

Seychelles

## Suspension of Prescription and Time Limitation Period (Temporary Provisions) Bill, 2020

Act 17 of 2020

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## Seychelles

# Suspension of Prescription and Time Limitation Period (Temporary Provisions) Bill, 2020

Act 17 of 2020

*Published in Supplement to Official Gazette 49 on 8 May 2020*

Assented to on 8 May 2020

Commenced on 20 March 2020

*[This is the version of this document from 8 May 2020.]*

AN ACT to provide for the temporary suspension of the prescription period or time limitation period within which any legal proceedings may be initiated or commenced; or any time limit within which any legal procedure, step or process ought to be completed in respect of any legal proceedings; or any time limit within which any procedure, step, process, decision or compliance with any notice or order ought to be completed, taken, or complied with under any written law of Seychelles.

ENACTED by the President and the National Assembly.

### 1. Short title and commencement

- (1) This Act may be cited as the Suspension of Prescription and Time Limitation Period (Temporary Provisions) Bill, 2020.
- (2) This Act shall be deemed to have come into effect on the commencement date.

### 2. Interpretation

In this Act—

“**adjudicating authority**” includes the Rent Board established under the Control of Rent and Tenancy Agreements Act, and a tribunal, body or authority established by law which performs a judicial or quasi-judicial function;

*[Cap 47]*

“**commencement date**” means the 20<sup>th</sup> March 2020;

“**Covid-19**” means the coronavirus disease (COVID-19) which is an infectious disease caused by the virus SARS-Cov-2, and declared a pandemic by the World Health Organization on 11 March 2020;

“**expiry of the suspension period**” means the date on which the public health emergency terminates or such other date as may be prescribed by the Minister

“**intended legal proceedings**” means legal proceedings commenced or initiated after the commencement date, including the institution of any appeal and criminal proceedings;

“**legal proceedings**” means proceedings before any court or adjudicating authority, including any intended legal proceedings or execution of judgment or order;

“**Minister**” means the Minister responsible for legal affairs;

“**public health emergency**” means the public health emergency declared by the Public Health Commissioner, under section 25(5) of the Public Health Act, on 20<sup>th</sup> March, 2020, and published in the *Gazette* on 20<sup>th</sup> March, 2020, to prevent, control and suppress the spread of Covid-19;

“**suspension period**” means the period commencing from the commencement date to the expiry of the suspension period.

### 3. Suspension of prescription period, time limitation period and time limit

- (1) The provisions of any Act or Statutory Instrument which establish, prescribe or specify—
  - (a) a prescription period or time limitation period, within which legal proceedings or intended legal proceedings may be initiated or commenced;
  - (b) a time limit within which any legal procedure, step or process ought to be completed in any legal proceedings; or
  - (c) any time limit within which any procedure, step, process, decision or compliance with any notice or order ought to be completed, taken, or complied with, as the case may be;shall be deemed to be suspended during the suspension period.
- (2) Where [section 3\(1\)](#) is applicable, the suspension period shall be excluded in calculating the prescription period, time limitation period or time limit, as the case may be.

### 4. Non-applicability

- (1) This Act shall not apply—
  - (a) to rights, of persons charged with an offence, protected by the Constitution;  
*[Cap 42]*
  - (b) to the proviso to section 179, and section 100 (1)(b), of the Criminal Procedure Code Act;  
*[Cap 54]*
  - (c) to the Public Health Act, or any notice, order or direction whatsoever issued, published or made thereunder;  
*[Act 13 of 2015]*
  - (d) to any time limit under any Act set out in the Schedule to the Seychelles Revenue Commission Act within which any procedure, step, process, decision or compliance with any notice or order ought to be completed, taken, or complied with, as the case may be;  
*[Cap 322]*
  - (e) to any time limit imposed by a court or adjudicating authority in any action, cause, matter or appeal before it during the suspension period where the court or adjudicating authority indicates that it has taken the period of public health emergency or the suspension period into account when imposing the time limit; and
  - (f) in respect of [section 3\(1\)\(c\)](#), if compliance with the time limit is dependent on any relevant public body, statutory authority or public office being operational and such public body, statutory authority or public office, as the case may be, is in operation during the suspension period so that compliance with the time limit is possible.
- (2) For the purpose of clarity, where the relevant public body, statutory authority or public office is in operation during part of the suspension period only, [section 4\(1\)\(e\)](#) shall apply solely to the part of the suspension period that the relevant public body, statutory authority or public office is in operation.

## 5. Expiration of suspension period

- (1) Subject to subsection (2), section 321 of the Seychelles Code of Civil Procedure Act and section 57 of the Interpretation and General Provisions Act, the prescription period, time limitation period or time limit, referred to in [section 3](#), shall, as the case may be, continue to run the day after the expiry of the suspension period.

*[Cap 213; Cap 103]*

- (2) Where the time limit in an Act or a Statutory Instrument is expressed to end at, on, or with a specified day and—
- (a) the specified day falls during the suspension period; and
  - (b) subject to section 57(d) of the Interpretation of General Provisions Act, on the specified day the relevant public body, statutory authority or public office was not operational so that compliance with the time limit was not possible;

the time period shall end 21 days after the expiry of the suspension period.

## 6. Lapse of the Act

- (1) Subject to subsection (2) and section 32 of the Interpretation and General Provisions Act, this Act shall cease to have effect immediately on the expiry of the suspension period.

*[Cap 103]*

- (2) For the purpose of subsection 5(2), the provisions of this Act shall remain in force for a period of 21 days after the expiry of the specified period.