

SEYCHELLES INTELLIGENCE SERVICE BILL, 2018

(Bill No. 8 of 2018)

OBJECTS AND REASONS

The Bill seeks to provide for the establishment of the Seychelles Intelligence Service in order to preserve national security; to define its powers, duties and functions; to regulate the administration and control of the service and for matters connected therewith or incidental thereto.

The Bill is divided into eight parts.

Part I provides for preliminary matters such as short title, commencement and interpretation.

Part II provides for the establishment of the Seychelles Intelligence Service, the powers, duties and functions of the Service, the appointment of Director-General and Director and Members, the appointment of other administrative staff, acquiring of service for particular work and employment of service in times of emergency.

Part III provides for the powers, duties and functions of Director-General and the Director.

Part IV provides for the Funds of the service, utilisation of funds, control of accounts and audit of accounts.

Part V provides for the access to bank accounts of suspects, interception and monitoring, issue of direction and execution of direction.

Part VI provides for the secrecy, prohibition of disclosure of identity and disclosure of information.

Part VII provides for the power to make regulations by the President, the power to make rules by the Chief Justice and the power to issue office memorandum or circulars by the Director-General.

Part VIII provides for miscellaneous provisions such as functions of the Ministries, offices and agencies relating to security intelligence, application of the Act to Director-General, Director and all staff members irrespective of whether they work in or outside Seychelles, application of the provisions of Penal Code and protection of action taken in good faith.

Dated this 21st day of June, 2018.

FRANK D.R. ALLY
ATTORNEY-GENERAL

SEYCHELLES INTELLIGENCE SERVICE BILL, 2018

(Bill No. 8 of 2018)

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SCHEDULES

SEYCHELLES INTELLIGENCE SERVICE BILL, 2018

(Bill No. 8 of 2018)



A BILL

OF

AN ACT to provide for the establishment of the Seychelles Intelligence Service in order to preserve national security; to define its powers, duties and functions; to regulate the administration and control of the service 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 Seychelles Intelligence Service Act, 2018 and shall come into operation on such date as the President may, by notice published in the *Gazette*, appoint.

Short title and commencement

Interpretation

2. In this Act, unless the context otherwise requires —
 “classified information” means information of such a sensitive nature and value that the unauthorised publication or disclosure thereof would lead to a security risk being posed to the State;

“Director-General” means the Director-General appointed under section 5(1) of the Act;

“Director” means the Director appointed under section 5(2) of the Act;

“evaluate” means the process of determining and assessing whether the information is possibly correct, probably correct or factually correct;

“Judge” means a Judge of the Supreme Court of Seychelles;

“ministerial intelligence” means the information which relates to any power, duty or function concerning the security of Seychelles which by or under any written law has been entrusted to any Ministry, office or agency, and which information may be required by that Ministry, office or agency in the performance of any such power, duty or function;

“misconduct” means—

- (a) the commission of any offence; or
- (b) a contravention of or failure to comply with any provision of this Act which does not constitute an offence;

“monitor” includes the recording of conversation by means of a monitoring service;

“monitoring device” means any instrument, device or equipment which is used or can be used, whether by itself or in combination with any other instrument, device or equipment, to listen to or record any image or conversation;

“postal article” means any letter, post card, letter card, newspaper, book, packet, pattern or sample packet or any parcel or other article in transit by post, and includes a telegram when conveyed by post;

“security intelligence” means information which relates to or may be relevant to any internal or external threat to the security of Seychelles in any field;

“security vetting investigation” means any systematic procedure used to examine and appraise a person to determine his or her security competence, including the continued monitoring thereof;

“sensitive information” includes any information—

- (a) which is likely to disclose the identification of, or provide details of, source of information, other assistance or operational method available to the Service;
- (b) which relates to particular operations which have been, are being or are proposed to be undertaken by the Service in pursuance of any of its functions; or
- (c) which has been provided by an agency of a foreign government where that agency or government does not consent to the disclosure of the information;

“Service” means the Seychelles Intelligence Service established under section 3 of the Act;

“telecommunication system” includes any apparatus, instrument, pole, mast, wire, pipe, pneumatic or other tube, thing or means which is or may be used or in connection with the sending, conveying, transmitting or receiving of signs, signals, sounds, communications or other information; and

“threat to the security of Seychelles” means —

- (a) any activity relating to espionage, sabotage, terrorism or subversion or intention of any such activity directed against, or detrimental to the interests of, Seychelles, and includes any other activity performed in conjunction with any activity relating to espionage, sabotage, terrorism or subversion, but does not include any lawful advocacy, protest or dissent not performed in conjunction with any such activity;
- (b) any activity directed at undermining, or directed at or intended to bring about the destruction or overthrow of, the constitutionally established system of the government;
- (c) any act or threat of violence or unlawful harm that is directed at or intended to achieve, bring about or promote any constitutional, political, industrial, social or economic objective and includes any conspiracy, incitement or attempt to commit any such act or threat;
- (d) any foreign influenced activity with or related to Seychelles that —

(i) is detrimental to the interest of Seychelles; and

(ii) is clandestine or deceptive or involve any threat whatever to the State or its citizens or any other person lawfully resident in Seychelles; and

(e) any organised crime.

PART II - SEYCHELLES INTELLEAGENT SERVICE

3.(1) The President shall establish a Seychelles Intelligence Service for the purpose of this Act.

Establishment
of Seychelles
Intelligence
Service

(2) The Service shall consist of a Director-General, a Director and such other staff members appointed as per the provisions of this Act.

(3) The President shall, subject to the provisions of the Constitution and other written laws of Seychelles and of this Act, do and cause to be done all things which in his or her opinion are necessary for the efficient superintendence and control of, and the action by and functioning of, the Service.

(4) The Service shall, subject to subsection (3), be an independent body and shall not be subject to the direction or control of any person or authority with regard to its functions under this Act.

4.(1) The powers, duties and functions of the Service are, subject to the provisions of subsection (2), to —

Powers,
duties and
functions of
the Service

(a) investigate, gather, evaluate, correlate, interpret and retain information, whether inside or outside Seychelles, for the purposes of —

(i) detecting and identifying any threat or

- potential threat to the security of Seychelles;
- (ii) advising the President and the Government of any threat or potential threat to the security of Seychelles;
- (iii) assisting the Seychelles Police Force by gathering intelligence to be used in the detection and prevention of such serious offences as may be determined by the Director-General; and
- (iv) taking steps to protect the security interests of Seychelles whether political, military or economic;
- (b) gather ministerial intelligence at the request of any interested Ministry, office or agency, and without delay to evaluate, and transmit as appropriate to that Ministry, office, or agency such intelligence and any other intelligence at the disposal of the Service and which constitutes ministerial intelligence;
- (c) regulate, in co-operation with any Ministry, office or agency entrusted with any aspect of the maintenance of the security of Seychelles, the flow of security intelligence and the co-ordination between the Service and that of any other office, Ministry or agency of functions relating to such intelligence;
- (d) make recommendations to the President in connection with—
- (i) policies concerning security intelligence;
- (ii) security intelligence priorities; and

- (iii) security measures in Ministries, offices, and agencies; and
- (e) perform such other duties and functions as may from time to time be determined by the President in the national interest.
- (2) The provisions of subsection (1) shall not be construed as—
- (a) depriving or derogating from any power, duty or function conferred upon or entrusted to any person or authority other than the Service by or under any other written law;
- (b) limiting the continuation, establishment or functions of an intelligence capability connected to any Ministry, office, or agency in respect of any function relating to Ministerial intelligence; and
- (c) depriving or derogating from any duty or function of a body or committee constituted by the President.

5.(1) The President shall appoint a suitable person as the Director-General of the Service on such terms and conditions as the President may determine.

Appointment
of Director-
General and
Director

(2) The President may, in consultation with the Director-General, appoint a person of integrity, good service records and experience in administration, as Director of the Service, on such terms and conditions as the President may determine.

6.(1) The President shall appoint other members of the Service in consultation with the Director-General on such terms and conditions as the President may determine.

Members of
the service

(2) The members appointed under subsection (1) may include —

- (a) any person in the service of the Seychelles People's Defence Force;
- (b) any person in the service of the Seychelles Police force;
- (c) any person in the service of the Broadcasting and Telecommunication Department;
- (d) any public officer.

(3) No person shall be appointed as Director or other members of the Service before —

- (a) information with respect to that person is gathered in the manner determined by the Director-General, in a security vetting investigation by the Service; and
- (b) the Director-General make recommendations to the President, after evaluating the collected information that such person may be appointed in the Service without the possibility that such person might be a security risk or that he or she might act in a way prejudicial to the security interests of the State

(4) The Director-General, the Director and every members of the Service shall, before commencing his or her duties under this Act make and subscribe to —

- (a) an oath or solemn affirmation of allegiance; and
- (b) an oath or solemn affirmation of secrecy,

in the form specified under Schedule I and II respectively, before —

- (i) in the case of the Director-General, the President; and
- (ii) in the case of the Director and of other members of the Service, the Director-General.

(5) Any document in the prescribed form purporting to have been signed by the Director-General and certifying that a person has been appointed as a Director or members of Service, shall be *prima facie* proof that the person has been so appointed.

7. The Director-General may appoint other administrative staff of the service as required for the purpose of the Act, with the approval of the President

Appointment of other administrative staff

8. The Director-General may, subject to the provisions of this Act, obtain the service of any person, body or organisation for the performance of a particular service or for any particular period.

Acquiring of service for particular task

9. The President may during a state of emergency declared under the Constitution of the Republic of Seychelles, employ the Service or any part thereof to counter any such emergency or to assist in the defence of Seychelles, and may place the Service or any part thereof, while so employed, under the orders and directions of such person as he or she may for that purpose appoint.

Employment of service in times of emergency

PART III - POWERS, DUTIES AND FUNCTIONS OF DIRECTOR-GENERAL AND DIRECTOR

10.(1) The Director-General shall —

- (a) be the principal advisor to the President and the Government on matters relating to national security and intelligence;

Powers duties and functions of the Director-General

- (b) report to the President on threats and potential threats to the security of Seychelles;
- (c) in consultation with the President ensure that a good relationship is established and maintained between the Service and every Ministry, office and agency, and any institution approved by the President;
- (d) take all reasonable steps to ensure that the actions of the Service are limited to what is necessary for the proper performance of its functions under this Act or any other written law and that no information is gathered by the Service except in so far as may be necessary for the proper performance of its functions under this Act or any other written law;
- (e) ensure that the Service is not in the performance of its functions influenced by considerations not relevant to such functions and that no act is performed that could give rise to any reasonable suspicion that the Service is concerned in furthering, protecting or undermining the interests of any particular section of the population or any political party or organisation in Seychelles; and
- (f) as far as is reasonably practicable take steps to ensure that national security intelligence, intelligence collection methods, sources of information and the identity of staff members are protected from unauthorised disclosure.

(2) The Director-General may, with the prior written approval of the President, establish such offices inside or outside Seychelles and make such liaison arrangements with foreign services or agencies as he or she may deem necessary

for the proper performance of the function of the Service under this Act or any other written law.

(3) The Director-General shall annually, not later than 31st January of each year, submit to the President a report on the activities of the Service under this Act during the period of 12 months preceding 31st December of that year and shall furnish such other information relating to anything done by the Service under this Act as the President may require.

11. The Director shall be the administrative head of the Service and shall, notwithstanding any other powers conferred or duties imposed upon him or her by or under this Act or any other written law, but subject to the control and directions of the Director-General, be accountable for the efficient management, administration and control of the Service.

Powers,
duties and
functions of
the Director

PART IV - FUNDS OF THE SERVICE

12.(1) The Service shall maintain its own bank account and be credited with—

Funds of the
Service

- (a) such moneys as may be appropriated by the National Assembly pursuant to an Appropriation Act for the purposes of the Service; and
- (b) any monies received by the Service by way of donations, gifts or grants from any legal sources whether domestic or foreign.

(2) The operation of the bank account under subsection (1) shall be with the authorisation of the Minister of Finance.

(3) The Minister may, while giving an authorisation under subsection (2), impose such conditions or restrictions as he or she may consider necessary.

Utilisation
of the funds

13. The funds of the Service shall be utilised for the defrayment of expenditure in connection with—

- (a) the administration of the Service; and
- (b) those services of a confidential nature approved from time to time by the President in writing as being in the national interest,

and such moneys shall subject to—

- (i) the provisions of this Act; and
- (ii) in the case of expenditure in connection with services referred to in paragraph (b), any conditions determined by the President.

Control of
accounts

14. The account shall be under the control of the Director who shall—

- (a) be accountable and responsible for the administration of the Account; and
- (b) keep proper account or cause proper account to be kept of all moneys received or expended.

Audit of
accounts

15.(1) The financial year of the Service shall be the calendar year.

(2) The Service 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 Service shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

(4) The Auditor-General and every person acting on behalf of or under the direction of the Auditor-General shall not disclose any information that they have obtained or to which they have had access in the course of their audit of the Service except in the performance of their functions, including their reporting functions under article 158(5) of the Constitution and the Auditor-General Act (Cap 12), or when ordered by a court of law.

PART V - ACCESS TO BANK ACCOUNTS, INTERCEPTION OF POSTAL ARTICLE AND COMMUNICATION

16.(1) If, on the basis of information provided by the Director-General in a written application, the Judge is satisfied that there are reasonable grounds that a person, body or organisation being investigated by the Service is using a bank account for making financial transactions relating to activities for which such person, body or organisation is being investigated, the Judge may, notwithstanding anything to the contrary contained in any written law, and subject to the provisions of subsection (2), direct the banking institution concerned to provide details of the accounts of such financial transactions to the Director-General or to his or her duly appointed representative.

Access to bank
accounts of
suspects

(2) A direction contemplated in subsection (1) may be issued by a Judge—

- (a) if the application referred to in that subsection is accompanied by a supporting affidavit stating the activities for which the person, body or organisation concerned is being investigated; and
- (b) if the Judge is satisfied, on the grounds mentioned in the supporting affidavit, that the activities for which the person, body or organisation concerned is being investigated,

relate to a threat or potential threat to the security of Seychelles or to the commission of a serious offence.

(3) A direction issued under subsection (1) shall be issued for a period not exceeding three months at a time, and the period for which it has been issued shall be specified in that direction.

(4) The Judge who issued a direction or a Judge acting in his or her stead may, upon a written application made by the Director-General before the expiry of the period or extended period for which the direction has been issued, extend that period for a further period not exceeding three months at a time if the Judge is satisfied that the grounds on which the direction was issued, continue to exist.

(5) An application referred to in subsection (1) or (4) shall be heard and a direction issued without any notice to the person, body or organisation to which the application applies and without hearing such person, body or organisation.

(6) In this section "serious offence" means a serious offence contemplated in section 4(1)(a)(iii).

(7) Any person who, without a direction issued under subsection (1), intentionally obtains or attempts to obtain accounts of financial transactions relating to activities for which a person, body or organisation is being investigated by the Service under this Act, commits an offence and shall be liable on conviction to a fine not exceeding SCR20,000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

17.(1) Notwithstanding anything to the contrary contained in any written law, a Judge may, subject to the provisions of section 18, issue the Service with a direction authorising the Director-General, or any staff member or other person authorised thereto by the Director-General under section 19(1)—

Interception
and
monitoring

- (a) to intercept a particular postal article or a particular communication which has been or is being or is intended to be transmitted by telephone or in any other manner over a telecommunications system;
- (b) to intercept all postal articles to or from a person, body or organisation or all communications which have been or are being or are intended to be transmitted by telephone or in any other manner over a telecommunications system to or from a person, body or organisation;
- (c) to monitor in any manner by means of a monitoring device, conversations by or with a person, body or organisation, whether a telecommunications system is being used in conducting those conversations or not; or
- (d) when reasonably necessary—
 - (i) to enter upon and search any premises;
 - (ii) to examine, copy, photograph or transcribe any record, document or other material on the premises; and
 - (iii) to remove any record, document or other material from the premises, for as long as is reasonably necessary, for the purposes of examining, copying, photographing or transcribing it.

(2) Any person who, without a direction issued under subsection (1)—

- (a) intentionally and without the knowledge or permission of the dispatcher intercepts a

communication which has been or is being or is intended to be transmitted by telephone or in any other manner over a telecommunications system; or

- (b) intentionally monitors a conversation by means of a monitoring device so as to gather confidential or classified information concerning any person, body or organisation; or
- (c) intentionally and without the permission of the person who is lawfully in charge or occupation of any premises enters upon the premises —
 - (i) to search the premises; or
 - (ii) to examine, copy, photograph or transcribe any record, document or other material on the premises; or
 - (iii) to remove any record, document or other material from the premises for the purposes of examining, copying, photographing or transcribing it,

with the purpose of gathering information concerning a threat or potential threat to the security of Seychelles in the discharge of a function under this Act,

commits an offence and shall be liable on conviction to a fine not exceeding SCR 20,000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

Issue of
direction

18.(1) A direction contemplated in section 17(1) may be issued by a Judge —

- (a) upon a written application made by the Director-General; and
- (b) if the Judge is satisfied, on the grounds mentioned in subsection (2), that —
 - (i) the gathering of information concerning a threat or potential threat to the security of Seychelles is necessary to enable the Service to properly investigate such threat or potential threat or to effectively perform its functions under section 4 of this Act or any other written law; and
 - (ii) such threat or potential threat cannot be properly investigated or such functions cannot be effectively performed in any other manner.

(2) An application referred to in subsection (1)(a) shall be accompanied by a supporting affidavit stating —

- (a) the facts relied onto justify on reasonable grounds the necessity for the issue of a direction so as to enable the Service to investigate a threat or potential threat to the security of Seychelles or to effectively perform its functions under section 4 of this Act or any other written law;
- (b) that other investigative procedures have been tried and have failed, or why it appears that they are unlikely to succeed, or that the urgency of the matter is such that it would be impractical to carry out an investigation using only other investigative procedures or that without a direction it is likely that information of importance with respect to a threat or potential threat to the security of Seychelles

or the performance of the functions entrusted to the Service under section 4 of this Act or any other written law would not be obtained;

- (c) the type of postal article or communication proposed to be intercepted, the type of information, records, documents or other material proposed to be obtained or removed and the powers proposed to be exercised for that purpose;
- (d) the identity of the person, body or organisation, if known, whose communication is proposed to be intercepted or which is in possession of the information proposed to be obtained;
- (e) the person, body or organisation, or class or classes of persons, bodies or organisations, to which the direction is proposed to be applied; and
- (f) the place where the direction is proposed to be executed, if a general description of that place can be given.

(3) A direction issued under subsection (1) shall be issued for a period not exceeding three months at a time, and the period for which it has been issued shall be specified in that direction.

(4) The Judge who issued a direction or a Judge acting in his or her stead may, upon a written application made by the Director-General before the expiry of the period or extended period for which the direction has been issued, extend that period for a further period not exceeding three months at a time if the judge is satisfied that the extension is necessary for the reasons mentioned in subsection (1)(b).

(5) An application referred to in subsection (1)(a) or (4) shall be heard and a direction issued without any notice to the person, body or organisation to which the application applies and without hearing such person, body or organisation.

(6) If, upon an application made by the Director-General before the expiry of the period or extended period for which a direction has been issued, the Judge who issued the direction or a Judge acting in his or her stead is satisfied that the grounds on which the direction was issued, have ceased to exist, the Judge shall cancel the direction.

19.(1) If a direction has been issued under section 18(1), any staff member or other person authorised thereto by the Director-General, may execute that direction or assist with the execution thereof.

Execution
of direction

(2) The Director-General may authorise such number of staff members to assist with the execution of a direction as he or she may deem necessary.

(3) Any staff member or other person who executes a direction or assists with the execution thereof, may at any time enter upon any premises in order to install, maintain or remove a monitoring device, or to intercept or take into possession a postal article, or to intercept any communication, or to install, maintain or remove a device by means of which any communication can be intercepted, or to search the premises with the purpose of gathering information concerning a threat or potential threat to the security of Seychelles, or to examine, copy, photograph or transcribe any record, document or other material on the premises or remove such record, document or other material from the premises, for as long as is reasonably necessary, for the purposes of examining, copying, photographing or transcribing it, for the purposes of this Act.

(4) If a direction contemplated in subsection (1) or a copy thereof is handed over to the person, body or organisation responsible for —

- (a) any activity or activities mentioned in the direction; or
- (b) the rendering of any service or services to a person, body or organisation, or class or classes of persons, bodies or organisations, mentioned in the direction,

by a staff member or any other person who executes that direction or assists with the execution of that direction, the person, body or organisation concerned shall as soon as possible comply with the terms of that direction.

Secrecy

20.(1) Any person, or any employee of a person, body or organisation, referred to in section 19(4) shall not disclose any information which he or she obtained —

- (a) in the performance of any function under this Act; or
- (b) in the course of his or her employment and which is connected with the performance of any function under this Act, whether that person or employee is involved in the performance of such function or not, except —
 - (i) to any person who of necessity requires it for the performance of his or her functions under this Act;
 - (ii) if he or she is a person who of necessity supplies it in the performance of his or her functions under this Act; or
 - (iii) such information which is required under any written law or as evidence in any court of law.

(2) Any person who contravenes a provision of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding SCR 10,000 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

21. Any person who has at his or her disposal information which he or she has obtained or to which he or she had access by virtue of —

Prohibition of disclosure of identity

- (a) the performance of his or her duties and functions under this Act; or
- (c) his or her position as a person who holds or has held any office or employment under this Act,

and from which the identity of any person —

- (i) who is or was a confidential source of information or assistance to the Service; or
- (ii) who is or was a staff member engaged in cover to operational activities of the Service,

can be inferred, and who discloses such information to any person other than a person to whom he or she is authorised to disclose it or to whom it may lawfully be disclosed, commits an offence and shall be liable on conviction to a fine not exceeding SCR20,000 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

22.(1) If the Director-General is requested by the Defence and Security Committee of the National Assembly to disclose any information to the Committee, he or she shall, subject to the provisions of subsection (2), disclose the information sought:

Disclosure of information

Provided that if the information sought is sensitive or classified information, each member of the Committee shall, prior to such disclosure is made, subscribe to an oath or solemn affirmation of secrecy before the Director-General in the form specified under Schedule III.

(2) If the President is reasonably of the opinion that it is not in the national interest that the information sought, as contemplated in subsection (1), be disclosed by the Director-General to the Committee at a specific time, he or she may determine that such information should not be disclosed, in which event such information —

- (a) shall not be disclosed within a period of six months from the date on which the President has determined that it should not be disclosed;
- (b) shall, after the expiry of the period of six months referred to in paragraph (a), but subject to the provisions of subsection (3), be disclosed to, either—
 - (i) the full Committee; or
 - (ii) only the Chairperson of the Defence and Security Committee and one other member of the Committee, which other member shall be a representative of the main opposition party,

as the President may determine;

- (c) shall, after the expiry of a period of one year from the date referred to in paragraph (a), but subject to the provisions of subsection (3), be disclosed to the full Committee, if such information has not previously been so disclosed.

(3) In the application of subsection (2)(b) and (c), the Director-General shall not disclose the information sought, unless each member of the Committee to whom such information is to be disclosed has made and subscribed to an oath or solemn affirmation of secrecy as specified in subsection (1).

PART VII - REGULATIONS, RULES, OFFICE MEMORANDUM

23. The President may make Regulations for the purpose of carrying out the provisions of this Act. Regulations

24. The Chief Justice may, after consultation with the Director-General, make Rules as to the manner and procedure of applications under sections 16(1) and (4) and 18 (1) and (4) are regulated. Rules

25. The Director-General may, subject to the provisions of this Act, issue office memorandum or circulars in relation to all matters in respect of which the Director-General considers it necessary or issue directives where it is necessary and expedient to do so, in order to achieve the objects of this Act. Office memorandum or circulars

PART VIII - MISCELLANEOUS

26. It shall be the duty of every Ministry, office and agency that comes into possession of national security intelligence or other intelligence related information which may be of value to the Service for the purposes of effectively performing its functions, to transmit such intelligence and information without delay to the Service with an indication of their liability of the source of such intelligence or information. Functions of Ministries, offices and agencies relating to security intelligence

27. Unless the context otherwise indicates, the provisions of this Act shall apply in respect of the Director-General, the Director and all staff members, irrespective of whether they work in or outside Seychelles. Application of the Act

Application
of the
provisions of
the Penal
code

28. The Director and other staff members of the Service or any other person acting under the direction of the Director-General shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code.

Protection of
action taken
in good faith

29. A suit or other legal proceedings shall not lie against the Director-General, Director or any staff member for anything done or omitted to be done in good faith in the performance of his or her functions under this Act.

SCHEDULE I

(Section 6(4)(a))

OATH OR SOLEMN AFFIRMATION OF ALLEGIANCE OF DIRECTOR-GENERAL, DIRECTOR AND STAFF MEMBERS

I,.....do hereby swear/solemnly affirm that I will faithfully and impartially to the best of my abilities perform the duties and functions required of me as Director-General/Director/staff member of the Seychelles Intelligence Service.

(In the case of an oath: So help me God.)

SCHEDULE II

[Section 6(4)(b)]

OATH OR SOLEMN AFFIRMATION OF SECURITY OF DIRECTOR-GENERAL, DIRECTOR AND STAFF MEMBERS

I,.....do hereby swear/solemnly affirm that I will not without being duly authorised thereto disclose to any person any information which I have obtained or to which I had access by virtue of the duties and functions

performed by me on behalf of or under the direction of the Seychelles Intelligence Service or by virtue of any office or employment held by me under the Seychelles Intelligence Service Act, 2018.

(In the case of an oath: So help me God.)

SCHEDULE III

(Section 22(1))

OATH OR SOLEMN AFFIRMATION OF SECURITY OF MEMBERS OF COMMITTEE OF NATIONAL ASSEMBLY

I,....., a member of the Committee of the National Assembly, do hereby swear/solemnly affirm that I will not communicate or divulge directly or indirectly any matter which are brought before the said Committee and which are entrusted to me under secrecy under the Seychelles Intelligence Service Act, 2018.

(In the case of an oath: So help me God.)