

Seychelles

## National Youth Service Act

Act 33 of 1980

Legislation as at 30 June 2012

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# Seychelles

## National Youth Service Act

### Act 33 of 1980

Commenced on 29 December 1980

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 33 of 1980; Act [22 of 1981](#); Act [16 of 1987](#); Act [13 of 1990](#)]*

## Part I – Preliminary

### 1. Short title

This Act may be cited as the National Youth Service Act.

### 2. Interpretation

In this Act, unless the context otherwise requires—

"**abduct**" has the meaning assigned in section 241 (Definition of abduction) of the Penal Code;

"**co-ordinator**" means the person for the time being appointed as co-ordinator under [section 8](#);

"**Director**" means the Director of the Service appointed under [section 5](#);

"**S4**" means the highest educational standard provided under compulsory education under the Education Act;

"**S4 school leaver**" means a young person who, in the year prior to the date on which he would join the Service, will complete his education up to S4 or to a standard accepted by the Minister as educationally equivalent;

"**Service**" means the National Youth Service established under this Act;

"**staff**" means co-ordinators, assistant co-ordinators, counsellors, teachers, animateurs or other persons appointed or employed as staff under [section 8](#);

"**student**" means a S4 school leaver who joins the Service under [section 6](#);

"**volunteer**" means S4 school leaver who volunteers to join the Service under [section 6](#); and

"**Youth Village**" means a Youth Village of the Service.

## Part II – The Service

### 3. National Youth Service

There is established by this Act the National Youth Service.

### 4. Functions

The functions of the Service shall be to provide comprehensive and integrated education for the youth of Seychelles in order to develop their individual personalities to the full for the service of the Republic of Seychelles.

## 5. The Director

- (1) There shall be a Director of the Service who shall be appointed by the Minister for such term and on such conditions as the Minister may determine.
- (2) The Director shall have, in addition to such other functions which the Minister may from time to time assign to him and subject to the direction of the Minister, supervision over and direction of the day to day affairs of the Service.

## Part III – Students

## 6. Students

- (1) Any S4 school leaver who—
  - (a) fulfils the requirements set out in the First Schedule; and
  - (b) has consent to do so in terms of [section 7](#),  
shall have the right to be admitted as a full-time student in the Service, irrespective of his civil status, background or attainment at school.
- (2) Subject to subsection (3), a student shall undertake a period of one year full-time service from the date he joins the Service.
- (3) No student shall leave the Service before the expiry of his period of service unless in exceptional circumstances and with the written permission of the Director.
- (4) During his period of service it shall be the duty of a student to—
  - (a) perform such duties and carry out such training as may be directed by the Director or by or under rules in terms of [section 9](#); and
  - (b) obey and execute orders given by the Director or under rules in terms of [section 9](#);
- (5) The Minister may, upon such conditions as he may deem fit to impose, admit a person to the Service notwithstanding that the person does not qualify to be admitted under subsection (1).

## 7. Consent to join Service

- (1) The consent referred to in [section 6](#) shall not be effective unless it is given in the form set out in the Second Schedule by the parents or guardians, as the case may be, of the volunteer and—
  - (a) in the case of parents, is signed by both parents or is signed by one parent if the other parent—
    - (i) is deceased; or
    - (ii) is not resident in Seychelles; or
    - (iii) is divorced or separated, whether judicially or otherwise, and the volunteer resides with the parent giving consent; or
    - (iv) does not have custody in the case where the volunteer is his natural child;
  - (b) in the case of guardians, is signed by all guardians; or
  - (c) if a parent or guardian withholds consent or cannot be found, the volunteer may request the National Council for Children to apply to the Supreme Court for consent and the Supreme Court may give consent which shall be valid as if given by the parent or guardian who is withholding consent or who cannot be found.

- (2) When applying under subsection (1)(c) to the Supreme Court, the National Council for Children may give its recommendation on the granting of consent.
- (3) In reaching a decision on an application under subsection (1)(c) the Supreme Court shall have regard to all the circumstances, first consideration being given to the best interests of the volunteer; and shall ascertain the wishes and feelings of the volunteer regarding the decision and give due consideration to these, having regard to his age and understanding.
- (4) The Chief Justice may make rules of court for the better carrying out of subsections (1)(c), (2) and (3).

## **Part IV – Administration and operation**

### **8. Staff**

- (1) Subject to the approval of the Minister, the Director shall appoint to or employ for the Service such co-ordinators, assistant co-ordinators, counsellors, teachers or animateurs and such other staff as may be reasonably necessary for the purposes of or in connection with the functions of the Service under this Act and on such terms and conditions as the Director may determine.
- (2) Co-ordinators, assistant co-ordinators, counsellors, teachers and animateurs shall guide and help students.

### **9. Operation of Youth Villages**

- (1) Subject to the overall direction of the Minister, students shall be responsible in close consultation with the Director and such staff of the Service as the Director may direct for the internal day-to-day organisation, daily life, discipline and operation of Youth Villages of the Service.
- (2) The Minister may make regulations prescribing the manner in which the internal day-to-day organisation, daily life, discipline or operation of Youth Villages shall be carried out and any other matters in connection with Youth Villages including, without prejudice to the foregoing generality,
  - (a) the delegation to students in general, or to any group of students, of the power to make rules providing for—
    - (i) the internal day-to-day organisation, daily life, discipline or operation of Youth Village;
    - (ii) the duties and training to be carried out by students;
    - (iii) the compliance with and execution of orders given by persons authorised under the rules;
    - (iv) the rules to be binding on students; and
    - (v) subject to the approval of the Director, the punishments which may be imposed on students who break the rules; and
  - (b) home leave for students and visits to students by parents, guardians, other relatives or friends.

## Part V – Miscellaneous

### 10. Offences

- (1) A person is guilty of an offence if he obstructs, interrupts, inhibits or interferes with the students or staff in the course of the conduct of the Service or with its operation and is liable to imprisonment for 2 years and to a fine of R 5,000.
- (2) Without prejudice to the terms of subsection (1), a person is guilty of an offence under that subsection if he—
  - (a) knowingly enters a Youth Village without the permission, express or implied of the Director or a member of staff of the Service;
  - (b) refuses to leave a Youth Village when instructed to do so by the Director or a member of staff of the Service;
  - (c) abducts or entices a student from a Youth Village; or
  - (d) prevents or dissuades a student from returning to a Youth Village.

### 11. Regulations

- (1) The Minister may make regulations prescribing any matters that are required or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The Minister may, by regulations, amend the Schedules.

### First Schedule (Section 6(1)(a))

#### Requirement for admission to the Service

The S4 school leaver must—

- (a) be a citizen of Seychelles, and
- (b) be medically fit.

### Second Schedule (Section 7)

#### Form of Consent

#### *National Youth Service Act*

Names and addresses of parent(s)/ guardian(s)	I/We _____ the parent(s)/guardian(s) of _____
Name and address of volunteer	_____ understand and accept the terms and conditions under which the National Youth Service operates and give my/ our consent for him/her to join the service for a period of one year from _____
Date of joining	_____
Name of volunteer	I/We also understand and accept that during the one year period _____ will be under the direct care and supervision of the National Youth Service and subject to its rules and regulations.
	Dated: _____ Signed _____ Dated: _____ Signed _____ Parent(s)/Guardian(s)