

**STATE LAND AND RIVER RESERVES (AMENDMENT) BILL, 2023**

*(Bill No. 29 of 2023)*

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

This Bill seeks to amend the State Land and River Reserves Act, Cap 228 to allow disposal of State land to —

- (a) a foreign State or an international organisation for the establishment of their physical presence in the Republic of Seychelles;
- (b) a citizen at a discount of the market value of the land in accordance with a scheme or policy of the Government approved by the President relating to sale or lease of land to citizens for residential or commercial purposes or in accordance with regulations relating thereto; and
- (c) a previous owner of land compulsorily acquired under the Land Acquisition Act, 1977 or land that the State acquired by private agreement during the period 5<sup>th</sup> June, 1977 to 20<sup>th</sup> June, 1993, in accordance with a scheme or policy of the Government approved by the President for return of undeveloped part of such State land or in accordance with regulations relating thereto.

The Bill further proposes to provide mandatory conditions upon which State land may be leased in particular

- (a) restricting transfer, sale and assignment of lease of State land by a lessee to a third party except with the express written approval of the President;
- (b) the payment of a transfer fee to the State or a public body where the transfer, sale or assignment of the lease is approved;
- (c) the leased land be developed for a specific purpose or use; and

- (d) the development for which State land is leased be commenced and completed within a specified period.

**Dated this 4<sup>th</sup> day of December, 2023.**

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

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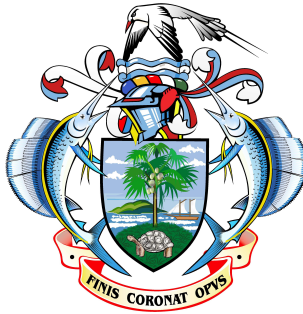
**ARRANGEMENT OF SECTIONS**

**Sections**

1. Short title
2. Amendment of section 2
3. Amendment of section 6
4. Amendment of section 10

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**A BILL**

**FOR**

**AN ACT TO AMEND THE STATE LAND AND RIVER RESERVES ACT, (CAP 228).**

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

**Short title**

1. This Act may be cited as the State Land and River Reserves (Amendment) Act, 2023.



## **Amendment of section 2**

2. Section 2 of the State Land and River Reserves Act, (hereinafter referred to as the “principal Act”) is amended by inserting, in alphabetical order, the following new definitions —

“ “Foreign State” means the government of that State, its Diplomatic Mission and its Consular Mission;

“International Organisation” means an Intergovernmental Organisation, including a specialised agency of the United Nations;”;

## **Amendment of section 6**

3. Section 6 of the principal Act is amended by inserting a new subsection (4) as follows —

“(4) Notwithstanding subsections (1) and (2), the President may —

- (a) dispose of by free grant, at market value or at any other value than its full market value State land to a public body for a specific purpose;
- (b) dispose of State land at market value or at any other value to a Foreign State or an International Organisation as may be prescribed;
- (c) sell or lease State land at a discount of the market value of the land to a citizen in accordance with a scheme or policy of the Government relating to sale or lease of State land to citizens for residential or commercial purposes approved by the President or as may be prescribed; or
- (d) transfer State land to a previous owner of land compulsorily acquired from the person under

the Land Acquisition Act, 1977 or acquired by the State by private agreement during the period 5<sup>th</sup> June, 1977 to 20<sup>th</sup> June, 1993, in accordance with a scheme or policy of the Government approved by the President for the return of such State land or the undeveloped part of such State land or as may be prescribed.”

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

4. Section 10 of the principal Act is amended as follows —

- (a) by renumbering subsection (3) as subsection (8);
- (b) by repealing subsection (2);
- (c) by inserting after subsection (1), the following new subsections —

“(2) In all leases of State land there shall be inserted a condition that —

- (a) any sale, assignment or transfer of the whole or any part of land leased or leasehold interest granted shall require the express prior written approval of the President on such terms and conditions as the President shall determine;
- (b) where land is leased for the purpose of development —
  - (i) the leased land shall be developed for a specific purpose or use; and
  - (ii) a condition for or in respect to the commencement or completion of the permitted development within a specified period.

(3) The President may, by a statutory instrument order that any transfer or assignment of any category or class of leased State land be subject to a transfer fee payable to the Republic or to such public body as may be prescribed.

(4) The President may exempt any lessee from the application of subsections (2) or (3) where he is of the opinion, after consulting the Minister responsible for lands, that special circumstances exist justifying such exemption.

(5) Save where death of the lessee is an event upon which a lease is expressed to determine, a transfer of lease or undivided share in the lease resulting from the death of the lessee or co-lessee to his heirs on intestacy or a legatee under his will or by way of distribution between his heirs or legatee or by order of a competent court in relation to the entitlement of any of his heirs or legatees shall not be subject to approval of the President or to such prescribed transfer fee.

(6) Subject to the provisions of subsections (2), (3), (4) and (5), leases of State land shall be as nearly as may be in the form of Schedule B.

(7) The President may by regulations made under section 42 amend, vary or replace Schedule B.”