

SEYCHELLES CULTURE, HERITAGE AND THE ARTS BILL, 2026

(Bill No. 7 of 2026)

EXPLANATORY STATEMENT OF OBJECTS AND REASONS

The Bill seek to repeal the Seychelles National Institute for Culture, Heritage and the Arts Act, 2021, (*Act 43 of 2021*) for the purpose of returning all the constituent institutions under the purview of the Ministry.

Dated this 14th day of April, 2026.

**AMANDA BERNSTEIN
MINISTER RESPONSIBLE FOR CULTURE**

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(Bill No. 7 of 2026)



A BILL

FOR

AN ACT TO REPEAL THE SEYCHELLES NATIONAL INSTITUTE FOR CULTURE HERITAGE AND THE ARTS ACT, 2021 AND TO PLACE ALL THE CONSTITUENT INSTITUTIONS UNDER THE PURVIEW OF THE MINISTRY; AND FOR MATTERS CONNECTED THEREWITH.

ENACTED BY THE PRESIDENT AND THE NATIONAL ASSEMBLY.

**PART I
PRELIMINARY**

Short title

- 1.** This Act may be cited as the Seychelles Culture, the Arts and National Heritage Act, 2026.

Interpretation

2. In this Act, unless the context requires otherwise —

“archaeological excavation” means any digging, searching or disturbance of land or seabed carried out to find objects of historical, archaeological or cultural value;

“art” means the various forms of creative expression through which ideas, culture, and artistic skill are produced and communicated, including visual, performing, literary and applied arts, and encompasses disciplines such as music, dance, theatre, film, literature, painting, sculpture, photography, crafts, and design, whether traditional or contemporary;

“constituent institution” means an institution specified under section 3;

“creative industries” means those industries that combine the creation, production and commercialisation of products that are tangible and intangible and cultural in nature and which are typically protected by copyright and take the form of goods or services such; as visual and digital arts, dance, performing arts, crafts, music, film, video and literature;

“culture” means a set of distinctive spiritual, material, intellectual and emotional features of a society or a social group, that encompasses not only the arts and literature, but also includes customs, ways of living together, value systems, symbols, languages, traditions and beliefs;

“emerging artist” means an individual at an early stage of their artistic career who is actively developing an artistic practice and has begun creating or presenting artistic work publicly, but who has not yet established sustained recognition, professional income, or a significant body of work within the arts sector;

“heritage” means the legacy of past and enduring practices, present today and which will be passed on to future generations;

“Minister” or “Ministry” means the Minister responsible for Culture;

“National Institute” means the Seychelles National Institute for Culture, Heritage and the Arts established by section 3 of (*Act 43 of 2021*);

“prescribed” means prescribed by regulations made under this Act;

“Principal Secretary” means the principal secretary responsible for culture, the arts and National Heritage;

“standard scale” means the standard scale of fines for offences established under the Criminal Offences (Standard Scale of Fines) Act, 2021.

PART II CONSTITUENT INSTITUTIONS

Chapter 1 – Establishment

Establishment of constituent institutions

3. There is hereby established the following constituent institutions —
- (a) the Seychelles Creole Institute established under section 4;
 - (b) the Seychelles Arts and Crafts Agency established under section 10;
 - (c) the Seychelles Museum, Archives and Library Authority (SMALA) established under section 14;
 - (d) the Seychelles Heritage Agency established under section 43; and
 - (e) the Seychelles Creative Agency established under section 56.

Chapter 2 – Seychelles Creole Institute

Seychelles Creole Institute

4. There is hereby established the “Seychelles Creole Institute” or “Lenstiti Kreol Sesel”.

Objects of Seychelles Creole Institute

5. The objectives of the Seychelles Creole Institute are to ensure the linguistic and cultural development of the Creole language and, *inter alia*, to focus on —
- (a) providing means of development for the Seychellois Creole language and literature;
 - (b) promoting the Institute and its services, nationally and internationally; and
 - (c) developing a professional research-based workforce for the Institute.

Functions of Seychelles Creole Institute

- 6.(1) The functions of the Seychelles Creole Institute are to—
- (a) establish the Seychelles Creole Institute as the authority on all issues pertaining to the use of Seychellois Creole language, its orthography, vocabulary and grammar;
 - (b) promote the Seychellois Creole language locally and internationally, through seminars, exhibitions, publications or audiovisual productions;

- (c) assist local authors writing in Seychellois Creole language, by providing technical and financial assistance, such as, editing, publishing and distribution of their work, to produce and publish it in the Creole language;
- (d) provide, active support to the teaching and learning of Seychellois Creole language by initiating and contributing to research projects on specific issues pertaining to the language, in consultation and collaboration with the Ministry responsible for Education;
- (e) make provisions for employees and employers, including foreign individuals for the learning of Seychellois Creole language, in collaboration with the Ministry responsible for Education;
- (f) ensure the development of Seychellois Creole literature, through the preservation and diffusion of traditional and literary heritage leading to the enhancement of a modern literary culture;
- (g) undertake research on Seychellois Creole language locally, and Creole languages in general internationally, in collaboration with other countries and Creolophone regions;
- (h) establish a close and permanent contact with the institutions and organisations that display interest for research on Creole languages and cultures;
- (i) develop the Seychelles Creole Institute, as a centre for documentation on Creole languages and cultures, with emphasis on the Seychellois Creole language and culture, by the setting up of a database, including electronic database, to allow and provide for virtual and on site consultation;
- (j) provide support and encourage Seychellois and foreign researchers to undertake research projects on issues pertaining to Creole language;
- (k) disseminate results of researches on Creole through seminars, meetings, publications television programmes and films;
- (l) establish close relations with the media to promote standards in the usage of the Seychellois Creole language;
- (m) encourage the exchange of expertise between researchers, linguists and pedagogues to further develop the Seychellois Creole language; and
- (n) perform such other functions as may be prescribed by Regulations.

Appointment of Chief Executive Officer of Seychelles Creole Institute.

7.(1) There shall be a Chief Executive Officer of the Seychelles Creole Institute, appointed by the President in consultation with the Minister on such terms and conditions as determined in accordance with the Government's remuneration policy.

(2) The Chief Executive Officer shall be Head of the Seychelles Creole Institute and subject to the direction of the Minister —

- (a) shall be responsible for the implementation of the decisions of the Ministry in relation to and for the management of the affairs of the Seychelles Creole Institute;
- (b) shall ensure that the Seychelles Creole Institute Performs its functions within the policy framework of Government's cultural and linguistic aspect of Seychellois Creole language;
- (c) may, with the approval of the Minister, sign documents on behalf of the Seychelles Creole Institute.;
- (d) may delegate any function of the Chief Executive Officer to any employee of the Seychelles Creole Institute; and
- (e) perform such other functions as the Minister may, from time to time, assign.

National Language Committee

8.(1) There is hereby established a National Creole Language Committee, which shall consist of 15 members from persons as may be appointed by the Minister, including persons with expertise in linguistics, education, literature, and the promotion of the Creole language.

(2) The National Creole Language Committee shall, in collaboration with the Seychelles Creole Institute, make recommendations for —

- (a) the development, standardisation, and promotion of the Seychellois Creole language;
- (b) the development of scientific, technical, linguistic pedagogical tools to strengthen the teaching, learning, and use of the Creole language at all levels;
- (c) the promotion of research and publication relating to the Creole language;

Staff of Seychelles Creole Institute.

9. The Seychelles Creole Institute shall, on such terms and conditions as determined in accordance with the Government's remuneration policy, employ such persons as may be necessary in the performance of the functions of the Seychelles Creole Institute.

Chapter 3 – Seychelles Arts and Crafts Agency

Establishment of Seychelles National Arts and Crafts Agency

10. There is hereby established the Seychelles Arts and Crafts Agency.

Functions of Seychelles Arts and Crafts Agency

11. The Seychelles Arts and Crafts Agency shall be responsible for promoting the development of the arts and crafts in Seychelles, with particular emphasis on emerging artists and artisans, and shall have the following functions —

- (a) to organise, coordinate and implement programmes aimed at the development of the arts and crafts, with particular emphasis on emerging artists and artisans;
- (b) to develop skills and techniques in the arts and crafts, including through mentoring, apprenticeships and training programmes;
- (c) to provide training and capacity-building programmes for instructors, students and emerging practitioners in the arts and crafts, including certification where appropriate;
- (d) oversee the management and development of the Conservatoire of Performing Arts, including the coordination of training programmes in music, dance, theatre, and other performing arts disciplines, and the management and promotion of national ensembles, including the national choir;
- (e) establish and maintain a national registry of artists and cultural practitioners, and collect, compile, and maintain statistical data relating to the arts and crafts sector for the purposes of planning, policy development, and sector support;
- (f) mobilise and raise funds through grants, sponsorships, partnerships, and other lawful means to support programmes, initiatives, and the development of the arts and crafts sector;
- (g) to encourage the active participation of artists and artisans at the community and grassroots levels and to foster a spirit of cooperation within the arts and crafts sector;
- (h) to develop best practices and standards of excellence through the organisation of seminars, workshops, exhibitions and exchanges in the arts and crafts;
- (i) to foster public appreciation and awareness of the value and importance of the arts and crafts in the cultural life of Seychelles;
- (j) to facilitate access to small grants by emerging artists, artisans and arts, crafts and cultural associations for the development of the arts, crafts and culture in Seychelles;
- (k) to collaborate with and support associations and community organisations involved in the development of the arts, crafts and culture;

- (l) to establish cooperation and maintain relations with international organisations and institutions for the purpose of obtaining technical, material or financial assistance for programmes supporting emerging artists and artisans; and
- (m) to undertake such other activities as may be prescribed by regulations or as may be necessary for the effective discharge of its functions.

Appointment of Chief Executive Officer of Seychelles Arts and Crafts Agency

12.(1) There shall be a Chief Executive Officer of the Seychelles Arts and Crafts Agency appointed by the President in consultation with the Minister on such terms and conditions as determined in accordance with the Government's remuneration policy.

(2) The Chief Executive Officer shall be Head of the Seychelles Arts and Crafts Agency and subject to the direction of the Minister —

- (a) shall be responsible for the implementation of the decisions of the Ministry in relation to and for the management of the affairs of the Seychelles Arts and Crafts Agency;
- (b) shall ensure that the Seychelles Arts and Crafts Agency performs its functions within the policy framework of the Ministry under this Act;
- (c) may sign documents on behalf of the Seychelles Arts and Crafts Agency;
- (d) may delegate any function of the Chief Executive Officer to any employee of the Seychelles Arts and Crafts Agency; and
- (e) perform such other functions as the Ministry may, from time to time, assign.

Staff of the Seychelles Arts and Crafts Agency

13. The Seychelles Arts and Crafts Agency shall employ on such terms and conditions as determined by Government's policy, employ such persons as may be necessary in the performance of its functions.

Chapter 4 - Seychelles Museum, Archives and Library Authority

Establishment of Seychelles Museum, Archives and Library Authority

14.(1) There is established a constituent institution to be known as the Seychelles Museum, Archives and Library Authority hereinafter referred to as (SMALA).

(2) SMALA shall provide the administrative and operational structure for the National Museum, Archives and the National Library, while each entity continues to operate under and be guided in terms of its mandate and functions by its respective governing Act.

- (3) SMALA shall —
- (a) coordinate the management and efficient use of the assets, facilities and resources of the National Museum, the National Archives and the National Library;
 - (b) safeguard, preserve and promote the documentary, archival and museum heritage of Seychelles, including records, artefacts, collections and materials of historical, cultural or national significance;
 - (c) support the preservation, conservation and proper management of collections and records entrusted to the National Museum, the National Archives and the National Library;
 - (d) facilitate research, documentation and public access to collections, records and knowledge resources held by the three institutions;
 - (e) promote public engagement, education and awareness through exhibitions, educational programmes, publications and digital services;
 - (f) support the documentation, preservation and interpretation of the history, heritage and collective memory of Seychelles; and
 - (g) ensure operational efficiency, coordination and strategic alignment across the National Museum, the National Archives and the National Library.

Appointment of Chief Executive Officer

15.(1) There shall be a Chief Executive Officer of (SMALA), appointed by the President in consultation with the Minister on such terms and conditions as determined in accordance with the Government's remuneration policy.

- (2) The Chief Executive Officer shall be the Head of SMALA and —
- (a) shall be responsible for the administration and coordination of the National Museum, National Archives, and National Library;
 - (b) shall ensure that the three institutions perform their functions in accordance with their respective governing Acts and within the policy framework of the Ministry;
 - (c) may, with the approval of the Ministry, sign documents on behalf of SMALA;
 - (d) may delegate any function of the Chief Executive Officer to any employee of SMALA; and
 - (e) shall perform such other functions as the Minister may, from time to time, assign.

Staff of SMALA

16. SMALA shall, on such terms and conditions as may be determined by Government policy, employ such persons as may be necessary for the performance of its functions.

Chapter 5 – Seychelles National Archives

Interpretation in this Chapter

17. In this Chapter, unless the context otherwise requires —

“Principal Archivist” means the Director appointed under section 20;

“Records Committee” means the committee established under this Act responsible for determining the records which are of enduring or historical value and which shall be preserved as public archives under section 21;

“public archives” means —

- (a) all records which —
 - (i) are more than thirty years old;
 - (ii) are specified by the Records Committee as being of enduring or historical value; and
 - (iii) are in the custody of or are transferred to the Seychelles National Archives;
- (b) any printed Government publication in the custody of or transferred to the Seychelles National Archives;
- (c) any document, book or other material acquired for the Seychelles Archives by the Curator in terms of paragraph (g) of section 20(2);
- (d) any document, other than records, having enduring or historical value which may be deposited temporarily or permanently in the Seychelles National Archives;

“records” means records or documents belonging to any Government department which —

- (a) are in the custody of such Government department; or
- (b) are in the custody of or are transferred to the Seychelles National Archives;

“restricted records” means records to which public access is limited for a specified period or subject to conditions determined under this Act or by regulations, on the grounds that they contain sensitive information or require protection in the public interest;

“sensitive information” means records containing confidential, personal, security-related or otherwise restricted information, including personnel, medical, legal, financial or security records, the disclosure of which may prejudice national security, the administration of government, commercial confidentiality or the privacy of individual.

Establishment of Seychelles National Archives

18. There is hereby established the Seychelles National Archives wherein shall be preserved and stored public archives and such records as may be in its custody or transferred to it.

Control and management

19. The Seychelles National Archives shall be under the control of the Ministry.

Appointment of Principal Archivist

20.(1) There shall be a Principal Archivist of the Seychelles National Archives appointed by the President in consultation with the Minister on such terms and conditions as determined by Government's remuneration policy.

(2) The Principal Archivist shall be the Director of the Seychelles National Archives and, under the administrative control of the Ministry who —

- (a) shall be responsible for direction, management and control of the Seychelles National Archives;
- (b) shall examine, at the request of a Government department, any records in the custody of such department and shall advise such department as to the care and custody thereof;
- (c) shall ensure the physical protection, storage and arrangement of all public archives and of any records in the custody of the Seychelles National Archives;
- (d) shall accept and store any records which are transferred to the Seychelles National Archives;
- (e) may, if in his or her opinion it is necessary for their better preservation, bind or repair any public archives and any records which are in the custody of the Seychelles National Archives;
- (f) may, subject to the terms and conditions, if any, on which they were acquired, reproduce or publish any public archives the reproduction or publication of which Government has, with the consent of the owner thereof authorised;
- (g) may, subject to the approval of Government, acquire by purchase, donation, bequest or otherwise any document, book or other material which in the opinion of the Director is or is likely to be of historical value, or otherwise of public interest;

- (h) may pay for any document, book or material purchased as in paragraph (g) and for the transcribing, binding and repairing thereof as well as of any public archives and records which are in the custody of the Seychelles National Archives if in his opinion this is necessary for their better preservation; and
- (I) may, subject to the consent of the Committee of Trustees, lend items from the Seychelles National Archives to other institutions.

Records Committee

21.(1) There is hereby established a Records Committee, which shall consist of the Director and of such other persons, as may be appointed by the Minister on such terms and conditions as determined by Government's remuneration policy.

- (2) The Records Committee shall make recommendations to the Government as to —
 - (a) the retention or destruction of records;
 - (b) the transfer of records to the Seychelles National Archives;
 - (c) the classification of records for any of the purposes mentioned in paragraphs (a) and (b); and
 - (d) any other matter, which may be prescribed by regulations, and shall specify those records which in its opinion are of enduring or historical value.

Use of National Archives by public

22.(1) The public archives shall, subject to this Act and the conditions under which such archives are made available to or deposited in the National Archives, be made available to the public and in the case of —

- (a) administrative files, after a period of not less than 30 years;
- (b) sensitive documents, after 30 years from the date of their creation and with the approval of the Minister;
- (c) results of studies or any report in the custody of the National Archives, at once, after it is published.

(2) The personal files shall be restricted documents and may be accessible subject to the prior approval of the Minister.

(3) The medical records of individual shall remain confidential except for restricted access for medical and academic purposes.

(4) Subject to this section, the Principal Archivist may allow any person the access to the public archives in the research room of the National Archives in accordance with regulations as may be prescribed.

(5) The Principal Archivist may deny access of any person to any public archives, if the Principal Archivist has reason to believe that —

- (a) it is prejudicial to the rights of any other person; or
- (b) it is not in the public interest to grant such access.

(6) The Principal Archivist shall, on an application made in the prescribed form accompanied with the prescribed fee, provide any person with a photocopy of any document unless —

- (a) making such copy is against the law of copyright; or
- (b) a photocopy cannot be made due to the physical condition of the document.

(7) Nothing in this section shall prevent the Principal Archivist from complying with an order of a court for the production of any public archive in any proceedings before such court.

(8) No person shall reproduce or publish in whole or in part the contents of any public archives except —

- (a) with the prior written consent of the Principal Archivist and approval of the Chief Executive Officer,
- (b) in accordance with such terms and conditions as may be prescribed; and
- (c) upon payment of the prescribed fee.

(9) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

Acknowledgement of works

23. Any person who makes use of any material in public archives in the publication of any book, magazine, dissertation, memoir, thesis or any other writing shall acknowledge in such publication the National Archives as the source of the material and deposit a copy of the publication with the Principal Archivist.

Prohibition of destruction of public records or public archives

24.(1) No person shall destroy any public records or public archives except as authorised by the Chief Executive Officer and the Principal Archivist.

(2) No person shall knowingly mutilate, damage or in any way tamper with any public records or public archives.

Prohibition of export of archives

25.(1) No person shall take or send out of Seychelles any archives except —

- (a) with the prior written consent of Chief Executive Officer and the Principal Archivist;

(b) in accordance with such terms and conditions as may be prescribed.

(2) Any person aggrieved by a decision of Principal Archivist under this Chapter may make an appeal to the Minister.

Offences

26.(1) Any person, who—

- (a) willfully damages any public or non-public records in the control of a Governmental body; or
- (b) removes, destroys or erases such records, otherwise than in accordance with this Act or any other written law, for the time being in force, commits an offence and shall be liable on conviction to a fine of level 5 on the standard scale or imprisonment for a period not exceeding 2 years or both such fine and imprisonment.

(2) Any person who fails to comply with section 22(8) commits an offence and shall be liable on conviction to a fine of level 2 on the standard scale.

(3) Any person who fails to comply with section 23 commits an offence and shall be liable on conviction to a fine of level 2 on the standard scale.

(4) Any person who fails to comply with section 24 commits an offence and shall be liable on conviction to a fine of level 2 on the standard scale.

(5) Any person who fails to comply with section 25 commits an offence and shall be liable on conviction to a fine of level 2 on the standard scale.

Inspection of public archives

27. Any person may inspect public archives during such hour as may be fixed by the Principal Archivist subject to such conditions or limitations as may be prescribed or as may be imposed by the person from whom they were acquired.

Delivery of copy of every newspaper, book and audio-visual works printed and produced in Seychelles

28.(1) Any person who produces or publishes in Seychelles any newspaper, book or audio-visual work intended for public circulation, distribution or broadcast shall deposit one copy of such work with the Director within fourteen working days of its release to form part of the national archival depository.

(2) It shall be the duty of every person responsible for the publication, issue or custody of the following records to deposit with the Principal Archivist free of charge the specified number of copies or specimens of such records —

- (a) one copy of every ordinary or special issue of a newspaper, periodical or other serial publications in any language within 72 hours of its publication;

- (b) two copies of any financial, statistical or special report and of any directory or calendar issued by a public authority or any private organisation within 2 weeks of its publication;
- (c) one specimen of every issue and first day cover of Seychelles postage stamps, within one month of the issue with an official statement by the Postmaster General on the history and purpose of the issue;
- (d) one copy of the minutes of the proceedings of the National Assembly certified by the Clerk to the National Assembly within a fortnight of the approval of the minutes;
- (e) one specimen of every issue of currency notes and coins by the Central Bank of Seychelles within one month of the issue with a statement on the history and purpose of the issue;
- (f) one certified copy of the record of the Supreme Court or of the Court of Appeal in relation to a matter relating to property which is “domaine public” by the Registrar of such Court within a fortnight of the judgment of that Court;
- (g) one copy of every plan and map of Seychelles as and when published in Seychelles;
- (h) one copy of every register of births, marriages and deaths and any other Civil Status records relating to any year before the 31st January of the following year;
- (i) any notarial deed or authenticated copy thereof which is required to be deposited with the Principal Archivist of the National Archives under the provisions of Notaries Act;
- (j) one copy of the minutes of the proceedings of the Cabinet after 30 years of the approval of those minutes; and
- (k) such other records as may be prescribed by regulations

(3) Any person who fails to comply with the provisions of subsection (1) or (2), shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

Deposit of private documents

29.(1) Any person may deposit either temporarily or permanently in the Seychelles National Archives, any private document provided the Principal Archivist considered such document to be of sufficient archival value on such terms and conditions as may be agreed upon between such person and the Principal Archivist.

(2) Any document deposited under subsection (1), and has not been claimed within a period of 30 years, shall be the property of the National Archives after the lapse of such period of 30 years, from the date of its deposit.

Principal Archivist may deliver copies, etc.

30. The Principal Archivist may provide copies, replicas or extracts authenticated by him or her of public archives.

Regulations under this Chapter

31.(1) The Minister may make regulations generally for the purpose of carrying out or giving effect to the objects and provisions of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing provision, such regulations may provide for —

- (a) the care and management of the Seychelles National Archives;
- (b) the steps to be taken for the examination, disposal or destruction of any records, which are not of sufficient value to justify their preservation;
- (c) the transfer of any records from the custody of any Government department to the Seychelles National Archives;
- (d) the conditions under which persons may deposit private documents in the Seychelles National Archives;
- (e) the fees to be paid for making searches, for making use of public archives and for obtaining copies of public archives or replicas thereof;
- (f) the publication of any public archives; and
- (g) the preservation and protection of public archives and records in the Seychelles National Archives and the conduct of visitors thereto.

(3) The regulations made under this section may provide that contravention of or failure to comply with any such regulation shall be an offence and may prescribe a penalty for such offences, to a fine of level 5 on the standard scale and for a period of 2 years imprisonment.

Chapter 6 – Seychelles National Library

Establishment of Seychelles National Library

32.(1) There is hereby established the Seychelles National Library.

(2) The Seychelles National Library shall —

- (a) be a national centre for reference, study and information services;
- (b) provide both public and national library services;
- (c) consist of a comprehensive collection of books, manuscripts, periodicals, films and other recorded matters, printed or otherwise, covering all fields of knowledge and an exhaustive collection of the national literary output.

Appointment of Director and other officers of Seychelles National Library

33.(1) There shall be a Director of the Seychelles National Library appointed by the President on such terms and conditions as determined by Government's remuneration policy.

(2) The Minister may appoint such other officers as may be necessary for the performance of duties connected with the functions of the Seychelles National Library on such terms and conditions as determined by Government's remuneration policy.

(3) The Director shall be Head of the Seychelles National Library and under the administrative control of the Chief Executive Officer shall —

- (a) be responsible for the implementation of the decisions of the Chief Executive Officer in relation to and for the management of the affairs of the Seychelles National Library;
- (b) ensure that the Seychelles National Library performs its functions within its policy framework under this Act;
- (c) with the approval of the Minister, sign documents on behalf of the Seychelles National Library;
- (d) delegate any function of the Director to any employee of the Seychelles National Library; and
- (e) perform such other functions as the Minister may, from time to time, assign.

Functions of Seychelles National Library

34.(1) The Seychelles National Library shall be responsible for the following national library services, namely —

- (a) to act as the official repository of all materials published —
 - (i) in Seychelles;
 - (ii) on any aspect of Seychelles;
 - (iii) by any Seychellois;
- (b) to coordinate bibliographical and other services including the publication of—
 - (i) retrospective and current national bibliographies;
 - (ii) selective and subject bibliographies;
 - (iii) works that are damaged or in danger of being permanently lost;

Note: For the purposes of subsection (b), subject to the provisions of the Copyright Act the National Library may reproduce, digitise, convert, migrate, or otherwise preserve any work deposited with the National Library for the purposes of —

- (i) preserving the national documentary heritage;
- (ii) protecting materials at risk of deterioration, loss, or damage;
- (iii) facilitating access for research, education, and reference purposes;

Provided that digitisation or reproduction undertaken by the National Library for purposes under this section shall not be considered an infringement of copyright,

Provided further, that such reproduction is not undertaken for commercial purposes;

- (c) to plan and coordinate inter-library lending;
- (d) to participate in the planning and development of libraries;
- (f) to provide leadership to the country's libraries;
- (g) to promote cooperation between the Library and other institutions, both national and international;
- (h) to act as a centre for the exchange of publications;
- (i) to provide a focal point for linkage to international databases;
- (j) to provide ISSN and ISBN services to editors and publishers respectively;
- (k) to compile the union catalogue;
- (l) to provide the services of a lending library and a reference library;
- (m) to establish and maintain branch libraries and regional reading centres;
- (n) to provide persons with bibliographical research and other information;
- (o) to provide book box and mobile library services;
- (p) to provide reprographical facilities and information technological services;
- (q) to promote good reading habits nationally and encourage lifelong education;
and
- (r) to increase and develop resources of the Seychelles National Library and other libraries.

Duty of publishers etc.

35.(1) For the purpose of section 34(1)(a) —

- (a) a publisher of a newspaper, periodical, book or bound pamphlet, map or post card published in Seychelles;
- (b) a producer of a film, microfilm, online publication or offline electronic publication intended for sale; and
- (c) a publisher or producer of a revised edition or remake of anything referred to in paragraph (a) or (b),

shall, not later than thirty days after it is published or produced, deliver or cause to be delivered three copies thereof to the Director of the Library free of charge.

(2) Any person who fails to comply with the provisions of subsection (1) commits an offence and is liable on conviction to a fine of level 2 on the standard scale.

(3) Any person or institution may give a copy of any thesis, dissertation or research paper, whether printed or not, in their possession to the Library for conservation.

Donations

36. Any donations of movable and immovable property may be made to, and accepted by, the Seychelles National Library subject to the approval of the Minister for the use of the Library or any other libraries or Reading Centres in discharging their functions under this Act.

Regulations under this Chapter

37.(1) The Minister may make regulations for carrying out or giving effect to the objects and provisions of this Chapter.

(2) Without prejudice to the generality of subsection (1), such regulations may provide for —

- (a) the terms and conditions on which the facilities of the Seychelles National Library and other libraries are made available to the public;
- (b) the conduct of persons within the premises of the Seychelles National Library and other libraries;
- (c) proper maintenance and protection of the property of the Seychelles National Library and other libraries; and
- (d) charging of fees in respect of the various services provided by the Seychelles National Library and other libraries.

Chapter 7 - Seychelles National Museums

Establishment of Seychelles National Museums

38. The Seychelles National Museums shall be deemed to have been established under this Act.

Functions of Seychelles National Museums

39.(1) The Seychelles National Museums is the section responsible for the management and development of Museums in Seychelles.

- (2) The functions of the Seychelles National Museums are to —
- (a) develop representative collections of historical, archaeological, natural and the cultural heritage of Seychelles;
 - (b) acquire material culture and specimens related to Seychelles Heritage and Culture by legal and fair appropriation;
 - (c) conserve material culture and specimens, as well as related documentation and information;
 - (d) conduct research in accordance with institutional, legal, ethical and academic practices;
 - (e) organise displays, exhibitions and other related activities in order to promote and inform the public on the historical, cultural and natural heritage of Seychelles;
 - (f) conduct promotional, educational and informational programmes for the general public, the community and educational institutions;
 - (g) provide professional training for all museum personnel in order to equip them with the relevant knowledge, skills and qualifications;
 - (h) develop and implement sponsorship and marketing strategies;
 - (i) erect, operate, maintain and improve buildings to be used for any purpose connected with a national or specialised museum; and
 - (j) operate restaurants, lounges, parking facilities, shops and other amenities.

Appointment of Director of Seychelles National Museums

40.(1) There shall be a Director of the Seychelles National Museums appointed by the president in consultation with the Minister and such other officers as may be necessary for the performance of duties connected with the functions of the Seychelles National Library on such terms and conditions as determined by Government's remuneration policy.

(2) The Director shall be head of the Seychelles National Museums and subject to the direction of the Minister —

- (a) shall be responsible for the implementation of the decisions of the Minister in relation to and for the management of the affairs of the Seychelles National Museums;

- (b) shall ensure that the Seychelles National Museums performs its functions within its policy framework of the Minister under this Act;
- (c) may with the approval of the Minister, sign documents on behalf of the Seychelles National Museums;
- (d) may delegate any function of the Director to any employee of the Seychelles National Museums; and
- (e) shall perform such other functions as the Minister may, from time to time, assign.

Staff of Seychelles National Museums

41. The Seychelles National Museums shall, on such Government applicable terms and conditions, employ such persons as may be necessary in the performance of functions of the Seychelles National Museums.

Chapter 8 - Seychelles Heritage Council

Interpretation in this Chapter

42. In this Act, unless the context otherwise requires —

“ancient monument” means any buildings, structures, relics, ruins, pillars, statues, graves or other sites or things of a similar kind, or any remains thereof, which is known or believed to have been erected, constructed or used before 1st January, 1900;

“monument” means —

- (a) any ancient or national monument;
- (b) any area of land which is of archaeological or historical interest or which contains objects of such interest;
- (c) any old building or other structure;
- (d) any other object (whether natural or cultural) of aesthetic, archaeological, historical or scientific value or interest;

“national monument” means any monument declared to be a national monument under any applicable law;

“relic” means —

- (a) any fossil of any kind;
- (b) any object of aesthetic, archaeological, historical, scientific, political, religious and cultural value or interest;
- (c) any anthropological or archaeological contents of any monument.

Establishment of Seychelles Heritage Agency

43. There is hereby established the Seychelles Heritage Agency.

Functions of the Seychelles Heritage Agency

44. The function of the Seychelles Heritage Agency shall be to—

- (a) identify, conserve and promote the cultural heritage of Seychelles;
- (b) conduct anthropological, archaeological and ethnographic studies in all aspects of the Seychellois Creole Culture;
- (c) maintain a national inventory of intangible and tangible heritage assets;
- (d) promote and develop aspects of the Seychelles Culture and heritage with particular focus on the Seychellois Creole Culture that could contribute to further the economic development of Seychelles;
- (e) encourage broader public, community and private participation in activities designed to promote and develop the cultural heritage of Seychelles;
- (f) identify and assess heritage sites with potential for inclusion on the national Tentative List and for nomination to international heritage lists, including the World Heritage List.
- (g) manage all heritage sites and identify potential sites having regard to their value to cultural tourism;
- (h) seek and obtain international support for activities designed to promote the culture and heritage of Seychelles;
- (i) promote and disseminate research on the tangible and intangible heritage of Seychelles;
- (j) organise educational programs for all on various aspects of the national heritage; and advise the Minister on matters relating to the cultural heritage of Seychelles.
- (k) accept, purchase or otherwise acquire any monuments, sites, structures or relics; in national interest;
- (l) take necessary measures to acquire, in the national interest, any threatened heritage site, structure or relic which may be located on private property or which is privately owned;
- (m) undertake an evaluation of all requests made to the government for the establishment of any monument or site on the territory of Seychelles and make recommendations in consultation with the National Monuments Board to the Minister for or against the establishment of such monument or site;

- (n) undertake the excavation of any ancient monument, site or structure by an authorized and competent specialist in the field as well as any act it may deem necessary for the excavation, exploration or safe preservation of any ancient monument or relic wherever situated or found or by whosoever owned or controlled;
- (o) erect or cause to be erected signage systems in suitable places giving information about historical events which occurred at such places;
- (p) subject to the rights of any owner or occupier of property, do such things as may be necessary to facilitate the access of the public to any monuments, sites, structures or relics which is owned or controlled by the National Monuments Board or the Government;
- (q) make provisions for public utilities within any area or place which has been declared to be a national monument or site, wherever appropriate; and
- (r) establish standards for the preservation, conservation and promotion of the cultural heritage of Seychelles.

Approval required for archaeological excavations

45.(1) No person shall undertake, authorise, permit or engage in any archaeological excavation, dig, exploration, or survey activity, whether on land or underwater, within the territory of Seychelles except with the prior written approval of the Seychelles Heritage Agency.

(2) This section applies whether the land or site concerned is public or privately owned.

(3) Any person who fails to comply with the provisions of subsection (1) commits an offence and is liable on conviction to a fine of level 4 on the standards scale.

Application for approval

46.(1) An application for approval under section 45 shall be submitted in the prescribed manner and shall include—

- (a) the precise location and description of the proposed site;
- (b) the nature, scope, methodology and duration of the proposed activity;
- (c) details and qualifications of the persons undertaking the activity;
- (d) measures for conservation, safety, documentation and reporting; and
- (e) such other information as the Agency may require.

(2) The Agency shall evaluate the application in consultation with any other entity the Agency deems necessary and make recommendations for approval, refusal or conditional approval.

Declaration of discoveries

47.(1) Any person who discovers or uncovers any relic, monument, object, fossil, artefact or material of archaeological, historical, cultural or scientific value shall —

- (a) immediately cease all activity at the site;
- (b) notify the Seychelles Heritage Agency and the National Monuments Board without delay; and
- (c) submit a full declaration containing all relevant details of the discovery.

(2) No discovered item shall be removed, altered or interfered with except with written authorisation from the Agency.

(3) Any person who fails to comply with the provisions of subsection (1) or (2) commits an offence and is liable on conviction to a fine of level 4 on the standards scale.

Ownership of discoveries

48.(1) All relics, artefacts, objects, fossils or materials discovered pursuant to this Chapter shall vest in and be the property of the Republic of Seychelles, notwithstanding the ownership of the land or site on which the discovery is made.

(2) Any agreement or claim to the contrary shall be null and void.

Finder's fee

49.(1) The Republic may, upon the recommendation of the Agency, award a finder's fee to the person responsible for a lawful discovery.

(2) The amount, form and conditions of the finder's fee shall be negotiated and determined in accordance with regulations made under this Act.

Cataloguing, custody and preservation

50. All items discovered shall —

- (a) be properly recorded, catalogued and documented;
- (b) be deposited with an institution designated by the Agency; and
- (c) be preserved in accordance with standards established under this Act.

Inspection and monitoring

51.(1) The National Monuments Board, in consultation with the Seychelles Heritage Agency, may —

- (a) enter and inspect any approved excavation or dig site at any reasonable time;
- (b) monitor compliance with approval conditions; and
- (c) issue directives to ensure the protection of heritage resources.

(2) Where non-compliance or risk to heritage resources is identified, approval may be suspended or revoked.

Consultation of bodies with common interests

52. The Seychelles Heritage Agency shall where necessarily act in consultation with other organisations involved in activities connected with the preservation and promotion cultural heritage.

Offences and penalties

53.(1) A person who —

- (a) undertakes any excavation, dig or treasure-hunting activity without approval under section 45;
- (b) fails to declare a discovery under section 47;
- (c) removes, damages or conceals any relic or artefact; or
- (d) obstructs an inspection under section 51, commits an offence.

(2) A person convicted of an offence under subsection (1) shall be liable on conviction to a fine of level 4 on the standard scale or imprisonment for a period not exceeding 5 years or both such fine and imprisonment.

Appointment of Chief Executive Officer of Seychelles Heritage Agency

54.(1) There shall be an Chief Executive Officer of the Seychelles Heritage Agency appointed by the President in consultation with the Minister on such terms and conditions as determined in accordance with the Government's remuneration policy.

(2) The Chief Executive Officer shall be Head of the Agency and subject to the direction of the Minister responsible for Culture —

- (a) shall be responsible for the implementation of the decisions of the Ministry in relation to and for the management of the affairs of the Seychelles Heritage Agency;
- (b) may, with the approval of the Minister, sign documents on behalf of the Seychelles Heritage Agency;
- (c) may delegate any function of the Chief Executive Officer to any employee of the Seychelles Heritage Agency;
- (d) shall perform its function within the policy framework; and
- (e) shall perform such other functions as the Minister may, from time to time, assign.

Staff of Seychelles Heritage Agency

55. The Seychelles Heritage Agency shall, on such terms and conditions as may be determined by the Ministry, employ such persons as may be necessary in the performance of functions of the Seychelles Heritage Agency.

Chapter 8 – Seychelles Creative Agency

Establishment of Seychelles Creative Agency

56. There is hereby established the Seychelles Creative Agency.

Functions of Seychelles Creative Agency

57. The functions of the Seychelles Creative Agency are to —
- (a) identify, develop and support the skills required for the growth of the creative industries, including through training, capacity-building programmes, mentorship and professional development initiatives;
 - (b) identify and facilitate opportunities that enable the creative industries to thrive, including through collaboration with relevant government departments, agencies and partners within the creative industry sector;
 - (c) identify and support opportunities for the export of creative products and services in collaboration with relevant partners;
 - (d) develop economically viable artistic programmes, cultural festivals and other activities in partnership with other organisations having an interest in the creative industries;
 - (e) establish and monitor the standards in the creative industries, in close collaboration with the relevant departments and other agencies within the creative industry sector;
 - (f) promote and support the development of enterprises engaged in the commercialisation of artistic creations and related materials, including facilitating entrepreneurship, market access and economic opportunities within the creative industries sector, in collaboration with relevant departments and agencies;
 - (g) facilitate access to services related to the protection and management of intellectual property rights and provide support and guidance to artists and creative enterprises in safeguarding and commercialising their creative works;
 - (h) develop programmes in close collaboration with relevant departments and other agencies of the government, to provide exposure to persons engaged in creative industries;

- (i) facilitate the access to grants to such persons engaged in a creative industry with a view to promote creativity in collaboration with relevant partners; and
- (j) develop, manage, and support creative infrastructure and facilities, dedicated to artistic production and performance, and mobilise resources and partnerships to support the growth and sustainability of the creative industries sector.

Appointment of Chief Executive Officer of Seychelles Creative Agency

58.(1) There shall be a Chief Executive Officer of the Seychelles Creative Agency appointed by the President in consultation with the Minister on such terms and conditions as determined in accordance with the Government's remuneration policy.

(2) The Chief Executive Officer shall be Head of the Agency and subject to the direction of the Minister responsible for Culture —

- (a) shall be responsible for the implementation of the decisions of the Minister in relation to and for the management of the affairs of the Seychelles Creative Agency;
- (b) may, with the approval of the Minister, sign documents on behalf of the Seychelles Creative Agency;
- (c) may delegate any function of the Chief Executive Officer to any employee of the Seychelles Creative Agency;
- (d) shall perform its function within the policy framework; and
- (e) shall perform such other functions as the Minister may, from time to time, assign.

Staff of Seychelles Creative Agency

59. The Seychelles Creative Agency shall, on such terms and conditions as may be determined by the Minister, employ such persons as may be necessary in the performance of functions of the Seychelles Creative Agency.

PART III

FINANCIAL, ACCOUNTS AND REPORTING OF CONSTITUENT INSTITUTIONS

Funds of constituent institution

60.(1) The funds of the constituent institution shall consist of —

- (a) such moneys as may be appropriated by the National Assembly under an Appropriation Act for its purposes;
- (b) the moneys received by the Ministry by way of donations, gifts or grants from any legal source whether domestic or foreign; and

- (c) such sums as may accrue to the Ministry from the conduct of its business under this Act, including all other sums, which may, in any manner become payable to the Ministry in respect of any matter incidental to its functions.
- (2) The funds of the constituent institution may be applied for —
 - (a) the expenses incurred by the Ministry in the performance of its functions and for the administration and other expenses of the constituent institutions; and
 - (b) the payment of remuneration and allowances of staff of the Ministry and other allowances as may be prescribed.

Accounts and audit

61.(1) The financial year of the constituent institution shall be the calendar year.

(2) The constituent institution shall maintain proper accounts and other relevant records and prepare a statement of accounts in the form and manner approved by the Auditor-General.

(3) The account of the constituent institution shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

(4) Where the accounts and the statement of accounts of the constituent institution in respect of a financial year have been audited, the constituent institution shall furnish, not later than 3 months after the end of the financial year, to the Minister and the Minister responsible for Finance, a copy of the statement together with a copy of any report by the Auditor-General on the statement of accounts or on the accounts of the constituent institution.

PART IV MISCELLANEOUS

Appointment of a Deputy Chief Executive Officer

62.(1) The President may, in consultation with the Minister, appoint a Deputy Chief Executive Officer for each of the constituent institutions on such terms and conditions as the President may determine in line with Governments remunerations policy.

(2) A Deputy Chief Executive Officer appointed under subsection (1) may act in the office of Chief Executive Officer —

- (a) during the vacancy in the office of the Chief Executive Officer; or
- (b) during any period in which the Chief Executive Officer holding that office is absent from duty or from Seychelles or is, for any reason, unable to perform the functions of that office.

(3) While the Deputy Chief Executive Officer is acting in the Office of Chief Executive Officer, the Deputy Chief Executive Officer has and may exercise all the powers, and perform all duties of the Chief Executive Officer under this Act.

(4) Where a power or function of the Chief Executive Officer under this Act is exercised or performed by the Deputy Chief Executive Officer, the power or function shall, for the purposes of this Act, be deemed to have been exercised or performed by the Chief Executive Officer.

(5) The validity of anything done by the Deputy Chief Executive Officer shall not be called into question on the ground that the occasion for the appointment had not arisen, that there was a defect or irregularity in or with the appointment, that the appointment had ceased to have effect or on the ground that the occasion for the Deputy Chief Executive Officer to act had not arisen or had ceased.

Plan of activities of constituent institutions

63.(1) Every constituent institution shall prepare a plan of its activities and submit it at least 60 days before the beginning of each financial year to the Minister for approval.

(2) The plan of activities under subsection (1) shall —

- (a) include a statement of the short and medium term objectives of the constituent institutions;
- (b) outline the strategies that the constituent institutions intends to employ in order to achieve its objectives; and
- (c) include, *inter alia*, an operational plan, a financial plan, a human resources plan and performance indicators.

Establishment of Committees

64.(1) The Minister may, for performing its functions under this Act, establish such committees as it deems necessary and delegate thereto such of its functions as it considers appropriate.

(2) Subject to subsection (1), the Minister may appoint as members of a committee, such persons as it may consider appropriate.

(3) A person serving as a member of a committee shall hold office for such period as the Minister may determine.

(4) Subject to any specific or general direction of the Minister, a committee may regulate its own procedure.

(5) There may be paid to the members of the committees such remuneration or allowances as per governmental policies.

Annual Report of constituent institutions

65. Every constituent institutions shall, as soon as possible after the expiration of each financial year and in any event not later than the 31st day of January in any year, submit an annual report to the Minister.

Exemption from tax

66.(1) Notwithstanding anything in the Business Tax Act (*Cap 20*), the income, revenue and other receipts of the Ministry and every constituent institution shall be exempt from the payment of income tax.

(2) All instruments executed by or on behalf of the Ministry or any constituent institution shall be exempt from stamp duty.

(3) Notwithstanding anything in any Act, all material, apparatus or equipment of any kind imported into the country by the Ministry or any constituent institution for carrying on its undertakings shall be free of all customs duty and any other tax whatever.

Application of provisions of the Penal Code

67. The officers of the Ministry and a constituent institution or any other person acting under the direction of the Ministry shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code.

Regulations

68.(1) The Minister may make regulations for carrying into effect the purpose and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations made under subsection (1) may provide for —

- (a) amendments of any schedules;
- (b) any fees and charges payable or which may be levied under this Act;
- (c) form;
- (d) conditions and requirements of permits; and
- (e) a penalty for offences created under the regulations to a fine of level 4 on the standard scale and for a period of 5 years imprisonment or to both fine and imprisonment.

PART V REPEAL AND TRANSITIONAL

Repeal

69.(1) The Seychelles National Institute for Culture, Heritage and the Arts Act, 2021 is hereby repealed.

Savings

70.(1) Notwithstanding the repeal of the Act, all functions and services provided by the National Institute prior to the repeal shall continue to be provided by the Ministry responsible

for Culture (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 National Institute 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) On the repeal of the Act under subsection (1), the members of the Advisory Committee, shall cease to be members as such and shall vacate the office; and such members shall not be entitled to claim any compensation for the premature termination of their term of office or of any contract of service.

Transfer of staff to the Ministry

71.(1) Upon the repeal of the Act under section 69, all persons employed with the National Institute or a constituent institution shall be transferred to the service of the Ministry or the constituent institutions as the case may be, on terms and conditions not less favourable than those enjoyed by them before the repeal.

(2) Until such time as new terms and conditions of service are adopted, the terms and conditions of service in the existing institution shall continue to apply to every person, transferred to the service of the Ministry under subsection (1) as if the persons were still in the service of the National Institute.

Transfer of property, rights, assets, liabilities etc.

72.(1) All property vested in the National Institute immediately before the commencement of this Act and managed by the existing institution and all assets, rights, interests, privileges, liabilities and obligations of the existing institution shall be deemed to be transferred to and vested in the Ministry upon the commencement of this Act.

(2) Where a question arises as to whether a particular property has been deemed to be transferred to or vested the under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the property was or was not transferred or vested.

Enforcement of obligations

73.(1) All obligations and liabilities incurred by National Institute and outstanding

immediately before the commencement of this Act are and shall be deemed to have been incurred by the Ministry.

(2) Every reference to the National institute in any law, deed, contract, agreement or other document shall, unless the context otherwise requires, be read as a reference to the Ministry.