

Seychelles

Probation of Offenders Act

Probation of Offenders Regulations

Statutory Instrument 23 of 1966

Legislation as at 1 December 2014

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Probation of Offenders Regulations

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Seychelles

Probation of Offenders Act

Probation of Offenders Regulations

Statutory Instrument 23 of 1966

Commenced on 21 March 1966

[This is the version of this document as it was at 1 December 2014 to 25 October 2015.]

[S.I. 23 of 1966; S.I. 28 of 1966; S.I. 60 of 1967; S.I. 22 of 1973; S.I. 9 of 1975; S.I. 12 of 1976]

1. Citation

These regulations may be cited as the Probation of Offenders Regulations.

2. Duties of probation officers

It shall be the duty of probation officers

- (a) to make such preliminary inquiries, including inquiries into the home surroundings, as the court may direct in respect of any offender in whose case the question of the making of a probation order may arise;
- (b) when selected by a court, to undertake the supervision of a probationer;
- (c) subject to any directions given by the court (whether in the probation order or otherwise), to visit the home of the probationer and make inquiries as to his behaviour, mode of life and employment;
- (d) to keep in close touch with the probationer;
- (e) in the case of a child attending school to make periodical inquiries of the principal of the school concerned as to the child's attendance, conduct and progress, but the child shall not be visited on the school premises;
- (f) to ensure that the probationer understands the terms and conditions of the probation order, and to endeavour by encouragement, persuasion and warning to secure his observance of the same;
- (g) to advise, assist and befriend the probationer and, where necessary, to endeavour to find him suitable employment;
- (h) to keep a record of each case placed under his supervision, including notes of visits and interviews and relevant details as to the conduct and progress of the probationer, and preserve such records for not less than five years from the expiry of the probation orders to which they relate;
- (i) subject to any directions given by the court (whether in the probation order or otherwise) to make quarterly reports to the court which made the probation order regarding the conduct and progress of every probationer for whom he is responsible;
- (j) if the probationer fails to observe any of the terms or conditions of the probation order, to report such failure forthwith to the court which made the probation order;
- (k) to undertake any duties connected with the probation and rehabilitation of offenders which may be assigned to them in any specific case by a judge or magistrate.
- (l) to undertake any duties connected with the probation and rehabilitation of offenders which may be assigned to them either generally or specifically by the Chief Justice;
- (m) to submit oral or written reports or both to the probation committee and to discuss with that committee from time to time the progress of cases under their supervision.

3. Appointment of members of probation committees

- (1) The appointment of members to a probation committee may be made by *ex officio* or personal appointment.
- (2) The members of a probation committee shall unless their appointment be sooner revoked, hold office for such time as may be specified on their appointment and shall be eligible for re appointment.
- (3) A member of a probation committee, other than an *ex officio* member, may at any time resign his office by written notice.

4. Chairman of probation committee

- (1) The President shall designate a member of a probation committee to act as Chairman of such committee.
- (2) Such Chairman shall act as convenor to such probation committee.
- (3) If the Chairman of a probation committee shall be absent from any meeting of such committee at the time appointed for the holding of such meeting, the members present shall elect one of their members to act as Chairman at and for the meeting.

5. Secretary of probation committee

Unless for the purposes of any meeting the Chairman directs otherwise, a probation officer shall attend the meetings of a probation committee and act as secretary to it.

6. Meetings of probation committee and transaction of business

A probation committee shall meet at such times and places and shall make such arrangements as to the transaction and management of its business as, subject to the provisions of these regulations, it may deem proper.

7. Conduct of proceedings at meetings of probation committee

The following provisions shall apply in relation to the conduct of the proceedings of a probation committee

- (a) No business shall be transacted at any meeting unless two or more members are present.
- (b) Every question at a meeting shall be determined by a majority of the votes of the members present and voting on that question.
- (c) In case of an equal division of votes the Chairman shall have a second or casting vote.
- (d) The proceedings of a probation committee shall not be invalidated by any vacancy or vacancies among its members or any defect in the mode of appointment of the committee or of any of its members.

8. Duties of probation committees

It shall be the duty of a probation committee to

- (a) receive and consider the written or oral reports of probation officers;
- (b) make or direct the making of any communication which may be found necessary to make to a court;
- (c) discuss from time to time with the probation officers concerned the progress of the cases under their supervision and afford them such help and advice as it can in carrying out their duties;

- (d) ensure that probation officers perform their duties in a satisfactory manner.

9. Forfeiture of recognisance

The provisions of section 108 of the Criminal Procedure Code shall apply *mutatis mutandis* when a bond of security for good behaviour in respect of a probationer taken under section 10(1) of the Act is forfeited.

10. Forms

- (1) The forms set out in the schedule hereto shall, with such variations as the circumstances of particular cases may require, be used for the purposes of the Act and of these regulations and shall for such purposes be good and sufficient in law.
- (2) When a court allows a person who consents to do so to give security for the good behaviour of an offender under the provisions of section 109(1) of the Act, form C in the schedule hereto shall be used with such variations as the circumstances of particular cases may require and when so used shall be good and sufficient in law.

Schedule

Form A

Seychelles

(Coat of Arms)

In the Supreme Court/Magistrates' Court

The Probation of Offenders Act (Cap. 184)

Case No _____

Probation order

Take notice that you _____ are placed under the supervision of _____, a Probation Officer, hereinafter called the Probation Officer, for the period of _____ from _____ 19 _____ to _____ 19 _____, hereinafter called the probation period, by order made this day by the Supreme/Magistrates' Court of which the following are the conditions:—

That during the probation period—

- (1) You be of good behaviour and appear at this Court for sentence when called upon;
- (2) You lead on honest and industrious life.
- (3) You deserve such conditions as the Probation Officer may consider necessary for the purpose of securing such supervision and that in particular you report to him as and when he may direct and that you answer truthfully all questions he may put to you;
- (4) You report forthwith to the Probation Officer any change of your residence or place of employment, and
- (5) *(insert any further conditions)*

Dated the _____ day of _____ 19 _____

Judge / Magistrate

Form B***Seychelles******(Coat of Arms)******In the Supreme Court/Magistrates' Court******The Probation of Offenders Act (Cap. 184)******Notice of change of Probation Officer***

To _____

Take notice that _____ has been substituted by the aforesaid court to perform the duties of Probation Officer in your case in place of _____

_____ and that the name of the said _____ is substituted for that of the said _____ as from this date wherever the name of the said _____ occurs in the order made by the aforesaid court in your case on the _____ day of _____ 19 _____ and in the recognisance entered into by you thereupon.

Dated the _____ day of _____ 19 _____

Judge/Magistrate.

Form C***Seychelles******(Coat of Arms)******The Probation of Offenders Act (Cap. 184)******Bond of Security for Good Behaviour in Respect of a Probationer (Section 10(1))***

_____ (hereinafter called the probationer) having appeared before the Supreme/Magistrates' Court on the _____ day of _____ 19 _____, and a probation order having been made by the said court requiring the probationer for the period of _____ from _____ to _____ 19 _____ to be under the supervision of a Probation Officer and further requiring the probationer:—

1. That he/she shall be of good behaviour and appear at the said court for sentence when called upon;
2. That he/she shall lead an honest and industrious life;
3. That he/she shall observe such conditions as the Probation Officer may consider necessary for the purpose of securing such supervision and in particular that he/she shall report to the Probation Officer as and when he may direct and that he/she shall answer truthfully all questions the Probation Officer may put to him/her;
4. That he/she shall report forthwith to the Probation Officer any change of his/her residence or place of employment; and

5. (Here insert any further conditions of the probation order)

I/We do hereby acknowledge myself surety/ourselves sureties for the probationer that he/she will comply with the aforesaid requirements and in case of his/her making default therein I bind myself/we bind ourselves jointly and severally to forfeit to the Republic the sum of _____

Dated this _____ day of _____ 19 _____

Signature or mark of surety/sureties

Signed/Marked before me by _____ / and _____

Judge/Magistrate

Registrar of the Supreme Court.

Form D

In the Supreme Court/Magistrates' Court

The Probation of Offenders Act (Cap. 184)

Summons on commission of further offence during period of conditional discharge Section 9(1)

To _____ of _____

HEREAS complaint has been made before me that you have been convicted of _____ contrary to _____ of the _____ and sentenced to _____ on the _____ day of _____ 19 _____ by the _____ Court:

AND WHEREAS an order of conditional discharge was made by the _____ Court on the _____ day of _____ 19 _____

AND WHEREAS your said conviction of _____ contrary to section _____ of the _____ took place within the period of the said conditional discharge:

YOU ARE HEREBY summoned to appear before the _____ court at _____ on the _____ day of _____ 19 _____

DATED the _____ day of _____ 19 _____

Judge/Magistrate

Registrar of Supreme Court.