

**MISCELLANEOUS AMENDMENTS BILL, 2023**

(Bill No. 20 of 2023)

**EXPLANATORY STATEMENT ON OBJECTS OF AND REASONS  
FOR THE BILL**

This Bill seeks to amend the following laws —

**1. Seychelles Human Rights Commission Act, 2018.** It is being proposed that section 6(2)(b) of this Act is formally repealed by the National Assembly. The Constitutional Court in *Amesbury v Faure & Ors (CP 06/2018) [2018] SCCC 16 (13 October 2018)* found that section 6(2)(b) of this Act breaches Article 27 of the Constitution. The judgment of the Constitutional Court was upheld by the Court of Appeal in *Faure & Ors v Amesbury & Anor (Constitutional Appeal SCA CL 07/2018) [2019] SCCA 3 (10 May 2019)*.

**2. Legal Practitioners Act, Cap 111.** With the enactment of the Legal Practitioners (Amendment) Act, 2013 (Act 18 of 2013), this Bills seeks to repeal section 13A.

**3. Malaria Act, Cap. 120.** This 1931 Act has become obsolete in light of the Public Health Act, 2015.

**4. Medical Appeals Board Act, Cap. 125.** This 1976 Act was never brought into operation by way of an Order published in the Gazette. There is no need for this law given that a person who is examined medically by a Government medical officer or Government Dentist and who is not satisfied with such examination has several avenues for recourse.

**5. Public Health Authority Act, 2013.** This Bill seeks to allow the Minister to terminate the appointment of the Public Health Commissioner if he is absent from duty for 10 consecutive days without the prior written permission; currently, the Public Health Commissioner can be absent for a maximum of 30 consecutive days without written permission before his appointment is terminated.

**6. Quarantine Act, Cap. 197.** This Bill seeks to, amongst other things, make it clear that monies received pursuant to the provisions of the Quarantine Act shall be paid into the Consolidated Fund.

**7. Mental Health Care Act, 2020, Pesticides Control Act, Cap. 164, Census Act, Cap. 25, Civil Status Act, Cap. 34.** This Bill seeks to, amongst

other things, revise the penalties under these Acts; update post titles and change cross-references.

**8. Seychelles Security Guards Service Pension Act, Cap. 222.** This Bill seeks to repeal this Act which dealt with the pension of the Seychellois security guards who worked at the USA Tracking Station at La Misere. Currently, no person is paid a pension under this Act and this Bill makes it clear that any right acquired by a person under the Seychelles Security Guards Pension Act shall not be affected by the repeal.

**9. Marriage of the British Subjects (Facilities) Act, Order in Council, 1916 Cap. 123.** This Bill seeks to repeal this colonial law given that marriage is dealt with under the Civil Code of Seychelles Act, 2020.

**10. National Identity Cards Act, Cap. 294.** This Bill seeks to amend the Act, in order to permit a citizen of Seychelles who is not resident in Seychelles to apply for and be issued with a Seychelles National Identity Card. The Bill further seeks to enable law enforcement authorities to obtain information in relation to a person's National Identity Card for the purposes of prevention or detection of crime or in the interest of national security or for such information to be shared with a ministry, department, division or agency of Government or any other body which is carrying out a governmental function or service upon request for the purpose of administration of Government.

**11. Parastatal Corporations Act, Cap. 154.** This Bill seeks to repeal this 1989 Act which was never brought into operation by way of a notice published in the Gazette.

**12. Law Commission Act, 2022.** This Bill seeks to give the President of the Court of Appeal and the Chief Justice further options in terms of legal professionals that they can propose to sit on the Law Commission.

**13. Seychelles Intelligence Service Act, 2018.** This Bills is to permit the registration of land or lease in the name of Seychelles Intelligence Service.

**Dated this 20<sup>th</sup> day of October, 2023.**

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

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**MISCELLANEOUS AMENDMENTS BILL, 2023**

*(Bill No. 20 of 2023)*

**ARRANGEMENT OF SECTIONS**

**PART 1**

**PRELIMINARY**

**Sections**

1. Short title

**PART 2**

**SEYCHELLES HUMAN RIGHTS COMMISSION ACT**

2. Amendment of the Seychelles Human Rights Commission Act

**PART 3**

**LEGAL PRACTITIONERS ACT**

3. Repeal of section 13A

**PART 4**

**MALARIA ACT**

4. Repeal of Malaria Act

**PART 5**

**MEDICAL APPEAL BOARDS ACT**

5. Repeal of Medical Appeal Boards Act

**PART 6**

**PUBLIC HEALTH AUTHORITY ACT**

6. Amendment of section 8

**PART 7**

**QUARANTINE ACT**

7. Revision of the Quarantine Act
8. Amendment of Act
9. Amendment of section 2
10. Amendment of section 9

**PART 8**

**MENTAL HEALTH CARE ACT**

11. Amendment of section 52 of the Mental Health Care Act

**PART 9**

**PESTICIDES CONTROL ACT**

12. Amendment of section 22 of the Pesticides Control Act

**PART 10**

**SEYCHELLES SECURITY GUARDS SERVICE PENSION ACT**

13. Repeal of Seychelles Security Guards Service Pension Act

**PART 11**

**MARRIAGE OF THE BRITISH SUBJECTS (FACILITIES) ACT  
ORDER IN COUNCIL, 1916**

14. Repeal of the Marriage of the British Subjects (Facilities) Act

**PART 12**

**CENSUS ACT**

15. Revision of the Census Act
16. Amendment of section 5
17. Amendment of section 8

**PART 13**

**CIVIL STATUS ACT**

18. Revision of the Civil Status Act
19. Amendment of section 2
20. Repeal of section 93
21. Amendment of section 108
22. Amendment of section 109
23. Amendment of section 113
24. Amendment of section 115
25. Repeal of section 121

**PART 14**

**NATIONAL IDENTITY CARDS ACT**

26. Revision of the National Identity Card Act
27. Insertion of new section 4A
28. Amendment of section 5
29. Amendment of section 9
30. Amendment of section 10

**PART 15**

**PARASTATAL CORPORATIONS ACT**

31. Repeal of the Parastatal Corporations Act

**PART 16**

**LAW COMMISSION ACT**

32. Amendment of section 4 of the Law Commission Act

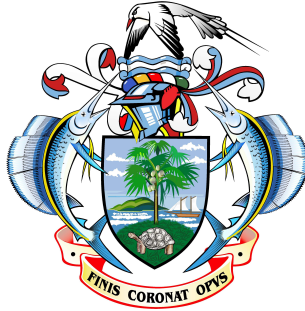
**PART 17**

**SEYCHELLES INTELLIGENCE SERVICE ACT**

33. Amendment of section 4 of the Seychelles Intelligence Service Act

## MISCELLANEOUS AMENDMENTS BILL, 2023

*(Bill No. 20 of 2023)*



### A BILL

### FOR

**AN ACT TO MAKE AMENDMENTS TO CERTAIN ENACTMENTS; AND TO REPEAL THE MALARIA ACT, CAP. 120; MARRIAGE OF THE BRITISH SUBJECTS (FACILITATES) ACT, CAP. 123; MEDICAL APPEAL BOARDS ACT, CAP. 125; PARASTATAL CORPORATION ACT, CAP. 154; AND SEYCHELLES SECURITY GUARDS SERVICE PENSION ACT, CAP. 222.**

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

### PART 1 PRELIMINARY

#### Short title

**1.** This Act may be cited as the Miscellaneous Amendments Act, 2023.

**PART 2**

**SEYCHELLES HUMAN RIGHTS COMMISSION ACT**

**Amendment of the Seychelles Human Rights Commission Act**

2. Section 6(2)(b) of the Seychelles Human Rights Commission Act, 2018 is repealed.

**PART 3**

**LEGAL PRACTITIONERS ACT**

**Repeal of section 13A**

3. Section 13A of the principal Act is repealed.

**PART 4**

**MALARIA ACT**

**Repeal of Malaria Act**

4. The Malaria Act, Cap. 120, is repealed.

**PART 5**

**MEDICAL APPEAL BOARDS ACT**

**Repeal of Medical Appeal Boards Act**

5. The Medical Appeals Board Act, Cap. 125, is repealed.

**PART 6**

**PUBLIC HEALTH AUTHORITY ACT**

**Amendment of section 8**

6. Section 8(1)(c) of the Public Health Authority Act, 2013, is amended by repealing the words “30 consecutive days” and substituting therefor the words “10 consecutive days”.

**PART 7**

**QUARANTINE ACT**

**Revision of the Quarantine Act**

7. In this Part, the “principal Act” means the Quarantine Act, Cap. 197.

### **Amendment of Act**

8. The principal Act is amended by repealing the word “President”, wherever it appears, and substituting therefor the word “Minister”.

### **Amendment of section 2**

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

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

### **Amendment of section 9**

10. Section 9 of the principal Act is amended in subsection (1) by repealing the words “paid by the Quarantine Authority to the Principal Secretary of the Ministry of Finance to the credit of general revenue” and substituting therefor the words “paid into the Consolidated Fund.”

## **PART 8**

### **MENTAL HEALTH CARE ACT**

#### **Amendment of section 52 of the Mental Health Care Act**

11. Section 52 of the Mental Health Care Act, 2020, is amended —

- (a) in subsection (1) by repealing the words “5 years” and substituting therefor the words “2 years” ;
- (b) in subsection (2) by repealing the words “imprisonment for a term of 15 years or a fine not exceeding SCR50, 000” and substituting therefor the words “a term of imprisonment not exceeding 5 years or a fine of level 5 on the standard scale, or to both such fine and imprisonment.”

## **PART 9**

### **PESTICIDES CONTROL ACT**

#### **Amendment of section 22 of the Pesticides Control Act**

12. Section 22 of the Pesticides Control Act, Cap. 164, is amended by repealing the words “R10, 000” and substituting therefor the words “level 2 on the standard scale”.



**PART 10****SEYCHELLES SECURITY GUARDS SERVICE PENSION ACT****Repeal of Seychelles Security Guards Service Pension Act**

13. The Seychelles Security Guards Service Pension Act, Cap. 222, is repealed, but any right acquired by a person under this Act shall not be affected by the repeal.

**PART 11****MARRIAGE OF THE BRITISH SUBJECTS (FACILITIES) ACT  
ORDER IN COUNCIL, 1916****Repeal of the Marriage of the British Subjects (Facilities) Act**

14. The Marriage of the British Subjects (Facilities) Act, Order in Council, 1916 Cap. 123, is repealed.

**PART 12****CENSUS ACT****Revision of the Census Act**

15. In this Part, the “principal Act” means the Census Act, Cap. 25.

**Amendment of section 5**

16. Section 5 of the principal Act is amended —

(a) by repealing subsection (1)(b) and substituting therefor the following —

“(b) every person in charge of a hospital, prison or any public, charitable, religious or educational institution;”

b) in subsection (3) by repealing the words “Collector of Customs” and substituting therefor the words “Commissioner of Customs”.

**Amendment of section 8**

17. Section 8 of the principal Act is amended by repealing the words “a fine not exceeding five hundred rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

**PART 13  
CIVIL STATUS ACT****Revision of the Civil Status Act**

18. In this Part, the “principal Act” means the Civil Status Act, Cap. 34.

**Amendment of section 2**

19. Section 2 of the principal Act is amended by repealing the definition “gazette”.

**Repeal of section 93**

20. Section 93 of the principal Act is repealed.

**Amendment of section 108**

21. Section 108 of the principal Act is amended by repealing the words “parents or other”.

**Amendment of section 109**

22. Section 109 of the principal Act is amended by repealing the words “the provisions of this Act” and substituting therefor the words “the laws of Seychelles”.

**Amendment of section 113**

23. Section 113 of the principal Act is amended by repealing the words “a fine not exceeding one thousand rupees or imprisonment for any term not exceeding two years” and substituting therefor the words “a fine of

level 3 on the standard scale or to imprisonment not exceeding 2 years, or to both a fine and a term of imprisonment”.

### **Amendment of section 115**

24. Section 115(3) of the principal Act is repealed.

### **Repeal of section 121**

25. Section 121 of the principal Act is repealed.

## **PART 14**

### **NATIONAL IDENTITY CARDS ACT**

#### **Revision of the National Identity Card Act**

26. In this Part, the “principal Act” means the National Identity Card Act, Cap. 294

#### **Insertion of new section 4A**

27. The principal Act is amended by inserting immediately after section 4 the following as section 4A —

#### **“Issue of National Identity Card to non-resident citizen**

4A.(1) Notwithstanding anything to the contrary in this Act, the Chief Officer of Civil Status may issue a National Identity Card to a citizen of Seychelles who is not a resident on application made under section 5.

(2) The National Identity Card issued under subsection (1) shall be in Form 1 of Part I of the Schedule and shall bear a National Identity Number.

(3) A National Identity Card issued under subsection (1) shall be valid for a period of ten years from the date of its issue.

#### **Amendment of section 5**

28. Section 5 of the principal Act is amended by inserting immediately after subsection (4), the following new subsections —

“(5) An application made under section 4A shall be supported by documentary proof of citizenship of Seychelles of the applicant.

(6) The address of an applicant under section 4A shall be —

- (a) the residential address of the applicant in Seychelles; or
- (b) the address where he last resided before leaving to reside overseas; or
- (c) in the case of an applicant who had not resided in Seychelles, the residential address in Seychelles of his parent or where his parent is not resident in Seychelles, the address where his parent last resided before leaving to reside overseas.”

### **Amendment of section 9**

**29.** Section 9 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “subsections (2) and (3)” and substituting them with the words “subsections (2), (3) and (4)”.
- (b) in subsection (2), by renumbering paragraphs (b) and (c) as paragraphs (d) and (e), respectively;
- (c) by inserting immediately after paragraph (a), the following new paragraphs —
  - “(b) to law enforcement authorities for the purposes of prevention or detection of crime, or in the interest of national security;

- (c) to a public authority with the consent of the applicant or the holder of a National Identity Card or upon request of the public authority for the purpose of administration of Government;”
- (d) by inserting immediately after subsection (3), the following new subsection —

“(4) For the purpose of subsection (2)(c), “public authority” means a Ministry, department, division or agency of the Government or any other body which is carrying out a governmental function or service.”

### **Amendment to section 10**

**30.** Section 10 of the principal Act is amended by repealing the figure “R5000” wherever it appears and substituting it with the words “level 1 on the standard scale”.

## **PART 15**

### **PARASTATAL CORPORATIONS ACT**

#### **Repeal of the Parastatal Corporations Act**

**31.** The Parastatal Corporations Act, Cap. 154, is repealed.

## **PART 16**

### **LAW COMMISSION ACT**

#### **Amendment of section 4 of the Law Commission Act**

**32.** Section 4 of the Law Commission Act, 2022, is amended —

- (a) in subsection (1) —
- (i) by repealing paragraph (b) and substituting therefor the following —
- “(b) the President of the Court of Appeal or where the President decides otherwise, a Justice of

Appeal or a person qualified as a Justice of Appeal or a person who held judicial office proposed by the President of the Court of Appeal of Seychelles.”

- (ii) by repealing paragraph (c) and substituting therefor the following —

“(b) the Chief Justice or where the Chief Justice decides otherwise, a Judge or a person qualified as a Judge or a person who held judicial office proposed by the Chief Justice;”

## **PART 17**

### **SEYCHELLES INTELLIGENCE SERVICE ACT**

#### **Amendment of section 4**

**33.** Section 4 of the Seychelles Intelligence Act, 2018 is amended by inserting immediately after subsection (4), the following new subsections —

- “(5) Notwithstanding anything in this Act or any other law, land or lease may be registered in the name of the Service.
- (6) Disposal of land or lease registered in the name of the Service shall not be made and registered without the written approval of the Council.”.