

**CREOLE INSTITUTE OF SEYCHELLES ACT, 2014**

*(Act 12 of 2014)*

**ARRANGEMENT OF SECTIONS**

**Sections**

**PART I – PRELIMINARY**

1. Short title and commencement
2. Interpretation

**PART II – ESTABLISHMENT AND ADMINISTRATION OF INSTITUTE**

3. Establishment of Creole Institute of Seychelles
4. Objects of Institute
5. Functions of Institute
6. Powers of Institute
7. Board of Institute
8. Vacation of office by members
9. Functions of Board
10. Meetings of Board
11. Chief Executive Officer of Institute
12. Employees of Institute
13. Transfer of staff
14. Transfer of property
15. Disclosure of interest

**PART III – FINANCE, ACCOUNTS AND REPORTS**

16. Funds of Institute
17. Accounts and audit
18. Plan of activities
19. Annual report

**PART IV- MISCELLANEOUS**

20. Directions of Minister
21. Application of Penal Code
22. Protection of act done in good faith
23. Regulations



**CREOLE INSTITUTE OF SEYCHELLES ACT, 2014**

*(Act 12 of 2014)*

*I assent*

A handwritten signature in black ink, appearing to read 'Michel'.

J. A. Michel  
President

*23rd July, 2014*



**AN ACT** to establish a Creole Institute of Seychelles to be known as the Lenstiti Kreol with a view to monitor, regulate and promote the development of the Seychellois Creole language and culture and to provide for its objects, functions and powers and for matters connected therewith or incidental thereto.

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

**PART I – PRELIMINARY**

1. This Act may be cited as the Creole Institute of Seychelles Act, 2014; and shall come into operation on such date as the Minister may, by Notice published in the *Gazette*, appoint.

Short title and  
commencement

Interpretation

## 2. In this Act—

“Board” means the governing Board of the Institute referred to in section 7;

“Institute” means the Creole Institute of Seychelles established under section 3;

“International Creole Institute” means the Lenstiti Kreol Enternasyonal established in Seychelles on the 10<sup>th</sup> January, 2014 by the Administrative Council comprising of representatives of the Creole Zone of the Indian Ocean and the Caribbean countries;

“member” means a member of the Board appointed under section 7;

“Minister” means the Minister responsible for Culture.

## PART II - ESTABLISHMENT AND ADMINISTRATION OF THE INSTITUTE

Establishment of Creole Institute of Seychelles

3. There is hereby established a Creole Institute of Seychelles to be known as the “Lenstiti Kreol” which shall be a body corporate.

Objects of Institute

4. The objective of the Institute shall be 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, locally and abroad; and
- (c) developing a professional research based workforce for the Institute.

## 5.(1) The functions of the Institute shall be to—

Functions of Institute

- (a) establish the 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 and culture, locally and internationally, through seminars, exhibitions, publications or audio-visual productions;
- (c) promote specifications of the Creole language and culture of other countries and the Creolophone regions in order to contribute in the nurturing of knowledge about the Creole language and culture in its global context and thus nurture knowledge of Seychellois Creole culture with all connections and values that is being shared in the Creole world;
- (d) 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;
- (e) 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 of Education;
- (f) make provisions for employees and employers, including foreign individuals for the learning of Seychellois Creole language, in collaboration with the Ministry of Education;

- (g) 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;
- (h) undertake research on Seychellois Creole language locally, and Creole languages in general internationally, in collaboration with other countries and Creolophone regions;
- (i) establish a close and permanent contact with the institutions and organisations that display interest for research on Creole languages and cultures;
- (j) develop the 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;
- (k) provide support and encourage Seychellois and foreign researchers to undertake research projects on issues pertaining to Creole;
- (l) disseminate results of researches on Creole through seminars, meetings, publications, television programmes and films;
- (m) prepare and publish information, every three months on developments and works of the Institute in other countries and Creolophone regions;
- (n) encourage and support all manifestations, of which their roles are to promote, valorise and

- diffuse Creole languages, cultures and creativity;
- (o) establish close relations with the media, so that they play an important role in diffusing standard Seychellois Creole to promote and develop the Seychellois Creole language and culture;
- (p) encourage young researchers and pedagogues on the importance of the linguistic and cultural heritage of their territory and encourage them to work together to further develop the Seychellois Creole language and culture; and
- (q) perform such other functions as may be prescribed by Regulations.

(2) The Institute shall, develop itself and function as the secretariat of the International Creole Institute, with a view to valorise and promote Creole languages and cultures and work for its recognition as a group of languages with a common history, linguistic development path, and the common purpose of ensuring the survival and development of each Creole and Creolophone community with respect to their language and culture.

6.(1) The Institute shall have the powers necessary or incidental to the performance of its functions and, in particular, the Institute may—

- (a) manage, on behalf of the Government, immovable property belonging to the State and under possession and control of the Institute; and
- (b) rent or take on lease any property on the terms determined by the Ministry responsible for

Powers of  
Institute

land use and housing, for the purposes of the Institute.

(2) Without prejudice to subsection (1), the Institute may, with the approval of the Minister responsible for finance, —

- (a) seek sponsorships, donations or carry out such other activities;
- (b) enter into partnerships or joint ventures;
- (c) open and operate a commercial bank account and deposit therein the funds of the Institute in accordance with the Public Finance Management Act, 2012; and
- (d) perform such other functions as may be necessary or prescribed by regulations.

Board of  
Institute

7.(1) The Institute shall be administered by the Board of the Institute consisting of not less than 5 members appointed by the President, by notice published in the *Gazette*, who shall hold office for such term and on such conditions as the President may determine.

(2) The President shall appoint one of the members to be the Chairperson of the Board.

(3) A person shall not be eligible to be appointed as a member of the Board, unless he or she possesses the qualifications and experience prescribed by regulations.

Vacation of  
office by  
members

8.(1) Any member of the Board may, at any time, resign from office by a letter addressed to the President and such member shall cease to be a member of the Board from the date on which the President receives the letter.

(2) The President may at any time terminate the appointment of a member who —

- (a) has been found guilty of any misconduct, default or breach of trust in the discharge of any duties;
- (b) is convicted of an offence and sentenced to a term of imprisonment of three months or more; or
- (c) is mentally or physically incapable of carrying out the functions under this Act.

(3) The member whose appointment has been terminated under this section shall not be eligible for re-appointment.

(4) Where any member vacates office under this section, the President shall appoint another person to replace that member for the remaining period of office of that member.

(5) Where any member is temporarily unable to perform functions due to ill health, other infirmity, absence from Seychelles or any other reason, the President shall appoint any other person to act for such member.

9. The functions of the Board are to —

Functions of  
Board

- (a) approve the programmes, activities and management plans of the Institute;
- (b) co-opt or appoint professionals and advisors, having qualifications and experience useful to the objects of the Institute, where necessary;
- (c) authorise the signing of documents, including agreements, on behalf of the Institute;
- (d) ensure that the institute performs its functions within the policy framework of Government's cultural and linguistic aspect of Seychellois Creole;

- (e) approve linguistic projects based on the practices and needs of Creole speakers, spelling, vocabulary, and grammar of Seychellois Creole, and on any linguistic aspect of Seychellois Creole that requires further study; and
- (f) set up such committees that will help in furthering the linguistic aspects of Seychellois Creole.

Meetings of  
Board

10.(1) The Board shall meet at such time and at such place as the Chairperson may determine.

(2) The Chairperson or, in the absence of the Chairperson, any member elected by the members present, shall preside at any meeting of the Board.

(3) Half, or where the Board comprises of an odd number of members, half of the members plus one shall constitute a quorum for a meeting of the Board.

(4) Any question arising at a meeting of the Board shall be decided by a majority of the votes of the members present and, in the event of an equality of votes, the Chairperson or the member presiding shall have a casting vote.

(5) Subject to this section, the Board shall regulate its own proceedings.

Chief  
Executive  
Officer of  
Institute

11.(1) There shall be a Chief Executive Officer of the Institute appointed by the President on such terms and conditions as the President may determine.

(2) The Chief Executive Officer, subject to the direction of the Board, —

- (a) shall be responsible for the implementation of the decisions of the Board and for the management of the affairs of the Institute;

- (b) may sign documents on behalf of the Institute;
- (c) may delegate any function of the Chief Executive Officer to any employee of the Institute; and
- (d) perform such other functions as the Board may, from time to time, assign.

(3) The Chief Executive Officer shall attend and participate in the meetings of the Board but shall have no right to vote at meetings.

12. The Institute shall, on such terms and conditions as may be determined by the Board, employ such persons as may be necessary in the performance of functions of the Institute.

Employees  
of Institute

13.(1) All persons employed in the Creole Institute prior to the commencement of this Act shall be transferred to the service of the Institute on terms and conditions not less favourable than those enjoyed by them before the transfer.

Transfer of  
staff

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

14.(1) All movable property vested in the Government immediately before the commencement of this Act and used and managed by the Creole Institute and all assets, rights, interests, privileges, liabilities and obligations of the Government relating to the Creole Institute shall be transferred to and vest in the Institute upon the commencement of this Act.

Transfer of  
property

(2) Where a question arises as to whether a particular movable property has been transferred to or vested in the Institute 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.

Disclosure of interest

15. A member or the Chief Executive Officer attending meetings of the Board, who has direct or indirect interest in any matter to be decided by the Board, shall —

- (a) disclose the nature of such interest at the meeting of the Board; and
- (b) not take part in any deliberation or decision in respect of that matter.

### PART III - FINANCE, ACCOUNTS AND REPORT

Funds of Institute

16.(1) The funds of the Institute shall consist of —

- (a) such moneys as are appropriated by the National Assembly for the use of the Institute;
- (b) any moneys accruing to the Institute from its operations or other payments; and
- (c) any moneys as, from time to time, are received by the Institute by way of donations, gifts or grants.

(2) The Funds of the Institute shall be applied for —

- (a) the discharge of the expenses in carrying out its functions;
- (b) the payment of emoluments to the members of the Board, officers and other employees of the Institute; and
- (c) the other expenses of the Institute for purposes of this Act, as may be authorised by the Board.

17.(1) The financial year of the Institute shall be the calendar year.

Accounts and audit

(2) The Institute 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 Institute 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 Institute in respect of a financial year have been audited, the Board 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 Institute.

18.(1) The Institute shall prepare a plan of activities and submit it at least 30 days before the beginning of each financial year to the Minister for his or her approval.

Plan of activities

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

- (a) include a statement of the short and medium term objectives of the Institute;
- (b) outline the strategies that the Institute 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.

19. The Institute shall, as soon as possible after the expiration of each financial year and in any event not later than the 31st day of March in any year, submit to the Minister, and

Annual report

the Minister responsible for finance, an annual report dealing generally with the administration and its activities during the preceding financial year and the Minister shall cause the report to be tabled in the National Assembly.

#### PART IV - MISCELLANEOUS

Directions of  
Minister

**20.** The Minister may give in writing the directions on policy to the Institute regarding the discharge of its functions and the Institute shall comply with such directions.

Application  
of Penal  
Code

**21.** The members and the employees of the Institute shall be deemed to be employed in the public service and sections 91 to 96 of the Penal Code shall apply.

Protection of  
act done in  
good faith

**22.** Any suit or other legal proceedings shall not lie against the Institute, members of the Board, officers and employees of the Institute in respect of an act done or intended to be done in good faith in pursuance of this Act.

Regulations

**23.** The Minister may, in consultation with the Institute, make regulations, consistent with this Act, to give effect to the provisions of this Act.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 8th July, 2014.



Luisa Waye-Hive  
Deputy Clerk