



29 July 2022

(22-5739)

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

SEYCHELLES: FAIR TRADING ACT, 2022 (ACT 12 OF 2022)

Notifying Member	SEYCHELLES
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Details of the notified legal text

Title	Fair Trading Act, 2022 (Act 12 of 2022)
Subject matter	Other
Nature of notification	<input type="checkbox"/> Main dedicated intellectual property law or regulation <input checked="" type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2022/IP/SYC/22_4971_00_e.pdf
Notification status	<input checked="" type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	Not applicable

Brief description of the notified legal text

The object of this Act is to consolidate, review and revise the law relating to fair trading, competition, and consumer protection in order to align and harmonize it with international best practices. In that pursuit, this Act seeks to repeal the Fair-Trading Commission Act (Cap 267), the Fair Competition Act (Cap 266), and the Consumer Protection Act (Cap 257).

The Fair-Trading Commission is being established as the central institutional organ for the effective administration of the Act. The Commission is enjoined amongst other functions with enforcing compliance with the Act, advising the Government on laws affecting fair trading, competition, and consumer protection, and making recommendations to the Government on the actual or likely anti-competitive effects or consumer protection issues that arise out of the implementation of the Act.

The Act proposes the establishment of the Fair-Trading Tribunal to deal with appeals against the decisions of the Commission, complaints of alleged prohibited conduct, applications for breaches of undertakings and applications for authorization or permission of proposed mergers recommended by the Commission. The introduction of the Fair-Trading Tribunal is not only commendable as a principle of best international practice but is also good for democracy and the rule of law.

The Act extensively makes provisions for the protection of consumer protection rights and accordingly protects amongst many others the rights to fair, just, and reasonable terms and conditions, disclosure of information, fair and responsible marketing, fair and honest dealing, choice, safety, fair value, good quality and safety for the performance of services and supply of goods.

Regarding fair competition, the Act makes provision for, among others, the abuse of a dominant position, restrictive horizontal and vertical practices, mergers, and factors to be considered for determining the aforementioned practices and market inquiries.

Offences and penalties for contravening the provisions of the Act are also clearly specified in the Act.

Finally, the Act mandates the Minister responsible for Trade in consultations with the Fair-Trading Commission to make regulations for all matters which are required or necessary to be provided for in giving effect to the provisions of the Act.

Language(s) of notified legal text	English
Entry into force	1 August 2022
Other date	Publication: 20 June 2022

Notification details

Submission date of notification	26 July 2022
Other information	Published in the Official Gazette on 20 June 2022
Agency or authority responsible	<p>Chief Executive Officer Fair Trading Commission United House Palm St Victoria Seychelles</p> <p>Phone: +248 4 325 250 Email: ceo@ftc.sc Website: https://www.ftc.sc/</p>

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.