

APPEALS BOARD CHARTER

ENVIRONMENT PROTECTION – APPEALS BOARD

This Charter shall constitute the governance of the Appeals Board and define the respective roles, responsibilities and authorities of the Board, both individually and collectively, and provide procedures of the Board in line with the Environment Protection Act (Appeals Rules of Procedure) Regulation, 2022.

1. Purpose

The Environment Protection Appeals board is instituted under Section 73 of the Environment Protection Act (EPA) 2016. The Appeals Board is established to provide an independent and impartial review of appeals submitted by individual or entities regarding decision made under the following provisions;

- Environment Protection Act 2016
- Lighting of Fires (Restriction) Act 2019
- Trade of Wild Fauna and Flora Act 2021
- Nature Reserves and Conservancy Act 2022
- Appeals committee to consider these cases.
- Seychelles Parks and Gardens Authority Act 2022

The Board shall ensure fairness, transparency and accountability in the appeal process.

2. Composition

Members

The Appeals Board shall consist of the following members;

- Mr Kenny Elisabeth – Chairperson
- Ms Sylvanna Antat – Member (Vice Chairperson)
- Mr Victor Hill – Member
- Ms Wilna Accouche – Member
- Mr Abel Sorry – Member
- Anne-Marie Rath -Secretary

The members were appointed in accordance with Section 73 (2) and (3) of the Environment Protection Act (EPA) 2016.

Terms of Service

As per section 73 (4) of the Environment Protection Act (EPA) 2016, *“The Chairman and other members of the Appeal Board shall hold office for 3 years and be eligible for reappointment”*.

A member may resign from the Appeals Board by giving not less than 28 days’ notice in writing to the Minister. A copy shall be sent to the Chairman of the Appeals Board.

As per section (5) of the Environment Protection Act (EPA) 2016, *“The President may at any time terminate a member who has been found guilty of-*

- (a) Any misconduct, default or breach of trust in the discharge of that member’s duties; or*
- (b) Any offence of a nature as renders it desirable that the member’s appointment be terminated”*

Chairperson

The Chairperson shall preside over all meetings and ensure the effectiveness of the Appeals Board.

Vice Chairperson

The Vice Chairperson shall preside over all meetings and ensure the effectiveness of the Appeals Board in the absence of the Chairperson.

Secretary to the Appeals Board (Reg. 5)

The secretary to be appointed by the Board;

- a) ensuring the overall smooth running of the Appeals Board;
- b) convening the sittings of the Appeals Board after consultation with the Chairperson and members;
- c) the implementation of decisions made by the Appeals Board; and
- d) such other duties as the Chairperson may from time to time direct

3. Duties and Responsibilities

General Responsibilities

- a) Review and decide on appeals submitted by individuals or entities.
- b) Ensure that all decision is made fairly, impartially, and based on the evidence presented.
- c) Maintain confidentiality of all appeal proceeding and related documentation.
- d) Maintain the highest standards of integrity, transparency and justice in all decisions.

Specific Duties

- a) Schedule and conduct hearings as needed.
- b) Review all submitted materials and evidence related to each appeal.
- c) Deliberate and issue a written decision on each appeal, providing reasons for the decision.
- d) Ensure compliance with all relevant laws, regulation and policies
- e) Ensure that rules of evidence which apply in civil cases shall apply in all matters before the Appeals Board.
- f) Ensure that all rules of Natural Justice are observed.

4. Procedures

Assessment of an Appeal

An assessment of an Appeal shall involve a factual assessment of whether the allegations are credible.

A person aggrieved may seek to mediate with the decision maker before lodging an appeal.

Procedures of Appeal Board

The procedures of the Appeals Board shall be as per the Environment Protection Act (Appeals Rules of Procedure) Regulations, 2022, and Procedure Manual for The submission and Hearing of An Appeal to the Environment Appeals Board (Annex 1)

Lodgment of appeals (Reg. 4);

- Notice of appeal;
 - made in the prescribed form (First schedule)
 - fee of SCR 250 (Second Schedule)
 - file with the Secretary of the Appeals Board

- Secretary;
 - Register the notice of appeal and deliver to the chairperson
 - Serve a copy of the notice of appeal to the Respondent
 - Notify the respondent to compile a record and send a copy to the Appellant.

Commencement of proceedings (Reg. 6)

- Notice of Mention; made in prescribed form (third schedule) and to be issued by the secretary to the parties.

- Hearing of Mention; the parties to disclose documents they wish to rely upon at the hearing.

- Date for Hearing; the secretary to record the date set for hearing and ensure that all parties have notice of the date.

Hearings before the Appeals Board (Reg.8)

- Evidence on oath; Chairperson may administer Declaration:
Section 22 of the Evidence Act

Form of Declaration

Every such declaration shall be as nearly as may be in the following:

“I, [Full Name] do solemnly, sincerely, and truly declare” and shall proceed with the words of the oath prescribed by law, omitting any words of imprecation or calling to witness.”

- Hearing Appeals Board; open to the public, but may be heard in private if-
 - The circumstances warrant so; or
 - The Appeals Board considers it appropriate.

Arguments or submissions before the Appeals Board (Reg.9)

- Party or authorized representative to declare whether he or she intends to make oral written submissions during proceedings.

- Written Submission; copies to be submitted to secretary of the Appeals Board at least 5 working days before the hearing date.

Proceedings in absence of a party (Reg.10)

- Any party to the proceeding who was present when the date was fixed does not appear;
 - the proceeding may be continued in the absence of that party, or
 - The chairman may issue an Order, Direction or Notice considered appropriate.

Minutes and Records of Proceedings (Reg.11)

- The Secretary shall keep a record of proceedings at the hearing.

Quorum and Decision of the Appeals Board (Reg.12)

- Decision for appeal;
 - (a) Confirm the decision
 - (b) Varying the decision
 - (c) Quashing the decision
 - (d) Ordering the respondent to reconsider its decision as directed by the appeals board
- Quorum; 3 members of the Appeals Board
- Decision of Appeals Board; Signed and dated by the Chairperson and 2 other members and served on the parties to the proceeding within 14 days from date that the decision is made.
- The decision of the Appeals Board is final.

5. Meetings

General meetings

The appeals Board shall meet on a quarterly basis as per established schedule for general meetings.

Additional meetings may be called by the Chairperson as needed.

6. Voting

Each member of the Appeals Board shall have one vote.

Decisions shall be made by a majority vote of the members present.

Where the circumstances require a vote to break a tie the Chair shall have an additional vote.

7. Reporting

The Appeals Board shall provide a quarterly report to the Ministry of Agriculture, Climate Change and Environment on the number of cases submitted and all updated cases before the Board.

8. Confidentiality

All matters discussed and materials reviewed by the Appeals Board are confidential and shall not be disclosed to any unauthorized persons.

9. Disclosure of interest (Reg. 14)

Member

Where a member, has direct or indirect interest in a matter being dealt with in those proceedings, the member shall, before or as soon as practicable after the commencement of the proceedings, disclose that interest and shall not take part in any consideration or discussion of, or vote on any question relating to, the matter under consideration.

Chairperson

Where the Chairperson, has direct or indirect interest in a matter being dealt with in those proceeding the chairperson shall, before or as soon as practicable after the commencement of the proceedings, disclose that interest and shall not take part in any consideration or discussion of, or vote on any question relating to, the matter under consideration.

A member shall be appointed as temporary chairperson over the matter being dealt with.

10. Amendments

This charter may be amended by a majority vote of the Appeals Board members, subject to approval by the Ministry of Agriculture, Climate Change and Environment.

Members	Signature
Mr Kenny Elisabeth – Chairperson	 7.3.25
Ms Sylvanna Antat – Member (Vice Chairperson)	 7.3.2025
Mr Victor Hill – Member	 14.03.25
Ms Wilna Accouche – Member	 7th May 2025
Mr Abel Sorry – Member	

