inner
Victoria

8. Notwithstanding any other law, the Authority shall not grant or renew off-licences for sale of alcoholic drinks in Market Street, Victoria, as may be demarcated by Notice published in the *Official Gazette* by the Minister.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 12th December, 2019.



Mrs. Tania Isaac
Deputy Clerk to the National Assembly