

**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)
BILL, 2021**

(Bill No. 21 of 2021)

EXPLANATORY STATEMENT

In the preparation of the revised edition of the Laws of Seychelles, the Law Revision Commissioner, in consultation with the Attorney General and on the approval of the Cabinet of Ministers, considers it desirable for this Bill to be presented to the National Assembly. This Bill is being presented to the National Assembly pursuant to section 6 of the Statute Law Revision Act, Cap. 231.

This Bill seeks to amend the following laws —

1. **Statute Law Revision Act, Cap. 231.** The objectives of the amendments under this Bill are, amongst other things, —
 - (a) to establish a Law Revision Advisory Committee to assist the Law Revision Commissioner in revising over 400 primary legislation and over 1,700 subsidiary legislation;
 - (b) to introduce special revision dates for any particular law;
 - (c) to repeal the requirement that the Revised Editions of the Laws of Seychelles are made available in a read only electronic version and therefore make the laws available to any person, free of charge; and
 - (d) to make it an offence to knowingly make alteration to a revision edition of the Law of Seychelles, with the intent to deceive a person as to the true text of the law.
2. **Interpretation and General Provisions Act, Cap. 103.** The objectives of the amendments under this Bill are, amongst other things —
 - (a) to repeal obsolete definitions of words and replace them with new definitions. Further, the Bill introduces new definitions of words such as “Auditor General”, “Central Bank of Seychelles”, “Magistrate” and “Vice-President”;
 - (b) to increase the monetary penalties that a body corporate pays for the commission of an offence where no monetary penalty is specified in the relevant enactment;

- (c) to introduce a requirement where the National Assembly passes a resolution to annul any statutory instrument that that statutory instrument should be annulled by way of an Order published in the Gazette so as to give notice to the public that the law is no longer in operation and to have this Order recorded amongst the other subsidiary legislation.
3. **Ministers (Number) Decree, Cap. 131.** This Bill seeks to repeal this Decree which is inconsistent with the Constitution. Article 69(1) of the Constitution stipulates that there shall be no more than 14 Ministers while the Ministers (Number) Decree stipulates that there shall be no more than 15 Ministers.
 4. **Official Oaths Act, Cap. 153.** The objectives of the amendments under this Bill are, amongst other things to repeal the 1976 Oath of Allegiance and Presidential Oath and replace them with the Oath of Allegiance and Presidential Oath set out in Schedule 6 of the Constitution. Further, the Bill seeks to insert the Vice-Presidential Oath set out in Schedule 6 of the Constitution in the Official Oaths Act and to increase the monetary penalty for contravening an oath of secrecy.
 5. **The Public Persons (Declaration of Assets, Liabilities and Business Interests) Act, 2016.** The objective of the amendment under this Bill is to introduce a penalty against a public person who fails to submit a required declaration within the time specified under this Act.
 6. **The Political Parties (Registration and Regulations) Act, Cap. 173.** The objective of the proposed amendments under this Bill is increase the monetary penalties under the Political Parties (Registration and Regulations) Act.

Dated this 31st day of May, 2021.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

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**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)
BILL, 2021**

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REPUBLIC OF SEYCHELLES

A BILL

FOR

**AN ACT to make amendments to certain enactments and to repeal the
Ministers (Number) Decree, Cap. 131.**

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Statute Law Revision (Miscellaneous Amendments) Act, 2021.

PART 2
STATUTE LAW REVISION ACT

Revision of the Statute Law Revision Act

2. In this Part, the “principal Act” means the Statute Law Revision Act, Cap. 231.

Amendment of section 2

3.(1) Section 2 of the principal Act is amended —

- (a) by repealing the definition “Commissioner” and substituting therefor the following definition —

“Commissioner” means the Law Revision Commissioner appointed under section 3;”

- (b) by inserting in the proper alphabetical order, the following definition —

““Committee” means the Law Revision Advisory Committee established under section 3A.;”

Repeal and replacement of section 3

4. Section 3 of the principal Act is repealed and substituted therefor the following —

“Appointment of Law Revision Commissioner

3.(1) The President may, by instrument under the Public Seal, appoint a Law Revision Commissioner to prepare the revised edition of the Laws of Seychelles, under the authority, and in accordance with the provisions, of this Act.

(2) A person is qualified for appointment as Commissioner if that person —

- (a) served as a Judge or Justice of Appeal in Seychelles; or

(b) is an Attorney-at-Law of not less than 7 years standing with experience in legislative drafting.

(3) A person shall hold office as Commissioner for a term of not more than 3 years and is eligible for re-appointment at the end of a term of office.

(4) Where the office of the Commissioner is vacant, the Attorney General shall have and perform, *mutatis mutandis*, the powers conferred on the Commissioner by this Act.”

Insertion of new section 3A.

5. The principal Act is amended by inserting immediately after section 3 the following as section 3A. —

“Establishment and functions of Law Revision Advisory Committee

3A.(1) There shall be a Law Revision Advisory Committee which shall comprise —

- (a) the Attorney General;
- (b) a Justice of Appeal;
- (c) a Judge;
- (d) 2 or more Attorneys-at-Law of not less than 7 years standing.

(2) The Attorney General shall be the chairperson of the Committee.

(3) The Committee shall provide assistance to the Commissioner in implementing this Act.

(4) The Committee may appoint a person as secretary to the Committee and such other persons to assist the Committee.

(5) The Committee shall regulate its own proceedings.

(6) There shall be paid to the members of the Committee and the persons appointed under subsection (3) such honorarium or allowances as

may be determined by the Minister responsible for finance in consultation with the Attorney General.”

Amendment of section 7

6. Section 7 of the principal Act is amended —
- (a) by repealing subsection (2);
 - (b) by renumbering subsection (3) as subsection (5);
 - (c) by inserting immediately after subsection (1) the following new subsections —
- “(2) A revised edition of the laws of Seychelles may be contained in such of the following formats as the Commissioner thinks fit —
- (a) bound books;
 - (b) a collection of booklets;
 - (c) loose-leaf books;
 - (d) CD-ROM or other means of electronic storage;
 - (e) a databank accessible by remote computer; or
 - (f) any other format.
- (3) The revision date of a revised edition shall be —
- (a) marked upon every page of a revised edition in printed format; and
 - (b) displayed upon every page of a revised edition in any other format, in such manner that it is also marked upon a printed copy of that page.
- (4) Different revision dates may be marked or displayed upon different pages of a revised edition.”

Insertion of new section 10A.

7. The principal Act is amended by inserting immediately after section 10 the following as section 10A.

“Special revision date for particular Law

10A.(1) Notwithstanding section 10, the President may, by notice published in the Gazette, appoint a date other than the revision date specified under section 10 as a special revision date for any particular written law.

(2) The Commissioner shall revise the particular written law specified in the notice as soon as practicable and shall publish it.

(3) In every such case, the Commissioner shall insert an appropriate note in the Laws of Seychelles with reference to the special revision date of that written law.

(4) The President may by order published in the Gazette direct that the revised edition of the Laws of Seychelles prepared under this section shall come into force on such date as the President may appoint in the order.”

Amendment of section 13

8. Section 13(1) of the principal Act is amended —

- (a) by repealing the words “a read only” and substituting therefor the word “an”;
- (b) by inserting immediately after the words “Laws of Seychelles” the words “that is accessible, free of charge, to any person”.

Insertion of new section 14

9. The principal Act is amended by inserting immediately after section 13 the following as section 14 —

“Offence

14.(1) A person who knowingly makes any alteration to a revised edition of the Laws of Seychelles, with the intent to deceive any person as to the true text of the law, commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine of level 4 on the standard scale, or to both such fine and imprisonment.

(2) Subsection (1) applies whether the alteration is made in Seychelles or elsewhere.”

PART 3

INTERPRETATION AND GENERAL PROVISIONS ACT

Revision of the Interpretation and General Provisions Act

10. In this Part, the “principal Act” means the Interpretation and General Provisions Act, Cap. 103, as amended.

Repeal and replacement of section 7

11. The principal Act is amended by repealing section 7 and substituting therefor the following

“Marginal note and section heading do not form part of the law

7. A marginal note, section heading or any heading note to any provision of any Act shall not have any legislative effect and shall not in any way vary, limit or extend the interpretation of any Act.”

Amendment of section 22

12. Section 22 of the principal Act is amended —

(a) by repealing the following definitions —

- “(ivii) “attorney”;
- (ii) “barrister”;
- (iii) “Court of Appeal”
- (iv) “Defence Force”;
- (v) “legal practitioner”;
- (vi) “Minister”;
- (vii) “police officer”; and
- (viii) “Seychelles”;

- (b) by inserting in the proper alphabetical order, the following new definitions —

““Attorney-at-Law” means an Attorney-at-Law pursuant to the Legal Practitioners Act, Cap. 111;

“Auditor General” means the person appointed as Auditor General under article 158 of the Constitution, Cap. 42;

“Central Bank of Seychelles” means the Bank established by the Central Bank of Seychelles Act, Cap. 26;

“costs” includes fees, charges, disbursements, expenses and remuneration;

“Defence Force” means the Defence Force of Seychelles established by article 162 of the Constitution, Cap. 42;

“law” includes any instrument that has the force of law and any unwritten rule of law;

“Magistrate” means a Senior Magistrate or Magistrate appointed in accordance with the Courts Act, Cap. 52;

“Magistrates' Court” means a court presided over by a Senior Magistrate or a Magistrate;

“Minister” means a person appointed as a Minister under article 69 of the Constitution and where the context so provides includes the President or the Vice President;

“minor” means a natural person under the age of 18 years;

“police officer” means a member of the Police Force of Seychelles established article 159 of the Constitution;

“prison” means any place or building or portion of a building declared, or within an area declared, to be a prison under the Prisons Act, Cap. 180;

“property” includes money, goods, choses or things in action, land and every description of property, whether real or personal;

“publication”, other than for the purposes of an action for defamation, means —

- (a) all written or printed matter;
- (b) any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically, electronically or electrically produced, reproduced, represented or conveyed;
- (c) anything whether of a similar nature to the foregoing or not, containing any visible representation or by its form, shape, or in any manner capable of producing, reproducing, representing or conveying words or ideas; and
- (d) every copy and reproduction of any publication as defined in paragraphs (a), (b) and (c) of this definition;

“rules” means rules under an Act in which the word “rules” is used and where the context so provides includes orders, regulations, bye-laws and forms;

“Seychelles” has the same meaning assigned by Article 2 of the Constitution;

“standard scale” means the standard scale of fines for offences established under the Criminal Offences (Standard Scale of Fines) Act, 2021;

“Vice-President” means the Vice-President of the Republic of Seychelles;”.

Amendment of section 26

13. Section 26 of the principal Act is amended by inserting

immediately after the words “the Government Printer” the words “or in accordance with the Digitization and Publication of Gazette Act, 2021”.

Insertion of new sections 53A. and 53B.

14. The principal Act is amended by inserting immediately after section 53 the following new sections —

“Amendment of penalty

53A. Where an act or omission constitutes an offence and the penalty for such offence is amended between the time of the commission of such offence and the conviction therefor, the offender shall, in the absence of express provision to the contrary, be liable to the lesser of the two penalties.

Disposal of forfeits

53B.(1) Where under the authority of any Act or statutory instrument any animal or any thing is ordered by any court or a public authority to be confiscated or forfeited, the animal or thing shall, unless it is otherwise provided, be deemed to be forfeited to the Republic.

(2) Any provision in an Act whereby any animal or thing ordered to be forfeited to the Republic may be sold by a public authority shall, unless it is otherwise provided, be construed as requiring the public authority to pay the net proceeds of any such sale into the Consolidated Fund and as requiring any such sum to be treated as forming part of the public revenue.

(3) Nothing in the foregoing provisions of this section shall have effect so as to derogate from or abridge any provision in any Act whereby any portion of any fine, penalty or forfeit, or of the proceeds of any forfeit, is expressed to be recoverable by any person or may be granted by any court or other statutory authority to any person.”

Amendment of section 54

15. Section 54(2) of the principal Act is amended —

- (a) by repealing the words “shall not exceed five thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”;

- (b) by repealing the words “shall not exceed ten thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”;
- (c) by repealing the words “shall not exceed twenty thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 64

16. Section 64 of the principal Act is amended —

- (a) by repealing subsection (2);
- (b) by renumbering subsection (3) as subsection (4);
- (c) by inserting immediately after subsection (1) the following new subsections —

“(2) If the National Assembly, within a period of 3 months beginning with the day on which a copy of any statutory instrument is laid before the National Assembly, passes a resolution to annul any statutory instrument, the National Assembly shall cause an Order to be published in the Gazette repealing the statutory instrument, and any such Order shall be without prejudice to the validity of anything previously done under the statutory instrument.

(3) Where in pursuance of subsection (2) a resolution is passed in respect of any statutory instrument thereof which imposes a tax, duty, fee or similar impost, such existing tax, duty, fee or similar impost shall upon the passing of the resolution revive and remain valid until the National Assembly publishes an Order in the Gazette repealing the statutory instrument.”

Amendment of section 68

17. Section 68(1)(b) of the principal Act is amended by repealing the words “a fine not exceeding twenty thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

**PART 4
MINISTERS (NUMBER) DECREE**

Repeal of Ministers (Number) Decree

18. The Ministers (Number) Decree, Cap. 131, is repealed.

**PART 5
OFFICIAL OATHS ACT**

Revision of the Official Oaths Act

19. In this Part, the “principal Act” means the Official Oaths Act, Cap. 153.

Amendment of section 2

20. Section 2 of the principal Act is amended in the definition of “proper officer” by inserting immediately after the words “sections 5” the word “5A.”.

Amendment of section 3

21. Section 3 of the principal Act is amended by inserting immediately after the words “the Presidential Oath,” the words “the Vice-Presidential Oath,”.

Amendment of section 5

22. Section 5 of the principal Act is amended by inserting immediately after the words “the Chief Justice” the words “or another Judge”.

Insertion of new section 5A.

23. The principal Act is amended by inserting immediately after section 5 the following as section 5A.

“Vice-Presidential Oath

5A. The Vice-President shall, on the Vice-President's assumption of

office, take and subscribe the Vice-Presidential Oath, and such oath shall be tendered by and subscribed before the President.”

Amendment of section 11

- 24.** Section 11 of the principal Act is amended —
- (a) by inserting immediately after the words “subscribed before the President” the words “, the Vice-President”;
 - (b) by repealing the word “he” and substituting therefor the words “Vice-President or the Minister”.

Insertion of new section 12A.

25. The principal Act is amended by inserting immediately after section 12 the following as section 12A.

“When affirmation may be made instead of oath

- 12A.** Any person who —
- (a) objects to taking of an oath on the grounds that an oath is contrary to the person's religious belief; or
 - (b) has a conscientious objection to taking an oath,

and who is required to take an oath set out in a Schedule to this Act may make an affirmation in the form of the oath by substituting the words “solemnly and sincerely declare and affirm” for the word “swear” and omitting the words “SO HELP ME GOD”.

Amendment of section 16

26. Section 16 of the principal Act is amended by repealing the words “a fine of R10, 000” and substituting therefor the words “a fine of level 5 on the standard scale”.

Amendment of First Schedule

- 27.** The First Schedule to the Act is amended —

- (a) by repealing the Oath of Allegiance and substituting therefor the following —

“OATH OF ALLEGIANCE

I do swear/solemnly and sincerely declare and affirm/that I will be faithful and bear true allegiance to the Constitution of Seychelles and that I will preserve, protect and defend the Constitution of Seychelles.

SO HELP ME GOD”

- (b) by repealing the Presidential Oath and substituting therefor the following —

“PRESIDENTIAL OATH

I do swear/solemnly and sincerely declare and affirm/that I will faithfully and diligently perform my duties and discharge my functions in the office of President of Seychelles, that I will be faithful to the Republic of Seychelles, that I will uphold the Constitution and the laws of Seychelles and that I will dedicate my abilities to the service and welfare of the people of Seychelles without fear or favour, affection or ill will.

SO HELP ME GOD”

- (c) by inserting immediately after the Presidential Oath, the following as the Vice-Presidential Oath —

“Vice-Presidential Oath

I do swear/solemnly and sincerely declare and affirm/that I will faithfully and diligently perform my duties and discharge my functions in the office of Vice-President, that I will be faithful to the Republic of Seychelles, that I will uphold the Constitution and the laws of Seychelles and that I will dedicate my abilities to the

service and welfare of the people of Seychelles without fear or favour, affection or ill will.

SO HELP ME GOD”

Amendment of Second Schedule

28. The Second Schedule to the Act is amended in the First Column —

- (a) by repealing the words “Senior State Counsel” and substituting therefore the words “Deputy Attorney General”;
- (b) by repealing the words “Barristers-at-Law and Attorneys” and substituting therefore the words “Attorneys-at-Law”.

PART 6

PUBLIC PERSONS (DECLARATION OF ASSETS, LIABILITIES AND BUSINESS INTERESTS) ACT

Amendment of section 11 of the Public Persons (Declaration of Assets, Liabilities and Business Interests) Act

29. The Public Persons (Declaration of Assets, Liabilities and Business Interests) Act, 2016 is amended in section 11(1) by inserting immediately after the words “commits an offence” the words “and is liable on conviction to a fine of level 3 on the standard scale”.

PART 7

POLITICAL PARTIES (REGISTRATION AND REGULATIONS) ACT

Revision of the Political Parties (Registration and Regulations) Act

30. In this Part, the “principal Act” means the Political Parties (Registration and Regulations) Act, Cap. 173.

Amendment of section 14

31. Section 14 of the principal Act is amended in subsection (2) by repealing the word “a fine of R 10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 17

32. Section 17 of the principal Act is amended by repealing the word “a fine of R 10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 19

33. Section 19 of the principal Act is amended by repealing the word “a fine of R 10, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 24

34. Section 24 of the principal Act is amended in subsection (6) by repealing the words “a fine of R 10, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 25

35. Section 25 of the principal Act is amended in subsection (6) by repealing the word “a fine of R 10, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.