

**MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT  
(AMENDMENT) BILL, 2023**

*(Bill No. 15 of 2023)*

**EXPLANATORY STATEMENT**

The object of this Bill is to provide for the designation of other bodies as approved requesting authorities able to make requests for mutual legal assistance in terms of this Act. Currently the law stipulates the central authority as the Attorney General or any authority designated as the central authority for Seychelles, however with the current wording there is no room for there to be an authority that can make requests without necessarily being a central authority.

This amendment therefore ensures that the concept and framework envisaged in the FATF (Financial Action Task Force”) recommendations of having one central authority is maintained and then the law makes provision for any other body or authority to be designated instead as an approved requesting authority and be given such powers to allow for it to make requests on its own.

This amendment further makes provision for every request made by such approved requesting authority in the performance of such duties, is notified to the Attorney General as the central authority as well as being the custodian of the central database relating to mutual legal assistance. This allows for transparency and guidelines being given to an approved requesting authority in performing its duties.

**Dated this 15<sup>th</sup> day of September, 2023.**

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

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**ARRANGEMENT OF SECTIONS**

**SECTIONS**

1. Short title
2. Amendment of section 2
3. Amendment of section 7
4. Amendment of section 8
5. Amendment of section 21
6. Amendment of section 22

**MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT  
(AMENDMENT) BILL, 2023**

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**A BILL  
FOR**

**AN ACT TO AMEND THE MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT; AND PROVIDE FOR TO THE DESIGNATION OF OTHER BODIES AS APPROVED REQUESTING AUTHORITIES ABLE TO MAKE REQUESTS FOR MUTUAL LEGAL ASSISTANCE; AND TO PROVIDE FOR ANY MATTERS CONNECTED TO OR INCIDENTAL TO THE FOREGOING.**

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

**Short title**

1. This Act may be cited as the Mutual Assistance in Criminal Matters (Amendment) Act, 2023.

## **Amendment of section 2**

2. Section 2 of the Mutual Assistance in Criminal Matters Act, 2022, (hereinafter referred to as the “principal Act”) is amended —

- (a) by repealing the definition of Central Authority and substituting it with the following

“Central Authority” means the Attorney General;

- (b) by inserting the following definitions —

“approved requesting authority” means an authority designated as an approved requesting authority in pursuance of section 7;”

## **Repeal and replacement of section 7**

3. The principal Act is amended by repealing section 7 and substituting with of the following —

### **“Requests to be made by the Attorney General or an approved requesting authority**

7.(1) A request by Seychelles to a foreign State for assistance in a criminal matter under this Part shall be made —

- (a) by or through the Attorney General; or
- (b) by an approved requesting authority designated as such under subsection (3).

(2) A request under subsection (1) shall be made through the diplomatic channel.

(3) For the purposes of this Act, requests made by Seychelles by —

- (a) the Attorney General; and

- (b) an authority who the President may, by notice in the *Gazette*, designate as an approved requesting authority on such terms and conditions as the President may determine.

(4) An approved requesting authority shall notify and report to the Attorney General all requests that it makes to any competent authority.

(5) An approved requesting authority designated under subsection (3) shall have the same powers as the Attorney General in making or receiving requests and shall obtain international assistance in criminal matters on such terms and conditions as the President may determine.

#### **Amendment of section 8**

4. Section 8 of the principal Act is amended in subsection (1) by inserting after the words “authorized by Seychelles” the words “including an approved requesting authority”.

#### **Amendment of section 21**

5. Section 21 of the principal Act is amended in subsection (1) by repealing the words “an authority designated as a Central Authority” and substituting with the words “a designated approved requesting authority”.

#### **Amendment of section 22**

6. Section 22 of the principal Act is amended in subsection (1) by inserting after the words “authorized by Seychelles” the words “including an approved requesting authority”.