



# OFFICIAL GAZETTE

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**EMPLOYMENT (AMENDMENT) ACT, 2021**

*(Act 38 of 2021)*

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title
2. Amendment of Cap 69 as last amended by Act 20 of 2020
3. Commencement
4. Amendment of section 62A(3)
5. Insertion of a new section 70A
6. Amendment of section 71





## EMPLOYMENT (AMENDMENT) ACT, 2021

*(Act 38 of 2021)*



*I assent*

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

Wavel Ramkalawan  
President

*16th September, 2021*

**AN ACT to amend the Employment Act, Cap 69, to permit a worker to make a written declaration for the payment or Distribution of the worker's employment benefits on the death of the worker to a beneficiary designated by the worker in the written declaration and to give the Minister power to make Regulations in this regard; and for matters incidental thereto.**

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

### **Short title and commencement**

**1.** This Act may be cited as the Employment (Amendment) Act, 2021.

**Amendment of Cap 69 as last amended by Act 20 of 2020**

2. This Act, amending the Employment Act, Cap. 69, shall be read and construed as one with the Employment Act, Cap.69, that was last amended by Act 20 of 2020, and which, as amended, is hereinafter referred to as the “principal Act”.

**Commencement**

3. This Act shall come into operation on such date as the Minister may, by Notice published in the *Gazette*, appoint.

**Amendment of section 62A(3)**

4. Section 62A(3) of the principal Act is amended by repealing the words “legal representative of such worker” and substituting therefor the words “estate or succession of the worker or in accordance with a declaration made by the worker under section 70A, as the case may be,”.

**Insertion of a new section 70A**

5. The principal Act is amended by inserting immediately after section 70 the following new section —

“**70.A** Notwithstanding any law, a worker may make a declaration stipulating that benefits arising out of the worker's employment with his employer and standing to the worker's credit with his employer on the date of the worker's death be paid or distributed by his employer upon the worker's death to beneficiaries designated by the worker in the declaration made by the worker.”.

**Amendment to section 71**

6. Section 71 is amended as follows —

(a) by inserting a new subsection (h) as follows —

“(h) prescribing the manner, circumstances and forms for a worker to make a declaration for the payment or

distribution by an employer of benefits of a worker on the death of the worker to a designated beneficiary;”.

- (b) by renumbering paragraphs (h) and (i) of this section as paragraphs (i) and (j) respectively.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 8<sup>th</sup> September, 2021.



Mrs. Tania Isaac  
Clerk to the National Assembly

**PENAL CODE (AMENDMENT) BILL, 2021***(Bill No. 42 of 2021)***EXPLANATORY STATEMENT**

In the preparation of the revised edition of the Laws of Seychelles, the Law Revision Commissioner, in consultation with the Attorney General and on the approval of the Cabinet of Ministers, considers it desirable for this Bill to be presented to the National Assembly. This Bill is being presented to the National Assembly pursuant to section 6 of the Statute Law Revision Act, Cap. 231.

This Bill seeks to, amongst other things, repeal the concept of criminal libel/defamation; to increase the minimum age of criminal responsibility from 7 to 10 years of age; to amend and insert definitions; and to increase outdated monetary penalties.

**Criminal Libel**

Criminal defamation has a long and troubled history around the globe. In Seychelles, it is very rare for a person to be charged with criminal libel and in the last decade only one person in Seychelles was charged with the offence of criminal libel. The review of the concept of criminal libel is overdue. In fact, the Court of Appeal of Seychelles in the case of *Sullivan v Attorney General* (2014) SLR 417 took the view that:

“Since the enactment of the 1993 Constitution, there is no doubt that offences such as criminal libel . . . need to be scrupulously examined in light of the constitutional provision for the right to freedom of speech. Be that as it may, these offences have survived in this country presumably under permissible exceptions under the Constitution. It is the constitutional permissibility of these exceptions that is now in issue.”

In the contemporary era, there are adequate means and alternative legislative measures to address defamatory statements, malicious communications and anti-social behaviour rather than the more authoritarian contrivance of criminal libel. Further, cases such as *Ramkalawan v Parti Lepep* [2017] SCSC 446 and *Ernesta v Bastienne* [2020] SCCA 37 demonstrate that politicians, like any other person in Seychelles, can successfully rely on civil

defamation where their reputations are being maliciously lowered. It is also noteworthy that Seychelles has given several international undertakings in the recent past to abolish criminal libel.

### **Age of criminal responsibility**

The current law in Seychelles is that no child under the age of seven can be found guilty of a criminal offence. The law also presumes that a child between the ages of 7 and 12 is incapable of committing a crime, unless the Attorney General proves beyond reasonable doubt that, at the time of the offence, the child was well aware that his or her act was seriously wrong; this is known as the rebuttable presumption of *doli incapax*.

In comparison with other countries, the minimum age of criminal responsibility in Seychelles is low and there have been increasing calls over the years for the minimum age to be raised. It is proposed that the minimum age is increased from the age of 7 to 10 and the rebuttable presumption of *doli incapax* is kept.

It is noteworthy to clearly indicate that under section 94(1) of the Children Act, Cap. 28, no child under 14 years of age can be sentenced to a term of imprisonment. The policy of this amendment is to better protect children from the harmful effects of early criminalisation, while ensuring that any deviant behaviour of a child will be fully investigated to find out what happened and remedial measures will be taken address the child's behaviour and to minimize the risk of recurrence.

### **Miscellaneous**

The Bill also seeks to increase a few outdated monetary penalties. Further, the Bill repeals references to words such as “Justice of Peace” and “municipal council”, and updates the definition of words such as “statute” and “vessel”. In the definition of “money”, the Bill captures virtual currencies such as crypto currency.

**Dated this 14<sup>th</sup> day of September, 2021.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

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**PENAL CODE (AMENDMENT) BILL, 2021**

*(Bill No. 42 of 2021)*

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

1. Short title
2. Amendment of section 5
3. Amendment of section 15
4. Amendment of section 35
5. Amendment of section 52
6. Amendment of section 55
7. Amendment of section 70
8. Amendment of section 76
9. Amendment of section 89A
10. Amendment of section 98
11. Amendment of section 106
12. Amendment of section 123
13. Amendment of section 167
14. Amendment of section 172
15. Amendment of section 173
16. Amendment of section 173A
17. Repeal of Chapter XVIII
18. Insertion of new section 222A
19. Amendment of section 248
20. Amendment of section 269
21. Amendment of section 299A
22. Repeal of section 305
23. Amendment of section 307
24. Amendment of section 308
25. Amendment of section 363
26. Amendment of section 365
27. Amendment of Chapter XXXVIII
28. Amendment of section 373
29. Amendment of section 374



**PENAL CODE (AMENDMENT) BILL, 2021**

*(Bill No. 42 of 2021)*



**A BILL**

**FOR**

**AN ACT to amend the Penal Code, Cap. 158, to amongst other things, repeal criminal libel; to increase the minimum age of criminal responsibility from 7 to 10 years of age; to introduce the offence of bomb hoax; and to provide for matters connected therewith or incidental thereto.**

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

**Short title**

1. This Act may be cited as the Penal Code (Amendment) Act, 2021, and shall be read and construed as one with the Penal Code, Cap. 158, which as amended, is hereinafter referred to as the “Code”.

**Amendment of section 5**

2. Section 5 of the Code is amended —

- (a) in the definition of “money” by inserting immediately after the words “banks notes,” the words “virtual currency,”;
- (b) in the definition of “person employed in the public service” by repealing the words “(i) Justice of the Peace;”;
- (c) by repealing the definitions of “statute” and “vessel”;
- (d) by inserting in the proper alphabetical order, the following new definitions —

“**harbour**” includes supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension;

“**slavery**” means the status or condition of a person over whom any or all of the powers attaching to the right ownership are exercised, and slave is construed accordingly;

“**statute**” includes —

- (a) an Act made under article 86 of the Constitution; and
- (b) any Act, Decree or Order in Council having effect as part of the laws of Seychelles by virtue of section 15 of the Constitution of the Republic of Seychelles Decree, 1979, or any other written law; and
- (c) any statutory instrument or subsidiary legislation in force;

“**vessel**” means every description of vessel in navigation, whether self-propelled or not, and includes aircraft, barges, jet skis, seaplanes and other similar craft and vessels;

“**virtual currency**” means a digital representation of value in money or money’s worth that can be digitally traded and functions as a medium of exchange, a unit of account or store of value, regardless of whether it is legal tender in any country or territory including Seychelles;”

### **Amendment of section 15**

3. Section 15 of the Code is amended by repealing the words “seven years” and substituting therefor the words “10 years”.

### **Amendment of section 35**

4. Section 35 of the Code is amended by inserting immediately after the words “with a fine” the words “of level 3 on the standard scale”.

### **Amendment of section 52**

5. Section 52 of the Code is amended by repealing the words “a fine not exceeding Rs 500” and substituting therefor the words “a fine of level 2 on the standard scale”.

### **Amendment of section 55**

6. Section 55 of the Code is amended —

- (a) in subsection (1) by repealing the words “a fine not exceeding Rs 1, 000” and substituting therefor the words “a fine of level 3 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine not exceeding Rs 500” and substituting therefor the words “a fine of level 2 on the standard scale”.

### **Amendment of section 70**

7. Section 70 of the Code is amended by repealing the following words —

- (a) “peace officer, and any”;

- (b) “authorized in writing by a peace officer;”;
- (c) “For the purposes of this section, the expression “peace officer” means any magistrate or any police officer not below the rank of sergeant.”

### **Amendment of section 76**

8. Section 76 of the Code is amended by repealing the words “a Justice of Peace within the area of his jurisdiction,” and substituting therefor the word “or”.

### **Amendment of section 89A**

9. Section 89A(1) of the Code is amended by inserting immediately after the words “imprisonment for seven years” the words “or a fine of level 5 on the standard scale”.

### **Amendment of section 98**

10. Section 98 of the Code is amended in by repealing the words “or a Justice of the Peace”.

### **Amendment of section 106**

11. Section 106 of the Code is amended by inserting immediately after the words “intent to mislead any” the words “court or”.

### **Amendment of section 123**

12. Section 52 of the Code is amended by repealing the word “Legislature” and substituting therefor the words “National Assembly”.

### **Amendment of section 167**

13. Section 167(4) of the Code is amended by repealing the words “, and is liable to a fine of Rs50 for the first offence, and for each subsequent offence to a fine of Rs.250” and substituting therefor the words “a fine of level 1 on the standard scale”.

**Amendment of section 172**

14. Section 172 of the Code is amended by repealing the words “a fine of Rs. 1, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 173**

15. Section 173 of the Code is amended by repealing the words “a fine not exceeding Rs. 1, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Amendment of section 173A**

16. Section 173A of the Code is amended by repealing the words “a fine of Rs. 1, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Repeal of Chapter XVIII**

17. Sections 184, 185, 186, 187, 188, 189, 190 and 191 of the Code are repealed.

**Insertion of new section 222A.**

18. The principal Act is amended by inserting immediately after section 222 the following as section 222A. —

**“Bomb hoax**

**222A.**(1) A person who —

- (a) places any article, item or substance in any place; or
- (b) dispatches any article, item or substance by post or any other means of sending things from one place to another,

with the intention, in either case, of inducing in some other person a belief that the article, item or substance is likely to

explode or ignite and thereby cause personal injury or damage to property commits an offence.

(2) A person who communicates any information which that person knows or believes to be false to another person with the intention of inducing any person a false belief that a bomb or other thing liable to explode or ignite is present in any place or location commits an offence.

(3) For an offence under subsection (1) or (2) it is not necessary for the offender to have any particular person in mind as the person in whom the offender intends to the belief.

(4) A person who commits an offence under this section is liable to a fine of level 4 on the standard scale or to imprisonment for 5 years.”

### **Amendment of section 248**

**19.** Section 248 of the Code is amended by repealing the words “a fine of Rs. 5, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

### **Amendment of section 269**

**20.** Section 269 of the Code is amended by repealing the words “its value exceeds Rs60” and substituting therefor the words “its value exceeds SCR 100, 000”.

### **Amendment of section 299A**

**21.** Section 299A of the Code is amended by repealing the words “a fine of Rs50, 000” and substituting therefor the words “a fine of level 4 on the standard scale”.

### **Repeal of section 305**

**22.** Section 305 of the Code is repealed.

**Amendment of section 307**

23. Section 307 of the Code is amended by repealing the words “a fine not exceeding ten thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Amendment of section 308**

24. Section 308 of the Code is amended by repealing the words “a fine not exceeding ten thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Amendment of section 363**

25. Section 363(2) of the Code is amended —

- (a) by repealing the words “, magistrate or Justice of the Peace” and substituting therefor the words “or magistrate”;
- (b) by repealing the words “, magistrate or Justice of the Peace within his district” and substituting therefor the words “or magistrate”.

**Amendment of section 365**

26. Section 365 of the Code is amended by repealing the words “a fine Rs.650” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Amendment of Chapter XXXVIII**

27. Sections 372(2), 374 and 375 of the Code are amended by repealing the words “municipal council or board”, wherever they appear, and substituting therefor the words “public authority”.

**Amendment of section 373**

28. Section 373 of the Code is amended by repealing the words “a fine not exceeding Rs.10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 374**

**29.** Section 374 of the Code is amended by repealing the words “a fine of Rs.10, 000” and substituting therefor the words “a fine of level 7 on the standard scale”.

**PREVENTION OF DRUG USE AND REHABILITATION AGENCY  
(REPEAL) BILL, 2021**

*(Bill No. 43 of 2021)*

**OBJECTS AND REASONS**

This Bill seeks to repeal the Prevention of Drug Abuse and Rehabilitation Agency Act, *Act 13 of 2017* (hereinafter referred to as “the Act”, and consequently dissolve the Prevention of Drug Abuse and Rehabilitation Agency (hereinafter referred to as “the Agency”) established thereunder.

The President of the Republic in his address to the Nation on 1<sup>st</sup> February, 2021 announced the intended restructuring of several Government, statutory and public bodies.

It is in line with this aforementioned announcement, that the repeal of Act 13 of 2017 is being proposed.

On the repeal of the Act, the Agency shall stand dissolved and its function shall be assumed and discharged by the Ministry of Health of the Government of Seychelles, all its employees shall become employees of the Government, and the assets and liabilities of the Agency shall vest into, and become assets of the Government of Seychelles.

This Bill seeks to achieve the above objectives.

**Dated this 14<sup>th</sup> day of September, 2021.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

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**PREVENTION OF DRUG USE AND REHABILITATION AGENCY  
(REPEAL) BILL, 2021**

*(Bill No. 43 of 2021)*



**A BILL**

**FOR**

**AN ACT to provide for the repeal of the Prevention of Drug Abuse and Rehabilitation Agency Act, (Act 13 of 2017).**

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

**Short title**

**1.** This Act may be cited as the Prevention of Drug Abuse and Rehabilitation Agency (Repeal) Act, 2021.

**Repeal of Act 13 of 2017.**

2. The Prevention of Drug Abuse and Rehabilitation Agency Act (Act 13 of 2017), is hereby repealed and the Prevention of Drug Abuse and Rehabilitation Agency established under section 3 of the Act shall stand dissolved.

**Continuation of Employment**

3. Notwithstanding any law, a person employed with the Prevention of Drug Abuse and Rehabilitation Agency under section 3 of the Act on the date of the repeal of the Act shall continue his or her employment with the Government of Seychelles, in its Ministry of Health, on terms and conditions no less favourable than those subsisting immediately prior to the date of the repeal of the Act until these are amended, varied or repealed in accordance with any scheme of service applicable to employees of the Government.

**Assets, liabilities and contracts**

4. On the repeal of this Act —

- (a) all movable or immovable properties, assets, rights, interests and privileges acquired, accrued by, or vested in, the Prevention of Drug Abuse and Rehabilitation Agency under the repealed Act shall stand transferred to and vested in the Government of Seychelles;
- (b) all liabilities and obligations incurred by the Prevention of Drug Abuse and Rehabilitation Agency prior to the date of the date of the repeal of the Act shall be deemed to have been incurred by the Government of Seychelles;
- (c) any contract or agreement executed by the Prevention of Drug Abuse and Rehabilitation Agency prior to the date of the repeal of the Act shall continue to have effect in accordance with its terms as if it was originally made and entered into by the Government of Seychelles; and

- (d) any right, privilege obligation or liability acquired or incurred by a person under the repealed Act shall not be affected by the repeal and any legal investigation, legal proceedings or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced by or against the Government of Seychelles.

### **Effect of repeal**

**5.** The mention of the particular matters referred to in sections 3 and 4 shall not be held to prejudice or affect the general application of section 31 of the Interpretation and General Provisions Act (Cap 103) with regard to the effect of repeal.

**S.I. 78 of 2021**

**BUSINESS TAX (AMENDMENT) ACT, 2020**

*(Act 2 of 2021)*

**Business Tax (Amendment) Act (Commencement) Notice, 2021**

In exercise of the powers conferred by section 1 of the Business Tax (Amendment) Act, 2020, the Minister responsible for Finance makes the following notice —

**Citation**

1. This notice may be cited as the Business Tax (Amendment) Act (Commencement) Notice, 2021.

**Commencement of Act 2 of 2021**

2. The Business Tax (Amendment) Act, 2020 shall come into operation on the 15th day of September 2021.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**S.I. 79 of 2021**

**BUSINESS TAX ACT, 2020**

*(Cap.20)*

**Business Tax (Amendment of Eleventh Schedule) Regulations, 2021**

In exercise of the powers conferred by section 81 of the Business Tax Act, the Minister responsible for Finance makes the following regulations —

**Citation**

1. These regulations may be cited as the Business Tax (Amendment of Eleventh Schedule) Regulations, 2021.

**Amendment of Eleventh Schedule**

2. The Eleventh Schedule to the Business Tax Act is hereby amended —

(a) by repealing paragraph 1 and substituting therefor the following paragraph —

“1. This Schedule applies to an enterprise, that is a member of a multinational group.”;

(b) by repealing paragraph 6 and substituting therefor the following paragraphs —

“6. In this Schedule —

“consolidated financial statements” means the financial statements of a group in which the assets, liabilities, income, expenses and cash flows of the ultimate parent entity and the entities related to the ultimate parent entity are presented as a single economic entity;

“group” means a collection of enterprises related through ownership or control, which is required to prepare consolidated financial statements for financial reporting purposes under applicable accounting principles or would be so required if equity interests in any of the enterprises were traded on a public securities exchange;

“multinational group” means any group that includes two or more enterprises, the tax residence of such enterprise or enterprises are in different jurisdictions, or includes an enterprise that is resident for tax purposes in one jurisdiction and is subject to tax with respect to the business carried out through a permanent establishment in another jurisdiction;

“pure equity holding company” means a company which, as its primary function, acquires and holds shares or equitable interests in companies and performs no substantial commercial or investment activity;

“real estate holding company” means a company which as its primary function acquires and holds interests in immovable property; and

“ultimate parent entity” means an entity of a multinational group that meets the following criteria —

- (i) it owns directly or indirectly a sufficient interest in one or more other group entities that it is required to prepare consolidated financial statements under accounting principles generally applied in its jurisdiction of tax residence, or would be so required if its equity interests were traded on public

securities exchange in its jurisdiction of tax residence; and

(ii) there is no other entity of such multinational group that owns directly or indirectly an interest described in (i) above in the first mentioned entity.

7. For avoidance of doubt, it is clarified that, for the purposes of “passive income” to which this Schedule applies, “passive income” shall include capital gains which arise from a core income generating activity of holding and managing the shares or equitable interests.”.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**S.I. 80 of 2021**

**PUBLIC DEBT MANAGEMENT ACT**

*(Cap 302)*

**5.75% 3 year Treasury Bond Debt Order, 2021**

In exercise of the powers conferred by section 28 of the Public Debt Management Act, the Minister responsible for financial matters makes the following order —

**Citation**

1. This order may be cited as the 5.75% 3 year Treasury Bond Debt Order, 2021.

**Issue of Bond**

2. The Minister responsible for financial matters has in accordance with the provisions of section 8 read with section 9 of the Public Debt Management Act, raised a local debt by issuance of a bond through the Liability Management Operation for and on behalf of the Government of Seychelles, the particulars of which are stated in paragraph 3.

**Particulars**

3. The particulars of the Bond referred to in paragraph 2 are as follows —

- |                                     |   |
|-------------------------------------|---|
| <i>(a) Amount of the Bond:</i>      | SCR462,139,000/- (Seychelles Rupees Four Hundred and Sixty-Two Million One Hundred and Thirty-Nine Thousand only);                                |
| <i>(b) Purpose of the facility:</i> | Domestic Debt Restructuring;  |
| <i>(c) Persons subscribing:</i>     | Eligible investors will constitute of holders of Treasury Bills of 182 days and 365 days maturing between August 1, 2021 and July 31, 2022, only; |

- (d) *Interest payable:* Interest payable at a rate of 5.75% per annum, on the face value of the Bond, using the actual 365 day convention, on January 20 and July 20;
- (e) *Manner to be accounted for:* Consolidated Fund;
- (f) *Tenure:* 3 years;
- (g) *Other particulars:* Other particulars are contained in the Prospectus.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**S.I. 81 of 2021**

**PUBLIC DEBT MANAGEMENT ACT**

*(Cap 302)*

**7% 5 year Treasury Bond Debt Order, 2021**

In exercise of the powers conferred by section 28 of the Public Debt Management Act, the Minister responsible for financial matters makes the following order —

**Citation**

1. This order may be cited as the 7% 5 year Treasury Bond Debt Order, 2021.

**Issue of Bond**

2. The Minister responsible for financial matters has in accordance with the provisions of section 8 read with section 9 of the Public Debt Management Act, raised a local debt by issuance of a bond through the Liability Management Operation for and on behalf of the Government of Seychelles, the particulars of which are stated in paragraph 3.

**Particulars**

3. The particulars of the Bond referred to in paragraph 2 are as follows —

- |                                     |   |
|-------------------------------------|---|
| <i>(a) Amount of the Bond:</i>      | SCR397,630,000/- (Seychelles Rupees Three Hundred and Ninety-Seven Million Six Hundred and Thirty Thousand only);                                 |
| <i>(b) Purpose of the facility:</i> | Domestic Debt Restructuring;  |
| <i>(c) Persons subscribing:</i>     | Eligible investors will constitute of holders of Treasury Bills of 182 days and 365 days maturing between August 1, 2021 and July 31, 2022, only; |

- (d) *Interest payable:* Interest payable at a rate of 7% per annum, on the face value of the Bond, using the actual 365 day convention, on January 20 and July 20;
- (e) *Manner to be accounted for:* Consolidated Fund;
- (f) *Tenure:* 5 years;
- (g) *Other particulars:* Other particulars are contained in the Prospectus.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**S.I. 82 of 2021**

**PUBLIC DEBT MANAGEMENT ACT**

*(Cap 302)*

**8.25% 7 year Treasury Bond Debt Order, 2021**

In exercise of the powers conferred by section 28 of the Public Debt Management Act, the Minister responsible for financial matters makes the following order —

**Citation**

1. This order may be cited as the 8.25% 7 year Treasury Bond Debt Order, 2021.

**Issue of Bond**

2. The Minister responsible for financial matters has in accordance with the provisions of section 8 read with section 9 of the Public Debt Management Act, raised a local debt by issuance of a bond through the Liability Management Operation for and on behalf of the Government of Seychelles, the particulars of which are stated in paragraph 3.

**Particulars**

3. The particulars of the Bond referred to in paragraph 2 are as follows —

- |                                     |  |
|-------------------------------------|--|
| <i>(a) Amount of the Bond:</i>      | SCR357,569,000/- (Seychelles Rupees Three Hundred and Fifty-Seven Million Five Hundred and Sixty Thousand only);                                 |
| <i>(b) Purpose of the facility:</i> | Domestic Debt Restructuring;   |
| <i>(c) Persons subscribing:</i>     | Eligible investors will constitute of holders of Treasury Bills of 82 days and 365 days maturing between August 1, 2021 and July 31, 2022, only; |

- (d) *Interest payable:* Interest payable at a rate of 8.25% per annum, on the face value of the Bond, using the actual 365 day convention, on January 20 and July 20;
- (e) *Manner to be accounted for:* Consolidated Fund;
- (f) *Tenure:* 7 years;
- (g) *Other particulars:* Other particulars are contained in the Prospectus.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**S.I. 83 of 2021**

DEFENCE ACT

*(Cap 58)*

**Defence (Amendment of Schedule) Regulations, 2021**

In exercise of the powers conferred by section 41(2)(iii) of the Defence Act, the Commander-in-Chief makes the following regulations —

**Citation**

1. These regulations may be cited as the Defence (Amendment of Schedule) Regulations, 2021.

**Amendment of Schedule**

2. The Schedule to the Defence Act is amended by repealing the words “(ix) Senior Captain”.

**MADE this 15th day of September, 2021.**

**WAVEL RAMKALAWAN  
PRESIDENT**

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**PREVENTION OF DRUG USE AND REHABILITATION AGENCY  
(REPEAL) BILL, 2021**

*(Bill No. 43 of 2021)*

**OBJECTS AND REASONS**

This Bill seeks to repeal the Prevention of Drug Abuse and Rehabilitation Agency Act, *Act 13 of 2017* (hereinafter referred to as “the Act”, and consequently dissolve the Prevention of Drug Abuse and Rehabilitation Agency (hereinafter referred to as “the Agency”) established thereunder.

The President of the Republic in his address to the Nation on 1<sup>st</sup> February, 2021 announced the intended restructuring of several Government, statutory and public bodies.

It is in line with this aforementioned announcement, that the repeal of Act 13 of 2017 is being proposed.

On the repeal of the Act, the Agency shall stand dissolved and its function shall be assumed and discharged by the Ministry of Health of the Government of Seychelles, all its employees shall become employees of the Government, and the assets and liabilities of the Agency shall vest into, and become assets of the Government of Seychelles.

This Bill seeks to achieve the above objectives.

**Dated this 14<sup>th</sup> day of September, 2021.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

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**PREVENTION OF DRUG USE AND REHABILITATION AGENCY  
(REPEAL) BILL, 2021**

*(Bill No. 43 of 2021)*



**A BILL**

**FOR**

**AN ACT to provide for the repeal of the Prevention of Drug Abuse and Rehabilitation Agency Act, (Act 13 of 2017).**

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

**Short title**

**1.** This Act may be cited as the Prevention of Drug Abuse and Rehabilitation Agency (Repeal) Act, 2021.

**Repeal of Act 13 of 2017.**

2. The Prevention of Drug Abuse and Rehabilitation Agency Act (Act 13 of 2017), is hereby repealed and the Prevention of Drug Abuse and Rehabilitation Agency established under section 3 of the Act shall stand dissolved.

**Continuation of Employment**

3. Notwithstanding any law, a person employed with the Prevention of Drug Abuse and Rehabilitation Agency under section 3 of the Act on the date of the repeal of the Act shall continue his or her employment with the Government of Seychelles, in its Ministry of Health, on terms and conditions no less favourable than those subsisting immediately prior to the date of the repeal of the Act until these are amended, varied or repealed in accordance with any scheme of service applicable to employees of the Government.

**Assets, liabilities and contracts**

4. On the repeal of this Act —

- (a) all movable or immovable properties, assets, rights, interests and privileges acquired, accrued by, or vested in, the Prevention of Drug Abuse and Rehabilitation Agency under the repealed Act shall stand transferred to and vested in the Government of Seychelles;
- (b) all liabilities and obligations incurred by the Prevention of Drug Abuse and Rehabilitation Agency prior to the date of the date of the repeal of the Act shall be deemed to have been incurred by the Government of Seychelles;
- (c) any contract or agreement executed by the Prevention of Drug Abuse and Rehabilitation Agency prior to the date of the repeal of the Act shall continue to have effect in accordance with its terms as if it was originally made and entered into by the Government of Seychelles; and

- (d) any right, privilege obligation or liability acquired or incurred by a person under the repealed Act shall not be affected by the repeal and any legal investigation, legal proceedings or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced by or against the Government of Seychelles.

### **Effect of repeal**

**5.** The mention of the particular matters referred to in sections 3 and 4 shall not be held to prejudice or affect the general application of section 31 of the Interpretation and General Provisions Act (Cap 103) with regard to the effect of repeal.

**PENAL CODE (AMENDMENT) BILL, 2021***(Bill No. 42 of 2021)***EXPLANATORY STATEMENT**

In the preparation of the revised edition of the Laws of Seychelles, the Law Revision Commissioner, in consultation with the Attorney General and on the approval of the Cabinet of Ministers, considers it desirable for this Bill to be presented to the National Assembly. This Bill is being presented to the National Assembly pursuant to section 6 of the Statute Law Revision Act, Cap. 231.

This Bill seeks to, amongst other things, repeal the concept of criminal libel/defamation; to increase the minimum age of criminal responsibility from 7 to 10 years of age; to amend and insert definitions; and to increase outdated monetary penalties.

**Criminal Libel**

Criminal defamation has a long and troubled history around the globe. In Seychelles, it is very rare for a person to be charged with criminal libel and in the last decade only one person in Seychelles was charged with the offence of criminal libel. The review of the concept of criminal libel is overdue. In fact, the Court of Appeal of Seychelles in the case of *Sullivan v Attorney General* (2014) SLR 417 took the view that:

“Since the enactment of the 1993 Constitution, there is no doubt that offences such as criminal libel . . . need to be scrupulously examined in light of the constitutional provision for the right to freedom of speech. Be that as it may, these offences have survived in this country presumably under permissible exceptions under the Constitution. It is the constitutional permissibility of these exceptions that is now in issue.”

In the contemporary era, there are adequate means and alternative legislative measures to address defamatory statements, malicious communications and anti-social behaviour rather than the more authoritarian contrivance of criminal libel. Further, cases such as *Ramkalawan v Parti Lepep* [2017] SCSC 446 and *Ernesta v Bastienne* [2020] SCCA 37 demonstrate that politicians, like any other person in Seychelles, can successfully rely on civil

defamation where their reputations are being maliciously lowered. It is also noteworthy that Seychelles has given several international undertakings in the recent past to abolish criminal libel.

### **Age of criminal responsibility**

The current law in Seychelles is that no child under the age of seven can be found guilty of a criminal offence. The law also presumes that a child between the ages of 7 and 12 is incapable of committing a crime, unless the Attorney General proves beyond reasonable doubt that, at the time of the offence, the child was well aware that his or her act was seriously wrong; this is known as the rebuttable presumption of *doli incapax*.

In comparison with other countries, the minimum age of criminal responsibility in Seychelles is low and there have been increasing calls over the years for the minimum age to be raised. It is proposed that the minimum age is increased from the age of 7 to 10 and the rebuttable presumption of *doli incapax* is kept.

It is noteworthy to clearly indicate that under section 94(1) of the Children Act, Cap. 28, no child under 14 years of age can be sentenced to a term of imprisonment. The policy of this amendment is to better protect children from the harmful effects of early criminalisation, while ensuring that any deviant behaviour of a child will be fully investigated to find out what happened and remedial measures will be taken address the child's behaviour and to minimize the risk of recurrence.

### **Miscellaneous**

The Bill also seeks to increase a few outdated monetary penalties. Further, the Bill repeals references to words such as “Justice of Peace” and “municipal council”, and updates the definition of words such as “statute” and “vessel”. In the definition of “money”, the Bill captures virtual currencies such as crypto currency.

**Dated this 14<sup>th</sup> day of September, 2021.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

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**PENAL CODE (AMENDMENT) BILL, 2021**

*(Bill No. 42 of 2021)*

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

1. Short title
2. Amendment of section 5
3. Amendment of section 15
4. Amendment of section 35
5. Amendment of section 52
6. Amendment of section 55
7. Amendment of section 70
8. Amendment of section 76
9. Amendment of section 89A
10. Amendment of section 98
11. Amendment of section 106
12. Amendment of section 123
13. Amendment of section 167
14. Amendment of section 172
15. Amendment of section 173
16. Amendment of section 173A
17. Repeal of Chapter XVIII
18. Insertion of new section 222A
19. Amendment of section 248
20. Amendment of section 269
21. Amendment of section 299A
22. Repeal of section 305
23. Amendment of section 307
24. Amendment of section 308
25. Amendment of section 363
26. Amendment of section 365
27. Amendment of Chapter XXXVIII
28. Amendment of section 373
29. Amendment of section 374



**PENAL CODE (AMENDMENT) BILL, 2021**

*(Bill No. 42 of 2021)*



**A BILL**

**FOR**

**AN ACT to amend the Penal Code, Cap. 158, to amongst other things, repeal criminal libel; to increase the minimum age of criminal responsibility from 7 to 10 years of age; to introduce the offence of bomb hoax; and to provide for matters connected therewith or incidental thereto.**

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

**Short title**

**1.** This Act may be cited as the Penal Code (Amendment) Act, 2021, and shall be read and construed as one with the Penal Code, Cap. 158, which as amended, is hereinafter referred to as the “Code”.

**Amendment of section 5**

2. Section 5 of the Code is amended —

- (a) in the definition of “money” by inserting immediately after the words “banks notes,” the words “virtual currency,”;
- (b) in the definition of “person employed in the public service” by repealing the words “(i) Justice of the Peace;”;
- (c) by repealing the definitions of “statute” and “vessel”;
- (d) by inserting in the proper alphabetical order, the following new definitions —

“**harbour**” includes supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension;

“**slavery**” means the status or condition of a person over whom any or all of the powers attaching to the right ownership are exercised, and slave is construed accordingly;

“**statute**” includes —

- (a) an Act made under article 86 of the Constitution; and
- (b) any Act, Decree or Order in Council having effect as part of the laws of Seychelles by virtue of section 15 of the Constitution of the Republic of Seychelles Decree, 1979, or any other written law; and
- (c) any statutory instrument or subsidiary legislation in force;

“**vessel**” means every description of vessel in navigation, whether self-propelled or not, and includes aircraft, barges, jet skis, seaplanes and other similar craft and vessels;

“**virtual currency**” means a digital representation of value in money or money’s worth that can be digitally traded and functions as a medium of exchange, a unit of account or store of value, regardless of whether it is legal tender in any country or territory including Seychelles;”

### **Amendment of section 15**

3. Section 15 of the Code is amended by repealing the words “seven years” and substituting therefor the words “10 years”.

### **Amendment of section 35**

4. Section 35 of the Code is amended by inserting immediately after the words “with a fine” the words “of level 3 on the standard scale”.

### **Amendment of section 52**

5. Section 52 of the Code is amended by repealing the words “a fine not exceeding Rs 500” and substituting therefor the words “a fine of level 2 on the standard scale”.

### **Amendment of section 55**

6. Section 55 of the Code is amended —

- (a) in subsection (1) by repealing the words “a fine not exceeding Rs 1, 000” and substituting therefor the words “a fine of level 3 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine not exceeding Rs 500” and substituting therefor the words “a fine of level 2 on the standard scale”.

### **Amendment of section 70**

7. Section 70 of the Code is amended by repealing the following words —

- (a) “peace officer, and any”;

- (b) “authorized in writing by a peace officer;”;
- (c) “For the purposes of this section, the expression “peace officer” means any magistrate or any police officer not below the rank of sergeant.”

### **Amendment of section 76**

8. Section 76 of the Code is amended by repealing the words “a Justice of Peace within the area of his jurisdiction,” and substituting therefor the word “or”.

### **Amendment of section 89A**

9. Section 89A(1) of the Code is amended by inserting immediately after the words “imprisonment for seven years” the words “or a fine of level 5 on the standard scale”.

### **Amendment of section 98**

10. Section 98 of the Code is amended in by repealing the words “or a Justice of the Peace”.

### **Amendment of section 106**

11. Section 106 of the Code is amended by inserting immediately after the words “intent to mislead any” the words “court or”.

### **Amendment of section 123**

12. Section 52 of the Code is amended by repealing the word “Legislature” and substituting therefor the words “National Assembly”.

### **Amendment of section 167**

13. Section 167(4) of the Code is amended by repealing the words “, and is liable to a fine of Rs50 for the first offence, and for each subsequent offence to a fine of Rs.250” and substituting therefor the words “a fine of level 1 on the standard scale”.

**Amendment of section 172**

14. Section 172 of the Code is amended by repealing the words “a fine of Rs. 1, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 173**

15. Section 173 of the Code is amended by repealing the words “a fine not exceeding Rs. 1, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Amendment of section 173A**

16. Section 173A of the Code is amended by repealing the words “a fine of Rs. 1, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Repeal of Chapter XVIII**

17. Sections 184, 185, 186, 187, 188, 189, 190 and 191 of the Code are repealed.

**Insertion of new section 222A.**

18. The principal Act is amended by inserting immediately after section 222 the following as section 222A. —

**“Bomb hoax**

**222A.**(1) A person who —

- (a) places any article, item or substance in any place; or
- (b) dispatches any article, item or substance by post or any other means of sending things from one place to another,

with the intention, in either case, of inducing in some other person a belief that the article, item or substance is likely to

explode or ignite and thereby cause personal injury or damage to property commits an offence.

(2) A person who communicates any information which that person knows or believes to be false to another person with the intention of inducing any person a false belief that a bomb or other thing liable to explode or ignite is present in any place or location commits an offence.

(3) For an offence under subsection (1) or (2) it is not necessary for the offender to have any particular person in mind as the person in whom the offender intends to the belief.

(4) A person who commits an offence under this section is liable to a fine of level 4 on the standard scale or to imprisonment for 5 years.”

### **Amendment of section 248**

**19.** Section 248 of the Code is amended by repealing the words “a fine of Rs. 5, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

### **Amendment of section 269**

**20.** Section 269 of the Code is amended by repealing the words “its value exceeds Rs60” and substituting therefor the words “its value exceeds SCR 100, 000”.

### **Amendment of section 299A**

**21.** Section 299A of the Code is amended by repealing the words “a fine of Rs50, 000” and substituting therefor the words “a fine of level 4 on the standard scale”.

### **Repeal of section 305**

**22.** Section 305 of the Code is repealed.

**Amendment of section 307**

23. Section 307 of the Code is amended by repealing the words “a fine not exceeding ten thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Amendment of section 308**

24. Section 308 of the Code is amended by repealing the words “a fine not exceeding ten thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Amendment of section 363**

25. Section 363(2) of the Code is amended —

- (a) by repealing the words “, magistrate or Justice of the Peace” and substituting therefor the words “or magistrate”;
- (b) by repealing the words “, magistrate or Justice of the Peace within his district” and substituting therefor the words “or magistrate”.

**Amendment of section 365**

26. Section 365 of the Code is amended by repealing the words “a fine Rs.650” and substituting therefor the words “a fine of level 2 on the standard scale”.

**Amendment of Chapter XXXVIII**

27. Sections 372(2), 374 and 375 of the Code are amended by repealing the words “municipal council or board”, wherever they appear, and substituting therefor the words “public authority”.

**Amendment of section 373**

28. Section 373 of the Code is amended by repealing the words “a fine not exceeding Rs.10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

**Amendment of section 374**

**29.** Section 374 of the Code is amended by repealing the words “a fine of Rs.10, 000” and substituting therefor the words “a fine of level 7 on the standard scale”.

**S.I. 81 of 2021**

**PUBLIC DEBT MANAGEMENT ACT**

*(Cap 302)*

**7% 5 year Treasury Bond Debt Order, 2021**

In exercise of the powers conferred by section 28 of the Public Debt Management Act, the Minister responsible for financial matters makes the following order —

**Citation**

1. This order may be cited as the 7% 5 year Treasury Bond Debt Order, 2021.

**Issue of Bond**

2. The Minister responsible for financial matters has in accordance with the provisions of section 8 read with section 9 of the Public Debt Management Act, raised a local debt by issuance of a bond through the Liability Management Operation for and on behalf of the Government of Seychelles, the particulars of which are stated in paragraph 3.

**Particulars**

3. The particulars of the Bond referred to in paragraph 2 are as follows —

- |                                     |   |
|-------------------------------------|---|
| <i>(a) Amount of the Bond:</i>      | SCR397,630,000/- (Seychelles Rupees Three Hundred and Ninety-Seven Million Six Hundred and Thirty Thousand only);                                 |
| <i>(b) Purpose of the facility:</i> | Domestic Debt Restructuring;  |
| <i>(c) Persons subscribing:</i>     | Eligible investors will constitute of holders of Treasury Bills of 182 days and 365 days maturing between August 1, 2021 and July 31, 2022, only; |

- (d) *Interest payable:* Interest payable at a rate of 7% per annum, on the face value of the Bond, using the actual 365 day convention, on January 20 and July 20;
- (e) *Manner to be accounted for:* Consolidated Fund;
- (f) *Tenure:* 5 years;
- (g) *Other particulars:* Other particulars are contained in the Prospectus.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**S.I. 83 of 2021**

DEFENCE ACT

*(Cap 58)*

**Defence (Amendment of Schedule) Regulations, 2021**

In exercise of the powers conferred by section 41(2)(iii) of the Defence Act, the Commander-in-Chief makes the following regulations —

**Citation**

1. These regulations may be cited as the Defence (Amendment of Schedule) Regulations, 2021.

**Amendment of Schedule**

2. The Schedule to the Defence Act is amended by repealing the words “(ix) Senior Captain”.

**MADE this 15th day of September, 2021.**

**WAVEL RAMKALAWAN  
PRESIDENT**

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**S.I. 79 of 2021**

**BUSINESS TAX ACT, 2020**

*(Cap.20)*

**Business Tax (Amendment of Eleventh Schedule) Regulations, 2021**

In exercise of the powers conferred by section 81 of the Business Tax Act, the Minister responsible for Finance makes the following regulations —

**Citation**

1. These regulations may be cited as the Business Tax (Amendment of Eleventh Schedule) Regulations, 2021.

**Amendment of Eleventh Schedule**

2. The Eleventh Schedule to the Business Tax Act is hereby amended —

(a) by repealing paragraph 1 and substituting therefor the following paragraph —

“1. This Schedule applies to an enterprise, that is a member of a multinational group.”;

(b) by repealing paragraph 6 and substituting therefor the following paragraphs —

“6. In this Schedule —

“consolidated financial statements” means the financial statements of a group in which the assets, liabilities, income, expenses and cash flows of the ultimate parent entity and the entities related to the ultimate parent entity are presented as a single economic entity;

“group” means a collection of enterprises related through ownership or control, which is required to prepare consolidated financial statements for financial reporting purposes under applicable accounting principles or would be so required if equity interests in any of the enterprises were traded on a public securities exchange;

“multinational group” means any group that includes two or more enterprises, the tax residence of such enterprise or enterprises are in different jurisdictions, or includes an enterprise that is resident for tax purposes in one jurisdiction and is subject to tax with respect to the business carried out through a permanent establishment in another jurisdiction;

“pure equity holding company” means a company which, as its primary function, acquires and holds shares or equitable interests in companies and performs no substantial commercial or investment activity;

“real estate holding company” means a company which as its primary function acquires and holds interests in immovable property; and

“ultimate parent entity” means an entity of a multinational group that meets the following criteria —

- (i) it owns directly or indirectly a sufficient interest in one or more other group entities that it is required to prepare consolidated financial statements under accounting principles generally applied in its jurisdiction of tax residence, or would be so required if its equity interests were traded on public

securities exchange in its jurisdiction of tax residence; and

(ii) there is no other entity of such multinational group that owns directly or indirectly an interest described in (i) above in the first mentioned entity.

7. For avoidance of doubt, it is clarified that, for the purposes of “passive income” to which this Schedule applies, “passive income” shall include capital gains which arise from a core income generating activity of holding and managing the shares or equitable interests.”.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**S.I. 80 of 2021**

**PUBLIC DEBT MANAGEMENT ACT**

*(Cap 302)*

**5.75% 3 year Treasury Bond Debt Order, 2021**

In exercise of the powers conferred by section 28 of the Public Debt Management Act, the Minister responsible for financial matters makes the following order —

**Citation**

1. This order may be cited as the 5.75% 3 year Treasury Bond Debt Order, 2021.

**Issue of Bond**

2. The Minister responsible for financial matters has in accordance with the provisions of section 8 read with section 9 of the Public Debt Management Act, raised a local debt by issuance of a bond through the Liability Management Operation for and on behalf of the Government of Seychelles, the particulars of which are stated in paragraph 3.

**Particulars**

3. The particulars of the Bond referred to in paragraph 2 are as follows —

- |                                     |   |
|-------------------------------------|---|
| <i>(a) Amount of the Bond:</i>      | SCR462,139,000/- (Seychelles Rupees Four Hundred and Sixty-Two Million One Hundred and Thirty-Nine Thousand only);                                |
| <i>(b) Purpose of the facility:</i> | Domestic Debt Restructuring;  |
| <i>(c) Persons subscribing:</i>     | Eligible investors will constitute of holders of Treasury Bills of 182 days and 365 days maturing between August 1, 2021 and July 31, 2022, only; |

- (d) *Interest payable:* Interest payable at a rate of 5.75% per annum, on the face value of the Bond, using the actual 365 day convention, on January 20 and July 20;
- (e) *Manner to be accounted for:* Consolidated Fund;
- (f) *Tenure:* 3 years;
- (g) *Other particulars:* Other particulars are contained in the Prospectus.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**S.I. 82 of 2021**

**PUBLIC DEBT MANAGEMENT ACT**

*(Cap 302)*

**8.25% 7 year Treasury Bond Debt Order, 2021**

In exercise of the powers conferred by section 28 of the Public Debt Management Act, the Minister responsible for financial matters makes the following order —

**Citation**

1. This order may be cited as the 8.25% 7 year Treasury Bond Debt Order, 2021.

**Issue of Bond**

2. The Minister responsible for financial matters has in accordance with the provisions of section 8 read with section 9 of the Public Debt Management Act, raised a local debt by issuance of a bond through the Liability Management Operation for and on behalf of the Government of Seychelles, the particulars of which are stated in paragraph 3.

**Particulars**

3. The particulars of the Bond referred to in paragraph 2 are as follows —

- |                                     |  |
|-------------------------------------|--|
| <i>(a) Amount of the Bond:</i>      | SCR357,569,000/- (Seychelles Rupees Three Hundred and Fifty-Seven Million Five Hundred and Sixty Thousand only);                                 |
| <i>(b) Purpose of the facility:</i> | Domestic Debt Restructuring;   |
| <i>(c) Persons subscribing:</i>     | Eligible investors will constitute of holders of Treasury Bills of 82 days and 365 days maturing between August 1, 2021 and July 31, 2022, only; |

- (d) *Interest payable:* Interest payable at a rate of 8.25% per annum, on the face value of the Bond, using the actual 365 day convention, on January 20 and July 20;
- (e) *Manner to be accounted for:* Consolidated Fund;
- (f) *Tenure:* 7 years;
- (g) *Other particulars:* Other particulars are contained in the Prospectus.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**S.I. 78 of 2021**

**BUSINESS TAX (AMENDMENT) ACT, 2020**

*(Act 2 of 2021)*

**Business Tax (Amendment) Act (Commencement) Notice, 2021**

In exercise of the powers conferred by section 1 of the Business Tax (Amendment) Act, 2020, the Minister responsible for Finance makes the following notice —

**Citation**

1. This notice may be cited as the Business Tax (Amendment) Act (Commencement) Notice, 2021.

**Commencement of Act 2 of 2021**

2. The Business Tax (Amendment) Act, 2020 shall come into operation on the 15th day of September 2021.

**MADE this 14th day of September, 2021.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
ECONOMIC PLANNING AND TRADE**

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**EMPLOYMENT (AMENDMENT) ACT, 2021**

*(Act 38 of 2021)*

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title
2. Amendment of Cap 69 as last amended by Act 20 of 2020
3. Commencement
4. Amendment of section 62A(3)
5. Insertion of a new section 70A
6. Amendment of section 71





## EMPLOYMENT (AMENDMENT) ACT, 2021

*(Act 38 of 2021)*



*I assent*

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

Wavel Ramkalawan  
President

*16th September, 2021*

**AN ACT to amend the Employment Act, Cap 69, to permit a worker to make a written declaration for the payment or Distribution of the worker's employment benefits on the death of the worker to a beneficiary designated by the worker in the written declaration and to give the Minister power to make Regulations in this regard; and for matters incidental thereto.**

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

### **Short title and commencement**

**1.** This Act may be cited as the Employment (Amendment) Act, 2021.

### **Amendment of Cap 69 as last amended by Act 20 of 2020**

2. This Act, amending the Employment Act, Cap. 69, shall be read and construed as one with the Employment Act, Cap.69, that was last amended by Act 20 of 2020, and which, as amended, is hereinafter referred to as the “principal Act”.

#### **Commencement**

3. This Act shall come into operation on such date as the Minister may, by Notice published in the *Gazette*, appoint.

#### **Amendment of section 62A(3)**

4. Section 62A(3) of the principal Act is amended by repealing the words “legal representative of such worker” and substituting therefor the words “estate or succession of the worker or in accordance with a declaration made by the worker under section 70A, as the case may be,”.

#### **Insertion of a new section 70A**

5. The principal Act is amended by inserting immediately after section 70 the following new section —

“**70.A** Notwithstanding any law, a worker may make a declaration stipulating that benefits arising out of the worker's employment with his employer and standing to the worker's credit with his employer on the date of the worker's death be paid or distributed by his employer upon the worker's death to beneficiaries designated by the worker in the declaration made by the worker.”.

#### **Amendment to section 71**

6. Section 71 is amended as follows —

(a) by inserting a new subsection (h) as follows —

“(h) prescribing the manner, circumstances and forms for a worker to make a declaration for the payment or

distribution by an employer of benefits of a worker on the death of the worker to a designated beneficiary;”.

- (b) by renumbering paragraphs (h) and (i) of this section as paragraphs (i) and (j) respectively.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 8<sup>th</sup> September, 2021.



Mrs. Tania Isaac  
Clerk to the National Assembly