

Seychelles

Constitution of the Republic of Seychelles

## Supreme Court (Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities) Rules Statutory Instrument 40 of 1995

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# Supreme Court (Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities) Rules

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## Seychelles

### Constitution of the Republic of Seychelles

# Supreme Court (Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities) Rules Statutory Instrument 40 of 1995

Commenced on 24 April 1995

*[This is the version of this document at 1 June 2020.]*

**1.**

- (1) These Rules may be cited as the Supreme Court (Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities) Rules.
- (2) These Rules provide for the practice and procedure of the Supreme Court in respect of an application for the exercise of the supervisory jurisdiction of the Court over subordinate courts, tribunals and adjudicating authorities.

**2.**

- (1) An application to the Supreme Court for the purposes of Rule 1(2), shall be made by petition accompanied by an affidavit in support of the averments set out in the petition.
- (2) The petitioner shall annex to the petition a certified copy of the order or decision sought to be canvassed and originals of documents material to the petition or certified copies thereof in the form of exhibits.

**3.**

The petition under Rule 2 shall contain a statement of—

- (a) the name, address and description of the petitioner;
- (b) the relief sought and the grounds upon which it is sought;
- (c) the name and address of the petitioner's attorney at law, (if any);
- (d) the name, address and description of the respondent or each of the respondents;
- (e) a claim for damages, if any, and a prayer for costs.

**4.**

A petition under rule 2 shall be made promptly and in any event within 3 months from the date of the order or decision sought to be canvassed in the petition unless the Supreme Court considers that there is good reason for extending the period within which the petition shall be made.

**5.**

Every petition made under Rule 2 shall be registered by the Registry and shall be listed *ex-parte* for the granting of leave to proceed.

**6.**

- (1) The Supreme Court shall not grant the petitioner leave to proceed unless the Court is satisfied that the petitioner has a sufficient interest in the subject matter of the petition and that the petition is being made in good faith.
- (2) Where the interest of the petitioner in the subject matter of the petition is not direct or personal but is a general or public interest, the Supreme Court in determining whether the petitioner has a sufficient interest in the subject matter may consider whether the petitioner has the requisite standing to make the petition.

**7.**

- (1) Upon an application being registered under Rule 5, the respondent or each of the respondents may take notice of its at any time and object to the grant of leave to proceed, or if leave to proceed had been granted object to the application at any time before the time fixed by Rule 12 for filing objections and the Supreme Court may make such order on the objections as it may deem fit.
- (2) The objection under subsection (1) may be made orally or in writing.

**8.**

Where the Supreme Court refuses to grant leave to proceed, the petitioner may appeal to the Court of Appeal within 14 days of the order of refusal with leave of the Supreme Court first had and received.

**9.**

- (1) Where leave to proceed is granted, the Supreme Court shall direct that notice be served on the respondent or each of the respondents together with the petition, affidavit and all the connected documents and exhibits.
- (2) The petitioner shall furnish such number of copies of the petition, affidavit and other documents as and when required for service on the respondent or each of the respondents.

**10.**

When granting leave to proceed, the Supreme Court shall direct the subordinate court, tribunal or adjudicating authority whose order or decision is canvassed in the petition, to forward the record or the record of proceedings.

**11.**

On receipt of the record or the record of proceedings at the Registry, parties to the petition shall be entitled to peruse it and obtain copies thereof.

**12.**

- (1) Where notice is served on the respondent or each of the respondents, the respondent or each of the respondents shall file objections in writing, if any, to the petition accompanied by an affidavit in support thereof within six weeks of the service of such notice, unless the Supreme Court directs otherwise.
- (2) Each respondent shall supply a copy of the objections and affidavit to the petitioner and each of the other respondents, if any.

**13.**

Where the Supreme Court orders the deposit of any sum of money as security by a party to the petition, such sum shall be deposited in such manner and within such time as may be directed by the Court.

**14.**

It shall be the duty of the petitioner to take steps as may be necessary to ensure the prompt service of notice, and to prosecute the petition with due diligence.

Where the parties fail to comply with the requirements set out in the preceding Rules, the Court may on the application of any of the parties, or *ex mero motu* make any suitable order.

Where an order or notice is required to be served on any party, such service shall be effected in the manner prescribed for service of summons in actions before the Supreme Court.

**17.**

After the service of notice on the respondent or each of the respondents as directed under rule 9 and the filing of objections, if any, by the respondent or each of them under Rule 12, the Supreme Court shall enter the petition for a hearing.

*[Please note: numbering as in original.]*

**18.**

- (1) On a petition under Rule 2 the Supreme Court, may for the purpose of enforcing or securing the enforcement of its supervisory jurisdiction, issue injunctions, directions, orders or writs including writs or orders in the nature of *habeas corpus*, *certiorari*, *mandamus*, prohibition and *quo warranto* as may be appropriate.
- (2) The Supreme Court may, where the petitioner has claimed damages in the petition, award him damages, if the Court is satisfied that if the claim is made in an action begun by the petitioner at the time of making the petition, he could have been awarded damages.