

**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)  
(No. 2) BILL, 2021**

*(Bill No. 45 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. **Criminal Procedure Code, Cap. 54.** The objectives of the amendments under this Bill are, amongst other things, —
  - (a) to repeal all references to capital offences and the procedures after sentence of death and the process for the execution of a person sentence to death because these provisions in the Criminal Procedure Code are inconsistent with the Constitution;
  - (b) to repeal all references to People's Assembly and Justice of the Peace;
  - (c) to impose an obligation on police officers to give any person arrested a receipt for any article, item or property taken from that person during the course of a search or an arrest.
2. **Courts Act, Cap. 52.** The objectives of the amendments under this Bill are, amongst other things, —
  - (a) to repeal the power given to the Chief Justice in 1983 to appoint the Registrar of the Supreme Court as the Master of the Supreme Court because this power is now inconsistent with article 127 of the Constitution;

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- (b) to change the requirements to be a Magistrate or the Registrar of the Supreme Court. A person seeking to hold the aforementioned posts shall be an Attorney-at-Law.
  - (c) to make provision for the designation of a Chief Magistrate who shall be responsible for the administration of the Magistrates' Court subject to the directions of the Chief Justice;
  - (d) to repeal the office of Justice of Peace. Further consideration will be given as to whether or not a standalone law is required;
  - (e) to further promote the full realization of Seychelles obligations under the Convention on the Rights of Persons with Disabilities by seeking to provide professional sign language interpretation, braille technology and any other procedural assistance to persons with disability appearing before the courts.
3. **Court Fees (Supreme Court) and Costs Act, Cap. 53 and the Witness Tariff Act, Cap. 248.** This Bill seeks to give the Chief Justice greater autonomy to regulate court fees and costs, and expenses and allowances of witnesses subject to approval by the National Assembly.
  4. **Commissions of Inquiry Act, Cap. 39.** The objective of the proposed amendments under this Bill is to increase the monetary penalties under this Commissions of Inquiry Act.
  5. **Detention Review Tribunal Decree, Cap. 62.** This Bill seeks to repeal this Decree which was enacted during the coup d'état. Section 3 of the Decree makes it clear that the Decree was in place for the preservation of public security by imposing measures that are justifiable for the purpose of dealing with the situation that exists in Seychelles. The situation no longer exists and this Decree is considered repressive in our modern democracy.
  6. **Peace Officers (Inner Islands and Outlying Islands) Act, Cap. 157.** This Bill seeks to repeal this Act which has become obsolete

and some of the provisions of this Act are inconsistent with the Constitution. The Government will make arrangements to appoint Special Constables to help enforce the laws of Seychelles on islands such as Aldabra, Alphonse Island, Assumption Island, Coetivy, Farquhar and Providence Island.

7. **Misuse of Drugs Act, 2016.** The objective of the proposed amendments under this Bill is, amongst other things, remove all references to the National Drugs Enforcement Agency (NDEA) which no longer exists. The National Assembly of Seychelles and the President enacted the National Drugs Enforcement Agency (Repeal) Act, 2017, but the references to the NDEA in the Misuse of Drugs Act, 2016, were never repealed.
8. **Computer Misuse Act, Cap 254.** The objective of the proposed amendments under this Bill is to increase the monetary penalties under this Act.
9. **The Genocide Act 1969 (Overseas Territories) Order 1970, Cap. 88.** The objectives of the amendments under this Bill are, amongst other things, —
  - (a) to repeal the current citation and substitute therefor “the Genocide Act”;
  - (b) to alter the form and arrangement of the provisions of this law;
  - (c) to make it clear that the Extradition Act applies to this law.
10. **Prohibition of Trafficking in Persons Act, 2014.** The objectives of the amendments under this Bill are, amongst other things, to make it clear that the provisions of the Witness Protection Act, 2015, are applicable to proceedings under Prohibition of Trafficking in Persons Act.
11. **Prisons Act, Cap.180.** The objectives of the amendments under this Bill are, amongst other things, —

- (a) to impose a requirement that prisoners are examined by a medical practitioner for any communicable, infectious or contagious disease on reception into the prison and to give prisoners the right to make requests to the Superintendent of Prison to be examined by a medical practitioner for any disease;
  - (b) to crystalize the procedures for the transfer of prisoners from the prison to other locations within Seychelles for the purposes of assisting in criminal investigations;
  - (c) to allow a person, who has been committed to prison for non-payment of a fine or costs not exceeding SCR 10, 000 or six-months imprisonment, to apply to the court to undertake public work outside prison in lieu of imprisonment, unless the person is excluded from so applying by the judgment of the court. Currently, under section 29 of the Act, a person can apply where the fine does not exceed SCR500;
  - (d) to repeal the provisions in relation to prisoners sentenced to death and awaiting execution because article 15 of the Constitution has abolished sentences to death; and
  - (e) to increase the monetary penalties under this Act.
12. **Probation of Offenders Act, Cap. 184.** The objective of the amendment under this Bill is repeal the reference to 'Justice of Peace' in the definition of 'Judicial Officer'.
13. **Rehabilitation of Offenders Act, Cap. 307.** The objective of the proposed amendments under this Bill is to increase the monetary penalties under this Act.
14. **Defence Act, Cap. 58.** The objectives of the amendments under this Bill are, amongst other things, —
- (a) to repeal references to 'Seychelles People's Defence Force', 'Seychelles People's Liberation Army' and 'Seychelles

People's Air Force', and bring this Act in line with the Constitution;

- (b) to provide for the appointment of civilians in the Defence Force of Seychelles;
  - (c) to prohibit persons under the age of 18 from enrolling in the Defence Force of Seychelles and bearing arms. Instead, civilians between the ages of 16 and 18 with the consent of their parents can be employed as a cadet at the Seychelles National Cadet Corps.
15. **Defence Force (Offences) Act, Cap. 59.** The objectives of the proposed amendments under this Bill are, amongst other things, —
- (a) to regularize the legal framework relating to military police;
  - (b) to delegate power to the President to amend any Schedule to this Act by way of regulations.
16. **Preservation of Public Security Act, Cap.179.** The objective of the proposed amendment under this Bill is to revise the definition of 'public security' to include human rights encapsulated under the Constitution.
17. **Public Assembly Act, 2015.** The objectives of the amendments under this Bill are, amongst other things, —
- (a) to prohibit an organiser from holding a public assembly or public procession in any area, place or premises where a person is prohibited from entering or remaining thereon by an enactment;
  - (b) to delegate power to the Minister to amend any Schedule to the Act.
18. **Explosives Act, Cap. 77.** The objective of the proposed amendments under this Bill is to increase the monetary penalties under this Act.

19. **Boiler Explosions Act, Cap.17.** The objectives of the proposed amendments under this Bill are, amongst other things, to increase the monetary penalties under this Act.

**Dated this ..... day of September, 2021.**

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

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**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)  
(No. 2) BILL, 2021**

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**ARRANGEMENT OF SECTIONS**

**PART 1  
PRELIMINARY**

**Sections**

1. Short title

**PART 2  
CRIMINAL PROCEDURE CODE**

2. Revision of the Criminal Procedure Code
3. Amendment of section 2
4. Amendment of section 14
5. Amendment of section 58C
6. Amendment of section 227
7. Amendment of section 271
8. Amendment of section 272
9. Repeal of sections 276, 277 and 278
10. Amendment of headings in Part IX
11. Repeal of section 280
12. Amendment of section 281
13. Amendment of section 288
14. Amendment of section 309
15. Amendment of Fifth Schedule to the Code

**PART 3  
COURTS ACT**

16. Revision of the Courts Act
17. Amendment of section 2
18. Amendment of section 3
19. Amendment of section 18
20. Amendment of section 19
21. Amendment of section 23

22. Amendment of section 24
23. Amendment of section 25
24. Amendment of section 25A.
25. Repeal of Part IV
26. Insertion of new section 49A.
27. Transitional provision

#### **PART 4**

### **COURT FEES (SUPREME COURT) AND COSTS ACT**

28. Revision of the Court Fees (Supreme Court) and Costs Act
29. Repeal and replacement of section 4
30. Repeal and replacement of section 22

#### **PART 5**

### **WITNESSES TARIFF ACT**

31. Revision of the Witness Tariff Act
32. Amendment of section 2
33. Amendment of section 5
34. Amendment of section 8

#### **PART 6**

### **COMMISSIONS OF INQUIRY ACT**

35. Amendment of section 14 of the Commissions of Inquiry Act

#### **PART 7**

### **DETENTION REVIEW TRIBUNAL DECREE**

36. Repeal of Detention Review Tribunal Decree

#### **PART 8**

### **PEACE OFFICERS (INNER ISLANDS AND OUTLYING ISLANDS) ACT**

37. Repeal of Peace Officers (Inner Islands and Outlying Islands) Act

#### **PART 9**

### **MISUSE OF DRUGS ACT**

38. Revision of the Misuse of Drugs Act
39. Amendment of the principal Act



40. Amendment of section 2
41. Amendment of section 30
42. Amendment of section 34
43. Amendment of section 41
44. Amendment of section 46

**PART 10**  
**COMPUTER MISUSE ACT**

45. Revision of the Computer Misuse Act
46. Amendment of section 3
47. Amendment of section 4
48. Amendment of section 5
49. Amendment of section 10

**PART 11**  
**THE GENOCIDE ACT 1969 (OVERSEAS TERRITORIES)**  
**ORDER 1970**

50. Revision of the Genocide Act 1969 (Overseas Territories) Order 1970
51. Repeal and replacement of sections 1, 2 and 3

**PART 12**  
**PROHIBITION OF TRAFFICKING IN PERSONS ACT**

52. Amendment of section 12 of the Prohibition of Trafficking in Persons Act

**PART 13**  
**PRISONS ACT**

53. Revision of the Prisons Act
54. Amendment of the Prisons Act
55. Amendment of section 2
56. Amendment of section 8
57. Amendment of section 10
58. Insertion of new section 23A.
59. Insertion of new section 26A.
60. Amendment of section 29
61. Repeal and replacement of section 40

- 62. Amendment of section 41
- 63. Amendment of section 44
- 64. Amendment of section 44A.

**PART 14**  
**PROBATION OF OFFENDERS ACT**

- 65. Amendment of section 2 of the Probation of Offenders Act

**PART 15**  
**REHABILITATION OF OFFENDERS ACT**

- 66. Amendment of section 8 of the Rehabilitation of Offenders Act

**PART 16**  
**DEFENCE ACT**

- 67. Revision of Defence Act
- 68. Amendment of section 2
- 69. Repeal and replacement of section 3
- 70. Amendment of section 5
- 71. Amendment of section 15
- 72. Amendment of section 23
- 73. Amendment of section 24
- 74. Insertion of New Part VIB.
- 75. Insertion of New Part VIC.

**PART 17**  
**DEFENCE FORCE (OFFENCES) ACT**

- 76. Revision of the Defence Force (Offences) Act
- 77. Amendment of section 2
- 78. Amendment of section 4
- 79. Insertion of new sections 16A. and 16B.
- 80. Amendment of section 22

**PART 18**  
**PRESERVATION OF PUBLIC SECURITY ACT**

- 81. Amendment of section 2 of the Preservation of Public Security Act

**PART 19**  
**PUBLIC ASSEMBLY ACT**

- 82. Revision of the Public Assembly Act
- 83. Amendment of section 14
- 84. Amendment of section 15

**PART 20**  
**EXPLOSIVES ACT**

- 85. Revision of the Explosives Act
- 86. Amendment of section 2
- 87. Amendment of section 4
- 88. Amendment of section 5
- 89. Amendment of section 6
- 90. Amendment of section 7
- 91. Amendment of section 9
- 92. Amendment of section 10
- 93. Amendment of section 13
- 94. Amendment of section 14
- 95. Amendment of section 19

**PART 21**  
**BOILER EXPLOSIONS ACT**

- 96. Revision of the Explosions Act
- 97. Amendment of section 2
- 98. Amendment of section 5
- 99. Amendment of section 6
- 100. Amendment of section 7

**PART 22**  
**PROTECTED AREAS ACT**

- 101. Revision of the Protected Areas Act
- 102. Amendment of section 10
- 103. Amendment of section 11



**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)  
(No. 2) BILL, 2021**

*(Bill No. 45 of 2021)*



**A BILL  
FOR**

**AN ACT to make amendments to certain enactments and to repeal the Detention Review Tribunal Decree, Cap. 62, and the Peace Officers (Inner Islands and Outlying Islands) Act, Cap. 157.**

**ENACTED** by the President and the National Assembly.

**PART 1  
PRELIMINARY**

**Short title**

**1.** This Act may be cited as the Statute Law Revision (Miscellaneous Amendments) (No. 2) Act, 2021.

## PART 2 CRIMINAL PROCEDURE CODE

### Revision of the Criminal Procedure Code

2. In this Part, the “Code” means the Criminal Procedure Code, Cap. 54.

### Amendment of section 2

3. Section 2 of the Code is amended —

- (a) in the definition of “judicial officer” by repealing the words “, a Justice of the Peace,”;
- (b) in the definition of “advocate” by repealing the words “a barrister or attorney” and substituting therefor the words “an Attorney-at-Law”;
- (c) by inserting in the proper alphabetical order, the following new definitions —

“**imprisonment for life**” means imprisonment for the duration of a person's natural life;

“**vessel**” means every description of vessel in navigation, whether self-propelled or not, and includes aircraft, barges, jet skis, seaplanes and other similar craft and vessels;”

### Amendment of section 14

4. Section 14 of the Code is amended —

- (a) by renumbering the existing section as subsection (1);
- (b) in subsection (1) by repealing the full stop and substituting therefor the words —

“:

Provided that whenever the person arrested can be admitted to bail and bail is granted, such person shall not be

searched unless there are reasonable grounds for believing that the person has in that person's possession any —

- (a) stolen property;
  - (b) instrument of violence or weapon;
  - (c) tool connected with the kind of offence which the person or another person is alleged to have committed; or
  - (d) other article, item or thing which may provide evidence against the person in regard to the offence which that person is alleged to have committed.”
- (c) by inserting immediately after subsection (1) the following as new subsections —

“(2) The right to search an arrested person shall be exercised with strict regard to decency.

(3) Where any property or item has been taken from a person under this section and such person is not charged before any court but is released on the grounds that there is not sufficient reason to believe that the person has committed any offence, any property or item taken from that person under this section shall forthwith be restored to the person unless the property or item is relevant to an investigation or the law prohibits the person from being in possession of the property or item.

(4) An arrested person shall be provided with a receipt for any property which has been taken from that person under this section, and the receipt shall specify the property.”

### **Amendment of section 58C**

5. Section 58C(2) of the Code is amended by repealing the words “a fine of R 10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 227**

6. Section 227 of the Code is amended —

(a) by repealing paragraph (b) and substituting therefor the following —

“(b) members of the National Assembly or a Minister”;

(b) in paragraph (d) by repealing the words “Seychelles People's Defence Force” and substituting therefor the words “the Defence Force of Seychelles”;

(c) in paragraph (g) by repealing the words “, barristers and” and substituting therefor the word “and”.

**Amendment of section 271**

7. Section 271(3) of the Code is amended by repealing the words “, provided that he shall not be convicted of a capital offence unless one half of the jury find him guilty of a capital offence”.

**Amendment of section 272**

8. Section 272 of the Code is amended repealing subsections (3), (4), (5), (6) and (7).

**Repeal of sections 276, 277 and 278**

9. Sections 276, 277 and 278 of the Code are repealed.

**Amendment of headings in Part IX**

10. The Code is amended in Part IX —

(a) by repealing the heading “Sentences and their Execution” and substituting therefor the following —

“Sentences”;

(b) by reading the heading “SENTENCE OF DEATH”;



**Repeal of section 280**

11. Section 280 of the Code is repealed.

**Amendment of section 281**

12. Section 281 of the Code is amended by repealing the words “, not being a sentence of death”.

**Amendment of section 288**

13. Section 288 of the Code is amended by repealing the words “The People's Assembly” and substituting therefor the words “The National Assembly”.

**Amendment of section 309**

14. Section 309(2) of the Code is amended by repealing the words “exceeding one hundred rupees only” and substituting therefor the words “exceeding SCR 1,000”.

**Amendment of Schedules to the Code**

15. The Schedules to the Code are amended —

- (a) by repealing the words “Justice of the Peace”, wherever they appear;
- (b) in the Fifth Schedule by repealing “Form XVIII Warrant of Commitment of Person Sentenced to Death”.

**PART 3  
COURTS ACT****Revision of the Courts Act**

16. In this Part, the “principal Act” means the Courts Act, Cap. 52, as amended.

**Amendment of section 2**

17. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition —

“**“Minister”** means the Minister responsible for legal affairs;”

### **Amendment of section 3**

**18.** Section 3 of the principal Act is amended by repealing subsection (2).

### **Amendment of section 18**

**19.** Section 18 of the principal Act is amended —

(a) by repealing subsection (3) and substituting therefor the following —

“(3) The Registrar shall be an Attorney-at-Law.”

(b) by renumbering subsection (4) as subsection (5);

(c) by inserting immediately after subsection (3) the following new subsection —

“(4) For avoidance of doubt, the President may, after consultation with the Chief Justice, appoint a Master of the Supreme Court as the Registrar.”

### **Repeal and replacement of section 19**

**20.** The principal Act is amended by repealing section 19 and substituting therefor the following —

#### **“Powers and functions of the Registrar**

**19.(1)** The Registrar shall have custody of the seal of the Supreme Court and of all records, documents and papers of the Court.

(2) The Registrar shall have such power and authority and perform such duties as shall be necessary for the due conduct and discharge of the business of the Supreme Court and such duties as the Chief Justice may direct.

(3) The powers and functions of the Registrar shall be set out in regulations made by the Chief Justice.”

### **Amendment of section 23**

**21.** Section 23 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “a fine of R. 2000” and substituting therefor the words “a fine of level 4 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine of R. 1000” and substituting therefor the words “a fine of level 3 on the standard scale”.

### **Amendment of section 24**

**22.** Section 24 of the principal Act is amended —

- (a) by repealing the following definitions —
  - “(i) “Magistrate”;
  - (ii) “Senior Magistrate”;
- (b) by inserting in the proper alphabetical order, the following new definition —

““Magistrate” includes the Chief Magistrate, a Senior Magistrate or Magistrate exercising the powers and jurisdictions of a Magistrate under this Act or any other law;”.

### **Amendment of section 25**

**23.** Section 25 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “fit and proper persons” and substituting therefor the words “Attorneys-at-Law”;

- (b) by inserting immediately after subsection (2) the following new subsections —

“(3) The Chief Justice shall designate one of the Senior Magistrates as the Chief Magistrate.

(4) Subject to any written law and the powers and directions of the Chief Justice, the Chief Magistrate shall be responsible for the administration of the Magistrates' Courts.”

#### **Amendment of section 25A.**

**24.** Section 25A. of the principal Act is amended —

- (a) by renumbering subsections (1), (2) and (3) as subsections (2), (3) and (4);

- (b) by inserting following as subsection (1) —

“(1) The Chief Magistrate shall be entitled upon designation to the following —

- (a) a monthly salary of a sum specified at step 8 of salary band-15 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 month be progressed to the next step in accordance with that salary band;
- (b) a transport allowance of SCR 2, 800 per month;
- (c) a gratuity of 25% of the total salary paid during each calendar year;
- (d) upon completion of every five years of service, or part thereof in the case of vacation of office otherwise than by being removed from office, the Chief Magistrate shall be paid a gratuity of an amount equal to 50% of the salary earned during that period.”

**Repeal of Part IV**

25. The principal Act is amended by repealing Part IV and sections 45, 46 and 47.

**Insertion of new section 49A.**

26. The principal Act is amended by inserting immediately after section 49 the following as section 49A.

**“Procedural assistance to person with disability**

49A. Where a person with a disability appears before a court, the court shall request that the Government provides procedural assistance to that person in the form of professional sign language interpretation, braille technology and any other procedural assistance that the Government can reasonably provide.”

**Transitional provision**

27. On the day when this Act comes into operation, if the person holding the office of Senior Magistrate or Magistrate is not an Attorney-at-Law, that person shall continue in office and shall be eligible for re-appointment under a continuous contract.

**PART 4****COURT FEES (SUPREME COURT) AND COSTS ACT****Revision of the Court Fees (Supreme Court) and Costs Act**

28. In this Part, the “principal Act” means the Court Fees (Supreme Court) and Costs Act, Cap. 53, as amended.

**Repeal and replacement of section 4**

29. The principal Act is amended by repealing section 4 and substituting therefor the following —

**“Power to alter or add to First Schedule**

4. The Chief Justice, in consultation with the Minister responsible for finance, may alter, amend or add to the fees contained in the First Schedule.”

**Repeal and replacement of section 22**

30. The principal Act is amended by repealing section 22 and substituting therefor the following —

**“Power to alter or add to Second Schedule**

22. The Chief Justice, in consultation with the Minister responsible for finance, may alter, amend or add to the fees contained in the Second Schedule and make rules for more effectually carrying out the purposes and provisions of this Part.”

**PART 5  
WITNESSES TARIFF ACT****Revision of the Witness Tariff Act**

31. In this Part, the “principal Act” means the Witness Tariff Act, Cap. 248.

**Amendment of section 2**

32. Section 2 of the principal Act is amended by repealing the words “with the approval of the Minister” and substituting therefor the words “, in consultation with the Minister responsible for finance,”.

**Amendment of section 5**

33. Section 5 of the principal Act is amended by repealing the words “, Magistrate, or Justice of Peace” and substituting therefor the words “or Magistrate”.

**Amendment of section 8**

34. Section 8 of the principal Act is amended by repealing the words “, the Registrar, or the Justices of the Peace” and substituting therefor the words “or the registrar”.

**PART 6  
COMMISSIONS OF INQUIRY ACT****Amendment of section 14 of the Commissions of Inquiry Act**

35. The Commissions of Inquiry Act, Cap. 39, is amended in section 14

by repealing the words “one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

**PART 7**  
**DETENTION REVIEW TRIBUNAL DECREE**

**Repeal of Detention Review Tribunal Decree**

36. The Detention Review Tribunal Decree, Cap. 62, is repealed.

**PART 8**  
**PEACE OFFICERS (INNER ISLANDS AND OUTLYING ISLANDS) ACT**

**Repeal of Peace Officers (Inner Islands and Outlying Islands) Act**

37. The Peace Officers (Inner Islands and Outlying Islands) Act, Cap. 157, is repealed.

**PART 9**  
**MISUSE OF DRUGS ACT**

**Revision of the Misuse of Drugs Act**

38. In this Part, the “principal Act” means the Misuse of Drugs Act, 2016.

**Amendment of the principal Act**

39. The principal Act is amended —

(a) by repealing the following words, wherever they appear —

- (i) “chief officer of NDEA or”;
- (ii) “the chief officer of NDEA”; and
- (iii) “or the chief officer of NDEA”;

(b) by repealing the words “NDEA or police”, wherever they appear, and substituting therefor the words “the police”.

**Amendment of section 2**

40. Section 2 of the principal Act is amended —

- (a) by repealing the following definitions —
- (i) “chief officer of NDEA”;
  - (ii) “NDEA”;
  - (iii) “NDEA Act”
  - (iv) “NDEA agent”
- (b) in the definition of “officer” repealing the words “NDEA agent”;

#### **Amendment of section 30**

41. Section 30(3) of the principal Act is amended by repealing the words “by NDEA under subsection (1) shall be made available to Police, and” and substituting therefor the words “in accordance with subsection (1)”.

#### **Amendment of section 34**

42. Section 34(2) of the principal Act is amended by repealing the words “, the chief officer of NDEA,”.

#### **Amendment of section 41**

43. Section 41(4) of the principal Act is amended by repealing the words “NDEA and police shall maintain a shared electronic record of all formal cautions” and substituting therefor the words “The police shall maintain an electronic record of all formal cautions”.

#### **Amendment of section 46**

44. Section 46(5)(a) of the principal Act is amended by repealing the words “to NDEA” and substituting therefor the words “to the police”.

### **PART 10 COMPUTER MISUSE ACT**

#### **Revision of the Computer Misuse Act**

45. In this Part, the “principal Act” means the Computer Misuse Act, Cap. 254.



**Amendment of section 3**

46. Section 3 of the principal Act is amended by repealing the words “a fine of R20, 000” and substituting therefor the words “a fine of level 4 on the standard scale”.

**Amendment of section 4**

47. Section 4 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “a fine of R30, 000” and substituting therefor the words “a fine of level 5 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine of R10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 5**

48. Section 5(1) of the principal Act is amended by repealing the words “a fine of R20, 000” and substituting therefor the words “a fine of level 4 on the standard scale”.

**Amendment of section 10**

49. Section 10 of the Act is amended by repealing the words “a fine of R10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

**PART 11****THE GENOCIDE ACT 1969 (OVERSEAS TERRITORIES) ORDER 1970****Revision of the Genocide Act 1969 (Overseas Territories) Order 1970**

50. In this Part, the “principal Act” means the Genocide Act 1969 (Overseas Territories) Order, 1970, Cap. 88.

**Repeal and replacement of sections 1, 2 and 3**

51. The principal Act is amended by repealing sections 1, 2 and 3, and substituting therefor the following —

**“Citation**

1. This Act may be cited as the Genocide Act.

**Interpretation**

- 2.(1) In this Act —

“Convention” means the Convention on the Prevention and Punishment of the Crime of Genocide approved and proposed for signature and ratification or accession by the General Assembly of the United Nations on 9 December 1948.

(2) Any word or expression to which a meaning has been assigned in the Convention shall bear the same meaning when used in this Act.

**Genocide**

3.(1) A person commits an offence of genocide if that person commits any act falling within the definition of 'genocide' in Article II of the Convention as set out in Schedule 1 to this Act.

(2) A person convicted of an offence of genocide is liable on conviction in Seychelles —

- (a) if the offence consists of the killing of any person, be sentenced to imprisonment for life;
- (b) in any other case, be liable to imprisonment for a term not exceeding 14 years.

**Application of Extradition Act**

- 4.(1) The Extradition Act shall apply to this Act.

(2) For the purposes of the Extradition Act, no offence which, if committed in Seychelles, would be punishable as an offence of genocide or as an attempt, conspiracy or incitement to commit such an offence shall be regarded as an offence of a political character, and no proceedings in respect of such an offence shall be regarded as a criminal matter of a political character.

**SCHEDULE 1***(Section 3)***ARTICLE II OF THE GENOCIDE CONVENTION**

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such —

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.”

**PART 12****PROHIBITION OF TRAFFICKING IN PERSONS ACT****Amendment of section 12 of the Prohibition of Trafficking in Persons Act**

**52.** The Prohibition of Trafficking in Persons Act, 2014, is amended in section 12 —

- (a) in subsection (1) —
  - (i) in paragraph (c) by repealing immediately after the words “subject to retaliation;” the word “or”;
  - (ii) by renumbering paragraph (d) as paragraph (f);
  - (iii) by inserting the following new paragraphs —

- “(d) there is a need to preserve that anonymity of the witness or of any person who might be identified in the evidence given by the witness;
- (e) there is a need to ensure that the identity of the witness is not disclosed in or in connection with the proceedings under this Act; or”
- (b) by renumbering subsections (2) and (3) as subsections (3) and (4);
- (c) by inserting immediately after subsection (1) the following new subsection —

“(2) The Witness Protection Act, 2015, and regulations made thereunder shall apply mutatis mutandis to an application made in respect of subsection (1)(d) or (e) of this section.”

### **PART 13 PRISONS ACT**

#### **Revision of the Prisons Act**

**53.** In this Part, the “principal Act” means the Prisons Act, Cap. 180.

#### **Amendment of Prisons Act**

**54.** The principal Act is amended —

- (a) by repealing the words “Superintendent of Prisons”, wherever they appear, and substituting therefor the words “Commissioner of Prisons”;
- (b) by repealing the word “Superintendent”, wherever it appears, and substituting therefor the word “Commissioner”.

**Amendment of section 2**

**55.** Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definitions —

““Minister” means the Minister responsible for prisons;

“weapon” means any baton, taser, shield or instrument approved for use by the Minister;”

**Amendment of section 8**

**56.** Section 8 of the principal Act is amended —

(a) in subsection (1) by repealing the words “and (5)” and substituting therefor the words “and (6)”;

(b) by renumbering subsections (4) and (5) as subsections (5) and (6);

(c) by inserting immediately after subsection (3) the following as subsection (4)

“(4) Subject to this section, a prison officer may use any weapon —

“(a) against any person who does any act or attempts to do any act to facilitate the escape of any prisoner;

(b) against any person engaged in any attempt to damage or force or break open —

(i) the outside door or gate or enclosure wall of a prison or any other part of a prison;

(ii) any part of any vehicle in which a prisoner is conveyed.”

**Amendment of section 10**

**57.** Section 10 of the principal Act is amended by inserting immediately after the words “another prison officer” the words “, and on the approval of the senior prison officer on duty”.

**Insertion of new section 23A.**

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

**“Medical examination of prisoners**

**23A.(1)** All prisoners shall be medically examined by the Medical Officer of Prisons or such other medical practitioner for any communicable, infectious or contagious disease on reception into the prison and at least once every 6 months thereafter whilst in the lawful custody of the Commissioner.

(2) A prisoner may make a request to the Commissioner to be examined by the Medical Officer of Prisons or such other medical practitioner for any disease or illness including a disease specified in subsection (1) and the request shall be acted on and recorded.

(3) The Medical Officer of Prisons or such other medical practitioner shall seek the prisoner's consent to proceed with a medical examination and inform the prisoner of the right of the prisoner to refuse to be medically examined.

(4) Where a prisoner does not give consent or refuses to be medically examined pursuant to subsection (1), the Medical Officer of Prisons or such other medical practitioner shall immediately inform the Commissioner and the Commissioner may —

- (a) isolate the prisoner from other prisoners on the recommendation of the Medical Officer of Prisons or such other medical practitioner subject to paragraph (b) or (c);

- (b) make an application by way of a notice of motion and an accompanying affidavit seeking an order from the Supreme Court to have the prisoner medically examine by the Medical Officer of Prisons or such other medical practitioner;
- (c) make a report under section 25 of the Public Health Act, 2015, to the Public Health Commissioner, on the recommendation of the Medical Officer of Prisons or such other medical practitioner, if there is reasonable cause to believe that the prisoner is suffering from any disease or condition of public health importance specified in the Integrated Disease Surveillance and Response Manual.

(5) Where the Supreme Court has made an order under subsection 4(b), the Commissioner shall inform the prisoner —

- (a) of the order of court before the medical examination is conducted by the Medical Officer of Prisons or such other medical practitioner; and
- (b) that reasonable force may be used to conduct the medical examination if the prisoner refuses to comply with the order of the court; and
- (c) that it is an offence to refuse to be medically examined or to obstruct or hinder the medical examination.

(6) A prisoner who commits an offence under this section is liable on conviction to a term of imprisonment not exceeding 2 years or a fine of level 3 on the standard scale, or to both such fine and imprisonment.”

**Insertion of new section 26A.**

**59.** The principal Act is amended by inserting immediately after section 26 the following as section 26A.

**“Transfer of prisoners for interview and inquiries**

**26A.(1)** The Commissioner may in writing authorize the temporary transfer of a prisoner from a prison to any other location within Seychelles —

- (a) to enable the prisoner —
  - (i) to answer a charge;
  - (ii) to appear as a prosecution witness;
  - (iii) to help the police in locating the body of a deceased person;
  - (iv) to help find or recover hidden items, firearms, explosives or stolen property;
  - (iv) to identify premises in connection with criminal investigations;
  - (vi) to take part in an identification parade; or
- (b) where it is otherwise necessary in the interest of justice or for the purpose of a public inquiry.

(2) Where a prisoner is transferred to a place or location pursuant to subsection (1) —

- (a) the period during which the prisoner is absent from the prison shall count towards the prisoner's sentence as the prisoner is continuously being held in prison;



- (b) the prisoner shall not be transferred to any other place without the prior written authorization of the Commissioner.

(3) The Minister may make regulations relating to the transfer of prisoners under this section for purpose of law enforcement.”

### **Amendment of section 29**

**60.** Section 29 of the principal Act is amended —

- (a) by repealing the words “a period not exceeding 2 months”, wherever they appear, and substituting therefor the words “a period not exceeding 6 months”;
- (b) by repealing the words “R500” and substituting therefor the words “SCR 10, 000”.

### **Repeal and replacement of section 40**

**61.** Section 40 of the principal Act is repealed and substituted therefor the following —

#### **“Visits by Religious Representatives**

**40.(1)** The Commissioner may authorize persons nominated by the religion and denomination of the prisoner at a prison as a religious representative for the prison.

(2) An authorization made under subsection (1) shall take into account the rights of the prisoner and the spiritual needs of the prisoner.

(3) A religious representative may —

- (a) meet with individual prisoners or groups of prisoners;
- (b) provide religious books to prisoners;

- (c) conduct religious ceremonies and observances;
- (d) provide appropriate counselling and support to prisoners.

(4) A prisoner shall not be required to attend or participate in religious services and observance, nor to meet any religious representative.”

#### **Amendment of section 41**

**62.** Section 41 of the principal Act is amended by repealing the words “2 years”, wherever they appear, and substituting therefor the words “5 years”.

#### **Amendment of section 44**

**63.** Section 44 of the principal Act is amended by repealing the words “a fine SCR20, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

#### **Amendment of section 44A**

**64.** Section 44A of the principal Act is amended by repealing the words “a fine of SCR20, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

### **PART 14 PROBATION OF OFFENDERS ACT**

#### **Amendment of section 2 of the Probation of Offenders Act**

**65.** The Probation of Offenders Act, Cap. 184, is amended in section 2 by repealing the definition of “Judicial Officer” and substituting therefor the following definition —

““Judicial Officer” means a Judge, a Magistrate or the Registrar or Assistant Registrar of the Supreme Court;”.

**PART 15**  
**REHABILITATION OF OFFENDERS ACT**

**Amendment of section 8 of the Rehabilitation of Offenders Act**

**66.** Section 8 of the Rehabilitation of Offenders Act, Cap. 307, is amended —

- (a) in subsection (2) by repealing the words “a fine not exceeding R10, 000” and substituting therefor the words “a fine of level 2 on the standard scale”;
- (b) in subsection (4) by repealing the words “a fine of R20, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

**PART 16**  
**DEFENCE ACT**

**Revision of the Defence Act**

**67.** In this Part, the “principal Act” means the Defence Act, Cap. 58, as amended.

**Amendment of section 2**

**68.** Section 2 of the principal Act is amended —

- (a) by repealing the following definitions —
  - (i) “Airforce”;
  - (ii) “Army”;
  - (iii) “Defence Force”;
- (b) by inserting in the proper alphabetical order, the following new definitions —
  - “**Airforce**” means Seychelles Air Force;
  - “**Army**” means Seychelles Land Force;

“**cadet**” means a member of the Seychelles National Cadet Corps;

“**civilian employee**” means a person who is not enrolled in the Defence Force;

“**Defence Force**” means the Defence Forces of Seychelles as established by article 162 of the Constitution;”

### **Repeal and replacement of section 3**

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

#### **“Composition of the Defence Forces of Seychelles**

**3.** There shall be established and maintained in Seychelles a force to be known as the “Defence Forces of Seychelles”.

(2) The Defence Forces of Seychelles shall comprise —

- (a) the Seychelles Land Force;
- (b) the Seychelles Air Force;
- (c) the Seychelles Coast Guards; and
- (d) such other Forces as the President may prescribe by Order published in the Gazette.”

### **Amendment of section 5**

**70.** Section 5 of the principal Act is amended by repealing the words “Subject to this Act” and substituting therefor the words “Subject to the Constitution”.

### **Amendment of section 15**

**71.** Section 15 of the principal Act is amended by repealing the words “a fine not exceeding Rs 2000” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 23**

72. Section 23 of the principal Act is amended by repealing the words “without the consent in writing of his parents or his guardian or, when the parents or guardian are dead or unknown, of the President”.

**Amendment of section 24**

73. Section 24 of the principal Act is amended by repealing subsection (3).

**Insertion of New Part VIB.**

74. The principal Act is amended by inserting immediately after Part VIA. the following new Part as Part VIB. —

**“Part VIB**  
**Appointment of Civilians**

**Appointment of Civilians**

**35F.(1)** A civilian employee may be appointed to work in the Defence Force where —

- (a) the Defence Force does not have appropriately qualified or adequately experienced military personnel to fill a vacancy;
- (b) the Defence Force does not have the human resource to provide certain services required by the Defence Force.

(2) A civilian employee shall be appointed by contract.

**Secrecy**

**35G.(1)** A civilian employee shall not, at any time during the course of employment or after the termination of the contract, divulge to any person, except with the express permission of the Chief of the Defence Force or such other authorized member of the Defence Force, any information relating to or which came into

the civilian employee's possession during the course of employment.

(2) Any civilian employee who contravenes subsection (1) commits an offence and is liable on conviction to a fine of level 4 on the standard scale or to imprisonment for a term not exceeding 5 years or to both such fine and term of imprisonment.

### **Delivery of documents**

**35H.(1)** A civilian employee shall, upon the termination of the contract, deliver to the Chief of the Defence Force or such other authorized member of the Defence Force, all correspondence, documents and any property belonging to the Defence Force or the Government which is in the possession or under the control of the civilian employee.

(2) Any civilian employee who contravenes subsection (1) commits an offence and is liable on conviction to a fine a fine of level 3 on the standard scale or to imprisonment for a term not exceeding 2 years or to both such fine and term of imprisonment.

### **Civilians shall not be subject to military law**

**35I.** A civilian employee is not liable to any offence under the Defence Forces (Offences) Act, Cap. 59, but shall be tried before a Magistrate or a Judge for any offence committed under section 35G. or 35H. of this Act.”

### **Insertion of New Part VIC.**

**75.** The principal Act is amended by inserting immediately after Part VIB. the following new Part as Part VIC. —

### **“Part VIC Seychelles National Cadet Corps**

#### **Establishment of Seychelles National Cadet Corps**

**35J.(1)** There is established the Seychelles National Cadet Corps.

(2) The command and training of the Seychelles National Cadet Corps are the responsibility of the Defence Force.

### **Employment in the Seychelles National Cadet Corps**

**35K.**(1) Notwithstanding any written law, a person who has attained the age of 16 years and not above the age of 18 years may be employed in the Seychelles National Cadet Corps on the written consent of the parents or guardian of that person.

(2) A person who desires to be employed in the Seychelles National Cadet Corps shall make an application to the Chief of the Defence Force in such prescribed form.

(3) A person employed in the Seychelles National Cadet Corps shall not bear arms.

### **Regulation of Cadet Corps**

**35L.**(1) The Commander-in-Chief may make regulations that are necessary or convenient for carrying out or giving effect to this Part.

(2) Without prejudice to the generality of subsection (1), the Commander-in-Chief may make regulations in relation to —

- (a) the length of service and maximum age of cadets;
- (b) the disciplinary code to be followed in respect of cadets, which shall be prepared in consultation with the Minister responsible for education and the Minister responsible for children affairs;
- (c) the programme of training, projects and qualifications tests to be undertaken by cadets;
- (d) discharge of cadets;

- (e) the order of dress to be worn by cadets;
- (f) any other matters necessary for the good management of the cadet corps.

### **Call-out of Seychelles National Cadet Corps in emergency**

**35M.(1)** In the event of a public emergency in Seychelles, the Commander-in-Chief may, by Order published in the Gazette, direct that the Seychelles National Cadet Corps or any part thereof be called out for service in aid of the civil community.

(2) The Commander-in-Chief shall not call out the Seychelles National Cadet Corps or any part thereof in aid of the civil power where a situation threatening national security or the preservation of public order exists.

### **Cadets shall not be subject to military law**

**35N.** A cadet is not liable to any offence under the Defence Forces (Offences) Act, Cap. 59 but may be subject to such disciplinary code made under section 35L.(2)(b).”

## **PART 17 DEFENCE FORCE (OFFENCES) ACT**

### **Revision of the Defence Force (Offences) Act**

**76.** In this Part, the “principal Act” means the Defence Force (Offences) Act, Cap. 59.

### **Amendment of section 2**

**77.** Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following new definition —

“military police officer” means a member of the Defence Force performing the duties and functions of a provost officer or provost-marshal;



**Amendment of section 4**

**78.** Section 4 of the principal Act is amended by repealing the words “or the Militia”.

**Insertion of new sections 16A. and 16B.**

**79.** The principal Act is amended by inserting immediately after section 16 the following as sections 16A. and 16B. —

**“Military Police**

**16A.(1)** A military police officer may —

- (a) exercise the powers of arrest in accordance with section 10;
- (b) execute a warrant of arrest under section 11;
- (c) use such force as is reasonably necessary to effect an arrest as stipulated in section 12;
- (d) exercise powers of arrest conferred under any law in so far as the law applies to the Defence Force or to any person, area, land, premises or property under the protection or control of the Defence Force.

(2) A military police officer may at any time and in any place perform any of the following functions in relation to the Defence Force —

- (a) the prevention and combating of crime by a member of the Defence Force;
- (b) the investigation of any offence or alleged offence committed by a member of the Defence Force;
- (c) assist in the maintenance of discipline, law and order in the Defence Force;

- (d) assist in the regulation and management of establishments such as military prisons;
  - (e) any other function that may be determined by the Commander-in-Chief.
- (3) A military police officer shall have —
  - (a) the same powers of arrest as a police officer over a person not subject to military law who is on any premises under the control or occupancy of the Defence Force; and
  - (b) power to arrest a person not subject to military law who wilfully obstructs any military operation, training, function or event.
- (4) Any person not subject to military law who wilfully obstructs any military operation, training, function or event commits an offence and is liable on conviction before the Supreme Court to a term of imprisonment not exceeding 2 years or a fine of level 3 on the standard scale, or to both such fine and imprisonment.

### **Search of Premises by Military Police**

**16B.** Where any military police officer acting with a warrant of arrest issued under section 11 or acting without a warrant of arrest under section 10 has reason to believe that any member of the Defence Force to be arrested has entered into or is within any premises, the person residing on or in charge of such premises shall, on demand of any military police officer, allow the military police officer free entry thereto and afford all reasonable facilities for search therein for the member of the Defence Force to be arrested.”

### **Amendment of section 22**

**80.** Section 22(1) of the principal Act is amended by inserting

immediately after the words “giving effect to this Act” the words “, and to amend any Schedule”.

## PART 18 PRESERVATION OF PUBLIC SECURITY ACT

### Amendment of section 2 of the Preservation of Public Security Act

**81.** Section 2 of the Preservation of Public Security Act, Cap. 179, is amended by repealing the definition of “public security” and substituting therefor the following —

““public security”includes —

- (a) the defence of the territory and people of Seychelles;
- (b) the securing of rights of persons under the Seychellois Charter of Fundamental Human Rights and Freedoms;
- (c) the securing of the safety of person and property;
- (d) the prevention and suppression of rebellion, mutiny, violence, intimidation, disorder and crime, and unlawful attempts and conspiracies to overthrow the Government or the Constitution;
- (e) the maintenance of the administration of justice;
- (f) the provision of a sufficiency of the supplies and services essential to the life and well-being of the community, their equitable distribution and availability at fair prices; and
- (g) the provision of administrative and remedial measures during periods of actual or apprehensible national danger or calamity, or in consequence of any disaster or destruction from natural causes.”

**PART 19**  
**PUBLIC ASSEMBLY ACT**

**Revision of the Public Assembly**

**82.** In this Part, the “principal Act” means the Public Assembly Act, 2015.

**Amendment of section 14**

**83.** Section 14 of the principal Act is amended by repealing the words “a fine of not exceeding SCR 25, 000” and substituting therefor the words “a fine of level 3 on the standard scale.”.

**Amendment of section 15**

**84.** Section 15 of the principal Act is amended by inserting immediately after the words “provisions of this Act” the words “and to amend any Schedule”.

**PART 20**  
**EXPLOSIVES ACT**

**Revision of the Explosives Act**

**85.** In this Part, the “principal Act” means the Explosives Act, Cap. 77.

**Amendment of section 2**

**86.** Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition —

““Minister” means the Minister responsible for defence;”

**Amendment of section 4**

**87.** Section 4(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

**Amendment of section 5**

**88.** Section 5(2) of the principal Act is amended by repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 6**

**89.** Section 6(2) of the principal Act is amended by repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 7**

**90.** Section 7(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

**Amendment of section 9**

**91.** Section 9(2) of the principal Act is amended by repealing the words “a fine of three thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

**Amendment of section 10**

**92.** Section 10(4) of the principal Act is amended by repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 13**

**93.** Section 13(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

**Amendment of section 14**

**94.** Section 14 of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

**Amendment of section 19**

95. Section 19(2) of the principal Act is amended by repealing the words “and may prescribe the maximum penalties for such offences such maximum not to exceed a fine of one thousand rupees and a period of two years imprisonment”.

**PART 21  
BOILER EXPLOSIONS ACT****Revision of the Boiler Explosions Act**

96. In this Part, the “principal Act” means the Boiler Explosions Act, Cap. 17.

**Amendment of section 2**

97. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition

““Minister” means the Minister responsible for defence;”

**Amendment of section 5**

98. Section 5(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 6**

99. Section 6(1)(a) of the principal Act is amended by repealing the words “in the United Kingdom or in France” and substituting therefor the words “approved by the Minister”.

**Amendment of section 7**

100. Section 7(3) of the principal Act is amended —

(a) by repealing the words “Rs. 50” and substituting therefor the words “SCR 2, 000”;

- (b) by repealing the words “Rs. 1” and substituting therefor the words “SCR 200”.

## **PART 22**

### **PROTECTED AREAS ACT**

#### **Revision of the Protected Areas Act**

**101.** In this Part, the “principal Act” means the Protected Areas Act, Cap. 185.

#### **Amendment of section 10**

**102.** Section 10 of the Protected Areas Act, Cap. 185, is amended in paragraph (c) by repealing the words “one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

#### **Amendment of section 11**

**103.** Section 11 of the Protected Areas Act, Cap. 185, is amended —

- (a) in subsection (1) by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”;
- (b) in subsection (2) repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.