

Seychelles

## Essential Services and Property Protection Act

### Act 34 of 1961

Legislation as at 30 June 2012

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## Essential Services and Property Protection Act

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## Seychelles

# Essential Services and Property Protection Act

Act 34 of 1961

Commenced on 6 November 1961

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 34 of 1961; Act [8 of 1963](#); Act [32 of 1964](#); Act [32 of 1967](#); Act [12 of 1971](#); S.I. 95 of 1975; S.I. 22 of 1976; Act [23 of 1976](#)]*

### 1. Short title

This Act may be cited as the Essential Services and Property Protection Act.

### 2. Interpretation

In this Act "Union" has the same meaning as in the Employment Act.

### 3. Breach or termination of contract in essential services

- (1) Every person employed in an essential service who wilfully breaks or terminates his contract of service, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the public, wholly or to any extent, of that service, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both such fine and imprisonment:

Provided that where any collective withdrawal of labour from an essential service is contemplated, whether in pursuance of a trade dispute or otherwise, and notice in writing of their intended participation in such withdrawal is given either individually by persons employed in that service or on their behalf by the Union of which such persons are members, any such person shall not be liable under this subsection unless he breaks or terminates his contract of service before the expiration of the period of twenty-eight days next following the delivery of that notice.

- (2) The President may make regulations prescribing the form and manner in which the notice referred to in subsection (1) shall be rendered.
- (3) Every person who incites or instigates or in any way encourages, persuades or influences a person employed in an essential service to break or terminate his contract of service, knowing or having reasonable cause to believe that the probable consequences of that employed person so doing, either alone or in combination with others, would be to deprive the public wholly or to any extent, of that service, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding one year or to both such fine and imprisonment.
- (4) Every employer in an essential service shall cause to be posted up on all premises used for the purpose of that service, a printed copy of this section in some conspicuous place where the same may conveniently be read by persons employed therein, and as often as such copy becomes defaced, obliterated, destroyed or removed, shall cause it to be replaced with all reasonable despatch.
- (5) Every person who unlawfully injures, defaces, obliterates, destroys or removes any printed copy of this section posted up as required by subsection (4) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred rupees.

- (6) For the purposes of this section—
  - (a) each of the services specified in the Schedule shall be an essential service;
  - (b) save as is otherwise provided in this Act "employer" includes Government and the term "person employed" or "employed person" includes a person employed by Government.
- (7) The President may, by notice published in the *Gazette*, add any service to, and delete any service from, the Schedule or otherwise amend the contents thereof.

#### 4. Breach or termination of contract endangering life or property

- (1) Any person who wilfully breaks or terminates a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life or cause serious bodily injury, or to expose valuable property, whether movable or immovable, to destruction or serious injury, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both such fine and imprisonment.
- (2) Every person who incites or instigates, or in any way encourages, persuades or influences another to break or terminate a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of that other person so doing would be to endanger human life or cause serious bodily injury or to expose valuable property, whether movable or immovable to destruction or serious injury, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding one year or to both such fine and imprisonment.

#### 5. Fiat of Attorney General. Bar to prosecution

- (1) No prosecution for an offence under either [section 2](#) or [section 3](#) shall be commenced without the written consent of the Attorney-General.
- (2) No person shall be prosecuted for an offence under subsection (1) of [section 3](#) or subsection (1) of [section 4](#) if he—
  - (a) terminates his contract with the written consent of his employer; or
  - (b) terminates his contract—
    - (i) in the case of a contract of service made in writing by giving his employer such notice as may be therein specified; or
    - (ii) in all other cases by giving his employer one month's notice in writing.

### Schedule (Section 3(6)(a))

#### Services

Air traffic;

Airport management;

Cables and wireless communications;

Electricity;

Fire;

Government broadcasting;

Health;

Hospital;

Loading, unloading and servicing of ships and aircraft;

Meteorological, telecommunications, security, fire and crash services connected with airports;

Sanitary;

Telephone;

Water;

Supply of petroleum products;

Mechanical Workshops, Public works Department of the Government of Seychelles;

Public Transport.