

**HEALTH CARE AGENCY (REPEAL) BILL, 2026**

*(Bill No. 3 of 2026)*

**OBJECTS AND REASONS**

The core objective of this Bill is to repeal the *Health Care Agency Act, 2013*, (Act 10 of 2013) and to provide, *inter alia*, for the orderly transfer of functions of all health care services from the Council to the Ministry.

**MADE this 6<sup>th</sup> day of February, 2026.**

**SEBASTIEN PILLAY  
VICE-PRESIDENT**

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**ARRANGEMENT OF SECTIONS**

**SECTIONS**

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4. Transfer of staff and appointments
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**A BILL**

**FOR**

**AN ACT TO REPEAL THE HEALTH CARE AGENCY ACT, 2013 (ACT 10 OF 2013) AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.**

**ENACTED BY THE PRESIDENT AND THE NATIONAL ASSEMBLY.**

**PART I  
PRELIMINARY**

**Short title and commencement**

**1.** This Act may be cited as the Health Care Agency (Repeal) Act, 2026 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint, which date shall not be later than the 31<sup>st</sup> March, 2026.

## **PART II REPEAL AND SAVINGS**

### **Repeal of Act 10 of 2013**

2. The Health Care Agency Act, 2013 (Act 10 of 2013) (hereinafter referred to as “the Act”) is hereby repealed.

### **Savings**

3.(1) Notwithstanding the repeal of the Act, all health care services provided by the Health Care Agency prior to the repeal shall continue to be provided by the Ministry of Health (hereinafter referred to as “the Ministry”) and shall be deemed to have been so provided, as if the services had originally been provided by the Ministry.

(2) The repeal of the Act shall not —

(a) affect the validity of anything lawfully done under that Act before its repeal;  
or

(b) render unlawful anything that was lawfully done before the repeal.

(3) Anything done by, to, or in relation to the Agency under the repealed Act before the commencement date of the repeal shall be deemed to have been done by, to, or in relation to the Ministry.

(4) Notwithstanding the repeal of the Act, all regulations, rules, guidelines, orders, notices, or other subsidiary instruments made or issued under that Act and in force before the commencement date of the repeal shall continue in force on and after that date as if they were made by the Ministry and shall remain in force until they are amended, replaced, or revoked.

(5) The Minister may amend, revoke or replace any regulation, rule, guideline, order, notice, or other subsidiary instrument continued in force under subsection (4) and any such amendment, revocation or replacement shall be deemed to have been lawfully made under this Act.

(6) Upon the repeal of the Health Care Agency Act, all operational, service delivery, regulatory and administrative functions and powers of the Agency immediately before the repeal shall be transferred to and shall vest in the Ministry.

(7) Where, immediately before the repeal, any process, investigation, assessment or other matter had been commenced by or under the authority of the Agency and had not been concluded, that process or matter shall be continued and completed by the Ministry, as if it had been commenced by the Ministry.

(8) An application, approval, licence, authorisation, accreditation or other administrative matter pending before the Agency before the repeal shall, on and after the repeal, be deemed to have been transferred to the Ministry and any matter so transferred shall be continued, determined or otherwise dealt with without prejudice, delay or the need for re-submission, as if it had been originally made to the Ministry.

(9) Any time limit applicable to a matter under the repealed Act shall continue to apply after the repeal, as if the repeal had not occurred.

(10) Any function or power exclusively relating to the governance of the Agency including functions of the Board as a governing body, shall cease upon repeal.

(11) The Board of the Agency shall be dissolved on the date appointed by the Minister pursuant to Section 1 and the dissolution of the Board shall not —

- (a) affect the validity of any act, decision or resolution lawfully made by the Board before its dissolution; or
- (b) affect any liability incurred by the Board before its dissolution.

(12) Notwithstanding the dissolution of the Board, the Board's liabilities, obligations, and legal responsibilities incurred immediately before its dissolution shall vest in and be assumed by the Ministry and any proceeding, claim or enforcement action in respect of such liabilities may be continued by or against the Ministry, as if it were the Board.

(13) A person who was a member of the Board immediately before its dissolution shall not be personally liable for any act or omission done in good faith in the performance of the functions under the repealed Act and any statutory indemnity applying immediately before the repeal shall continue to apply.

(14) All funds, accounts, assets, property, rights and interests of the Agency immediately before the repeal shall vest in the Ministry.

(15) All liabilities, debts, obligations and contractual commitments of the Agency subsisting immediately before the repeal shall become liabilities, debts, obligations and commitments of the Ministry.

(16) Any contract, agreement or instrument to which the Agency was a party immediately before the repeal shall continue in force and shall be deemed always to have been a contract, agreement, or instrument to which the Government of Seychelles was a party.

(17) Any legal proceeding, arbitration or other dispute resolution process to which the Agency was a party before the repeal may be continued, enforced or completed after the repeal and in the proceeding so continued, the Government of Seychelles shall be substituted for the Agency as a party and the proceeding shall not abate or be discontinued by reason only of the repeal.

(18) Any duty of confidentiality, restriction on disclosure or data protection obligation applying to records or information under the repealed Act shall continue to apply after the repeal, as if the information were obtained or held under this Act.

(19) The transitional period shall be a period of six months commencing on the date appointed by the Minister pursuant to this Act during which period such transitional arrangements pursuant to the provisions under this Act shall be implemented as are necessary for the orderly transition of the Agency to the Ministry.

### **PART III MISCELLANEOUS**

#### **Transfer of staff and appointments**

4.(1) A person who, immediately before the repeal of the Act, was employed by or held an appointment with the Agency shall, on the repeal of the Act, be transferred to the Ministry or the Department of Health Care Services, as may be determined by the Minister.

(2) A transfer under subsection (1) shall not operate to —

- (a) terminate the employment or appointment of that person; or
- (b) break the continuity of service.

(3) A transferred employee shall be entitled to continue the terms and conditions of employment no less favourable than those applicable immediately before the repeal, including —

- (a) rank or grade;
- (b) remuneration;
- (c) pension rights and benefits;
- (d) accrued leave and other benefits; and
- (e) seniority and continuity of service.

(4) Service with the Agency before the repeal of the Act shall be deemed to be service with the Ministry.

#### **Records, data and information**

5. All records, registers, documents, databases and information held by the Agency immediately before the repeal shall vest in and be transferred to the Ministry.