



**CONSTITUTION OF THE REPUBLIC OF SEYCHELLES (EIGHTH AMENDMENT) ACT, 2017**

*(Act 5 of 2017)*

*I assent*



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

Danny Faure  
President

18th April, 2017

**AN ACT to alter the Constitution.**

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

1. This Act may be cited as the Constitution of the Republic of Seychelles (Eighth Amendment) Act, 2017. Short title

Amendment  
of Cap 42  
as last  
amended by  
Act 4 of 2016

**2.** The Constitution of the Republic of Seychelles is amended as follows —

(a) in Article 55 —

(i) by repealing clause (1) and substituting therefor the following clauses —

“(1) Where the office of the President becomes vacant by reason of the death or resignation of the President or by reason of the President ceasing to hold office under article 53 or article 54 or article 110(3), the Vice-President shall discharge the functions of the office of the President until a person is elected under article 51 to the office of the President.

(2) A person who would, but for that person's death, have been declared elected as President at the Presidential election and the person designated as the Vice-President of the first-mentioned person shall be deemed to have been the President and Vice-President respectively, holding office immediately before the death of the first-mentioned person and accordingly, such Vice-President shall discharge the functions of the office of President until a person is elected under article 51 to the office of the President.”;

(ii) by repealing clause (2);

(iii) by inserting in clause (3) before the words “clause (2)” the words “clause (1),”;

(b) in Article 66A—

- (i) by repealing clause (11);
- (ii) by repealing clause (12) and substituting therefor the following clause—

“(12) Where there is a vacancy in the office of the President under article 55 (1) the Vice-President shall discharge the functions of the office of the President until a person is elected under article 51 to the office of the President.”;

- (iii) by repealing clause (13) and substituting therefor the following clause—

“(13) The Vice-President shall receive such salary, allowance, gratuity and pension as may be prescribed by an Act and the salary, allowance, gratuity or pension shall be a charge on the Consolidated Fund.”;

(c) in Article 69—

- (i) by repealing in clause (5) the words “and gratuity” and substituting therefor the words “, gratuity and pension”;
- (ii) by repealing in clause (6) the words “or gratuity” and substituting therefor the words “, gratuity or pension”;

(d) by inserting after clause (5) of Article 82, the following clause—

“(6) A proportionately elected member who ceases to be a member of the National Assembly by virtue of Article 81(1) (h) (i), shall not have the right to make an application under clause 1(b).

(e) in Article 83—

(i) by repealing in clause (6) the words “and gratuity” and substituting therefor the words “, gratuity and pension”;

(ii) by repealing in clause (7) the words “or gratuity” and substituting therefor the words “, gratuity or pension”;

(f) in Article 84—

(i) by repealing in clause (4) the words “and gratuity” and substituting therefor the words “, gratuity and pension”;

(ii) by repealing in clause (5) the words “or gratuity” and substituting therefor the words “, gratuity or pension”;

(g) by inserting after Article 84 the following article—

Leader of Government Business “84A.(1) There shall be a Leader of Government Business who shall be elected by the National Assembly from among its members in accordance with this article and the Standing Orders.

(2) A person is eligible to be elected to the Office of Leader of Government Business if the person is a

member of the political party which nominated the incumbent President for election, and only members of the National Assembly who are members of that party may vote in the election.

(3) A person elected to the office of Leader of Government Business shall vacate the office—

(a) if the person ceases to be a member of the National Assembly;

(b) if the person is elected to the office of Speaker or Deputy Speaker;

(c) if the person resigns by notice in writing addressed to the Speaker; or

(d) where the members of the National Assembly entitled to vote at an election to the office pass a resolution requiring the person to vacate the office.

(4) An Act may provide for the salary, allowances, gratuity and pension of the Leader of Government Business.

(5) The salary, allowances, gratuity or pension payable to the Leader of Government Business shall not be less than those payable to a Minister and shall be a charge on the Consolidated Fund.

(6) Subject to Article 105(3), where a person is elected Leader of Government Business and in addition to this article is entitled to receive under any other provision of the Constitution a salary, allowance, gratuity or pension, the person shall not, while holding the office of Leader of Government Business be concurrently entitled to receive the salary, allowance, gratuity or pension under this article or any other provision of the Constitution but may opt to receive the salary, allowance, gratuity or pension under either this article or any other provision of the Constitution.”;

(h) in article 105—

(i) by repealing in clause (1) the words “and gratuity” and substituting therefor the words “, gratuity and pension”;

(ii) by repealing in clause (2) the words “or gratuity” and substituting therefor the words “, gratuity or pension”;

(iii) in clause 3 by repealing the words “or the” and substituting therefor a comma, by inserting after the words “Leader of Opposition” the words “Leader of Government Business” and by deleting the words “or gratuity” and substituting therefor the words “, gratuity or pension”;

(i) by repealing in Article 115A(1) the words “four members” and “seven candidates” and

substituting therefor the words “six members” and “nine candidates” respectively;

- (j) by inserting after clause (4) of Article 115C the following clause—

“(4A) The pension payable to the Chairperson of the Commission shall be prescribed by or under an Act and the pension shall be a charge on the Consolidated Fund.”;

- (k) by deleting in clause (1) of Article 133 the words “and gratuity” and substituting therefor the words “, gratuity and pension”;

- (l) in Article 140—

(i) in clause (1)—

A. by repealing the words “three members” and substituting therefor the words “five members”;

B. by repealing in subclause (a), the words “one member” and substituting therefor the words “two members”;

C. by repealing in subclause (b), the words “two members” and “third member” and substituting therefor the words “four members” and “fifth member” respectively;

(ii) in clause (3)—

A. by repealing the words “two members” at both the places they

appear and substituting therefor the words "four members";

- B. by repealing the words "third member" and substituting therefor the words "fifth member";
- C. by repealing the words "not less than two and not more than three candidates" and substituting therefor the words "not less than four and not more than five candidates";
- D. by inserting after the word "President" appears for the second time the words ", in consultation with the Speaker and the Chief Justice";

(iii) in clause (4)—

- A. in subclause (a), by repealing the words "appoint a member" and "appoint the member" and substituting therefor the words "appoint the members" at both places;
- B. in subclause (b), by repealing the words "appoint a member" and substituting therefor the words "appoint the members";
- C. in subclause (c), by repealing the words "two members" and substituting therefor the words "four members";

- D. in subclause (d), by repealing the words "third member" and substituting therefor the words "fifth member";
  - E. in subclause (e), by repealing the words "third member" at both the places they appear and substituting therefor the words "fifth member";
- (m) by repealing clause (4) of Article 144 and substituting therefor the following clause —

"(4) The salary, allowance, gratuity and pension payable to the Ombudsman shall be prescribed by or under an Act and the salary, allowance, gratuity or pension so payable shall be a charge on the Consolidated Fund.";

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 11th April, 2017.



Ms. Jutta Alexis  
Clerk to the National Assembly