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ACCESS TO INFORMATION (AMENDMENT) ACT, 2021

(Act 48 of 2021)

ARRANGEMENT OF SECTIONS

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ACCESS TO INFORMATION (AMENDMENT) ACT, 2021

(Act 48 of 2021)



I assent

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

Wavel Ramkalawan
President

5th November, 2021

AN ACT TO AMEND THE ACCESS TO INFORMATION ACT, 2018 (*ACT 4 OF 2018*).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Access to Information (Amendment) Act, 2021, and shall be read and construed as one with the Access to Information Act, 2021, (Act 4 of 2018), which, as amended, is hereinafter referred to as the “principal Act”.

Amendment of section 7

2. Section 7 is amended by inserting immediately after subsection (2), a new subsection (3) as follows —

“(3) On or before the end of January of every year, the Chief Executive Officer shall cause to be published in the Gazette a list of all Information Officers designated by a public body between the period 1 January and 31 December of the preceding year specifying the date of their appointment and cessation of office.”

Substitution of section 45

3. The principal Act is amended by repealing section 45 and substituting therefor the following —

“Limitation on outside work

45.(1) The Chief Information Commissioner and Information Commissioners shall not, during their terms of office, hold office in, or take employment with, a public body or a political party or engage in any partisan political activity.

(2) Subject to the Public Services Orders, the Chief Executive Officer shall not, during his or her term of office, hold any office in, or take employment with, any other public body or a political party.”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 12th October, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)
(No. 2) ACT, 2021**

(Act 49 of 2021)

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**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)
(No. 2) ACT, 2021**

(Act 49 of 2021)



I assent

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

Wavel Ramkalawan
President

8th November, 2021

AN ACT TO MAKE AMENDMENTS TO CERTAIN ENACTMENTS AND TO REPEAL THE DETENTION REVIEW TRIBUNAL DECREE, CAP. 62, AND THE PEACE OFFICERS (INNER ISLANDS AND OUTLYING ISLANDS) ACT, CAP. 157.

ENACTED by the President and the National Assembly.

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the Statute Law Revision (Miscellaneous Amendments) (No. 2) Act, 2021.

PART 2 CRIMINAL PROCEDURE CODE

Revision of the Criminal Procedure Code

2. In this Part, the “Code” means the Criminal Procedure Code, Cap. 54.

Amendment of section 2

3. Section 2 of the Code is amended —
- (a) in the definition of “judicial officer” by repealing the words “, a Justice of the Peace,”;
 - (b) in the definition of “advocate” by repealing the words “a barrister or attorney” and substituting therefor the words “an Attorney-at-Law”;
 - (c) by inserting in the proper alphabetical order, the following new definitions —

“**imprisonment for life**” means imprisonment for the duration of a person's natural life;

“**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;”

Amendment of section 14

4. Section 14 of the Code is amended —
- (a) by renumbering the existing section as subsection (1);
 - (b) in subsection (1) by repealing the full stop and substituting therefor the words —

“:

Provided that whenever the person arrested can be admitted to bail and bail is granted, such person shall not be

searched unless there are reasonable grounds for believing that the person has in that person's possession any —

- (a) stolen property;
 - (b) instrument of violence or weapon;
 - (c) tool connected with the kind of offence which the person or another person is alleged to have committed; or
 - (d) other article, item or thing which may provide evidence against the person in regard to the offence which that person is alleged to have committed.”
- (c) by inserting immediately after subsection (1) the following as new subsections —

“(2) The right to search an arrested person shall be exercised with strict regard to decency.

(3) Where any property or item has been taken from a person under this section and such person is not charged before any court but is released on the grounds that there is not sufficient reason to believe that the person has committed any offence, any property or item taken from that person under this section shall forthwith be restored to the person unless the property or item is relevant to an investigation or the law prohibits the person from being in possession of the property or item.

(4) An arrested person shall be provided with a receipt for any property which has been taken from that person under this section, and the receipt shall specify the property.”

Amendment of section 58C

5. Section 58C(2) of the Code is amended by repealing the words “a

fine of R 10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 227

6. Section 227 of the Code is amended —

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

“(b) members of the National Assembly or a Minister”;

(b) in paragraph (d) by repealing the words “Seychelles People's Defence Force” and substituting therefor the words “the Defence Force of Seychelles”;

(c) in paragraph (g) by repealing the words “, barristers and” and substituting therefor the word “and”.

Amendment of section 271

7. Section 271(3) of the Code is amended by repealing the words “, provided that he shall not be convicted of a capital offence unless one half of the jury find him guilty of a capital offence”.

Amendment of section 272

8. Section 272 of the Code is amended repealing subsections (3), (4), (5), (6) and (7).

Repeal of sections 276, 277 and 278

9. Sections 276, 277 and 278 of the Code are repealed.

Amendment of headings in Part IX

10. The Code is amended in Part IX —

(a) by repealing the heading “Sentences and their Execution” and substituting therefor the following —

“Sentences”;

- (b) by repealing the heading “SENTENCE OF DEATH”;

Repeal of section 280

11. Section 280 of the Code is repealed.

Amendment of section 281

12. Section 281 of the Code is amended by repealing the words “, not being a sentence of death”.

Amendment of section 288

13. Section 288 of the Code is amended by repealing the words “The People's Assembly” and substituting therefor the words “The National Assembly”.

Amendment of section 309

14. Section 309(2) of the Code is amended by repealing the words “exceeding one hundred rupees only” and substituting therefor the words “exceeding SCR 1, 000”.

Amendment of Schedules to the Code

15. The Schedules to the Code are amended —
- (a) by repealing the words “Justice of the Peace”, wherever they appear;
- (b) in the Fifth Schedule by repealing “Form XVIII Warrant of Commitment of Person Sentenced to Death”.

PART 3 COURTS ACT

Revision of the Courts Act

16. In this Part, the “principal Act” means the Courts Act, Cap. 52, as amended.

Amendment of section 2

17. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition —

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

Amendment of section 3

18. Section 3 of the principal Act is amended by repealing subsection (2).

Amendment of section 18

19. Section 18 of the principal Act is amended —

(a) by repealing subsection (3) and substituting therefor the following —

“(3) The Registrar shall be an Attorney-at-Law.”

(b) by renumbering subsection (4) as subsection (5);

(c) by inserting immediately after subsection (3) the following new subsection —

“(4) For avoidance of doubt, the President may, after consultation with the Chief Justice, appoint a Master of the Supreme Court as the Registrar.”

Repeal and replacement of section 19

20. The principal Act is amended by repealing section 19 and substituting therefor the following —

“Powers and functions of the Registrar

19.(1) The Registrar shall have custody of the seal of the Supreme Court and of all records, documents and papers of the Court.

(2) The Registrar shall have such power and authority and perform such duties as shall be necessary for the due conduct and discharge of the business of the Supreme Court and such other duties as the Chief Justice may direct.

(3) The powers and functions of the Registrar shall be set out in regulations made by the Chief Justice.”

Amendment of section 23

21. Section 23 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “a fine of R. 2000” and substituting therefor the words “a fine of level 4 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine of R. 1000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 24

22. Section 24 of the principal Act is amended —

- (a) by repealing the following definitions —

“(i) “Magistrate”;

(ii) “Senior Magistrate”;

- (b) by inserting in the proper alphabetical order, the following new definition —

““Magistrate” includes the Chief Magistrate, a Senior Magistrate or Magistrate exercising the powers and jurisdictions of a Magistrate under this Act or any other law;”.

Amendment of section 25

23. Section 25 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “fit and proper persons” and substituting therefor the words “Attorneys-at-Law”;
- (b) by inserting immediately after subsection (2) the following new subsections —

“(3) The Chief Justice shall designate one of the Senior Magistrates as the Chief Magistrate.

(4) Subject to any written law and the powers and directions of the Chief Justice, the Chief Magistrate shall be responsible for the administration of the Magistrates' Courts.”

Amendment of section 25A.

24. Section 25A. of the principal Act is amended —

- (a) by renumbering subsections (1), (2) and (3) as subsections (2), (3) and (4);
- (b) by inserting following as subsection (1) —

“(1) The Chief Magistrate shall be entitled upon designation to the following —

- (a) a monthly salary of a sum specified at step 8 of salary band-15 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 months be progressed to the next step in accordance with that salary band;
- (b) a transport allowance of SCR 2, 800 per month;

- (c) a gratuity of 25% of the total salary paid during each calendar year;
- (d) upon completion of every five years of service, or part thereof in the case of vacation of office otherwise than by being removed from office, a gratuity of an amount equal to 50% of the salary earned during that period.”

Repeal of Part IV

25. The principal Act is amended by repealing Part IV and sections 45, 46 and 47.

Insertion of new section 49A.

26. The principal Act is amended by inserting immediately after section 49 the following as section 49A. —

“Procedural assistance to person with disability

49A. Where a person living with a disability appears before a court, the court shall request that the Government provides procedural assistance to that person in the form of professional sign language interpretation, braille technology and any other procedural assistance that the Government can reasonably provide.”

Transitional provision

27. On the day when this Act comes into operation, if the person holding the office of Senior Magistrate or Magistrate is not an Attorney-at-Law, that person shall continue in office and shall be eligible for re-appointment under a continuous contract.

PART 4

COURT FEES (SUPREME COURT) AND COSTS ACT

Revision of the Court Fees (Supreme Court) and Costs Act

28. In this Part, the “principal Act” means the Court Fees (Supreme Court) and Costs Act, Cap. 53, as amended.

Repeal and replacement of section 4

29. The principal Act is amended by repealing section 4 and substituting therefor the following —

“Power to alter or add to First Schedule

4. The Chief Justice, in consultation with the Minister responsible for finance, may alter, amend or add to the fees contained in the First Schedule.”

Repeal and replacement of section 22

30. The principal Act is amended by repealing section 22 and substituting therefor the following —

“Power to alter or add to Second Schedule

22. The Chief Justice, in consultation with the Minister responsible for finance, may alter, amend or add to the fees contained in the Second Schedule and make rules for more effectually carrying out the purposes and provisions of this Part.”

PART 5**WITNESSES TARIFF ACT****Revision of the Witness Tariff Act**

31. In this Part, the “principal Act” means the Witness Tariff Act, Cap. 248.

Amendment of section 2

32. Section 2 of the principal Act is amended by repealing the words “with the approval of the Minister” and substituting therefor the words “, in consultation with the Minister responsible for finance,”.

Amendment of section 5

33. Section 5 of the principal Act is amended by repealing the words “, Magistrate, or Justice of Peace” and substituting therefor the words “or Magistrate”.

Amendment of section 8

34. Section 8 of the principal Act is amended by repealing the words “, the Registrar, or the Justices of the Peace” and substituting therefor the words “or the registrar”.

**PART 6
COMMISSIONS OF INQUIRY ACT****Amendment of section 14 of the Commissions of Inquiry Act**

35. The Commissions of Inquiry Act, Cap. 39, is amended in section 14 by repealing the words “one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

**PART 7
DETENTION REVIEW TRIBUNAL DECREE****Repeal of Detention Review Tribunal Decree**

36. The Detention Review Tribunal Decree, Cap. 62, is repealed.

**PART 8
PEACE OFFICERS (INNER ISLANDS AND OUTLYING ISLANDS) ACT****Repeal of Peace Officers (Inner Islands and Outlying Islands) Act**

37. The Peace Officers (Inner Islands and Outlying Islands) Act, Cap. 157, is repealed.

**PART 9
MISUSE OF DRUGS ACT****Revision of the Misuse of Drugs Act**

38. In this Part, the “principal Act” means the Misuse of Drugs Act, 2016.

Amendment of the principal Act

39. The principal Act is amended —

- (a) by repealing the following words, wherever they appear —
 - (i) “chief officer of NDEA or”;
 - (ii) “the chief officer of NDEA”; and
 - (iii) “or the chief officer of NDEA”;
- (b) by repealing the words “NDEA or police”, wherever they appear, and substituting therefor the words “the police”.

Amendment of section 2

40. Section 2 of the principal Act is amended —

- (a) by repealing the following definitions —
 - “(i) “chief officer of NDEA”;
 - (ii) “NDEA”;
 - (iii) “NDEA Act”
 - (iv) “NDEA agent””
- (b) in the definition of “officer” repealing the words “NDEA agent”;

Amendment of section 30

41. Section 30(3) of the principal Act is amended by repealing the words “by NDEA under subsection (1) shall be made available to Police, and” and substituting therefor the words “in accordance with subsection (1)”.

Amendment of section 34

42. Section 34(2) of the principal Act is amended by repealing the words “, the chief officer of NDEA,”.

Amendment of section 41

43. Section 41(4) of the principal Act is amended by repealing the words “NDEA and police shall maintain a shared electronic record of all formal cautions” and substituting therefor the words “The police shall maintain an electronic record of all formal cautions”.

Amendment of section 46

44. Section 46(5)(a) of the principal Act is amended by repealing the words “to NDEA” and substituting therefor the words “to the police”.

**PART 10
COMPUTER MISUSE ACT****Revision of the Computer Misuse Act**

45. In this Part, the “principal Act” means the Computer Misuse Act, Cap. 254.

Amendment of section 3

46. Section 3 of the principal Act is amended by repealing the words “a fine of R20, 000” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 4

47. Section 4 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “a fine of R30, 000” and substituting therefor the words “a fine of level 5 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine of R10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 5

48. Section 5(1) of the principal Act is amended by repealing the words “a fine of R20, 000” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 10

49. Section 10 of the Act is amended by repealing the words “a fine of R10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

PART 11
THE GENOCIDE ACT 1969 (OVERSEAS TERRITORIES) ORDER 1970

Revision of the Genocide Act 1969 (Overseas Territories) Order 1970

50. In this Part, the “principal Act” means the Genocide Act 1969 (Overseas Territories) Order, 1970, Cap. 88.

Repeal and replacement of sections 1, 2 and 3

51. The principal Act is amended by repealing sections 1, 2 and 3, and substituting therefor the following —

“Citation

1. This Act may be cited as the Genocide Act.

Interpretation

2.(1) In this Act —

“Convention” means the Convention on the Prevention and Punishment of the Crime of Genocide approved and proposed for signature and ratification or accession by the General Assembly of the United Nations on 9 December 1948.

(2) Any word or expression to which a meaning has been assigned in the Convention shall bear the same meaning when used in this Act.

Genocide

3.(1) A person commits an offence of genocide if that person commits any act falling within the definition of 'genocide' in Article II of the Convention as set out in Schedule 1 to this Act.

(2) A person convicted of an offence of genocide is liable on conviction in Seychelles —

- (a) if the offence consists of the killing of any person, be sentenced to imprisonment for life;
- (b) in any other case, be liable to imprisonment for a term not exceeding 14 years.

Application of Extradition Act

4.(1) The Extradition Act shall apply to this Act.

(2) For the purposes of the Extradition Act, no offence which, if committed in Seychelles, would be punishable as an offence of genocide or as an attempt, conspiracy or incitement to commit such an offence shall be regarded as an offence of a political character, and no proceedings in respect of such an offence shall be regarded as a criminal matter of a political character.

SCHEDULE 1

(Section 3)

ARTICLE II OF THE GENOCIDE CONVENTION

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such —

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;

- (e) forcibly transferring children of the group to another group.”

PART 12

PROHIBITION OF TRAFFICKING IN PERSONS ACT

Amendment of section 12 of the Prohibition of Trafficking in Persons Act

52. The Prohibition of Trafficking in Persons Act, 2014, is amended in section 12 —

- (a) in subsection (1) —
 - (i) in paragraph (c) by repealing immediately after the words “subject to retaliation;” the word “or”;
 - (ii) by renumbering paragraph (d) as paragraph (f);
 - (iii) by inserting the following new paragraphs —
 - “(d) there is a need to preserve that anonymity of the witness or of any person who might be identified in the evidence given by the witness;
 - (e) there is a need to ensure that the identity of the witness is not disclosed in or in connection with the proceedings under this Act; or”
- (b) by renumbering subsections (2) and (3) as subsections (3) and (4);
- (c) by inserting immediately after subsection (1) the following new subsection

“(2) The Witness Protection Act, 2015, and regulations made thereunder shall apply mutatis mutandis to an application made in respect of subsection (1)(d) or (e) of this section.”

PART 13 PRISONS ACT

Revision of the Prisons Act

53. In this Part, the “principal Act” means the Prisons Act, Cap. 180.

Amendment of Prisons Act

54. The principal Act is amended —

- (a) by repealing the words “Superintendent of Prisons”, wherever they appear, and substituting therefor the words “Commissioner of Prisons”;
- (b) by repealing the word “Superintendent”, wherever it appears, and substituting therefor the word “Commissioner”.

Amendment of section 2

55. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definitions —

““Minister” means the Minister responsible for prisons;

“weapon” means any baton, taser, shield or instrument approved for use by the Minister;”

Amendment of section 8

56. Section 8 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “and (5)” and substituting therefor the words “to (6)”;
- (b) by renumbering subsections (4) and (5) as subsections (5) and (6);
- (c) by inserting immediately after subsection (3) the following as subsection (4)

“(4) Subject to this section, a prison officer may use any weapon —

- “(a) against any person who does any act or attempts to do any act to facilitate the escape of any prisoner;
- (b) against any person engaged in any attempt to damage or force or break open —
 - (i) the outside door or gate or enclosure wall of a prison or any other part of a prison;
 - (ii) any part of any vehicle in which a prisoner is conveyed.”

Amendment of section 10

57. Section 10 of the principal Act is amended by inserting immediately after the words “another prison officer” the words “, and on the approval of the senior prison officer on duty”.

Insertion of new section 23A.

58. The principal Act is amended by inserting immediately after section 23 the following as section 23A. —

“Medical examination of prisoners

23A.(1) All prisoners shall be medically examined by the Medical Officer of Prisons or such other medical practitioner for any communicable, infectious or contagious disease on reception into the prison and at least once every 6 months thereafter whilst in the lawful custody of the Commissioner.

(2) A prisoner may make a request to the Commissioner to be examined by the Medical Officer of Prisons or such other medical practitioner for any disease or illness including a disease specified in subsection (1) and the request shall be acted on and recorded.

(3) The Medical Officer of Prisons or such other medical practitioner shall seek the prisoner's consent to proceed with a medical examination and inform the prisoner of the right of the prisoner to refuse to be medically examined.

(4) Where a prisoner does not give consent or refuses to be medically examined pursuant to subsection (1), the Medical Officer of Prisons or such other medical practitioner shall immediately inform the Commissioner and the Commissioner may —

- (a) isolate the prisoner from other prisoners on the recommendation of the Medical Officer of Prisons or such other medical practitioner subject to paragraph (b) or (c);
- (b) make an application by way of a notice of motion and an accompanying affidavit seeking an order from the Supreme Court to have the prisoner medically examined by the Medical Officer of Prisons or such other medical practitioner;
- (c) make a report under section 25 of the Public Health Act, 2015, to the Public Health Commissioner, on the recommendation of the Medical Officer of Prisons or such other medical practitioner, if there is reasonable cause to believe that the prisoner is suffering from any disease or condition of public health importance specified in the Integrated Disease Surveillance and Response Manual.

(5) Where the Supreme Court has made an order under subsection 4(b), the Commissioner shall inform the prisoner —

- (a) of the order of the court before the medical examination is conducted by the Medical Officer of Prisons or such other medical practitioner; and

- (b) that reasonable force may be used to conduct the medical examination if the prisoner refuses to comply with the order of the court; and
- (c) that it is an offence to refuse to be medically examined or to obstruct or hinder the medical examination.

(6) A prisoner who commits an offence under this section is liable on conviction to a term of imprisonment not exceeding 2 years or a fine of level 3 on the standard scale, or to both such fine and imprisonment.”

Insertion of new section 26A.

59. The principal Act is amended by inserting immediately after section 26 the following as section 26A.

“Transfer of prisoners for interview and inquiries

26A.(1) The Commissioner may in writing authorize the temporary transfer of a prisoner from a prison to any other location within Seychelles —

- (a) to enable the prisoner —
 - (i) to answer a charge;
 - (ii) to appear as a prosecution witness;
 - (iii) to help the police in locating the body of a deceased person;
 - (iv) to help find or recover hidden items, firearms, explosives or stolen property;
 - (v) to identify premises in connection with criminal investigations;
 - (vi) to take part in an identification parade; or

(b) where it is otherwise necessary in the interest of justice or for the purpose of a public inquiry.

(2) Where a prisoner is transferred to a place or location pursuant to subsection (1) —

(a) the period during which the prisoner is absent from the prison shall count towards the prisoner's sentence as if the prisoner is continuously being held in prison;

(b) the prisoner shall not be transferred to any other place without the prior written authorization of the Commissioner.

(3) The Minister may make regulations relating to the transfer of prisoners under this section for purpose of law enforcement.”

Amendment of section 29

60. Section 29 of the principal Act is amended —

(a) by repealing the words “a period not exceeding 2 months”, wherever they appear, and substituting therefor the words “a period not exceeding 6 months”;

(b) by repealing the words “R500” and substituting therefor the words “SCR 10, 000”.

Repeal and replacement of section 40

61. Section 40 of the principal Act is repealed and substituted therefor the following —

“Visits by Religious Representatives

40.(1) The Commissioner may authorize persons nominated

by the religion and denomination of a prisoner at a prison as a religious representative for the prison.

(2) An authorization made under subsection (1) shall take into account the rights of the prisoner and the spiritual needs of the prisoner.

(3) A religious representative may —

- (a) meet with individual prisoners or groups of prisoners;
- (b) provide religious books to prisoners;
- (c) conduct religious ceremonies and observances;
- (d) provide appropriate counselling and support to prisoners.

(4) A prisoner shall not be required to attend or participate in religious services and observance, nor to meet any religious representative.”

Amendment of section 41

62. Section 41 of the principal Act is amended by repealing the words “2 years”, wherever they appear, and substituting therefor the words “5 years”.

Amendment of section 44

63. Section 44 of the principal Act is amended by repealing the words “a fine SCR20, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 44A

64. Section 44A of the principal Act is amended by repealing the words “a fine of SCR20, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

PART 14
PROBATION OF OFFENDERS ACT

Amendment of section 2 of the Probation of Offenders Act

65. The Probation of Offenders Act, Cap. 184, is amended in section 2 by repealing the definition of “Judicial Officer” and substituting therefor the following definition —

““Judicial Officer” means a Judge, a Magistrate or the Registrar or Assistant Registrar of the Supreme Court;”.

PART 15
REHABILITATION OF OFFENDERS ACT

Amendment of section 8 of the Rehabilitation of Offenders Act

66. Section 8 of the Rehabilitation of Offenders Act, Cap. 307, is amended —

- (a) in subsection (2) by repealing the words “a fine not exceeding R10, 000” and substituting therefor the words “a fine of level 2 on the standard scale”;
- (b) in subsection (4) by repealing the words “a fine of R20, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

PART 16
DEFENCE ACT

Revision of the Defence Act

67. In this Part, the “principal Act” means the Defence Act, Cap. 58, as amended.

Amendment of section 2

68. Section 2 of the principal Act is amended —

- (a) by repealing the following definitions —

- (i) “Airforce”;
 - (ii) “Army”;
 - (iii) “Defence Force”;
- (b) by inserting in the proper alphabetical order, the following new definitions —

“**Airforce**” means Seychelles Air Force;

“**Army**” means Seychelles Land Force;

“**cadet**” means a member of the Seychelles National Cadet Corps;

“**civilian employee**” means a person who is not enrolled in the Defence Force;

“**Defence Force**” means the Defence Forces of Seychelles as established by article 162 of the Constitution;”

Repeal and replacement of section 3

69. Section 3 of the principal Act is repealed and substituted therefor the following —

“Composition of the Defence Forces of Seychelles

3.(1) There shall be established and maintained in Seychelles a force to be known as the “Defence Forces of Seychelles”.

- (2) The Defence Forces of Seychelles shall comprise —
- (a) the Seychelles Land Force;
 - (b) the Seychelles Air Force;
 - (c) the Seychelles Coast Guards; and

- (d) such other Forces as the President may prescribe by Order published in the Gazette.”

Amendment of section 5

70. Section 5 of the principal Act is amended by repealing the words “Subject to this Act” and substituting therefor the words “Subject to the Constitution”.

Amendment of section 15

71. Section 15 of the principal Act is amended by repealing the words “a fine not exceeding Rs 2000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 23

72. Section 23 of the principal Act is amended by repealing the words “without the consent in writing of his parents or his guardian or, when the parents or guardian are dead or unknown, of the President”.

Amendment of section 24

73. Section 24 of the principal Act is amended by repealing subsection (3).

Insertion of New Part VIB.

74. The principal Act is amended by inserting immediately after Part VIA. the following new Part as Part VIB. —

“Part VIB Appointment of Civilians

Appointment of Civilians

35F.(1) A civilian employee may be appointed to work in the Defence Force where —

- (a) the Defence Force does not have appropriately qualified or adequately ced

experienced military personnel to fill a vacancy;

- (b) the Defence Force does not have the human resource to provide certain services required by the Defence Force.

(2) A civilian employee shall be appointed by contract.

Secrecy

35G.(1) A civilian employee shall not, at any time during the course of employment or after the termination of the contract, divulge to any person, except with the express permission of the Chief of the Defence Force or such other authorized member of the Defence Force, any information relating to or which came into the civilian employee's possession during the course of employment.

(2) Any civilian employee who contravenes subsection (1) commits an offence and is liable on conviction to a fine of level 4 on the standard scale or to imprisonment for a term not exceeding 5 years or to both such fine and term of imprisonment.

Delivery of documents

35H.(1) A civilian employee shall, upon the termination of the contract, deliver to the Chief of the Defence Force or such other authorized member of the Defence Force, all correspondence, documents and any property belonging to the Defence Force or the Government which is in the possession or under the control of the civilian employee.

(2) Any civilian employee who contravenes subsection (1) commits an offence and is liable on conviction to a fine a fine of level 3 on the standard scale or to imprisonment for a term not exceeding 2 years or to both such fine and term of imprisonment.

Civilians shall not be subject to military law

35I. A civilian employee is not liable to any offence under the Defence Forces (Offences) Act, Cap. 59, but shall be tried before a Magistrate or a Judge for any offence committed under section 35G. or 35H. of this Act.”

Insertion of New Part VIC.

75. The principal Act is amended by inserting immediately after Part VIB. the following new Part as Part VIC. —

“Part VIC
Seychelles National Cadet Corps

Establishment of Seychelles National Cadet Corps

35J.(1) There is established the Seychelles National Cadet Corps.

(2) The command and training of the Seychelles National Cadet Corps are the responsibility of the Defence Force.

Employment in the Seychelles National Cadet Corps

35K.(1) Notwithstanding any written law, a person who has attained the age of 16 years and is not above the age of 18 years may be employed in the Seychelles National Cadet Corps on the written consent of the parents or guardian of that person.

(2) A person who desires to be employed in the Seychelles National Cadet Corps shall make an application to the Chief of the Defence Force in the prescribed form.

(3) A person employed in the Seychelles National Cadet Corps shall not bear arms.

Regulation of Cadet Corps

35L.(1) The Commander-in-Chief may make

regulations that are necessary or convenient for carrying out or giving effect to this Part.

(2) Without prejudice to the generality of subsection (1), the Commander-in-Chief may make regulations in relation to —

- (a) the length of service and maximum age of cadets;
- (b) the disciplinary code to be followed in respect of cadets, which shall be prepared in consultation with the Minister responsible for education and the Minister responsible for children affairs;
- (c) the programme of training, projects and qualifications tests to be undertaken by cadets;
- (d) the discharge of cadets;
- (e) the order of dress to be worn by cadets;
- (f) any other matters necessary for the good management of the Cadet Corps.

Call-out of Seychelles National Cadet Corps in emergency

35M.(1) In the event of a public emergency in Seychelles, the Commander-in-Chief may, by Order published in the Gazette, direct that the Seychelles National Cadet Corps or any part thereof be called out for service in aid of the civil community.

(2) The Commander-in-Chief shall not call out the Seychelles National Cadet Corps or any part thereof in aid of the civil power where a situation threatening national security or the preservation of public order exists.

Cadets shall not be subject to military law

35N. A cadet is not liable to any offence under the Defence Forces (Offences) Act, Cap. 59 but may be subject to such disciplinary code made under section 35L.(2)(b).”

**PART 17
DEFENCE FORCE (OFFENCES) ACT****Revision of the Defence Force (Offences) Act**

76. In this Part, the “principal Act” means the Defence Force (Offences) Act, Cap. 59.

Amendment of section 2

77. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following new definition —

“**military police officer**” means a member of the Defence Force performing the duties and functions of a provost officer or provost-marshal;

Amendment of section 4

78. Section 4 of the principal Act is amended by repealing the words “or the Militia”.

Insertion of new sections 16A. and 16B.

79. The principal Act is amended by inserting immediately after section 16 the following as sections 16A. and 16B. —

“Military Police

16A.(1) A military police officer may —

- (a) exercise the powers of arrest in accordance with section 10;
- (b) execute a warrant of arrest under section 11;

- (c) use such force as is reasonably necessary to effect an arrest as stipulated in section 12;
- (d) exercise powers of arrest conferred under any law in so far as the law applies to the Defence Force or to any person, area, land, premises or property under the protection or control of the Defence Force.

(2) A military police officer may at any time and in any place perform any of the following functions in relation to the Defence Force —

- (a) the prevention and combating of crime by a member of the Defence Force;
- (b) the investigation of any offence or alleged offence committed by a member of the Defence Force;
- (c) assist in the maintenance of discipline, law and order in the Defence Force;
- (d) assist in the regulation and management of establishments such as military prisons;
- (e) any other function that may be determined by the Commander-in-Chief.

(3) A military police officer shall have —

- (a) the same powers of arrest as a police officer over a person not subject to military law who is on any premises under the control or occupancy of the Defence Force; and
- (b) power to arrest a person not subject to military law who wilfully obstructs any military operation, training, function or event.

(4) Any person not subject to military law who wilfully obstructs any military operation, training, function or event commits an offence and is liable on conviction before the Supreme Court to a term of imprisonment not exceeding 2 years or a fine of level 3 on the standard scale, or to both such fine and imprisonment —

Search of Premises by Military Police

16B. Where any military police officer acting with a warrant of arrest issued under section 11 or acting without a warrant of arrest under section 10 has reason to believe that any member of the Defence Force to be arrested has entered into or is within any premises, the person residing on or in charge of such premises shall, on demand of any military police officer, allow the military police officer free entry thereto and afford all reasonable facilities for search therein for the member of the Defence Force to be arrested.”

Amendment of section 22

80. Section 22(1) of the principal Act is amended by inserting immediately after the words “giving effect to this Act” the words “, and to amend any Schedule”.

PART 18 PRESERVATION OF PUBLIC SECURITY ACT

Amendment of section 2 of the Preservation of Public Security Act

81. Section 2 of the Preservation of Public Security Act, Cap. 175 is amended by repealing the definition of “public security” and substituting therefor the following —

““public security” includes —

- (a) the defence of the territory and people of Seychelles;
- (b) the securing of rights of persons under the Seychellois Charter of Fundamental Human Rights and Freedoms;

- (c) the securing of the safety of persons and property;
- (d) the prevention and suppression of rebellion, mutiny, violence, intimidation, disorder and crime, and unlawful attempts and conspiracies to overthrow the Government or the Constitution;
- (e) the maintenance of the administration of justice;
- (f) the provision of a sufficiency of the supplies and services essential to the life and well-being of the community, their equitable distribution and availability at fair prices; and
- (g) the provision of administrative and remedial measures during periods of actual or apprehensible national danger or calamity, or in consequence of any disaster or destruction from natural causes.”

PART 19

PUBLIC ASSEMBLY ACT

Revision of the Public Assembly

82. In this Part, the “principal Act” means the Public Assembly Act, 2015.

Amendment of section 14

83. Section 14 of the principal Act is amended by repealing the words “a fine of not exceeding SCR 25, 000” and substituting therefor the words “a fine of level 3 on the standard scale.”.

Amendment of section 15

84. Section 15 of the principal Act is amended by inserting immediately after the words “provisions of this Act” the words “and to amend any Schedule”.

PART 20

EXPLOSIVES ACT

Revision of the Explosives Act

85. In this Part, the “principal Act” means the Explosives Act, Cap. 77.

Amendment of section 2

86. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition —

“**Minister**” means the Minister responsible for defence;”

Amendment of section 4

87. Section 4(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 5

88. Section 5(2) of the principal Act is amended by repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 6

89. Section 6(2) of the principal Act is amended by repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 7

90. Section 7(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 9

91. Section 9(2) of the principal Act is amended by repealing the words “a fine of three thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 10

92. Section 10(4) of the principal Act is amended by repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 13

93. Section 13(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 14

94. Section 14 of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 19

95. Section 19(2) of the principal Act is amended by repealing the words “and may prescribe the maximum penalties for such offences such maximum not to exceed a fine of one thousand rupees and a period of two years imprisonment”.

**PART 21
BOILER EXPLOSIONS ACT****Revision of the Boiler Explosions Act**

96. In this Part, the “principal Act” means the Boiler Explosions Act, Cap. 17.

Amendment of section 2

97. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition

“**Minister**” means the Minister responsible for defence;”

Amendment of section 5

98. Section 5(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 6

99. Section 6(1)(a) of the principal Act is amended by repealing the words “in the United Kingdom or in France” and substituting therefor the words “approved by the Minister”.

Amendment of section 7

100. Section 7(4) of the principal Act is amended —

- (a) by repealing the words “Rs. 50” and substituting therefor the words “SCR 2, 000”;
- (b) by repealing the words “Rs. 1” and substituting therefor the words “SCR 200”.

PART 22
PROTECTED AREAS ACT

Revision of the Protected Areas Act

101. In this Part, the “principal Act” means the Protected Areas Act, Cap. 185.

Amendment of section 10

102. Section 10 of the Protected Areas Act, Cap. 185, is amended in paragraph (c) by repealing the words “one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 11

103. Section 11 of the Protected Areas Act, Cap. 185, is amended —

- (a) in subsection (1) by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”;
- (b) in subsection (2) repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 27th October, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

**MINOR OFFENCES (FIXED PENALTIES) (AMENDMENT)
ACT, 2021**

(Act 50 of 2021)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and amendment of Cap. 132
2. Amendment of section 2
3. Amendment of section 4
4. Amendment of section 6
5. Insertion of a new section 8



**MINOR OFFENCES (FIXED PENALTIES) (AMENDMENT)
ACT, 2021**

(Act 50 of 2021)



I assent

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

Wavel Ramkalawan
President

8th November, 2021

AN ACT TO AMEND THE MINOR OFFENCES (FIXED PENALTIES) DECREE (CAP. 132).

ENACTED by the President and the National Assembly.

Short title and amendment of Cap. 132

1. This Act may be cited as the Minor Offences (Fixed Penalties) (Amendment) Act, 2021, and shall be read and construed as one with the Minor Offences (Fixed Penalties) Decree, Cap.132, which is hereinafter referred to as the “principal Act”.

Amendment of section 2

2. Section 2 of the principal Act is amended as follows —

(a) in subsection (1) —

(i) in the definition of “commissioner”, by inserting after the words “Commissioner of Police” the words “or the Director General of Land Transport, as the case may be”;

(ii) in the definition of “appropriate period”, by repealing the words “3 days” and substituting therefor the words “14 days”;

(iii) by inserting in the alphabetical order the following definitions

““Minister” means the Minister responsible for land transport;

“police officer” includes a traffic warden appointed under 24A (2) of the Road Transport Act (Cap. 206);

“Registrar of the Supreme Court” includes a Deputy Registrar, Assistant Registrar or any other officer of the Registry of the Supreme Court or Magistrates' Court.”

(b) by repealing subsection (5) and substituting therefor the following —

“(5) A notice may be served on a person —

(a) by delivering or tendering it to the person;

(b) by delivering or tendering it at the person's residence, workplace or any other proper address of the person to a person who is more

than 16 years old and who is a member of the person's household or employee, agent or manager of the person, as the case may be;

- (c) by delivering or tendering it to the driver of the vehicle or the person in charge or in control of the vehicle that the person is in;
- (d) by affixing it to a vehicle which the person is occupying or which is in his possession;
- (e) by affixing it in a conspicuous place at the residence or workplace of the person or at the premises of the proper address of the person.”

- (c) by repealing subsection (6) and substituting therefor the following —

“(6) For the purpose of subsection (5), the proper address of a person on whom a fixed penalty notice is to be served shall, in the case of a body corporate, be the registered or principal office or principal place of business of that body, and, in any other case, shall be the last known address of the person to be served.”

- (d) by inserting after subsection (6) the following subsection —

“(7) The delivery, tendering or affixing of the notice under subsection (5) shall be sufficient service on the person liable for the offence.”

Amendment of section 4

- 3. Section 4 of the principal Act is amended as follows —

- (a) in subsection (3) —

- (i) by repealing the words “14 days” and substituting therefor the words “30 days”;

- (ii) by inserting after the words “Commissioner of Police” the words “ or the Director General of Land Transport, as the case may be”;
- (b) in subsection (7), in the longline, by repealing the words “R.1000” and substituting therefor the words “SCR2000”.

Amendment of section 6

4. Section 6 of the principal Act is amended in subsection (2), by repealing the words “3 months” and substituting therefor the words “6 months”.

Insertion of a new section 8

5. The principal Act is amended by inserting immediately after section 7 the following as section 8 —

“Offences and penalties

8.(1) A person commits an offence if, at the time of issuance or service of a fixed penalty notice or on delivery, tendering or affixing of a notice, as the case may be, that person

- (a) refuses to receive the notice from the officer;
- (b) refuses to give his or her name or address to the officer issuing, tendering or serving the notice;
- (c) gives a false name or address to the officer issuing, tendering or serving the notice; or
- (d) not being the person referred to in the notice, removes or interferes with a notice affixed to a vehicle or premises on which a notice has been affixed.

(2) A person who commits an offence under this Act is liable on conviction to a fine of SCR20,000 or imprisonment for 3 months or to both.”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 2nd November, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

**COMPANIES AND ASSOCIATIONS (INTERIM MEASURES)
ACT, 2021**

(Act 51 of 2021)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Act to be read and applied with other laws
4. Purposes of this Act
5. Lapse of the Act
6. Suspension of sections 114(3), 114(4) and 114(9)(b) of the Companies Act, Cap. 40
7. Extension of deadline for payment of annual fee
8. Suspension of section 12(2) of the Registration of Associations Act, Cap 201
9. Extension of deadline for filing return and audited account for the years 2019 and 2020
10. Extension of deadline for payment of percentage on profits for the years 2019 and 2020
11. Power of the Minister to extend time limit
12. Consequential amendments

SCHEDULE



**COMPANIES AND ASSOCIATIONS (INTERIM MEASURES)
ACT, 2021**

(Act 51 of 2021)

I assent



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

Wavel Ramkalawan
President

8th November, 2021

AN ACT TO EXTEND THE TIME LIMIT WITHIN WHICH (1) A COMPANY MAY PAY ITS ANNUAL FEE THAT IS DUE DURING THE YEAR 2021, (2) A COMPANY AND AN ASSOCIATION MAY SUBMIT THEIR OUTSTANDING ANNUAL RETURNS AND AUDITED ACCOUNTS AND (3) AN ASSOCIATION MAY PAY THE PERCENTAGE OF ITS PROFITS FOR THE YEARS 2019 AND 2020; AND TO SUSPEND UNTIL 31ST JULY, 2022 THE APPLICATION OF PENALTIES PAYABLE BY A COMPANY AND AN ASSOCIATION FOR FAILING TO FILE THEIR ANNUAL RETURNS AND AUDITED ACCOUNTS; AND FOR MATTERS INCIDENTAL THERETO.

ENACTED by the President and the National Assembly.

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the Companies and Associations (Temporary Measures) Act, 2021

Interpretation

2.(1) In this Act —

“association” means an association registered under the Registration of Associations Act, Cap 201;

“company” means a company incorporated or registered under the Companies Act, Cap. 40;

“Minister” means the Minister responsible for legal affairs.

(2) A word or an expression in this Act that is not defined under subsection (1) shall have the same definition assigned to it under the Companies Act, Cap. 40 and the Registration of Associations Act, Cap. 201.

Act to be read and applied with other laws

3.(1) This Act shall be read and applied together with the Companies Act, Cap. 40, and the Registration of Associations Act, Cap. 201 and the provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Companies Act, Cap. 40 and the Registration of Associations Act, Cap. 201, as the case may be.

(2) In the event of any inconsistencies between the provisions of this Act and the Companies Act, Cap. 40, or between the provisions of this Act and the Registration of Associations Act, Cap. 201, the provisions of this Act shall prevail.

Purposes of this Act

4. The purposes of this Act are to —

- (a) extend the time limit within which a company may pay the annual fee;
- (b) extend the time limit within which a company may submit annual returns by suspending the application of section 114(3) of the Companies Act, Cap . 40;

- (c) suspend the application of sections 114(4) and 114 (9)(b) of the Companies Act, cap. 40;
- (d) suspend the application of section 12(2) of the Registration of Associations Act, Cap. 201 in regard to a secretary of an association who has failed to comply with section 12(1) in respect of the years 2019 and 2020;
- (e) extend the time limit within which an association may furnish the return of the names and addresses of the officers of the association, and an audited account of the yearly revenue and expenditure, and of the assets and liabilities of the association for the years 2019 and 2020, and due for submission during the years 2020 and 2021 respectively;
- (f) extend the time limit for an association to pay the percentage of the profits of the association for the years 2019 and 2020 and due for payment during the years 2020 and 2021 respectively.

Lapse of the Act

5. Subject to sections 6and 7(3) of this Act and section 32 of the Interpretation and General Provisions Act, Cap. 103, this Act shall remain in force until it is repealed or amended, or shall cease to have effect at the end of 31st July, 2022, whichever is earlier.

Suspension of sections 114(3), 114(4) and 114(9) (b) of the Companies Act, Cap. 40

6. Notwithstanding the Companies Act, Cap. 40, sections 114(3), 114(4) and 114(9)(b) of the Companies Act, Cap. 40, are hereby suspended until 31st July, 2022.

Extension of deadline for payment of annual fee

7.(1) Notwithstanding section 330A of the Companies Act, Cap. 40, an annual fee that is due and payable during the year 2021 under that section and that has not been paid under subsection (2) shall be paid at any time before the end of 31stJuly, 2022.

(2) A company that has paid its annual fee including any penalty under section 330A(2) of the Companies Act, Cap. 40, on or after its anniversary during the year 2021, shall pay its annual fee for the year 2022 at any time before the end of 31st July, 2023.

(3) A company that has paid its annual fee for the year 2021 in accordance with subsection (1) shall pay its annual fee for the year 2022 at any time before the end of 31st July, 2023.

(4) Subject to subsection (1), the application of section 330A (2) is suspended until 31st July, 2022.

Suspension of section 12 (2) of the Registration of Associations Act, Cap. 201

8. Notwithstanding the Registration of Associations Act, Cap. 201, section 12(2) of the Registration of Associations Act, Cap. 201, shall not apply until 31st July, 2022, in relation to the secretary of an association or to an association that has failed to comply with section 12(2) in respect of returns and audited accounts for the years 2019 and 2020.

Extension of deadline for filing return and audited account for the years 2019 and 2020

9. Notwithstanding section 12 of the Registration of Associations Act, Cap. 201, the secretary of every association shall, before the 31st day of July, 2022, comply with provisions of section 12(1) of the Registration of Associations Act, Cap. 201, in respect of the years 2019 and 2020.

Extension of deadline for payment of percentage on profits for the years 2019 and 2020

10. Notwithstanding section 20 of the Registration of Associations Act, Cap. 201, every association shall pay the Principal Secretary of the Ministry of Finance the percentage of the profits of the association in respect of the years 2019 and 2020 at any time before 31st July, 2022.

Power of the Minister to extend time limit

11. The Minister may by Order published in the Gazette extend the time limits specified in sections 5, 6, 7, 8, 9 and 10.

Consequential amendments

12. The Companies Act, Cap 40, is amended to the extent specified in the Schedule to this Act.

SCHEDULE 1

(Section 12)

CONSEQUENTIAL AMENDMENTS**Amendment of section 114 of the Companies Act**

1. Section 114 of the Companies Act is amended by inserting a new subsection (15) as follows —

“(15) Any unpaid fee or penalty by a company under sections 114, 330A or any other provisions of this Act shall be a civil debt to the Government and shall be sued for and recovered by the Registrar or the Attorney General from the person liable to pay the fee or penalty in a civil action or action in accordance with the Magistrates' Court (Recovery of Government Debts) (Summary Procedure) Rules, S.I 122 of 1968, as the case may be.”

Amendment of section 330A of the Companies Act

2. Section 330A of the Companies Act, Cap. 40, is amended as follows —

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

“(1) A company registered in the register of companies under section 329A on 31December in any year shall, before 31July of the following year, pay to the Registrar an annual fee of SCR 500 or such other sum as the Minister may prescribe.”

(b) by inserting immediately after subsection (3), the following new subsections —

“(4) The Registrar shall publish a notice containing the name of a company which has failed to comply with subsection

(2) for more than 180 days and an issue of the said notice may be published one day per week for 4 successive weeks in a local newspaper, the Gazette or any other media;

(5) The Registrar shall not be liable for any publication made in good faith under subsection (4);

(6) The Registrar may strike the name of any company that was published in a notice in accordance with subsection (4) off the register where that company fails to comply with this section and pay the administrative penalty under subsection (2);

(7) The Registrar shall, immediately after striking the name of any company off the register, publish a notice in the Gazette, a local newspaper, or any media to the effect that the company in question has been struck off the register, the date on which it has been struck off and the reason for doing so.”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 2nd November, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

S.I. 99 of 2021

ENVIRONMENT PROTECTION ACT, 2016

(Act 18 of 2016)

Environment Protection (Waste Services) Regulation, 2021

In exercise of the powers conferred by section 80 (1) (c) read with section 32 (1) (b) of the Environment Protection Act, 2016, the Vice-President acting as the Minister responsible for Environment makes the following regulations —

Citation

1. These regulations may be cited as the Environment Protection (Waste Services) Regulations, 2021.

Interpretation

2. In these regulations, unless the context otherwise requires —

“Act” means the Environment Protection Act, 2016 *(Act 18 of 2016)*;

“Agency” means the Landscape and Waste Management Agency established under regulation 3 (1) of the Environment Protection (Landscape and Waste Management Agency) Regulations, 2009;

“Appeals Board” means the Appeals Board established under section 73 of the Act”;

“establishment” means any waste generating entity listed in the First Schedule;

“outdoor event” means any outdoor display, entertainment or activity organised for the public for which a permit is required by law;

“public bin” means a receptacle and its enclosure marked for the containment of municipal waste, as stated in the Third Schedule;

“registration certificate” means a certificate issued by the Agency, to the effect that the person specified therein is a waste contractor under regulation 4;

“specialised equipment” means any equipment used for undertaking waste services as specified in the registration certificate and as stipulated in Part 2 of Schedule 2;

“waste contractor” means a waste contractor registered by the Agency under regulation 4 who may provide waste services;

“waste services” means the collection, handling, transportation, treatment, disposal, processing or trade of any waste or the undertaking of any activity connected thereto; and

“waste class” means the waste class specified in the Second Schedule.

Prohibition against offering commercial waste service without licence

3.(1) A person shall not engage in commercial waste service without a registration certificate issued by the Agency under regulation 4 and a licence issued under the Licences Act (*Cap 113*).

(2) A person who engages in a waste service contrary to subregulation (1) commits an offence.

Application of registration certificate

4.(1) An application for a registration certificate to engage in a waste service shall be made in Form I under the Fifth Schedule.

(2) The Agency may require an applicant to furnish such additional document or information as it may deem necessary for making its decisions.

(3) The Agency may for reasons to be recorded in writing, approve or reject an application to engage in waste services.

(4) Where the Agency refuses to approve an application under

subregulation (3), the Agency shall, in writing, inform the applicant the reasons for rejecting to approve the application.

(5) Where an application is approved by the Agency, it shall enter the name of the applicants in the register of waste contractor and issue a registration certificate to the applicant.

(6) The registration certificate shall be issued in Form II provided under the Fifth Schedule.

(7) A waste contractor shall comply with the conditions specified in their licence in relation to —

- (a) the types of waste, collecting the waste specified in the registration certificate;
- (b) the collection of the classes of waste in the manner prescribed for that class of waste and using the appropriate transportation for classes of waste for which registration certificate is issued;
- (c) where applicable, the keeping of records of all transactions concerning waste management; and
- (d) the frequency of collection of waste as specified for the type of establishment as set forth in Third Schedule.

(8) A waste contractor's licence may be revoked if the contractor provides waste services contrary to the condition specified in the registration certificate and commits an offence.

Disposal of waste

5.(1) A waste contractor shall dispose of all waste class collected at the approved waste disposal site for that waste class and shall not dispose waste in any public bin, public place or any other place not approved by the Agency and shall pay the landfill fees as specified in the Fourth Schedule.

(2) A waste contractor who contravenes subregulation (1), commits and offence.

Waste collection contract for holding of outdoor events

6.(1) An establishment or a person organising an outdoor event shall have a valid waste service contract with a registered waste contractor for the management and disposal of the waste it generates.

(2) A waste service contract under subregulation (1) shall be considered as valid if —

- (a) it contains the names of the establishment or person organising the outdoor event and the name of registered contractor;
- (b) it contains the tipping fee applicable for disposal of waste at the approved waste disposal site;
- (c) it specifies the frequency of collection of waste which shall correspond to the size and nature of the establishments activity or event organised; and
- (d) the registration certificate of the waste contractor has not been revoked or suspended.

(3) An establishment or a person organising an outdoor event without a valid waste service contract for the management of the waste generated commits an offence.

Power to conduct onsite visit and request documents

7.(1) The Agency may, with or without notice conduct site visits at an establishment or during an outdoor event and may request information or the production of document relating to waste management.

(2) Where the Agency makes a request under subregulation (1) the establishment or person organising the outdoor event shall furnish the required information or documents to the Agency.

(3) An establishment or person organising an outdoor event who fails to comply with the request of the Agency under subregulations (1) commits an offence.

Suspension or revocation

8.(1) Where the Agency finds that a waste contractor is engaging in a waste service contrary to the condition specified in the registration certificate or is engaging in a waste service that is contrary to the waste class specified in the registration certificate, the Agency may suspend or revoke the registration certificate.

(2) Where a suspension or revocation of registration certificate is made the Agency shall communicate in writing the details of the suspension or revocation to the waste contractor and the reasons therefor.

(3) Where the registration certificate of a waste contractor has been suspended or revoked, the waste contractor shall cease to engage in any waste services.

(4) A person who continues to engage in waste services after the suspension or revocation under subregulation (1) commits an offence.

Compliance Notice

9.(1) An establishment or a person organising an outdoor event shall ensure that he or she takes all the necessary measures as may be instructed by the Agency, for the handling and management of waste generated by the establishment or the outdoor event.

(2) Where during an onsite visit under regulations 7, the Agency finds that an establishment or person organising an outdoor event is not taking necessary measures for handling and managing waste, the Agency may issue a immediate compliance notice to the establishment or person organising an outdoor event.

(3) An establishment or person who fails to comply with a compliance notice under subregulation (2) commits an offence.

Non-disposal of waste in public bins

10.(1) An establishment or person acting on behalf of the establishment or a person organising an outdoor event or persons acting on behalf of the person organising an outdoor event shall not dispose waste in any public bin or any other place not approved by the Agency.

(2) An establishment or a person who contravenes subregulation (1) commits an offence.

Records

11.(1) A waste contractor, an establishment or a person organising an outdoor event shall keep proper records of the waste collected and disposed and records of all payments made for waste collection and tipping fees.

(2) The records required to be kept under regulation (1), shall be kept by the waste contractor, establishment or a person for a period of 1 year.

(3) The receipt for payment of waste collection and the tipping fees under subregulation (1) shall serve as a rebuttable presumption that the waste has been properly disposed.

(4) A waste contractor who contravenes subregulation (1) commits an offence.

Appeals to the Appeals Board

12. A person who is aggrieved by a decision of the Agency may appeal to the Appeals Board.

Offence and penalty

13. A person who commits an offence under these regulations shall upon conviction be liable to a fine not exceeding SCR 20,000 or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

FISRT SCHEDULE

(regulation 2)

Establishments

Establishments shall include —

- (a) Persons or entities carrying out licensable activities pursuant to an Act or for which a waste contract is required;
- (b) Public bodies;
- (c) Live aboard vessels;
- (d) Food premises and mobile food vendors; and
- (e) Buildings with multiple tenants.

SECOND SCHEDULE

(regulation 2)

Waste Class and Means of Transportation of classes of waste

PART 1

Class of Waste

WASTE CLASS			
CLASS	DESCRIPTION	TREATMENT OPTION	NOTES
CLASS 1	MUNICIPAL SOLID WASTE Household/domestic waste and waste originating from communal waste bins other public collection points designated by LWMA	Landfill	Free service as part of Municipal waste collection service
CLASS 2	MIXED COMMERCIAL SOLID WASTE Commercial, industrial, tourism and institutional waste whether mixed or collected as separate fractions.	Landfill	

CLASS 3	GREEN AND BIOLOGICAL WASTE		
3A.	GREEN WASTE Plant remains , waste from forestry, landscaping, private gardens.	Landfill Compost	Applies to green waste free from foreign matter Non-compliance of waste in this class is considered as Class 2
3B.	PUTRESCENT WASTE Waste from processing of meat , fish and other foods of animal origin , animal remain, sludge	Deep burial Composting	Submit request using special waste form
3C.	OTHER (CLEAN) BIO DEGRADABLE WASTE Not specified above: processed wood paper and cardboard	Compost Landfill	Applies to biodegradable waste free from foreign matter. Non-compliance of waste in this class is considered as Class 2
CLASS 4	LIQUID WASTE Residues and liquids from waste water management facilities, septic tanks, grease traps, not containing petroleum, off-site water & waste water treatment, edible oils, waste water & sludges	Stabilisation pits Deep burial for screenings and non-stabilised sludge	Normal sewage should be disposed at wastewater treatment plants - PUC and others Submit request using special waste form
CLASS 5	BULKY WASTE End of life appliances, furniture, tyres, disused items, glass or plastic items, waste electronic and electrical equipment (w.e.e), bulky items from commercial or industrial applications	Break/Shred for material recovery or Landfilling	All material shall be deposited at designated area for bulky waste as per instruction

CLASS 6	SCRAP METAL Ferrous and non-ferrous metals light and heavy scrap including end of life vehicles	Break/Shred for material recovery	All material shall be deposited at designated scrap area as per instruction
CLASS 7	WASTE OIL Oil wastes and wastes of liquid fuels, wastes from petroleum refining, oily sludge, oil spills, bitumen not including edible oils	Oil recovery under approved scheme	For waste oil disposal scheme, refer to separate instructions issued by the Agency SR2.00 for SEYPEC SR4.50 for Waste Oil Contractor plus VAT/Taxes (if applicable) SR2.00 for LWMA
CLASS 8	CONSTRUCTION & DEMOLITION WASTE Construction and demolition wastes including excavated soil from contaminated sites, reinforced concrete, tree trunks, plastics and other waste as minor components of the waste	Landfilling Cover material	C & D waste free from contamination shall be treated as landfill cover - Class 11
CLASS 9	INERT WASTE		
9A	GLASS (whole or broken pieces) For Glass waste under the Levy system - waste is disposed according to existing Government scheme For glass waste NOT part of the LEVY SYSTEM, the landfill fee apply	Landfilling at approved site.	Disposal at approved site, which may lie outside landfill area. Administrative formalities apply - Use Special waste form Items to be disposed are FIRST weighed at Providence Landfill

9B	CEMENT	Landfilling at approved site	Disposal at approved site, which may lie outside landfill area.
CLASS 10	HAZARDOUS WASTE Waste included in this category whether collected separately or a major component of any waste load (incl. medical waste). Asbestos, Toxic chemicals, Paints, Chlorine, Ammonia, Acids, Alkalis solutions	<ul style="list-style-type: none"> Disposal via landfill of approved items on the list 	Submit using Hazardous waste form
		<ul style="list-style-type: none"> Treatment at external specialised facility 	
CLASS 11	LANDFILL COVER Sawdust, aggregates, soil, material free from other wastes	Landfill cover	Landfill cover contaminated with any material to be considered as Class 2 - Mixed waste.
CLASS 12	SPECIAL WASTE/ OTHERS		
12A	Bonded goods (SRC)	Landfill	Use Special waste form
12B	Public Health or Biosecurity procedures	Landfill	Use Special waste form
12C	Expired cooked Food, Fruit, Vegetables, Alcoholic and Non-Alcoholic beverage consignments	Disposal via approved method	Use Special waste form

12D	Ash free from other waste, Ash residues from crematoria and incinerators	Landfilling at approved site. Ashes - landfilling	Disposal at approved site, which may lie outside landfill area
ADDITIONAL FEES			
CLASS 13	PUBLIC WEIGHING		General service to any customer/client
CLASS 14	*PENALTY FEE (For part or complete non-compliance, non-adherence & false declaration of waste)		Enforced on customer/client to curb down on malpractices

*** Explanation on Surcharge Fees**

1. A penalty fee in the form of a surcharge is added to a payment in cash or credit for a customer/client, as a result of an offence in relation to non-compliance (part or whole), non-adherence to instructions given and/or providing falsified information to officers @ the landfill at any point in the process of waste disposal.
2. Surcharge applies per Trip upon committing of offence and is instantly added to the invoice bill.
3. The LWMA reserves the right to refuse entry to a customer/client at any point in time, if they have an outstanding bill yet to be paid.

PART 2**Specialised Equipment
Means of Transportation Per Class**

Waste Class	Recommended Vehicle Type
Class 1 and 2	Compactor Truck
Class 3A, 3C, 5, 6, 8 and 11	Open Truck
Class 3B	Compactor Truck or Skip
Class 4 and 7	Vacuum Truck
Class 9	Special collection and disposal Modality - as per the Agencies instruction
Class 10	Special collection and disposal Modality - as per the Agencies instruction
Class 12	Special collection and disposal Modality - as per the Agencies instruction

THIRD SCHEDULE*[regulation 4(7)(d)]*

Frequency of collection and recommended waste receptacle per Business Type and Categories

Business Type or Category	Nature of Business type and Category	Recommended Waste Receptacle of 240 Litres	Frequency of Collection *
A	Large Tourism Establishment (Hotel, Spa, Guest House)	11-18	Daily
B	Commercial Complex, Malls, Composite Building Blocks, School (Educational Faculty/Academia)	7-10	At least twice per week
C	Flats/Apartment, small tourism (Residential/Apartment/Villas/Rental) Domestic Waste from Individual House only	5-6	Daily or at least three times per week
D	Warehouse/Wholesaler Retail Shop, Supermarket	4	Daily or at least three times per week

E	Take Away, Bakery, Food Court, Snack Shop, Cafeteria, Internet Café, Restaurant	3	Twice per week
F	Small Business Hairdresser, Beauty, Cosmetic, Boutique, Tailoring, Laundry, Gifts and Stationary	1-2	weekly
G	Micro and Medium Small Enterprises	1-3	At least three times per week
H	Food Vans, Food Kiosks	1-2	Three times per week

* The Agency reserves the right not to accept the frequency of waste collection or bin capacity chosen by the individual or business, instead prescribed new instructions to change the frequency and/or capacity prior to endorsement of waste collection contract.

FOURTH SCHEDULE

(regulation 5)

Approved Fees

APPROVED LANDFILL FEES				
CLASS	DESCRIPTION	NEW RATES	TREATMENT OPTION	NOTES
CLASS 1	MUNICIPAL SOLID WASTE Household domestic waste and waste originating from communal waste bins and other public collection points designated by the Agency	Nil	Landfill	Free service as part of Municipal waste collection

CLASS 2	MIXED COMMERCIAL SOLID WASTE Commercial, industrial, tourism and institutional waste whether mixed or collected as separate fractions.	SCR75.00 per Ton	Landfill	
CLASS 3	GREEN AND BIOLOGICAL WASTE			
3A.	GREEN WASTE Plant remains , waste from forestry, landscaping, private gardens.	SCR50.00 per Ton	Landfill Compost	Applies to green waste free from foreign matter Non-compliance of waste in this class is considered as Class 2
3B.	PUTRESCENT WASTE Waste from processing of meat, fish and other foods of animal origin, animal remains or sludge	SCR500.00 per Ton	Deep burial Composting	Submit request using special waste form
3C.	OTHER (CLEAN) BIO DEGRADABLE WASTE Not specified above: processed wood paper and cardboard	SCR30.00 per Ton	Compost Landfill	Applies to biodegradable waste free from foreign matter. Non-compliance of waste in this class is considered as Class 2

CLASS 4	LIQUID WASTE Residues and liquids from waste water management facilities, septic tanks, grease traps, not containing petroleum, off-site water & waste water treatment, edible oils, waste water & sludges	SCR500.00 per Ton	Stabilisation pits Deep burial for screenings and non-stabilised sludge	Normal sewage should be disposed at wastewater treatment plants - PUC and others Submit request using special waste form
CLASS 5	BULKY WASTE End of life appliances, furniture, tyres, disused items, glass or plastic items, waste electronic and electrical equipment (w.e.e), bulky items from commercial or industrial applications	SCR100.00 per Ton	Break/Shred for material recovery or Landfilling	All material shall be deposited at designated area for bulky waste as per instruction
CLASS 6	SCRAP METAL Ferrous and non-ferrous metals light and heavy scrap including end of life vehicles	SCR100.00 per Ton	Break/Shred for material recovery	All material shall be deposited at designated scrap area as per instruction
CLASS 7	WASTE OIL Oil wastes and wastes of liquid fuels, wastes from petroleum refining, oily sludge, oil spills, bitumen not including edible oils	SCR9.18 per Litre	Oil recovery under approved scheme	For waste oil disposal scheme, refer to separate instructions issued by the Agency SR2.00 per ton for SEYPEC SR4.50 for Waste Oil Contractor plus VAT/Taxes(if applicable) SR2.00 per ton for LWMA

CLASS 8	CONSTRUCTION AND DEMOLITION WASTE Construction and demolition wastes including excavated soil from contaminated sites, reinforced concrete, tree trunks, plastics and other waste as minor components of the waste	SCR200.00 per Ton	Landfilling Cover material	Construction and Demolition Waste free from contamination shall be treated as landfill cover - Class 11
CLASS 9	INERT WASTE Glass and Cement	SCR300.00 per Ton <i>SR250.00 for the Agency</i> <i>SR50.00 for Recycling scheme</i>	Landfilling at approved site.	Disposal at approved site, which may lie outside landfill area (In absence of a Recycling scheme SR300.00 per ton is charged)
CLASS 10	HAZARDOUS WASTE Waste included in this category whether collected separately or a major component of any waste load (incl. medical waste). Asbestos, Toxic chemicals, Paints, Chlorine, Ammonia, Acids, Alkalis solutions	SCR1,200.00 per Ton	<ul style="list-style-type: none"> • Disposal via landfill of approved items on the list • Treatment at external specialised facility 	Submit using Hazardous waste form

CLASS 11	LANDFILL COVER Sawdust, aggregates, soil, material free from other wastes	SCR50.00 per Ton	Landfill cover	Landfill cover contaminated with any material to be considered as Class 2 - Mixed waste.
CLASS 12	SPECIAL WASTE/ OTHERS			
CLASS 12A	Bonded goods (SRC)	SCR250.00 per Ton	Landfill	Use Special waste form
CLASS 12B	Public Health or Biosecurity waste	SCR250.00 per Ton	Landfill	Use Special waste form
CLASS 12C	Expired cooked Food, Fruit, Vegetables, Alcoholic and Non-Alcoholic beverage consignments	SCR250.00 per Ton	Disposal via approved method	Use Special waste form
CLASS 12D	Ashes free from other waste, Ash residues from crematoria and incinerators	SCR 250.00 per Ton	Landfilling at approved site. Ashes - landfilling	Disposal at approved site, which may lie outside landfill area
ADDITIONAL FEES				
CLASS 13	PUBLIC WEIGHING	SCR 345.00 per Weighing		
CLASS 14	* SURCHARGE (For part or complete non-compliance, non-adherence & false declaration of waste)	SCR2,500.00 per Trip		Enforced on customer/clients to curb down on malpractices

***Explanation on Surcharge Fees**

1. A penalty fee in the form of a SURCHARGE is added to a payment in cash or credit for a customer/client, as a result of an offence in relation to non-compliance (part or whole), non-adherence to instructions given and/or providing falsified information to officers at the landfill at any point in the process of waste disposal.
2. Surcharge applies per trip upon non compliance and is instantly added to the invoice bill.
3. The Agency reserves the right to refuse entry to a customer or client at any point in time, if the current or outstanding bill is not settled.

FIFTH SCHEDULE*[regulation 4(1)]***Form I****Application for Registration Certificate****WASTE CONTRACTORS REGISTRATION FORM**

BUSINESS NAME:

T.I.N NUMBER:

TYPE OF VEHICLES:

VEHICLES REGISTRATION NUMBER:

NAME & SURNAME OF APPLICANT:

ADDRESS:

D.O.B:

GENDER:

NATIONALITY:

CONTACT NO:

EMAIL ADDRESS:

APPLICANT COMMENT FOR REGISTRATION

FOR OFFICIAL USE ONLY

COMMENT:

LWMA'S REPRESENTATIVE SIGNATURE:

DATE:

Form II**Waste Contractor Registration Certificate***[regulation 4(6)]*

Business Name/Owner:.....

Business Address:.....

This registration certificate is valid for years.

From.....

To.....

Date Issued:.....

Authorised Officer:.....

Specific Conditions.....

Waste Class (to be collected)

Specialised Equipment (s):.....

Official Stamp with CEOs signature	Seal of authentication
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MADE this 10th day of November, 2021.**AHMED AFIF
VICE-PRESIDENT**

S.I. 99 of 2021

ENVIRONMENT PROTECTION ACT, 2016

(Act 18 of 2016)

Environment Protection (Waste Services) Regulation, 2021

In exercise of the powers conferred by section 80 (1) (c) read with section 32 (1) (b) of the Environment Protection Act, 2016, the Vice-President acting as the Minister responsible for Environment makes the following regulations —

Citation

1. These regulations may be cited as the Environment Protection (Waste Services) Regulations, 2021.

Interpretation

2. In these regulations, unless the context otherwise requires —

“Act” means the Environment Protection Act, 2016 *(Act 18 of 2016)*;

“Agency” means the Landscape and Waste Management Agency established under regulation 3 (1) of the Environment Protection (Landscape and Waste Management Agency) Regulations, 2009;

“Appeals Board” means the Appeals Board established under section 73 of the Act”;

“establishment” means any waste generating entity listed in the First Schedule;

“outdoor event” means any outdoor display, entertainment or activity organised for the public for which a permit is required by law;

“public bin” means a receptacle and its enclosure marked for the containment of municipal waste, as stated in the Third Schedule;

“registration certificate” means a certificate issued by the Agency, to the effect that the person specified therein is a waste contractor under regulation 4;

“specialised equipment” means any equipment used for undertaking waste services as specified in the registration certificate and as stipulated in Part 2 of Schedule 2;

“waste contractor” means a waste contractor registered by the Agency under regulation 4 who may provide waste services;

“waste services” means the collection, handling, transportation, treatment, disposal, processing or trade of any waste or the undertaking of any activity connected thereto; and

“waste class” means the waste class specified in the Second Schedule.

Prohibition against offering commercial waste service without licence

3.(1) A person shall not engage in commercial waste service without a registration certificate issued by the Agency under regulation 4 and a licence issued under the Licences Act (*Cap 113*).

(2) A person who engages in a waste service contrary to subregulation (1) commits an offence.

Application of registration certificate

4.(1) An application for a registration certificate to engage in a waste service shall be made in Form I under the Fifth Schedule.

(2) The Agency may require an applicant to furnish such additional document or information as it may deem necessary for making its decisions.

(3) The Agency may for reasons to be recorded in writing, approve or reject an application to engage in waste services.

(4) Where the Agency refuses to approve an application under

subregulation (3), the Agency shall, in writing, inform the applicant the reasons for rejecting to approve the application.

(5) Where an application is approved by the Agency, it shall enter the name of the applicants in the register of waste contractor and issue a registration certificate to the applicant.

(6) The registration certificate shall be issued in Form II provided under the Fifth Schedule.

(7) A waste contractor shall comply with the conditions specified in their licence in relation to —

- (a) the types of waste, collecting the waste specified in the registration certificate;
- (b) the collection of the classes of waste in the manner prescribed for that class of waste and using the appropriate transportation for classes of waste for which registration certificate is issued;
- (c) where applicable, the keeping of records of all transactions concerning waste management; and
- (d) the frequency of collection of waste as specified for the type of establishment as set forth in Third Schedule.

(8) A waste contractor's licence may be revoked if the contractor provides waste services contrary to the condition specified in the registration certificate and commits an offence.

Disposal of waste

5.(1) A waste contractor shall dispose of all waste class collected at the approved waste disposal site for that waste class and shall not dispose waste in any public bin, public place or any other place not approved by the Agency and shall pay the landfill fees as specified in the Fourth Schedule.

(2) A waste contractor who contravenes subregulation (1), commits and offence.

Waste collection contract for holding of outdoor events

6.(1) An establishment or a person organising an outdoor event shall have a valid waste service contract with a registered waste contractor for the management and disposal of the waste it generates.

(2) A waste service contract under subregulation (1) shall be considered as valid if —

- (a) it contains the names of the establishment or person organising the outdoor event and the name of registered contractor;
- (b) it contains the tipping fee applicable for disposal of waste at the approved waste disposal site;
- (c) it specifies the frequency of collection of waste which shall correspond to the size and nature of the establishments activity or event organised; and
- (d) the registration certificate of the waste contractor has not been revoked or suspended.

(3) An establishment or a person organising an outdoor event without a valid waste service contract for the management of the waste generated commits an offence.

Power to conduct onsite visit and request documents

7.(1) The Agency may, with or without notice conduct site visits at an establishment or during an outdoor event and may request information or the production of document relating to waste management.

(2) Where the Agency makes a request under subregulation (1) the establishment or person organising the outdoor event shall furnish the required information or documents to the Agency.

(3) An establishment or person organising an outdoor event who fails to comply with the request of the Agency under subregulations (1) commits an offence.

Suspension or revocation

8.(1) Where the Agency finds that a waste contractor is engaging in a waste service contrary to the condition specified in the registration certificate or is engaging in a waste service that is contrary to the waste class specified in the registration certificate, the Agency may suspend or revoke the registration certificate.

(2) Where a suspension or revocation of registration certificate is made the Agency shall communicate in writing the details of the suspension or revocation to the waste contractor and the reasons therefor.

(3) Where the registration certificate of a waste contractor has been suspended or revoked, the waste contractor shall cease to engage in any waste services.

(4) A person who continues to engage in waste services after the suspension or revocation under subregulation (1) commits an offence.

Compliance Notice

9.(1) An establishment or a person organising an outdoor event shall ensure that he or she takes all the necessary measures as may be instructed by the Agency, for the handling and management of waste generated by the establishment or the outdoor event.

(2) Where during an onsite visit under regulations 7, the Agency finds that an establishment or person organising an outdoor event is not taking necessary measures for handling and managing waste, the Agency may issue a immediate compliance notice to the establishment or person organising an outdoor event.

(3) An establishment or person who fails to comply with a compliance notice under subregulation (2) commits an offence.

Non-disposal of waste in public bins

10.(1) An establishment or person acting on behalf of the establishment or a person organising an outdoor event or persons acting on behalf of the person organising an outdoor event shall not dispose waste in any public bin or any other place not approved by the Agency.

(2) An establishment or a person who contravenes subregulation (1) commits an offence.

Records

11.(1) A waste contractor, an establishment or a person organising an outdoor event shall keep proper records of the waste collected and disposed and records of all payments made for waste collection and tipping fees.

(2) The records required to be kept under regulation (1), shall be kept by the waste contractor, establishment or a person for a period of 1 year.

(3) The receipt for payment of waste collection and the tipping fees under subregulation (1) shall serve as a rebuttable presumption that the waste has been properly disposed.

(4) A waste contractor who contravenes subregulation (1) commits an offence.

Appeals to the Appeals Board

12. A person who is aggrieved by a decision of the Agency may appeal to the Appeals Board.

Offence and penalty

13. A person who commits an offence under these regulations shall upon conviction be liable to a fine not exceeding SCR 20,000 or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

FISRT SCHEDULE*(regulation 2)***Establishments**

Establishments shall include —

- (a) Persons or entities carrying out licensable activities pursuant to an Act or for which a waste contract is required;
- (b) Public bodies;
- (c) Live aboard vessels;
- (d) Food premises and mobile food vendors; and
- (e) Buildings with multiple tenants.

SECOND SCHEDULE*(regulation 2)***Waste Class and Means of Transportation of classes of waste****PART 1**

Class of Waste

WASTE CLASS			
CLASS	DESCRIPTION	TREATMENT OPTION	NOTES
CLASS 1	MUNICIPAL SOLID WASTE Household/domestic waste and waste originating from communal waste bins other public collection points designated by LWMA	Landfill	Free service as part of Municipal waste collection service
CLASS 2	MIXED COMMERCIAL SOLID WASTE Commercial, industrial, tourism and institutional waste whether mixed or collected as separate fractions.	Landfill	

CLASS 3	GREEN AND BIOLOGICAL WASTE		
3A.	GREEN WASTE Plant remains , waste from forestry, landscaping, private gardens.	Landfill Compost	Applies to green waste free from foreign matter Non-compliance of waste in this class is considered as Class 2
3B.	PUTRESCENT WASTE Waste from processing of meat , fish and other foods of animal origin , animal remain, sludge	Deep burial Composting	Submit request using special waste form
3C.	OTHER (CLEAN) BIO DEGRADABLE WASTE Not specified above: processed wood paper and cardboard	Compost Landfill	Applies to biodegradable waste free from foreign matter. Non-compliance of waste in this class is considered as Class 2
CLASS 4	LIQUID WASTE Residues and liquids from waste water management facilities, septic tanks, grease traps, not containing petroleum, off-site water & waste water treatment, edible oils, waste water & sludges	Stabilisation pits Deep burial for screenings and non-stabilised sludge	Normal sewage should be disposed at wastewater treatment plants - PUC and others Submit request using special waste form
CLASS 5	BULKY WASTE End of life appliances, furniture, tyres, disused items, glass or plastic items, waste electronic and electrical equipment (w.e.e), bulky items from commercial or industrial applications	Break/Shred for material recovery or Landfilling	All material shall be deposited at designated area for bulky waste as per instruction

CLASS 6	SCRAP METAL Ferrous and non-ferrous metals light and heavy scrap including end of life vehicles	Break/Shred for material recovery	All material shall be deposited at designated scrap area as per instruction
CLASS 7	WASTE OIL Oil wastes and wastes of liquid fuels, wastes from petroleum refining, oily sludge, oil spills, bitumen not including edible oils	Oil recovery under approved scheme	For waste oil disposal scheme, refer to separate instructions issued by the Agency SR2.00 for SEYPEC SR4.50 for Waste Oil Contractor plus VAT/Taxes (if applicable) SR2.00 for LWMA
CLASS 8	CONSTRUCTION & DEMOLITION WASTE Construction and demolition wastes including excavated soil from contaminated sites, reinforced concrete, tree trunks, plastics and other waste as minor components of the waste	Landfilling Cover material	C & D waste free from contamination shall be treated as landfill cover - Class 11
CLASS 9	INERT WASTE		
9A	GLASS (whole or broken pieces) For Glass waste under the Levy system - waste is disposed according to existing Government scheme For glass waste NOT part of the LEVY SYSTEM, the landfill fee apply	Landfilling at approved site.	Disposal at approved site, which may lie outside landfill area. Administrative formalities apply - Use Special waste form Items to be disposed are FIRST weighed at Providence Landfill

9B	CEMENT	Landfilling at approved site	Disposal at approved site, which may lie outside landfill area.
CLASS 10	HAZARDOUS WASTE Waste included in this category whether collected separately or a major component of any waste load (incl. medical waste). Asbestos, Toxic chemicals, Paints, Chlorine, Ammonia, Acids, Alkalis solutions	<ul style="list-style-type: none"> Disposal via landfill of approved items on the list 	Submit using Hazardous waste form
		<ul style="list-style-type: none"> Treatment at external specialised facility 	
CLASS 11	LANDFILL COVER Sawdust, aggregates, soil, material free from other wastes	Landfill cover	Landfill cover contaminated with any material to be considered as Class 2 - Mixed waste.
CLASS 12	SPECIAL WASTE/ OTHERS		
12A	Bonded goods (SRC)	Landfill	Use Special waste form
12B	Public Health or Biosecurity procedures	Landfill	Use Special waste form
12C	Expired cooked Food, Fruit, Vegetables, Alcoholic and Non-Alcoholic beverage consignments	Disposal via approved method	Use Special waste form

12D	Ash free from other waste, Ash residues from crematoria and incinerators	Landfilling at approved site. Ashes - landfilling	Disposal at approved site, which may lie outside landfill area
ADDITIONAL FEES			
CLASS 13	PUBLIC WEIGHING		General service to any customer/client
CLASS 14	*PENALTY FEE (For part or complete non-compliance, non-adherence & false declaration of waste)		Enforced on customer/client to curb down on malpractices

*** Explanation on Surcharge Fees**

1. A penalty fee in the form of a surcharge is added to a payment in cash or credit for a customer/client, as a result of an offence in relation to non-compliance (part or whole), non-adherence to instructions given and/or providing falsified information to officers @ the landfill at any point in the process of waste disposal.
2. Surcharge applies per Trip upon committing of offence and is instantly added to the invoice bill.
3. The LWMA reserves the right to refuse entry to a customer/client at any point in time, if they have an outstanding bill yet to be paid.

PART 2**Specialised Equipment
Means of Transportation Per Class**

Waste Class	Recommended Vehicle Type
Class 1 and 2	Compactor Truck
Class 3A, 3C, 5, 6, 8 and 11	Open Truck
Class 3B	Compactor Truck or Skip
Class 4 and 7	Vacuum Truck
Class 9	Special collection and disposal Modality - as per the Agencies instruction
Class 10	Special collection and disposal Modality - as per the Agencies instruction
Class 12	Special collection and disposal Modality - as per the Agencies instruction

THIRD SCHEDULE*[regulation 4(7)(d)]*

Frequency of collection and recommended waste receptacle per Business Type and Categories

Business Type or Category	Nature of Business type and Category	Recommended Waste Receptacle of 240 Litres	Frequency of Collection *
A	Large Tourism Establishment (Hotel, Spa, Guest House)	11-18	Daily
B	Commercial Complex, Malls, Composite Building Blocks, School (Educational Faculty/Academia)	7-10	At least twice per week
C	Flats/Apartment, small tourism (Residential/Apartment/Villas/Rental) Domestic Waste from Individual House only	5-6	Daily or at least three times per week
D	Warehouse/Wholesaler Retail Shop, Supermarket	4	Daily or at least three times per week

E	Take Away, Bakery, Food Court, Snack Shop, Cafeteria, Internet Café, Restaurant	3	Twice per week
F	Small Business Hairdresser, Beauty, Cosmetic, Boutique, Tailoring, Laundry, Gifts and Stationary	1-2	weekly
G	Micro and Medium Small Enterprises	1-3	At least three times per week
H	Food Vans, Food Kiosks	1-2	Three times per week

* The Agency reserves the right not to accept the frequency of waste collection or bin capacity chosen by the individual or business, instead prescribed new instructions to change the frequency and/or capacity prior to endorsement of waste collection contract.

FOURTH SCHEDULE

(regulation 5)

Approved Fees

APPROVED LANDFILL FEES				
CLASS	DESCRIPTION	NEW RATES	TREATMENT OPTION	NOTES
CLASS 1	MUNICIPAL SOLID WASTE Household domestic waste and waste originating from communal waste bins and other public collection points designated by the Agency	Nil	Landfill	Free service as part of Municipal waste collection

CLASS 2	MIXED COMMERCIAL SOLID WASTE Commercial, industrial, tourism and institutional waste whether mixed or collected as separate fractions.	SCR75.00 per Ton	Landfill	
CLASS 3	GREEN AND BIOLOGICAL WASTE			
3A.	GREEN WASTE Plant remains , waste from forestry, landscaping, private gardens.	SCR50.00 per Ton	Landfill Compost	Applies to green waste free from foreign matter Non-compliance of waste in this class is considered as Class 2
3B.	PUTRESCENT WASTE Waste from processing of meat, fish and other foods of animal origin, animal remains or sludge	SCR500.00 per Ton	Deep burial Composting	Submit request using special waste form
3C.	OTHER (CLEAN) BIO DEGRADABLE WASTE Not specified above: processed wood paper and cardboard	SCR30.00 per Ton	Compost Landfill	Applies to biodegradable waste free from foreign matter. Non-compliance of waste in this class is considered as Class 2

CLASS 4	LIQUID WASTE Residues and liquids from waste water management facilities, septic tanks, grease traps, not containing petroleum, off-site water & waste water treatment, edible oils, waste water & sludges	SCR500.00 per Ton	Stabilisation pits Deep burial for screenings and non-stabilised sludge	Normal sewage should be disposed at wastewater treatment plants - PUC and others Submit request using special waste form
CLASS 5	BULKY WASTE End of life appliances, furniture, tyres, disused items, glass or plastic items, waste electronic and electrical equipment (w.e.e), bulky items from commercial or industrial applications	SCR100.00 per Ton	Break/Shred for material recovery or Landfilling	All material shall be deposited at designated area for bulky waste as per instruction
CLASS 6	SCRAP METAL Ferrous and non-ferrous metals light and heavy scrap including end of life vehicles	SCR100.00 per Ton	Break/Shred for material recovery	All material shall be deposited at designated scrap area as per instruction
CLASS 7	WASTE OIL Oil wastes and wastes of liquid fuels, wastes from petroleum refining, oily sludge, oil spills, bitumen not including edible oils	SCR9.18 per Litre	Oil recovery under approved scheme	For waste oil disposal scheme, refer to separate instructions issued by the Agency SR2.00 per ton for SEYPEC SR4.50 for Waste Oil Contractor plus VAT/Taxes(if applicable) SR2.00 per ton for LWMA

CLASS 8	CONSTRUCTION AND DEMOLITION WASTE Construction and demolition wastes including excavated soil from contaminated sites, reinforced concrete, tree trunks, plastics and other waste as minor components of the waste	SCR200.00 per Ton	Landfilling Cover material	Construction and Demolition Waste free from contamination shall be treated as landfill cover - Class 11
CLASS 9	INERT WASTE Glass and Cement	SCR300.00 per Ton <i>SR250.00 for the Agency SR50.00 for Recycling scheme</i>	Landfilling at approved site.	Disposal at approved site, which may lie outside landfill area (In absence of a Recycling scheme SR300.00 per ton is charged)
CLASS 10	HAZARDOUS WASTE Waste included in this category whether collected separately or a major component of any waste load (incl. medical waste). Asbestos, Toxic chemicals, Paints, Chlorine, Ammonia, Acids, Alkalis solutions	SCR1,200.00 per Ton	<ul style="list-style-type: none"> • Disposal via landfill of approved items on the list • Treatment at external specialised facility 	Submit using Hazardous waste form

CLASS 11	LANDFILL COVER Sawdust, aggregates, soil, material free from other wastes	SCR50.00 per Ton	Landfill cover	Landfill cover contaminated with any material to be considered as Class 2 - Mixed waste.
CLASS 12	SPECIAL WASTE/ OTHERS			
CLASS 12A	Bonded goods (SRC)	SCR250.00 per Ton	Landfill	Use Special waste form
CLASS 12B	Public Health or Biosecurity waste	SCR250.00 per Ton	Landfill	Use Special waste form
CLASS 12C	Expired cooked Food, Fruit, Vegetables, Alcoholic and Non-Alcoholic beverage consignments	SCR250.00 per Ton	Disposal via approved method	Use Special waste form
CLASS 12D	Ashes free from other waste, Ash residues from crematoria and incinerators	SCR 250.00 per Ton	Landfilling at approved site. Ashes - landfilling	Disposal at approved site, which may lie outside landfill area
ADDITIONAL FEES				
CLASS 13	PUBLIC WEIGHING	SCR 345.00 per Weighing		
CLASS 14	* SURCHARGE (For part or complete non-compliance, non-adherence & false declaration of waste)	SCR2,500.00 per Trip		Enforced on customer/clients to curb down on malpractices

***Explanation on Surcharge Fees**

1. A penalty fee in the form of a SURCHARGE is added to a payment in cash or credit for a customer/client, as a result of an offence in relation to non-compliance (part or whole), non-adherence to instructions given and/or providing falsified information to officers at the landfill at any point in the process of waste disposal.
2. Surcharge applies per trip upon non compliance and is instantly added to the invoice bill.
3. The Agency reserves the right to refuse entry to a customer or client at any point in time, if the current or outstanding bill is not settled.

FIFTH SCHEDULE*[regulation 4(1)]***Form I****Application for Registration Certificate****WASTE CONTRACTORS REGISTRATION FORM**

BUSINESS NAME:

T.I.N NUMBER:

TYPE OF VEHICLES:

VEHICLES REGISTRATION NUMBER:

NAME & SURNAME OF APPLICANT:

ADDRESS:

D.O.B:

GENDER:

NATIONALITY:

CONTACT NO:

EMAIL ADDRESS:

APPLICANT COMMENT FOR REGISTRATION

FOR OFFICIAL USE ONLY

COMMENT:

LWMA'S REPRESENTATIVE SIGNATURE:

DATE:

Form II**Waste Contractor Registration Certificate***[regulation 4(6)]*

Business Name/Owner:.....

Business Address:.....

This registration certificate is valid for years.

From.....

To.....

Date Issued:.....

Authorised Officer:.....

Specific Conditions.....

Waste Class (to be collected)

Specialised Equipment (s):.....

Official Stamp with CEOs signature	Seal of authentication
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MADE this 10th day of November, 2021.**AHMED AFIF
VICE-PRESIDENT**

**COMPANIES AND ASSOCIATIONS (INTERIM MEASURES)
ACT, 2021**

(Act 51 of 2021)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Act to be read and applied with other laws
4. Purposes of this Act
5. Lapse of the Act
6. Suspension of sections 114(3), 114(4) and 114(9)(b) of the Companies Act, Cap. 40
7. Extension of deadline for payment of annual fee
8. Suspension of section 12(2) of the Registration of Associations Act, Cap 201
9. Extension of deadline for filing return and audited account for the years 2019 and 2020
10. Extension of deadline for payment of percentage on profits for the years 2019 and 2020
11. Power of the Minister to extend time limit
12. Consequential amendments

SCHEDULE



**COMPANIES AND ASSOCIATIONS (INTERIM MEASURES)
ACT, 2021**

(Act 51 of 2021)

I assent



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

Wavel Ramkalawan
President

8th November, 2021

AN ACT TO EXTEND THE TIME LIMIT WITHIN WHICH (1) A COMPANY MAY PAY ITS ANNUAL FEE THAT IS DUE DURING THE YEAR 2021, (2) A COMPANY AND AN ASSOCIATION MAY SUBMIT THEIR OUTSTANDING ANNUAL RETURNS AND AUDITED ACCOUNTS AND (3) AN ASSOCIATION MAY PAY THE PERCENTAGE OF ITS PROFITS FOR THE YEARS 2019 AND 2020; AND TO SUSPEND UNTIL 31ST JULY, 2022 THE APPLICATION OF PENALTIES PAYABLE BY A COMPANY AND AN ASSOCIATION FOR FAILING TO FILE THEIR ANNUAL RETURNS AND AUDITED ACCOUNTS; AND FOR MATTERS INCIDENTAL THERETO.

ENACTED by the President and the National Assembly.

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the Companies and Associations (Temporary Measures) Act, 2021

Interpretation

2.(1) In this Act —

“association” means an association registered under the Registration of Associations Act, Cap 201;

“company” means a company incorporated or registered under the Companies Act, Cap. 40;

“Minister” means the Minister responsible for legal affairs.

(2) A word or an expression in this Act that is not defined under subsection (1) shall have the same definition assigned to it under the Companies Act, Cap. 40 and the Registration of Associations Act, Cap. 201.

Act to be read and applied with other laws

3.(1) This Act shall be read and applied together with the Companies Act, Cap. 40, and the Registration of Associations Act, Cap. 201 and the provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Companies Act, Cap. 40 and the Registration of Associations Act, Cap. 201, as the case may be.

(2) In the event of any inconsistencies between the provisions of this Act and the Companies Act, Cap. 40, or between the provisions of this Act and the Registration of Associations Act, Cap. 201, the provisions of this Act shall prevail.

Purposes of this Act

4. The purposes of this Act are to —

- (a) extend the time limit within which a company may pay the annual fee;
- (b) extend the time limit within which a company may submit annual returns by suspending the application of section 114(3) of the Companies Act, Cap . 40;

- (c) suspend the application of sections 114(4) and 114 (9)(b) of the Companies Act, cap. 40;
- (d) suspend the application of section 12(2) of the Registration of Associations Act, Cap. 201 in regard to a secretary of an association who has failed to comply with section 12(1) in respect of the years 2019 and 2020;
- (e) extend the time limit within which an association may furnish the return of the names and addresses of the officers of the association, and an audited account of the yearly revenue and expenditure, and of the assets and liabilities of the association for the years 2019 and 2020, and due for submission during the years 2020 and 2021 respectively;
- (f) extend the time limit for an association to pay the percentage of the profits of the association for the years 2019 and 2020 and due for payment during the years 2020 and 2021 respectively.

Lapse of the Act

5. Subject to sections 6and 7(3) of this Act and section 32 of the Interpretation and General Provisions Act, Cap. 103, this Act shall remain in force until it is repealed or amended, or shall cease to have effect at the end of 31st July, 2022, whichever is earlier.

Suspension of sections 114(3), 114(4) and 114(9) (b) of the Companies Act, Cap. 40

6. Notwithstanding the Companies Act, Cap. 40, sections 114(3), 114(4) and 114(9)(b) of the Companies Act, Cap. 40, are hereby suspended until 31st July, 2022.

Extension of deadline for payment of annual fee

7.(1) Notwithstanding section 330A of the Companies Act, Cap. 40, an annual fee that is due and payable during the year 2021 under that section and that has not been paid under subsection (2) shall be paid at any time before the end of 31stJuly, 2022.

(2) A company that has paid its annual fee including any penalty under section 330A(2) of the Companies Act, Cap. 40, on or after its anniversary during the year 2021, shall pay its annual fee for the year 2022 at any time before the end of 31st July, 2023.

(3) A company that has paid its annual fee for the year 2021 in accordance with subsection (1) shall pay its annual fee for the year 2022 at any time before the end of 31st July, 2023.

(4) Subject to subsection (1), the application of section 330A (2) is suspended until 31st July, 2022.

Suspension of section 12 (2) of the Registration of Associations Act, Cap. 201

8. Notwithstanding the Registration of Associations Act, Cap. 201, section 12(2) of the Registration of Associations Act, Cap. 201, shall not apply until 31st July, 2022, in relation to the secretary of an association or to an association that has failed to comply with section 12(2) in respect of returns and audited accounts for the years 2019 and 2020.

Extension of deadline for filing return and audited account for the years 2019 and 2020

9. Notwithstanding section 12 of the Registration of Associations Act, Cap. 201, the secretary of every association shall, before the 31st day of July, 2022, comply with provisions of section 12(1) of the Registration of Associations Act, Cap. 201, in respect of the years 2019 and 2020.

Extension of deadline for payment of percentage on profits for the years 2019 and 2020

10. Notwithstanding section 20 of the Registration of Associations Act, Cap. 201, every association shall pay the Principal Secretary of the Ministry of Finance the percentage of the profits of the association in respect of the years 2019 and 2020 at any time before 31st July, 2022.

Power of the Minister to extend time limit

11. The Minister may by Order published in the Gazette extend the time limits specified in sections 5, 6, 7, 8, 9 and 10.

Consequential amendments

12. The Companies Act, Cap 40, is amended to the extent specified in the Schedule to this Act.

SCHEDULE 1

(Section 12)

CONSEQUENTIAL AMENDMENTS**Amendment of section 114 of the Companies Act**

1. Section 114 of the Companies Act is amended by inserting a new subsection (15) as follows —

“(15) Any unpaid fee or penalty by a company under sections 114, 330A or any other provisions of this Act shall be a civil debt to the Government and shall be sued for and recovered by the Registrar or the Attorney General from the person liable to pay the fee or penalty in a civil action or action in accordance with the Magistrates' Court (Recovery of Government Debts) (Summary Procedure) Rules, S.I 122 of 1968, as the case may be.”

Amendment of section 330A of the Companies Act

2. Section 330A of the Companies Act, Cap. 40, is amended as follows —

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

“(1) A company registered in the register of companies under section 329A on 31December in any year shall, before 31July of the following year, pay to the Registrar an annual fee of SCR 500 or such other sum as the Minister may prescribe.”

(b) by inserting immediately after subsection (3), the following new subsections —

“(4) The Registrar shall publish a notice containing the name of a company which has failed to comply with subsection

(2) for more than 180 days and an issue of the said notice may be published one day per week for 4 successive weeks in a local newspaper, the Gazette or any other media;

(5) The Registrar shall not be liable for any publication made in good faith under subsection (4);

(6) The Registrar may strike the name of any company that was published in a notice in accordance with subsection (4) off the register where that company fails to comply with this section and pay the administrative penalty under subsection (2);

(7) The Registrar shall, immediately after striking the name of any company off the register, publish a notice in the Gazette, a local newspaper, or any media to the effect that the company in question has been struck off the register, the date on which it has been struck off and the reason for doing so.”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 2nd November, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

**MINOR OFFENCES (FIXED PENALTIES) (AMENDMENT)
ACT, 2021**

(Act 50 of 2021)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and amendment of Cap. 132
2. Amendment of section 2
3. Amendment of section 4
4. Amendment of section 6
5. Insertion of a new section 8



**MINOR OFFENCES (FIXED PENALTIES) (AMENDMENT)
ACT, 2021**

(Act 50 of 2021)



I assent

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

Wavel Ramkalawan
President

8th November, 2021

AN ACT TO AMEND THE MINOR OFFENCES (FIXED PENALTIES) DECREE (CAP. 132).

ENACTED by the President and the National Assembly.

Short title and amendment of Cap. 132

1. This Act may be cited as the Minor Offences (Fixed Penalties) (Amendment) Act, 2021, and shall be read and construed as one with the Minor Offences (Fixed Penalties) Decree, Cap.132, which is hereinafter referred to as the “principal Act”.

Amendment of section 2

2. Section 2 of the principal Act is amended as follows —

(a) in subsection (1) —

(i) in the definition of “commissioner”, by inserting after the words “Commissioner of Police” the words “or the Director General of Land Transport, as the case may be”;

(ii) in the definition of “appropriate period”, by repealing the words “3 days” and substituting therefor the words “14 days”;

(iii) by inserting in the alphabetical order the following definitions

““Minister” means the Minister responsible for land transport;

“police officer” includes a traffic warden appointed under 24A (2) of the Road Transport Act (Cap. 206);

“Registrar of the Supreme Court” includes a Deputy Registrar, Assistant Registrar or any other officer of the Registry of the Supreme Court or Magistrates' Court.”

(b) by repealing subsection (5) and substituting therefor the following —

“(5) A notice may be served on a person —

(a) by delivering or tendering it to the person;

(b) by delivering or tendering it at the person's residence, workplace or any other proper address of the person to a person who is more

than 16 years old and who is a member of the person's household or employee, agent or manager of the person, as the case may be;

- (c) by delivering or tendering it to the driver of the vehicle or the person in charge or in control of the vehicle that the person is in;
- (d) by affixing it to a vehicle which the person is occupying or which is in his possession;
- (e) by affixing it in a conspicuous place at the residence or workplace of the person or at the premises of the proper address of the person.”

- (c) by repealing subsection (6) and substituting therefor the following —

“(6) For the purpose of subsection (5), the proper address of a person on whom a fixed penalty notice is to be served shall, in the case of a body corporate, be the registered or principal office or principal place of business of that body, and, in any other case, shall be the last known address of the person to be served.”

- (d) by inserting after subsection (6) the following subsection —

“(7) The delivery, tendering or affixing of the notice under subsection (5) shall be sufficient service on the person liable for the offence.”

Amendment of section 4

- 3. Section 4 of the principal Act is amended as follows —

- (a) in subsection (3) —

- (i) by repealing the words “14 days” and substituting therefor the words “30 days”;

- (ii) by inserting after the words “Commissioner of Police” the words “ or the Director General of Land Transport, as the case may be”;
- (b) in subsection (7), in the longline, by repealing the words “R.1000” and substituting therefor the words “SCR2000”.

Amendment of section 6

4. Section 6 of the principal Act is amended in subsection (2), by repealing the words “3 months” and substituting therefor the words “6 months”.

Insertion of a new section 8

5. The principal Act is amended by inserting immediately after section 7 the following as section 8 —

“Offences and penalties

8.(1) A person commits an offence if, at the time of issuance or service of a fixed penalty notice or on delivery, tendering or affixing of a notice, as the case may be, that person

- (a) refuses to receive the notice from the officer;
- (b) refuses to give his or her name or address to the officer issuing, tendering or serving the notice;
- (c) gives a false name or address to the officer issuing, tendering or serving the notice; or
- (d) not being the person referred to in the notice, removes or interferes with a notice affixed to a vehicle or premises on which a notice has been affixed.

(2) A person who commits an offence under this Act is liable on conviction to a fine of SCR20,000 or imprisonment for 3 months or to both.”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 2nd November, 2021.

A handwritten signature in black ink, appearing to read 'T Isaac', written in a cursive style.

Mrs. Tania Isaac
Clerk to the National Assembly

ACCESS TO INFORMATION (AMENDMENT) ACT, 2021

(Act 48 of 2021)

ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Amendment of section 7
3. Substitution of section 45



ACCESS TO INFORMATION (AMENDMENT) ACT, 2021

(Act 48 of 2021)



I assent

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

Wavel Ramkalawan
President

5th November, 2021

AN ACT TO AMEND THE ACCESS TO INFORMATION ACT, 2018 (*ACT 4 OF 2018*).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Access to Information (Amendment) Act, 2021, and shall be read and construed as one with the Access to Information Act, 2021, (Act 4 of 2018), which, as amended, is hereinafter referred to as the “principal Act”.

Amendment of section 7

2. Section 7 is amended by inserting immediately after subsection (2), a new subsection (3) as follows —

“(3) On or before the end of January of every year, the Chief Executive Officer shall cause to be published in the Gazette a list of all Information Officers designated by a public body between the period 1 January and 31 December of the preceding year specifying the date of their appointment and cessation of office.”

Substitution of section 45

3. The principal Act is amended by repealing section 45 and substituting therefor the following —

“Limitation on outside work

45.(1) The Chief Information Commissioner and Information Commissioners shall not, during their terms of office, hold office in, or take employment with, a public body or a political party or engage in any partisan political activity.

(2) Subject to the Public Services Orders, the Chief Executive Officer shall not, during his or her term of office, hold any office in, or take employment with, any other public body or a political party.”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 12th October, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)
(No. 2) ACT, 2021**

(Act 49 of 2021)

ARRANGEMENT OF SECTIONS

**PART 1
PRELIMINARY**

SECTIONS

1. Short title

**PART 2
CRIMINAL PROCEDURE CODE**

2. Revision of the Criminal Procedure Code
3. Amendment of section 2
4. Amendment of section 14
5. Amendment of section 58C
6. Amendment of section 227
7. Amendment of section 271
8. Amendment of section 272
9. Repeal of sections 276, 277 and 278
10. Amendment of headings in Part IX
11. Repeal of section 280
12. Amendment of section 281
13. Amendment of section 288
14. Amendment of section 309
15. Amendment of Fifth Schedule to the Code

**PART 3
COURTS ACT**

16. Revision of the Courts Act
17. Amendment of section 2
18. Amendment of section 3
19. Amendment of section 18
20. Amendment of section 19
21. Amendment of section 23

22. Amendment of section 24
23. Amendment of section 25
24. Amendment of section 25A.
25. Repeal of Part IV
26. Insertion of new section 49A.
27. Transitional provision

PART 4

COURT FEES (SUPREME COURT) AND COSTS ACT

28. Revision of the Court Fees (Supreme Court) and Costs Act
29. Repeal and replacement of section 4
30. Repeal and replacement of section 22

PART 5

WITNESSES TARIFF ACT

31. Revision of the Witness Tariff Act
32. Amendment of section 2
33. Amendment of section 5
34. Amendment of section 8

PART 6

COMMISSIONS OF INQUIRY ACT

35. Amendment of section 14 of the Commissions of Inquiry Act

PART 7

DETENTION REVIEW TRIBUNAL DECREE

36. Repeal of Detention Review Tribunal Decree

PART 8

PEACE OFFICERS (INNER ISLANDS AND OUTLYING ISLANDS) ACT

37. Repeal of Peace Officers (Inner Islands and Outlying Islands) Act

PART 9

MISUSE OF DRUGS ACT

38. Revision of the Misuse of Drugs Act
39. Amendment of the principal Act

40. Amendment of section 2
41. Amendment of section 30
42. Amendment of section 34
43. Amendment of section 41
44. Amendment of section 46

**PART 10
COMPUTER MISUSE ACT**

45. Revision of the Computer Misuse Act
46. Amendment of section 3
47. Amendment of section 4
48. Amendment of section 5
49. Amendment of section 10

**PART 11
THE GENOCIDE ACT 1969 (OVERSEAS TERRITORIES) ORDER 1970**

50. Revision of the Genocide Act 1969 (Overseas Territories) Order 1970
51. Repeal and replacement of sections 1, 2 and 3

**PART 12
PROHIBITION OF TRAFFICKING IN PERSONS ACT**

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81. Amendment of section 2 of the Preservation of Public Security Act

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- 85. Revision of the Explosives Act
- 86. Amendment of section 2
- 87. Amendment of section 4
- 88. Amendment of section 5
- 89. Amendment of section 6
- 90. Amendment of section 7
- 91. Amendment of section 9
- 92. Amendment of section 10
- 93. Amendment of section 13
- 94. Amendment of section 14
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**PART 21
BOILER EXPLOSIONS ACT**

- 96. Revision of the Explosions Act
- 97. Amendment of section 2
- 98. Amendment of section 5
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- 100. Amendment of section 7

**PART 22
PROTECTED AREAS ACT**

- 101. Revision of the Protected Areas Act
- 102. Amendment of section 10
- 103. Amendment of section 11



**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)
(No. 2) ACT, 2021**

(Act 49 of 2021)



I assent

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

Wavel Ramkalawan
President

8th November, 2021

AN ACT TO MAKE AMENDMENTS TO CERTAIN ENACTMENTS AND TO REPEAL THE DETENTION REVIEW TRIBUNAL DECREE, CAP. 62, AND THE PEACE OFFICERS (INNER ISLANDS AND OUTLYING ISLANDS) ACT, CAP. 157.

ENACTED by the President and the National Assembly.

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the Statute Law Revision (Miscellaneous Amendments) (No. 2) Act, 2021.

PART 2 CRIMINAL PROCEDURE CODE

Revision of the Criminal Procedure Code

2. In this Part, the “Code” means the Criminal Procedure Code, Cap. 54.

Amendment of section 2

3. Section 2 of the Code is amended —
- (a) in the definition of “judicial officer” by repealing the words “, a Justice of the Peace,”;
 - (b) in the definition of “advocate” by repealing the words “a barrister or attorney” and substituting therefor the words “an Attorney-at-Law”;
 - (c) by inserting in the proper alphabetical order, the following new definitions —

“**imprisonment for life**” means imprisonment for the duration of a person's natural life;

“**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;”

Amendment of section 14

4. Section 14 of the Code is amended —
- (a) by renumbering the existing section as subsection (1);
 - (b) in subsection (1) by repealing the full stop and substituting therefor the words —

“:

Provided that whenever the person arrested can be admitted to bail and bail is granted, such person shall not be

searched unless there are reasonable grounds for believing that the person has in that person's possession any —

- (a) stolen property;
 - (b) instrument of violence or weapon;
 - (c) tool connected with the kind of offence which the person or another person is alleged to have committed; or
 - (d) other article, item or thing which may provide evidence against the person in regard to the offence which that person is alleged to have committed.”
- (c) by inserting immediately after subsection (1) the following as new subsections —

“(2) The right to search an arrested person shall be exercised with strict regard to decency.

(3) Where any property or item has been taken from a person under this section and such person is not charged before any court but is released on the grounds that there is not sufficient reason to believe that the person has committed any offence, any property or item taken from that person under this section shall forthwith be restored to the person unless the property or item is relevant to an investigation or the law prohibits the person from being in possession of the property or item.

(4) An arrested person shall be provided with a receipt for any property which has been taken from that person under this section, and the receipt shall specify the property.”

Amendment of section 58C

5. Section 58C(2) of the Code is amended by repealing the words “a

fine of R 10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 227

6. Section 227 of the Code is amended —

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

“(b) members of the National Assembly or a Minister”;

(b) in paragraph (d) by repealing the words “Seychelles People's Defence Force” and substituting therefor the words “the Defence Force of Seychelles”;

(c) in paragraph (g) by repealing the words “, barristers and” and substituting therefor the word “and”.

Amendment of section 271

7. Section 271(3) of the Code is amended by repealing the words “, provided that he shall not be convicted of a capital offence unless one half of the jury find him guilty of a capital offence”.

Amendment of section 272

8. Section 272 of the Code is amended repealing subsections (3), (4), (5), (6) and (7).

Repeal of sections 276, 277 and 278

9. Sections 276, 277 and 278 of the Code are repealed.

Amendment of headings in Part IX

10. The Code is amended in Part IX —

(a) by repealing the heading “Sentences and their Execution” and substituting therefor the following —

“Sentences”;

- (b) by repealing the heading “SENTENCE OF DEATH”;

Repeal of section 280

11. Section 280 of the Code is repealed.

Amendment of section 281

12. Section 281 of the Code is amended by repealing the words “, not being a sentence of death”.

Amendment of section 288

13. Section 288 of the Code is amended by repealing the words “The People's Assembly” and substituting therefor the words “The National Assembly”.

Amendment of section 309

14. Section 309(2) of the Code is amended by repealing the words “exceeding one hundred rupees only” and substituting therefor the words “exceeding SCR 1, 000”.

Amendment of Schedules to the Code

15. The Schedules to the Code are amended —
- (a) by repealing the words “Justice of the Peace”, wherever they appear;
- (b) in the Fifth Schedule by repealing “Form XVIII Warrant of Commitment of Person Sentenced to Death”.

PART 3 COURTS ACT

Revision of the Courts Act

16. In this Part, the “principal Act” means the Courts Act, Cap. 52, as amended.

Amendment of section 2

17. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition —

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

Amendment of section 3

18. Section 3 of the principal Act is amended by repealing subsection (2).

Amendment of section 18

19. Section 18 of the principal Act is amended —

(a) by repealing subsection (3) and substituting therefor the following —

“(3) The Registrar shall be an Attorney-at-Law.”

(b) by renumbering subsection (4) as subsection (5);

(c) by inserting immediately after subsection (3) the following new subsection —

“(4) For avoidance of doubt, the President may, after consultation with the Chief Justice, appoint a Master of the Supreme Court as the Registrar.”

Repeal and replacement of section 19

20. The principal Act is amended by repealing section 19 and substituting therefor the following —

“Powers and functions of the Registrar

19.(1) The Registrar shall have custody of the seal of the Supreme Court and of all records, documents and papers of the Court.

(2) The Registrar shall have such power and authority and perform such duties as shall be necessary for the due conduct and discharge of the business of the Supreme Court and such other duties as the Chief Justice may direct.

(3) The powers and functions of the Registrar shall be set out in regulations made by the Chief Justice.”

Amendment of section 23

21. Section 23 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “a fine of R. 2000” and substituting therefor the words “a fine of level 4 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine of R. 1000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 24

22. Section 24 of the principal Act is amended —

- (a) by repealing the following definitions —

“(i) “Magistrate”;

(ii) “Senior Magistrate”;

- (b) by inserting in the proper alphabetical order, the following new definition —

““Magistrate” includes the Chief Magistrate, a Senior Magistrate or Magistrate exercising the powers and jurisdictions of a Magistrate under this Act or any other law;”.

Amendment of section 25

23. Section 25 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “fit and proper persons” and substituting therefor the words “Attorneys-at-Law”;
- (b) by inserting immediately after subsection (2) the following new subsections —

“(3) The Chief Justice shall designate one of the Senior Magistrates as the Chief Magistrate.

(4) Subject to any written law and the powers and directions of the Chief Justice, the Chief Magistrate shall be responsible for the administration of the Magistrates' Courts.”

Amendment of section 25A.

24. Section 25A. of the principal Act is amended —

- (a) by renumbering subsections (1), (2) and (3) as subsections (2), (3) and (4);
- (b) by inserting following as subsection (1) —

“(1) The Chief Magistrate shall be entitled upon designation to the following —

- (a) a monthly salary of a sum specified at step 8 of salary band-15 of the Public Service Salary Table under the Public Service Salary Act, 2013, which shall on completion of each 12 months be progressed to the next step in accordance with that salary band;
- (b) a transport allowance of SCR 2, 800 per month;

- (c) a gratuity of 25% of the total salary paid during each calendar year;
- (d) upon completion of every five years of service, or part thereof in the case of vacation of office otherwise than by being removed from office, a gratuity of an amount equal to 50% of the salary earned during that period.”

Repeal of Part IV

25. The principal Act is amended by repealing Part IV and sections 45, 46 and 47.

Insertion of new section 49A.

26. The principal Act is amended by inserting immediately after section 49 the following as section 49A. —

“Procedural assistance to person with disability

49A. Where a person living with a disability appears before a court, the court shall request that the Government provides procedural assistance to that person in the form of professional sign language interpretation, braille technology and any other procedural assistance that the Government can reasonably provide.”

Transitional provision

27. On the day when this Act comes into operation, if the person holding the office of Senior Magistrate or Magistrate is not an Attorney-at-Law, that person shall continue in office and shall be eligible for re-appointment under a continuous contract.

PART 4

COURT FEES (SUPREME COURT) AND COSTS ACT

Revision of the Court Fees (Supreme Court) and Costs Act

28. In this Part, the “principal Act” means the Court Fees (Supreme Court) and Costs Act, Cap. 53, as amended.

Repeal and replacement of section 4

29. The principal Act is amended by repealing section 4 and substituting therefor the following —

“Power to alter or add to First Schedule

4. The Chief Justice, in consultation with the Minister responsible for finance, may alter, amend or add to the fees contained in the First Schedule.”

Repeal and replacement of section 22

30. The principal Act is amended by repealing section 22 and substituting therefor the following —

“Power to alter or add to Second Schedule

22. The Chief Justice, in consultation with the Minister responsible for finance, may alter, amend or add to the fees contained in the Second Schedule and make rules for more effectually carrying out the purposes and provisions of this Part.”

PART 5**WITNESSES TARIFF ACT****Revision of the Witness Tariff Act**

31. In this Part, the “principal Act” means the Witness Tariff Act, Cap. 248.

Amendment of section 2

32. Section 2 of the principal Act is amended by repealing the words “with the approval of the Minister” and substituting therefor the words “, in consultation with the Minister responsible for finance,”.

Amendment of section 5

33. Section 5 of the principal Act is amended by repealing the words “, Magistrate, or Justice of Peace” and substituting therefor the words “or Magistrate”.

Amendment of section 8

34. Section 8 of the principal Act is amended by repealing the words “, the Registrar, or the Justices of the Peace” and substituting therefor the words “or the registrar”.

**PART 6
COMMISSIONS OF INQUIRY ACT****Amendment of section 14 of the Commissions of Inquiry Act**

35. The Commissions of Inquiry Act, Cap. 39, is amended in section 14 by repealing the words “one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

**PART 7
DETENTION REVIEW TRIBUNAL DECREE****Repeal of Detention Review Tribunal Decree**

36. The Detention Review Tribunal Decree, Cap. 62, is repealed.

**PART 8
PEACE OFFICERS (INNER ISLANDS AND OUTLYING ISLANDS) ACT****Repeal of Peace Officers (Inner Islands and Outlying Islands) Act**

37. The Peace Officers (Inner Islands and Outlying Islands) Act, Cap. 157, is repealed.

**PART 9
MISUSE OF DRUGS ACT****Revision of the Misuse of Drugs Act**

38. In this Part, the “principal Act” means the Misuse of Drugs Act, 2016.

Amendment of the principal Act

39. The principal Act is amended —

- (a) by repealing the following words, wherever they appear —
 - (i) “chief officer of NDEA or”;
 - (ii) “the chief officer of NDEA”; and
 - (iii) “or the chief officer of NDEA”;
- (b) by repealing the words “NDEA or police”, wherever they appear, and substituting therefor the words “the police”.

Amendment of section 2

40. Section 2 of the principal Act is amended —

- (a) by repealing the following definitions —
 - “(i) “chief officer of NDEA”;
 - (ii) “NDEA”;
 - (iii) “NDEA Act”
 - (iv) “NDEA agent””
- (b) in the definition of “officer” repealing the words “NDEA agent”;

Amendment of section 30

41. Section 30(3) of the principal Act is amended by repealing the words “by NDEA under subsection (1) shall be made available to Police, and” and substituting therefor the words “in accordance with subsection (1)”.

Amendment of section 34

42. Section 34(2) of the principal Act is amended by repealing the words “, the chief officer of NDEA,”.

Amendment of section 41

43. Section 41(4) of the principal Act is amended by repealing the words “NDEA and police shall maintain a shared electronic record of all formal cautions” and substituting therefor the words “The police shall maintain an electronic record of all formal cautions”.

Amendment of section 46

44. Section 46(5)(a) of the principal Act is amended by repealing the words “to NDEA” and substituting therefor the words “to the police”.

**PART 10
COMPUTER MISUSE ACT****Revision of the Computer Misuse Act**

45. In this Part, the “principal Act” means the Computer Misuse Act, Cap. 254.

Amendment of section 3

46. Section 3 of the principal Act is amended by repealing the words “a fine of R20, 000” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 4

47. Section 4 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “a fine of R30, 000” and substituting therefor the words “a fine of level 5 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine of R10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 5

48. Section 5(1) of the principal Act is amended by repealing the words “a fine of R20, 000” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 10

49. Section 10 of the Act is amended by repealing the words “a fine of R10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

PART 11
THE GENOCIDE ACT 1969 (OVERSEAS TERRITORIES) ORDER 1970

Revision of the Genocide Act 1969 (Overseas Territories) Order 1970

50. In this Part, the “principal Act” means the Genocide Act 1969 (Overseas Territories) Order, 1970, Cap. 88.

Repeal and replacement of sections 1, 2 and 3

51. The principal Act is amended by repealing sections 1, 2 and 3, and substituting therefor the following —

“Citation

1. This Act may be cited as the Genocide Act.

Interpretation

2.(1) In this Act —

“Convention” means the Convention on the Prevention and Punishment of the Crime of Genocide approved and proposed for signature and ratification or accession by the General Assembly of the United Nations on 9 December 1948.

(2) Any word or expression to which a meaning has been assigned in the Convention shall bear the same meaning when used in this Act.

Genocide

3.(1) A person commits an offence of genocide if that person commits any act falling within the definition of 'genocide' in Article II of the Convention as set out in Schedule 1 to this Act.

(2) A person convicted of an offence of genocide is liable on conviction in Seychelles —

- (a) if the offence consists of the killing of any person, be sentenced to imprisonment for life;
- (b) in any other case, be liable to imprisonment for a term not exceeding 14 years.

Application of Extradition Act

4.(1) The Extradition Act shall apply to this Act.

(2) For the purposes of the Extradition Act, no offence which, if committed in Seychelles, would be punishable as an offence of genocide or as an attempt, conspiracy or incitement to commit such an offence shall be regarded as an offence of a political character, and no proceedings in respect of such an offence shall be regarded as a criminal matter of a political character.

SCHEDULE 1

(Section 3)

ARTICLE II OF THE GENOCIDE CONVENTION

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such —

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;

- (e) forcibly transferring children of the group to another group.”

PART 12

PROHIBITION OF TRAFFICKING IN PERSONS ACT

Amendment of section 12 of the Prohibition of Trafficking in Persons Act

52. The Prohibition of Trafficking in Persons Act, 2014, is amended in section 12 —

- (a) in subsection (1) —
 - (i) in paragraph (c) by repealing immediately after the words “subject to retaliation;” the word “or”;
 - (ii) by renumbering paragraph (d) as paragraph (f);
 - (iii) by inserting the following new paragraphs —
 - “(d) there is a need to preserve that anonymity of the witness or of any person who might be identified in the evidence given by the witness;
 - (e) there is a need to ensure that the identity of the witness is not disclosed in or in connection with the proceedings under this Act; or”
- (b) by renumbering subsections (2) and (3) as subsections (3) and (4);
- (c) by inserting immediately after subsection (1) the following new subsection

“(2) The Witness Protection Act, 2015, and regulations made thereunder shall apply mutatis mutandis to an application made in respect of subsection (1)(d) or (e) of this section.”

PART 13 PRISONS ACT

Revision of the Prisons Act

53. In this Part, the “principal Act” means the Prisons Act, Cap. 180.

Amendment of Prisons Act

54. The principal Act is amended —

- (a) by repealing the words “Superintendent of Prisons”, wherever they appear, and substituting therefor the words “Commissioner of Prisons”;
- (b) by repealing the word “Superintendent”, wherever it appears, and substituting therefor the word “Commissioner”.

Amendment of section 2

55. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definitions —

““Minister” means the Minister responsible for prisons;

“weapon” means any baton, taser, shield or instrument approved for use by the Minister;”

Amendment of section 8

56. Section 8 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “and (5)” and substituting therefor the words “to (6)”;
- (b) by renumbering subsections (4) and (5) as subsections (5) and (6);
- (c) by inserting immediately after subsection (3) the following as subsection (4)

“(4) Subject to this section, a prison officer may use any weapon —

- “(a) against any person who does any act or attempts to do any act to facilitate the escape of any prisoner;
- (b) against any person engaged in any attempt to damage or force or break open —
 - (i) the outside door or gate or enclosure wall of a prison or any other part of a prison;
 - (ii) any part of any vehicle in which a prisoner is conveyed.”

Amendment of section 10

57. Section 10 of the principal Act is amended by inserting immediately after the words “another prison officer” the words “; and on the approval of the senior prison officer on duty”.

Insertion of new section 23A.

58. The principal Act is amended by inserting immediately after section 23 the following as section 23A. —

“Medical examination of prisoners

23A.(1) All prisoners shall be medically examined by the Medical Officer of Prisons or such other medical practitioner for any communicable, infectious or contagious disease on reception into the prison and at least once every 6 months thereafter whilst in the lawful custody of the Commissioner.

(2) A prisoner may make a request to the Commissioner to be examined by the Medical Officer of Prisons or such other medical practitioner for any disease or illness including a disease specified in subsection (1) and the request shall be acted on and recorded.

(3) The Medical Officer of Prisons or such other medical practitioner shall seek the prisoner's consent to proceed with a medical examination and inform the prisoner of the right of the prisoner to refuse to be medically examined.

(4) Where a prisoner does not give consent or refuses to be medically examined pursuant to subsection (1), the Medical Officer of Prisons or such other medical practitioner shall immediately inform the Commissioner and the Commissioner may —

- (a) isolate the prisoner from other prisoners on the recommendation of the Medical Officer of Prisons or such other medical practitioner subject to paragraph (b) or (c);
- (b) make an application by way of a notice of motion and an accompanying affidavit seeking an order from the Supreme Court to have the prisoner medically examined by the Medical Officer of Prisons or such other medical practitioner;
- (c) make a report under section 25 of the Public Health Act, 2015, to the Public Health Commissioner, on the recommendation of the Medical Officer of Prisons or such other medical practitioner, if there is reasonable cause to believe that the prisoner is suffering from any disease or condition of public health importance specified in the Integrated Disease Surveillance and Response Manual.

(5) Where the Supreme Court has made an order under subsection 4(b), the Commissioner shall inform the prisoner —

- (a) of the order of the court before the medical examination is conducted by the Medical Officer of Prisons or such other medical practitioner; and

- (b) that reasonable force may be used to conduct the medical examination if the prisoner refuses to comply with the order of the court; and
- (c) that it is an offence to refuse to be medically examined or to obstruct or hinder the medical examination.

(6) A prisoner who commits an offence under this section is liable on conviction to a term of imprisonment not exceeding 2 years or a fine of level 3 on the standard scale, or to both such fine and imprisonment.”

Insertion of new section 26A.

59. The principal Act is amended by inserting immediately after section 26 the following as section 26A.

“Transfer of prisoners for interview and inquiries

26A.(1) The Commissioner may in writing authorize the temporary transfer of a prisoner from a prison to any other location within Seychelles —

- (a) to enable the prisoner —
 - (i) to answer a charge;
 - (ii) to appear as a prosecution witness;
 - (iii) to help the police in locating the body of a deceased person;
 - (iv) to help find or recover hidden items, firearms, explosives or stolen property;
 - (v) to identify premises in connection with criminal investigations;
 - (vi) to take part in an identification parade; or

(b) where it is otherwise necessary in the interest of justice or for the purpose of a public inquiry.

(2) Where a prisoner is transferred to a place or location pursuant to subsection (1) —

(a) the period during which the prisoner is absent from the prison shall count towards the prisoner's sentence as if the prisoner is continuously being held in prison;

(b) the prisoner shall not be transferred to any other place without the prior written authorization of the Commissioner.

(3) The Minister may make regulations relating to the transfer of prisoners under this section for purpose of law enforcement.”

Amendment of section 29

60. Section 29 of the principal Act is amended —

(a) by repealing the words “a period not exceeding 2 months”, wherever they appear, and substituting therefor the words “a period not exceeding 6 months”;

(b) by repealing the words “R500” and substituting therefor the words “SCR 10, 000”.

Repeal and replacement of section 40

61. Section 40 of the principal Act is repealed and substituted therefor the following —

“Visits by Religious Representatives

40.(1) The Commissioner may authorize persons nominated

by the religion and denomination of a prisoner at a prison as a religious representative for the prison.

(2) An authorization made under subsection (1) shall take into account the rights of the prisoner and the spiritual needs of the prisoner.

(3) A religious representative may —

- (a) meet with individual prisoners or groups of prisoners;
- (b) provide religious books to prisoners;
- (c) conduct religious ceremonies and observances;
- (d) provide appropriate counselling and support to prisoners.

(4) A prisoner shall not be required to attend or participate in religious services and observance, nor to meet any religious representative.”

Amendment of section 41

62. Section 41 of the principal Act is amended by repealing the words “2 years”, wherever they appear, and substituting therefor the words “5 years”.

Amendment of section 44

63. Section 44 of the principal Act is amended by repealing the words “a fine SCR20, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 44A

64. Section 44A of the principal Act is amended by repealing the words “a fine of SCR20, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

PART 14
PROBATION OF OFFENDERS ACT

Amendment of section 2 of the Probation of Offenders Act

65. The Probation of Offenders Act, Cap. 184, is amended in section 2 by repealing the definition of “Judicial Officer” and substituting therefor the following definition —

““Judicial Officer” means a Judge, a Magistrate or the Registrar or Assistant Registrar of the Supreme Court;”.

PART 15
REHABILITATION OF OFFENDERS ACT

Amendment of section 8 of the Rehabilitation of Offenders Act

66. Section 8 of the Rehabilitation of Offenders Act, Cap. 307, is amended —

- (a) in subsection (2) by repealing the words “a fine not exceeding R10, 000” and substituting therefor the words “a fine of level 2 on the standard scale”;
- (b) in subsection (4) by repealing the words “a fine of R20, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

PART 16
DEFENCE ACT

Revision of the Defence Act

67. In this Part, the “principal Act” means the Defence Act, Cap. 58, as amended.

Amendment of section 2

68. Section 2 of the principal Act is amended —

- (a) by repealing the following definitions —

- (i) “Airforce”;
 - (ii) “Army”;
 - (iii) “Defence Force”;
- (b) by inserting in the proper alphabetical order, the following new definitions —

“**Airforce**” means Seychelles Air Force;

“**Army**” means Seychelles Land Force;

“**cadet**” means a member of the Seychelles National Cadet Corps;

“**civilian employee**” means a person who is not enrolled in the Defence Force;

“**Defence Force**” means the Defence Forces of Seychelles as established by article 162 of the Constitution;”

Repeal and replacement of section 3

69. Section 3 of the principal Act is repealed and substituted therefor the following —

“Composition of the Defence Forces of Seychelles

3.(1) There shall be established and maintained in Seychelles a force to be known as the “Defence Forces of Seychelles”.

- (2) The Defence Forces of Seychelles shall comprise —
- (a) the Seychelles Land Force;
 - (b) the Seychelles Air Force;
 - (c) the Seychelles Coast Guards; and

- (d) such other Forces as the President may prescribe by Order published in the Gazette.”

Amendment of section 5

70. Section 5 of the principal Act is amended by repealing the words “Subject to this Act” and substituting therefor the words “Subject to the Constitution”.

Amendment of section 15

71. Section 15 of the principal Act is amended by repealing the words “a fine not exceeding Rs 2000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 23

72. Section 23 of the principal Act is amended by repealing the words “without the consent in writing of his parents or his guardian or, when the parents or guardian are dead or unknown, of the President”.

Amendment of section 24

73. Section 24 of the principal Act is amended by repealing subsection (3).

Insertion of New Part VIB.

74. The principal Act is amended by inserting immediately after Part VIA. the following new Part as Part VIB. —

“Part VIB Appointment of Civilians

Appointment of Civilians

35F.(1) A civilian employee may be appointed to work in the Defence Force where —

- (a) the Defence Force does not have appropriately qualified or adequately ced

experienced military personnel to fill a vacancy;

- (b) the Defence Force does not have the human resource to provide certain services required by the Defence Force.

(2) A civilian employee shall be appointed by contract.

Secrecy

35G.(1) A civilian employee shall not, at any time during the course of employment or after the termination of the contract, divulge to any person, except with the express permission of the Chief of the Defence Force or such other authorized member of the Defence Force, any information relating to or which came into the civilian employee's possession during the course of employment.

(2) Any civilian employee who contravenes subsection (1) commits an offence and is liable on conviction to a fine of level 4 on the standard scale or to imprisonment for a term not exceeding 5 years or to both such fine and term of imprisonment.

Delivery of documents

35H.(1) A civilian employee shall, upon the termination of the contract, deliver to the Chief of the Defence Force or such other authorized member of the Defence Force, all correspondence, documents and any property belonging to the Defence Force or the Government which is in the possession or under the control of the civilian employee.

(2) Any civilian employee who contravenes subsection (1) commits an offence and is liable on conviction to a fine a fine of level 3 on the standard scale or to imprisonment for a term not exceeding 2 years or to both such fine and term of imprisonment.

Civilians shall not be subject to military law

35I. A civilian employee is not liable to any offence under the Defence Forces (Offences) Act, Cap. 59, but shall be tried before a Magistrate or a Judge for any offence committed under section 35G. or 35H. of this Act.”

Insertion of New Part VIC.

75. The principal Act is amended by inserting immediately after Part VIB. the following new Part as Part VIC. —

“Part VIC
Seychelles National Cadet Corps

Establishment of Seychelles National Cadet Corps

35J.(1) There is established the Seychelles National Cadet Corps.

(2) The command and training of the Seychelles National Cadet Corps are the responsibility of the Defence Force.

Employment in the Seychelles National Cadet Corps

35K.(1) Notwithstanding any written law, a person who has attained the age of 16 years and is not above the age of 18 years may be employed in the Seychelles National Cadet Corps on the written consent of the parents or guardian of that person.

(2) A person who desires to be employed in the Seychelles National Cadet Corps shall make an application to the Chief of the Defence Force in the prescribed form.

(3) A person employed in the Seychelles National Cadet Corps shall not bear arms.

Regulation of Cadet Corps

35L.(1) The Commander-in-Chief may make

regulations that are necessary or convenient for carrying out or giving effect to this Part.

(2) Without prejudice to the generality of subsection (1), the Commander-in-Chief may make regulations in relation to —

- (a) the length of service and maximum age of cadets;
- (b) the disciplinary code to be followed in respect of cadets, which shall be prepared in consultation with the Minister responsible for education and the Minister responsible for children affairs;
- (c) the programme of training, projects and qualifications tests to be undertaken by cadets;
- (d) the discharge of cadets;
- (e) the order of dress to be worn by cadets;
- (f) any other matters necessary for the good management of the Cadet Corps.

Call-out of Seychelles National Cadet Corps in emergency

35M.(1) In the event of a public emergency in Seychelles, the Commander-in-Chief may, by Order published in the Gazette, direct that the Seychelles National Cadet Corps or any part thereof be called out for service in aid of the civil community.

(2) The Commander-in-Chief shall not call out the Seychelles National Cadet Corps or any part thereof in aid of the civil power where a situation threatening national security or the preservation of public order exists.

Cadets shall not be subject to military law

35N. A cadet is not liable to any offence under the Defence Forces (Offences) Act, Cap. 59 but may be subject to such disciplinary code made under section 35L.(2)(b).”

**PART 17
DEFENCE FORCE (OFFENCES) ACT****Revision of the Defence Force (Offences) Act**

76. In this Part, the “principal Act” means the Defence Force (Offences) Act, Cap. 59.

Amendment of section 2

77. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following new definition —

“**military police officer**” means a member of the Defence Force performing the duties and functions of a provost officer or provost-marshal;

Amendment of section 4

78. Section 4 of the principal Act is amended by repealing the words “or the Militia”.

Insertion of new sections 16A. and 16B.

79. The principal Act is amended by inserting immediately after section 16 the following as sections 16A. and 16B. —

“Military Police

16A.(1) A military police officer may —

- (a) exercise the powers of arrest in accordance with section 10;
- (b) execute a warrant of arrest under section 11;

- (c) use such force as is reasonably necessary to effect an arrest as stipulated in section 12;
- (d) exercise powers of arrest conferred under any law in so far as the law applies to the Defence Force or to any person, area, land, premises or property under the protection or control of the Defence Force.

(2) A military police officer may at any time and in any place perform any of the following functions in relation to the Defence Force —

- (a) the prevention and combating of crime by a member of the Defence Force;
- (b) the investigation of any offence or alleged offence committed by a member of the Defence Force;
- (c) assist in the maintenance of discipline, law and order in the Defence Force;
- (d) assist in the regulation and management of establishments such as military prisons;
- (e) any other function that may be determined by the Commander-in-Chief.

(3) A military police officer shall have —

- (a) the same powers of arrest as a police officer over a person not subject to military law who is on any premises under the control or occupancy of the Defence Force; and
- (b) power to arrest a person not subject to military law who wilfully obstructs any military operation, training, function or event.

(4) Any person not subject to military law who wilfully obstructs any military operation, training, function or event commits an offence and is liable on conviction before the Supreme Court to a term of imprisonment not exceeding 2 years or a fine of level 3 on the standard scale, or to both such fine and imprisonment —

Search of Premises by Military Police

16B. Where any military police officer acting with a warrant of arrest issued under section 11 or acting without a warrant of arrest under section 10 has reason to believe that any member of the Defence Force to be arrested has entered into or is within any premises, the person residing on or in charge of such premises shall, on demand of any military police officer, allow the military police officer free entry thereto and afford all reasonable facilities for search therein for the member of the Defence Force to be arrested.”

Amendment of section 22

80. Section 22(1) of the principal Act is amended by inserting immediately after the words “giving effect to this Act” the words “, and to amend any Schedule”.

PART 18 PRESERVATION OF PUBLIC SECURITY ACT

Amendment of section 2 of the Preservation of Public Security Act

81. Section 2 of the Preservation of Public Security Act, Cap. 175 is amended by repealing the definition of “public security” and substituting therefor the following —

““**public security**” includes —

- (a) the defence of the territory and people of Seychelles;
- (b) the securing of rights of persons under the Seychellois Charter of Fundamental Human Rights and Freedoms;

- (c) the securing of the safety of persons and property;
- (d) the prevention and suppression of rebellion, mutiny, violence, intimidation, disorder and crime, and unlawful attempts and conspiracies to overthrow the Government or the Constitution;
- (e) the maintenance of the administration of justice;
- (f) the provision of a sufficiency of the supplies and services essential to the life and well-being of the community, their equitable distribution and availability at fair prices; and
- (g) the provision of administrative and remedial measures during periods of actual or apprehensible national danger or calamity, or in consequence of any disaster or destruction from natural causes.”

PART 19

PUBLIC ASSEMBLY ACT

Revision of the Public Assembly

82. In this Part, the “principal Act” means the Public Assembly Act, 2015.

Amendment of section 14

83. Section 14 of the principal Act is amended by repealing the words “a fine of not exceeding SCR 25, 000” and substituting therefor the words “a fine of level 3 on the standard scale.”.

Amendment of section 15

84. Section 15 of the principal Act is amended by inserting immediately after the words “provisions of this Act” the words “and to amend any Schedule”.

PART 20

EXPLOSIVES ACT

Revision of the Explosives Act

85. In this Part, the “principal Act” means the Explosives Act, Cap. 77.

Amendment of section 2

86. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition —

“**Minister**” means the Minister responsible for defence;”

Amendment of section 4

87. Section 4(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 5

88. Section 5(2) of the principal Act is amended by repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 6

89. Section 6(2) of the principal Act is amended by repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 7

90. Section 7(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 9

91. Section 9(2) of the principal Act is amended by repealing the words “a fine of three thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 10

92. Section 10(4) of the principal Act is amended by repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 13

93. Section 13(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 14

94. Section 14 of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”.

Amendment of section 19

95. Section 19(2) of the principal Act is amended by repealing the words “and may prescribe the maximum penalties for such offences such maximum not to exceed a fine of one thousand rupees and a period of two years imprisonment”.

**PART 21
BOILER EXPLOSIONS ACT****Revision of the Boiler Explosions Act**

96. In this Part, the “principal Act” means the Boiler Explosions Act, Cap. 17.

Amendment of section 2

97. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition

“**Minister**” means the Minister responsible for defence;”

Amendment of section 5

98. Section 5(2) of the principal Act is amended by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 6

99. Section 6(1)(a) of the principal Act is amended by repealing the words “in the United Kingdom or in France” and substituting therefor the words “approved by the Minister”.

Amendment of section 7

100. Section 7(4) of the principal Act is amended —

- (a) by repealing the words “Rs. 50” and substituting therefor the words “SCR 2, 000”;
- (b) by repealing the words “Rs. 1” and substituting therefor the words “SCR 200”.

PART 22
PROTECTED AREAS ACT

Revision of the Protected Areas Act

101. In this Part, the “principal Act” means the Protected Areas Act, Cap. 185.

Amendment of section 10

102. Section 10 of the Protected Areas Act, Cap. 185, is amended in paragraph (c) by repealing the words “one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 11

103. Section 11 of the Protected Areas Act, Cap. 185, is amended —

- (a) in subsection (1) by repealing the words “a fine of two thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”;
- (b) in subsection (2) repealing the words “a fine of one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 27th October, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly