

Seychelles

## National Spiritual Assembly of the Baha'is of Seychelles (Incorporation) Act

Act 14 of 1973

Legislation as at 30 June 2012

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# National Spiritual Assembly of the Baha'is of Seychelles (Incorporation) Act

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# Seychelles

## National Spiritual Assembly of the Baha'is of Seychelles (Incorporation) Act

### Act 14 of 1973

Commenced on 2 April 1973

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

*[Act 14 of 1973; S.I. 95 of 1975; S.I. 72 of 1976; Act [23 of 1976](#); S.I. 39 of 2001; S.I. 36 of 2001]*

#### 1. Short title

This Act may be cited as the National Spiritual Assembly of the Baha'is of Seychelles (Incorporation) Act.

#### 2. Incorporation

The National Spiritual Assembly of the Baha'is of Seychelles the administrative body of a religious community, shall be and is hereby constituted into a corporate body to be known as the "National Spiritual Assembly of the Baha'is of Seychelles".

#### 3. Purposes and objects

Sharing the ideals and assisting the efforts of fellow Baha'is to establish, uphold and promote the spiritual, educational and humanitarian teachings of human brotherhood, radiant faith, exalted character and selfless love revealed in the lives and utterances of all the Prophets and Messengers of God, Founders of the world's revealed religions and given renewed creative energy and universal application to the conditions of this age in the life and utterances of Baha'u'llah, the purposes and object for which the said body has been incorporated shall be:—

- (a) to administer the affairs of the Baha'i Faith for the benefit of the Baha'is of Seychelles, according to the principles of Baha'i affiliation and administration, created and established by Baha'u'llah, Founder of the Baha'i Faith; defined and explained by Abdu'l-Baha, its Interpreter and Exemplar; interpreted and amplified by Shoghi Effendi, its Guardian, and supplemented and applied by the Universal House of Justice, its supreme body ordained by Baha'u'llah in His sacred writings, which purposes and objects may be realised by means of devotional meetings, by public meetings and conferences of an educational, humanitarian and spiritual character, by supervising and generally administering the affairs and activities of the Baha'i community of Seychelles, in the fulfillment of their religious offices, duties and ideals; and by any other means appropriate to these ends, or any of them;
- (b) to have rights as such to purchase, hold and possess in its corporate name such immovable property as it may require for charitable, religious or educational purposes. It shall have power to sell, mortgage or exchange the same as hereinafter provided;
- (c) to receive and accept, in its corporate name donations *inter vivos* and legacies, provided such donations and legacies be in conformity with the laws of Seychelles;
- (d) to hold and be named as beneficiary under any trust established by law or otherwise or under any will or other testamentary instrument in connection with any gift, devise, or bequest in which a trust or trusts is or are established in any part of the world;
- (e) all and whatsoever the several purposes and objects set forth in the written utterances of Baha'u'llah, Abdu'l-Baha and Shoghi Effendi and enactments of the Universal House of Justice, under which certain jurisdiction, powers and rights are granted to National Spiritual Assemblies;

- (f) generally to do all things and acts which in the judgment of the said corporate body are necessary, proper and advantageous, to promote the complete and successful administration of this corporate body.

#### **4. Management of National Assembly**

The said corporate body shall be under the care and management of the National Spiritual Assembly of the Baha'is of Seychelles, hereinafter referred to as the National Assembly, a body of nine persons elected at an annual meeting to be known as the National Convention of the Baha'is of Seychelles held at a time and place to be fixed by the said National Assembly and who shall continue in office for a period of one year or until their successors shall be elected. Vacancies in the membership of the National Assembly shall be filled by a plurality vote of the delegates composing the Convention which elected the National Assembly. The names of those elected shall be notified annually and subsequently, in the case of any persons elected to fill any vacancies, in writing to the Minister.

#### **5. Power to sign documents**

All deeds, acts and documents, concerning the said National Assembly shall be signed by any two of the following officers of the National Assembly; namely, the Chairman, Vice-Chairman, Secretary or Treasurer.

#### **6. Proceedings by or against the National Assembly**

The said National Assembly shall act, sue and be sued, under its corporate name; service of process on the Chairman of the Assembly, and in case of death, absence or any other incapacity of the Chairman, or of vacancy, on the officer fulfilling the function of the Chairman of the National Assembly being equivalent to service on the said National Assembly.

#### **7. Rights and powers of National Assembly**

The said National Assembly shall have the following rights and powers:

- (a) The right to purchase, hold and possess in its corporate name such movable or immovable property as it may require for charitable, religious or educational purposes. It shall have the power to sell, mortgage or exchange the same, to consent to the erasure or removal of all inscriptions, seizures or attachments and to give all acquittances.
- (b) The rights to receive and accept, in its corporate name donations *inter vivos* and legacies provided such donations and legacies be in conformity with the laws of Seychelles.
- (c) The right to hold and be named as beneficiary under any trust established by law or otherwise or under any will or other testamentary instrument in connection with any gift, devise, or bequest in which a trust or trusts is or are established in any part of the world; provided that this right shall be exercised subject to and in conformity with the laws of Seychelles.

#### **8. Seal of National Assembly**

The said National Assembly shall have a common seal circular in form bearing the following inscription: "National Spiritual Assembly of the Baha'is of Seychelles". The seal shall not be affixed to any instrument except by authority of a resolution of the National Assembly.

#### **9. Powers of the National Assembly to frame by-laws**

- (1) The National Assembly shall adopt for the conduct of the affairs entrusted to them under this Act such by-laws, rules of or regulations as are required to define and carry on its own administrative functions and those of the several local and other elements composing the body of the Baha'is of Seychelles not inconsistent with the terms of this Act and in accordance with the instructions and enactments of the Universal House of Justice.

A copy of such by-laws, rules of procedure or regulations shall be submitted to the Minister. Such by-laws, rules of procedure or regulations may be amended by majority vote of the National Assembly at any of its regular or special meetings, provided that at least fourteen days prior to the date fixed for the said meeting a copy of the proposed amendment or amendments is mailed to each member of the National Assembly by the Secretary.

- (2) Such by-laws, rules of procedure or regulations shall be subject and not contrary to the laws of Seychelles.

## 10. Establishment of local Spiritual Assemblies

- (1) The National Assembly may, with the prior approval of the Minister, permit the establishment of local Spiritual Assemblies in Seychelles as corporate bodies.
- (2) Before the National Assembly may permit the establishment of a local Spiritual Assembly as a corporate body it shall address to the Minister an application containing full details, including membership and the design of the common seal, of the proposed local Spiritual Assembly.
- (3) The \*Minister may, in his absolute discretion, and subject to such conditions or restrictions as he may consider fit, approve the establishment as a corporate body of any local Spiritual Assembly in respect of which application is made under this section.
- (4) The name of every local Spiritual Assembly approved by the Minister under this section shall appear in the Schedule.

## 11. Rights, powers and privileges of local Spiritual Assemblies

- (1) Every local Spiritual Assembly the name of which appears in the Schedule shall be a corporate body and, subject to the rights and powers of the National Assembly, shall have the same duties, rights, liabilities, powers and privileges *mutatis mutandis* as are given to the National Assembly under the provisions of sections 5, 6, 7 and 9.
- (2) Each local Spiritual Assembly incorporated under section 10 shall be under the care and management of a body of nine Baha'is elected annually on the 21st day of April from among the Baha'is of the locality in respect of which such local Spiritual Assembly was established. Such elected persons shall continue in office for a period of one year or until their successors shall have been elected. Vacancies in the membership of a local Spiritual Assembly shall be filled by a bye-election at a special meeting of the Baha'is of the locality concerned. The names of those elected shall be notified annually in writing to the Minister as shall the names of those elected at any subsequent bye-election.
- (3) Where a local Spiritual Assembly has been given exclusive and final jurisdiction and paramount executive authority, in all matters pertaining to the activities and affairs of the Baha'i Faith in a particular locality, it is understood that any decision made or action taken upon such matters shall be subject in every instance to ultimate review and approval, for the time being, by the National Spiritual Assembly of the Baha'is of Seychelles.
- (4) Every local Spiritual Assembly shall have a common seal in the name approved by the Minister under subsection (4) of section 10 and such seal shall not be affixed to any instrument except by the authority of a resolution of the local Spiritual Assembly concerned.

## 12. Powers of Minister in respect of Schedule

- (1) The Minister on application by the National Assembly may, in his absolute discretion, by notice in the *Gazette*, add to, vary or delete the name of any local Spiritual Assembly appearing in the Schedule.

\*Designated Minister - See SI 29/2001

- (2) The name of the Spiritual Assembly of the Baha'is of Victoria, Seychelles, shall appear in the Schedule.

### **13. Rights of the Republic and private persons**

Nothing in this Act shall prejudice or affect the right of the Republic or any body politic or corporate, or of any other person or persons, except such as are mentioned in this Act and those claiming by, from, through or under them.

#### **Schedule (Sections 10(4) and 12(1))**

1. Local Spiritual Assembly of the Baha'is of Victoria
2. Local Spiritual Assembly of the Baha'is of Anse Aux Pins
3. Local Spiritual Assembly of the Baha'is of Anse Etoile
4. Local Spiritual Assembly of the Baha'is of Anse Royale
5. Local Spiritual Assembly of the Baha'is of Baie Ste. Anne
6. Local Spiritual Assembly of the Baha'is of Bel Ombre
7. Local Spiritual Assembly of the Baha'is of Grand Anse, Praslin
8. Local Spiritual Assembly of the Baha'is of Plaisance
9. Local Spiritual Assembly of the Baha'is of Pointe Larue