

CHILDREN (AMENDMENT) BILL, 2025*(Bill No. 17 of 2025)***EXPLANATORY STATEMENT OF THE OBJECTS AND REASONS
OF THE BILL**

The object of this Bill is to amend the Children Act, (CAP.28) to enhance the powers of the Family Tribunal established under section 77 of the said Act in order to make the Tribunal more fit for the purpose of protecting the rights and welfare of the children of Seychelles. In particular, the Bill seeks to lower the standard of proof required to prove liability for non-compliance with the Tribunal's orders, as well as empowering the Tribunal to directly deal with matters of enforcement by placing these within the Tribunal's jurisdiction.

In order to achieve this target, the Bill seeks to amend —

- (a) section 6 of the Act to enable the Tribunal to determine the sum payable as maintenance by a parent which is currently determined as prescribed by the Minister, and to reduce the standard of proof from criminal standard to that of a civil standard;
- (b) section 8 of the Act to enable the Tribunal to make default sentences in issuing maintenance orders which paves way to reinforce compliance with the maintenance orders;
- (c) section 19 of the Act by repealing subsection (5) thereof which was a bar to impose civil imprisonment;
- (d) section 77 of the Act to increase the number of members of the Tribunal enabling the Tribunal to discharge its functions efficiently;
- (e) section 78 of the Act to empower the Tribunal to refer any matter to mediation at any stage of proceedings with a view to protecting the best interest of parties;
- (f) section 78A of the Act to align the procedures for enforcement in the event of non-compliance with the orders of the Tribunal; and

- (g) section 18 of the Domestic Violence Act, 2020 which is consequential to the amendments made to section 6, 8 and 19 of the Children Act.

Dated this 14th July, 2025

**PATRICIA FRANCOURT
MINISTER FOR EMPLOYMENT AND SOCIAL AFFAIRS**

CHILDREN (AMENDMENT) BILL, 2025

(Bill No. 17 of 2025)

ARRANGEMENT OF SECTIONS

SECTIONS

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CHILDREN (AMENDMENT) BILL, 2025

(Bill No.17 of 2025)



A BILL

FOR

AN ACT TO AMEND THE CHILDREN ACT (CAP.28)

ENACTED by the President and the National assembly

Short title and commencement

1. This Act may be cited as the Children (Amendment) Act, 2025, and shall come into operation on such date as the Minister, by notice in the Gazette, appoints.

Amendment of section 6

2. Section 6 of the Children Act (Cap. 28) (hereinafter referred to as the “principal Act”) is amended as follows —

(a) by the repeal of subsection (2) and substituting it with the following —

“(2) if a parent —

- (a) does not have the custody of the child; or
- (b) is not living with the family,

such parent shall pay such sum as may be determined by the Tribunal as maintenance for each child for whom the parent is liable to maintain.”.

(b) by the repeal of subsection (3) and substituting it with the following —

“(3) A parent who, without lawful excuse, of which proof shall lie on such parent, fails to pay maintenance as specified in subsection (2), or comply with an affiliation order, shall be liable to imprisonment for a term not exceeding 3 years, or to a fine not exceeding SCR 30,000, or to both such fine and imprisonment:

Provided that, if imprisonment of the parent would be against the best interests of the child, the Tribunal shall only impose a sentence of imprisonment if, in the opinion of the Tribunal, a fine alone would be inadequate or inappropriate.”.

(c) by the repeal of subsection (5).

Amendment of section 8

3. Section 8 of the principal Act is amended by inserting immediately after subsection (4), the following —

“(5) A parent who, without lawful excuse, of which proof shall lie on such parent, fails to pay maintenance in accordance with an order made under subsection (1) shall be liable to imprisonment for a term not exceeding 3 years, or to a fine not exceeding SCR 30,000, or to both such fine and imprisonment.

(6) In issuing an order under subsection (1), the Tribunal may, notwithstanding the provisions of subsection (5), prescribe default sentences which may be enforced upon proof of non-compliance with the relevant order.”.

Amendment of section 19

4. Section 19 of the principal Act is amended by the repeal of subsection (5).

Amendment of section 77

5. Section 77 of the principal Act is amended as follows —

(a) by the repeal of subsection (1) and substituting it with the following —

“(1) There shall be a Family Tribunal consisting of a Chairperson, three Vice-Chairpersons and such number of members as the Chief Justice may consider necessary for the discharge of the functions of the Tribunal.”.

(b) in subsection (3), by repealing the words “at least one”, and substituting therefor the words, “at least two”.

(c) by inserting immediately after subsection (6), the following —

“(7) The Chairperson, Vice-Chairpersons and members of the Tribunal shall be entitled to receive such allowances as may be prescribed by the Chief Justice, from time to time.”

Amendment of section 78

6. Section 78 of the principal Act is amended by inserting immediately after subsection (9), the following —

“(10) Notwithstanding the provisions of subsection (9), the Tribunal may, at any stage of proceedings under this Act, refer the parties to mediation where the Tribunal considers it appropriate and if it is in the best interests of the child. The provisions of paragraphs (a) and (b) of subsection (9) shall, *mutatis mutandis*, apply in respect of mediation under this subsection.”.

Amendment of section 78A

7. Section 78A of the principal Act is amended in subsection (7) by repealing the words commencing from “is guilty of an offence” and ending with the words “to a fine of R20,000”, and substituting therefor of the following —

“shall be guilty of contempt of the Tribunal and be liable to imprisonment for a term not exceeding 3 years, or to a fine not exceeding SCR 30,000, or to both such fine and imprisonment.”.

Consequential amendments

8. The Domestic Violence Act, 2020, is amended by the repeal of section 18 and substituting therefor of the following –

“Contravention of protection order

18. (1) A respondent who intentionally contravenes an interim protection order or a protection order shall be guilty of an offence and is liable on conviction –

- (a) in the case of a first offence, to a fine not exceeding SCR 30,000, or to imprisonment for a term not exceeding 3 years, or to both such fine and imprisonment; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding SCR 50,000, or to imprisonment for a term not exceeding 5 years, or to both such fine and imprisonment.

(2) Rules to regulate proceedings for contravention of a protection order under this section may be made by the Chief Justice.”.