

METEOROLOGY ACT, 2015*(Act 16 of 2015)***ARRANGEMENT OF SECTIONS****Sections****PART I - PRELIMINARY**

1. Short title and commencement
2. Interpretation

PART II - SEYCHELLES METEOROLOGICAL AUTHORITY

3. Establishment of Authority
4. Objectives of Authority
5. Functions of Authority
6. Powers of Authority
7. Chief Executive Officer and other employees of Authority
8. Board of Authority
9. Termination of appointment
10. Functions of Board
11. Meetings of Board

PART III - PROVISION OF METEOROLOGICAL SERVICES

12. Installation of meteorological stations, instruments and collection of data
13. Intellectual property rights
14. Inspections
15. Power to enter any land or premises
16. Limitation of liability

PART IV - FINANCE, ACCOUNTS AND REPORTS

17. Funds of Authority
18. Accounts and audit
19. Plan of activities
20. Annual report

PART V - OFFENCES AND PENALTIES

21. Offences and penalties

PART VI - MISCELLANEOUS

22. Transfer of staff and property
 23. Directions of Minister
 24. Application of Penal Code
 25. Regulations
 26. Repeal of Act 15 of 2000 and savings

FIRST SCHEDULE - COMMERCIAL SERVICES**SECOND SCHEDULE - PUBLIC GOOD SERVICES****THIRD SCHEDULE - EARLY WARNING AND ALERT LEVELS****METEOROLOGY ACT, 2015***(Act 16 of 2015)**I assent*

J. A. Michel
President

11th November, 2015

AN ACT to provide for establishment of the Seychelles Meteorological Authority to be a national authority for early warning on weather and climate phenomena and tsunamis in Seychelles, provide for meteorological services for international air and sea navigation 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 Meteorology Act, 2015 and shall come into operation on such date as the Minister, may by notice in the *Gazette*, appoint.

Short title and
commencement

Interpretation

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

- (a) “authorised officer” means an officer of the Authority authorised to conduct inspection under section 14;
- (b) “Authority” means the Seychelles Meteorological Authority established under section 3;
- (c) “Board” means the Board of the Authority referred to in section 8;
- (d) “Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 7(1);
- (e) “client” includes a person or organisation who uses the services provided by the Authority;
- (f) “commercial services” means the services mentioned in the First Schedule;
- (g) “disaster” means a serious disruption of the functioning of community or society involving widespread human, material, economic or environmental threat, loss or impact, whether arising from accident or social disruption, caused by natural or human activity, developed suddenly or as a result of long term process;
- (h) “meteorological services” means the collection, processing and recording of meteorological and climatological information, data and advisory services, and includes research with the aims of —

- (i) conduct and assist research and investigations for the advancement of meteorological science;
- (j) advice the Government and other agencies on meteorological matters and provide supportive roles and responsibilities to disaster management authorities in relation to disaster management, response and risk reduction;
- (k) develop, facilitate and provide training and instructions for persons whose duties and responsibilities concern matters relevant to meteorology and climate;
- (l) co-operate with national meteorological authorities of other countries and international organisations in relation to meteorological matters, and in particular, supporting the principle of free and unrestricted exchange of meteorological data between such national meteorological services and international organisations;
- (m) conduct programmes for raising public awareness on climate change issues;
- (n) provide navigation weather forecasts for internal and international navigation purposes;
- (o) provide aviation weather reports for pilots such as route forecast and terminal aerodrome forecasts, significant weather charts to pilots; and
- (p) perform such other functions as may be prescribed.

Powers of Authority

6.(1) The Authority shall have the powers necessary for effective performance of its functions under this Act, and in particular, the Authority may —

- (a) establish offices and stations for the observation of parameters related to weather and climate;
- (b) negotiate with any public authority, individual or institution to observe, record and transmit meteorological information;
- (c) arrange communication for the transmission and reception of meteorological information, advisories and reports;
- (d) promote the training of persons in meteorology;
- (e) enter into agreement with any other authority or organisation for provisions of meteorological services; and
- (f) levy charges for the provision of any commercial services.

(2) Subject to the provisions of the Disaster Risk Management Act, 2014, the Authority shall, in consultation with the regional specialised meteorological centres and other appropriate agencies —

- (a) issue from time to time advisory, special weather bulletin or warnings of strong winds, cyclones, storms, tsunamis and other weather conditions likely to endanger lives or property, including weather conditions likely to give rise to floods or storm surges;
- (b) determine as to when any advisory, special weather bulletin or warnings issued under

- (i) improving products and the delivery of services; and
- (ii) reducing the impact of weather related natural disasters;

- (i) “Minister” means the Minister responsible for climate change;
- (j) “prescribed” means prescribed by regulations made under this Act;
- (k) “public good services” means the services mentioned in the Second Schedule.

PART II - SEYCHELLES METEOROLOGICAL AUTHORITY

3. There is hereby established the Seychelles Meteorological Authority, as a sole recognised national service provider on meteorological and climate services in Seychelles, which shall be a body corporate.

Establishment of Authority

4. The objectives of the Authority are —

Objectives of Authority

- (a) to maintain, extend and improve the quality of meteorological services;
- (b) to provide public good services and commercial services;
- (c) to ensure ongoing collection and update of meteorological data;
- (d) to be the custodian of reliable national climatological record;
- (e) to take measures to fulfill the international obligations under the Convention of the World Meteorological Organisation;

Functions of
Authority

5. The functions of the Authority shall be to —

- (f) to provide for meteorological services to international air and sea navigation; and
 - (g) to fulfill any other weather related obligations as may be prescribed.
- (a) record, update and maintain meteorological observations required for meteorological and related purposes in accordance with the international standards;
 - (b) forecast weather and the state of ocean and atmosphere;
 - (c) establish and maintain meteorological stations, other observation and research stations, including technical installations and equipments;
 - (d) ensure that the international standards in respect of aviation, maritime, and other general forecasts are observed by all relevant agencies;
 - (e) issue warnings of gales, cyclones, storms, tsunami and other weather conditions likely to endanger life or property;
 - (f) monitor and assess weather and climate change;
 - (g) supply or dissemination of meteorological information by publishing meteorological reports, bulletins, advisories and data;
 - (h) promote the use and supply of meteorological information and arranging for programs of public awareness and education;

paragraph (a) is to be downgraded or terminated;

- (c) issue alerts of tsunamis and the possible impacts of other geohazards when they are communicated to the Authority by the regional monitoring agencies; and
- (d) use colour codes as provided in Third Schedule in order to advise or give warnings to the public about the different levels of threats associated with a weather condition.

7.(1) The President shall appoint a Chief Executive Officer of the Authority who, subject to the direction of the Board, —

Chief Executive
Officer and other
employees of
Authority

- (a) shall be responsible for the implementation of the decisions of the Board and for the management of the affairs of the Authority;
- (b) may sign documents on behalf of the Authority;
- (c) may delegate any function of the Chief Executive Officer to any employee of the Authority; and
- (d) perform such other functions as the Board may, from time to time, assign.

(2) A person shall not be eligible to be appointed as the Chief Executive Officer unless the person possesses such qualifications and experience as may be prescribed by regulations.

(3) The President shall appoint, on such terms and conditions as may be determined by the President, such other officers and employees as may be necessary to assist the Chief Executive Officer in the administration of this Act.

Board of
Authority

8.(1) The Authority shall be administered by a Board of the Authority consisting of —

- (a) a representative each from —
 - (i) the Ministry responsible for climate change;
 - (ii) the Ministry responsible for finance;
 - (iii) the Seychelles Civil Aviation Authority;
 - (iv) the Seychelles Ports Authority;
 - (v) the Town and Country Planning Authority;
- (b) one expert having qualifications and experience in the matters of meteorology;
- (c) one person as the President may deem fit; and
- (d) the Chief Executive Officer *ex-officio*.

(2) The President shall appoint the Members of the Board and cause the appointment to be published in the *Gazette*.

(3) The President shall appoint from among the Members of the Board a Chairperson and a Vice Chairperson of the Board.

(4) The Chairperson, Vice Chairperson and other Members of the Board shall be paid such allowances as the President may determine.

(5) The Chairperson, Vice Chairperson and other Members of the Board shall hold office for a term of 3 years and be eligible for re-appointment.

(6) Where a vacancy arises for any reason whatsoever in the office of the Chairperson, the Vice Chairperson or any Member, before the expiry of the term of office, the person appointed to fill such vacancy shall hold office for the remainder of the term for which his or her predecessor in office would have held office if such vacancy had not arisen.

9.(1) The President may terminate the appointment of a Member, who —

Termination of
appointment

- (a) has been found guilty of any misconduct, default or breach of trust in the discharge of any duties;
- (b) is undischarged insolvent or bankrupt;
- (c) is convicted of an offence and sentenced to a term of imprisonment of three months or more;
- (d) is absent for three consecutive meetings of the Board without leave from the Chairperson; or
- (e) is mentally or physically incapable of carrying out the functions under this Act.

(2) A Member of the Board may resign from office by giving 3 months' notice in writing to the President and on such resignation being accepted, the Member shall be deemed to have vacated his office.

(3) A Member of the Board who has been removed from office under subsection (1) shall not be eligible for re-appointment.

10. The functions of the Board shall be to —

Functions of
Board

- (a) ensure the implementation of the policies, standards and objectives of the Authority in accordance with such guidelines as may be issued by the Minister;

- (b) ensure an efficient, cost effective and high quality weather and climate service and promote profitable operation of the commercial service;
- (c) recommend budget proposals and submit to the Minister;
- (d) ensure the implementation of rules, regulations and procedures laid down by the World Meteorological Organisation in accordance with the provisions of this Act;
- (e) other matters affecting meteorology as the Minister may from time to time refer;
- (f) determine the charges for providing commercial services;
- (g) on recommendations of the Chief Executive Officer, engage the services of experts and consultants, when and where necessary; and
- (h) perform such other functions as may be prescribed.

Meetings of Board

11.(1) The Board shall meet at least once in every three months.

(2) A meeting of the Board shall be held at such place and at such time as the Chairperson may determine.

(3) The Chairperson may by written notice convene a special meeting of the Board for any purpose specified in the notice.

(4) Not less than 3 Members may, by notice in writing, submit a request to the Chairperson to convene a special meeting.

(5) Where a request is made under subsection (4), the Chairperson shall convene a special meeting within 21 days of the request.

(6) Where the Chairperson is absent or unable to act or has vacated his office, the Vice Chairperson shall act as the Chairperson.

(7) The Chairperson and six other Members shall constitute a quorum for any meetings of the Board.

(8) Any question arising at a meeting of the Board shall be decided by a majority of the votes of the Members present and, in the event of an equality of votes, the Chairperson or the Vice Chairperson presiding a meeting shall have a casting vote.

(9) A member or the Chief Executive Officer attending meetings of the Board, who has direct or indirect interest in any matter to be decided by the Board, shall—

- (a) disclose the nature of that interest in writing at or before the meeting convened to discuss that matter;
- (b) refrain from taking part in any deliberation of the Board relating to that matter; and
- (c) leave the meeting while the matter is being deliberated at the meeting if he or she is present in that meeting.

(10) Subject to this section, the Board shall regulate its proceedings in such manner as it thinks fit.

PART III - PROVISION OF METEOROLOGICAL SERVICES

12.(1) The Authority shall be responsible to provide advice on the installation of meteorological stations and climatological centres in Seychelles and no person other than the Authority shall provide such advice or service.

Installation of meteorological stations, instruments and collection of data

(2) Where the Authority considers it necessary or expedient in the interest of the Republic to install a meteorological station on a private property, it shall obtain the consent of the owner of the property before installing any station.

(3) Where the owner of the property gives his consent under subsection (2), the owner of the property shall provide free access to the officers and other employees of Authority to collect meteorological data therefrom.

(4) Every airport and airstrip in Seychelles shall, in consultation with the Authority, set up a meteorological station and relay real time information and data to the Authority.

(5) Any person wishing to collect real time meteorological data in Seychelles shall obtain prior written permission from the Authority and shall provide a copy of the data every month to the Authority.

Intellectual
property rights

13.(1) The Authority retains the intellectual property rights of any data, meteorological and advisory services, computer programmes, discoveries and improvements generated by the Authority in the performance of its functions.

(2) A client shall not provide any data, information, advisory service and meteorological service obtained from the Authority to a third party or distribute to any person without the written consent of the Chief Executive Officer.

(3) Any use of data, information, advisory service or meteorological service by way of publication, including radio, television, internet or other such media, shall acknowledge the contribution of the Authority.

Inspections

14.(1) The authorised officer shall, from time to time, visit the premises of the clients, to conduct inspection of the equipments, meteorological stations, other observation and research stations and other necessary technical installations provided by the Authority.

(2) The clients shall allow the authorised officer access to his or her premises to conduct such inspection.

(3) Every authorised officer shall be provided with identity card to be carried by the authorised officer at all times while conducting any inspection work.

(4) The Authority shall keep a register of all authorised officers working in the meteorological field.

15.(1) An authorised officer may, for the performance of the functions of the Authority, after giving reasonable notice of his or her intention to the owner, occupier, or the company or local authority having control or management of any land or premises, enter the land or premises and do any act reasonably necessary for performing any functions of the Authority and, in particular, may —

Power to enter
any land or
premises

- (a) install, construct, place or maintain equipment, apparatus or other instruments in, on, over or under any land, watercourse or sea for the purpose of recording and making any meteorological observations;
- (b) inspect and examine lands, buildings and equipment of meteorological stations;
- (c) inspect and examine records and other information required to be kept by meteorological stations; or
- (d) cut down and remove any tree, underwood or structures that may interfere with surveys or stations:

Provided that the Authority shall not acquire any right other than that of user in the property in, on, over or under which its equipment, apparatus or instruments are installed, constructed, placed or maintained.

(2) If any damage is caused, while performing any action specified in subsection (1), to the owner, occupier or the company or local authority having control or management of the land or premises, the owner, occupier or the company or local authority shall be compensated by the Government.

(3) If on a claim made, it is shown that as a result of any action taken under subsection (1) any damage, loss or any depreciation in the value of the property of any person has been caused, the Government shall subject to the provisions of this section and regulations made under this Act relating to compensation pay an amount equal to such damage, loss or depreciation of value.

(4) A claim for compensation shall be made in the prescribed form and manner, within 6 months from the date of any action taken under subsection (1).

(5) The amount of compensation claimed under this section shall be determined, by a committee of not less than three members to be appointed by the Minister, in accordance with the procedure as may be prescribed.

(6) An appeal against the decision of the committee shall lie to the Supreme Court.

Limitation of liability

16.(1) The Authority shall not be liable for any damage, loss or injury sustained or alleged to have been sustained by any person as a result of his or her reliance on meteorological information provided by the Authority.

(2) Save as otherwise provided, no suit, prosecution or other legal proceedings shall be instituted against the Authority, Board, Members of the Board or its officers or other employees for any act or omission done or omitted to be done in good faith in pursuance of this Act or any regulations made thereunder.

PART IV - FINANCE, ACCOUNTS AND REPORTS

17.(1) The funds of the Authority shall consist of—

Funds of Authority

- (a) such moneys as are appropriated by the National Assembly for the use of the Authority;
- (b) any moneys accruing to the Authority from commercial services or other payments; and
- (c) any moneys as, from time to time, are received by the Authority by way of donations, gifts or grants.

(2) The Funds of the Authority shall be applied for—

- (a) the discharge of the expenses in carrying out its functions;
- (b) the payment of emoluments to the members of the Board, officers and other employees of the Authority; and
- (c) other expenses of the Authority for purposes of this Act, as may be authorised by the Board.

18.(1) The financial year of the Authority shall be the calendar year.

Accounts and audit

(2) The Authority shall maintain proper accounts and other relevant records and prepare a statement of accounts in the form and manner approved by the Auditor General.

(3) The account of the Authority shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

(4) Where the accounts and the statement of accounts of the Authority in respect of a financial year have been audited, the Board shall furnish, not later than 3 months after the end of the financial year, to the Minister and the Minister responsible for finance, a copy of the statement together with a copy of any report by the Auditor General on the statement of accounts or on the accounts of the Authority.

Plan of activities

19.(1) The Authority shall prepare a plan of activities and submit it at least 30 days before the beginning of each financial year to the Minister for his or her approval.

(2) The plan of activities under subsection (1) shall—

- (a) include a statement of the short and medium term objectives of the Authority;
- (b) outline the strategies that the Authority intends to employ in order to achieve its objectives; and
- (c) include, *inter alia*, an operational plan, a financial plan, a human resources plan and performance indicators.

Annual report

20. The Authority shall, as soon as possible after the expiration of each financial year and in any event not later than the 31st day of March in any year, submit to the Minister, and the Minister responsible for finance, an annual report dealing generally with the administration and its activities during the preceding financial year and the Minister shall cause the report to be laid before the National Assembly.

PART V - OFFENCES AND PENALTIES

Offences and penalties

21.(1) A person shall not—

- (a) publish, disseminate or distribute in any manner whatsoever any severe weather warning which

he or she knows, believes or ought to have reasonably known or suspected—

- (i) to be false or misleading;
- (ii) that it may incite public reaction and may lead to the undue mobilisation of resources, public alarm, evacuations or economic loss;

(b) impersonate or falsely represent himself or herself to be an officer or employee of the Authority or purport to act on behalf of the Authority; or

(c) use official emblem or name of the Authority, or emblem or name closely resembling that of the Authority, which will be difficult for a reasonable person to distinguish between the original and the resembling version, with the intention to deceive any person to believe that the document or message presented or disseminated is an official document or message originating from the Authority; or

(d) provide advice on the installation of meteorological stations and climatological centres in Seychelles.

(2) Any person who contravenes any provisions of subsection (1) commits an offence and shall on conviction be liable, in the case of a first conviction, to a fine not exceeding SCR50,000 or imprisonment for a term not exceeding 5 years, and in the case of a second or subsequent conviction, to a fine not exceeding SCR100,000 or imprisonment for a term not exceeding 10 years, or with both such fine and imprisonment.

(3) Where a person is convicted of an offence under subsection (2) and it appears that such person has by that offence caused loss or damage to the Republic or any person,

the court may, grant such compensation to the Republic or person, as the case may be, for the loss or damage.

(4) Any person who wilfully destroys or damages or interferes in any manner with any equipment, apparatus or instrument installed, constructed, placed or maintained by the Authority, commits an offence and shall on conviction be liable to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

(5) Where a person is convicted of an offence under subsection (4), the court may, in addition order the person convicted, to pay to the authority a sum equal to the cost of repairing any damage so caused.

PART VI - MISCELLANEOUS

Transfer of
staff and
property

22.(1) All persons employed in the Seychelles National Meteorological Services prior to the commencement of this Act shall be transferred to the service of the Authority on terms and conditions not less favourable than those enjoyed by them before the transfer.

(2) Until such time as new terms and conditions of service are adopted, the terms and conditions of service in the Government shall continue to apply to every person transferred to the service of the Authority under subsection (1) as if the persons were still in the service of the Government.

(3) All movable property vested in the Government immediately before the commencement of this Act and used and managed by the Seychelles National Meteorological Services and all assets, rights, interests, privileges, liabilities and obligations of the Government relating to the Seychelles National Meteorological Services shall be transferred to and vest in the Authority upon the commencement of this Act.

SECOND SCHEDULE

[Section 2(k)]

PUBLIC GOOD SERVICES

1. The gathering of meteorological and climatological observation data over Seychelles and surrounding ocean, sufficient for the needs of the country and to comply with international obligations and in accordance with the World Meteorological Organisation standards, where practicable.
2. The carrying out of those international obligations agreed under World Meteorological Organisation arrangements, including the international distribution of data.
3. The provision of other meteorological services and the representation of Government in fulfilment of international obligations, where appropriate.
4. The provision of weather and climatic forecasting and warning services intended for the general benefit of the population and the safety of life and property.
5. The provision of daily rainfall and maximum and minimum temperatures data to the general public.
6. The custody of National Climatological Databank.
7. The operation of a national meteorological telecommunication network and computer infrastructure necessary to provide public good services.
8. The maintenance of the National Meteorological Library.
9. The provision of advice to Government regarding meteorological and climatological matters.
10. The provision of meteorological and functional-related training in partnership with higher education institutions.

11. The conducting of research focussed on reducing the impact of weather-related natural disasters and on improving to the quality of the public good services.

12. The provision of meteorological support for aviation and maritime search and rescue activities in accordance with international obligations of the Government.

13. The provision of service for the benefit of subsistence farmers and fisheries.

THIRD SCHEDULE

[Section 6(2)(d)]

EARLY WARNING AND ALERT LEVELS

COLOUR CODE FOR GENERAL PUBLIC WARNING

Colour	Name	Type	Detail
(1)	(2)	(3)	(4)
Red	Red Alert	Severe	<p>STATUS RED - Severe Weather Warning - Take Action</p> <p>The issue of RED level severe weather warnings should be a comparatively rare event and implies that recipients take action to protect themselves and/or their properties; this could be by moving their families out of the danger zone temporarily; by staying indoors; or by other specific actions aimed at mitigating the effects of the weather conditions.</p> <p>ALL EMERGENCY PROTOCOL IN PLACE</p>

(4) Where a question arises as to whether a particular movable property has been transferred to or vested in the Authority under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the property was or was not transferred or vested.

23. The Minister may give in writing the directions of policy to the Authority in regard to the discharge of its functions and the Authority shall comply with such directions.

Directions of Minister

24. The members and the employees of the Authority shall be deemed to be employed in the public service and sections 91 to 96 of the Penal Code shall apply to them.

Application of Penal Code

25. The Minister may make regulations for carrying out or giving effect to the provisions of this Act, which may include all or any of the following matters —

Regulations

- (a) charges for providing commercial services;
- (b) weather related obligations required to be prescribed under section 4(g);
- (c) other functions of the Authority under section 5(p) and other functions of the Board under section 10(h);
- (d) manner and form of making claims, the period within which claims to be made, determining compensation, the composition, manner of appointment of, and the procedure to be followed by, the committee under section 15(4) and (5);
- (e) amending any Schedule;
- (f) any other matter which is required or necessary to be prescribed under this Act.

Repeal of Act
15 of 2000 and
savings

26.(1) The Meteorology Act, 2000 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

FIRST SCHEDULE

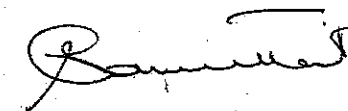
[Section 2(f)]

COMMERCIAL SERVICES

1. The provision of specialised weather forecasting and climate information services.
2. The provision of meteorological services to the maritime industries that are not included in international obligations of the International Convention for Safety of Life at Sea (SOLAS), 1974, as amended from time to time.
3. The provision of aviation meteorological services.
4. Weather and climate related publications.
5. Meteorological consultations including advice to the legal and insurance industries.
6. Contracted weather and climate-related research.
7. Research to improve commercial services.
8. The dissemination of weather and climate information.
9. The provision of specialised services to the media.

Orange	Orange Alert	Very High	<p>STATUS ORANGE - Weather Warning - Be Prepared</p> <p>This category of ORANGE level weather warnings is for weather conditions which have the capacity to impact significantly on people in the affected areas. The issue of an Orange level weather warning implies that all recipients in the affected areas should prepare themselves in an appropriate way for the anticipated conditions.</p>
Yellow	Yellow Alert	High	<p>STATUS YELLOW - Weather Alert - Be Aware The concept behind YELLOW level weather alerts is to notify those who are at risk because of their location or activity, and to allow them to take preventative action.</p> <p>It is implicit that YELLOW level weather alerts are for weather conditions that do not pose an immediate threat to the general population, but only to those exposed to risk by nature of their location or activity.</p>

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 4th November, 2015.



Ms. Shelda Commettant
Clerk to the National Assembly