



LAWS OF SEYCHELLES

CONSTITUTION OF THE REPUBLIC OF SEYCHELLES

CHAPTER 42

(SUBSIDIARY LEGISLATION)

(REVISED UP TO AUGUST 2018)

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Article 116(1)

S.I.29 of 2016

Constitution of the Republic of Seychelles (Electoral Areas Mahe and Praslin) Order, 2016

WHEREAS under article 116(1) of the Constitution, the Electoral Commission is required to keep under continuous review the number and boundaries of the electoral areas into which Mahe and Praslin are divided;

AND WHEREAS the Electoral Commission in accordance with article 116(3) of the Constitution has submitted to the National Assembly and the President a report together with the Commission's recommendation regarding changes in the number and boundaries of the electoral areas which the Electoral Commission considers necessary in the circumstances;

AND WHEREAS the Electoral Commission has recommended the division of Mahe into 23 electoral areas and proposed the names and boundaries of those areas and has not recommended any alteration of the number, names and boundaries of the electoral areas in Praslin;

AND WHEREAS the National Assembly has on 6th October, 2015 by resolution approved the draft Order;

NOW THEREFORE the President in the exercise of the powers conferred by article 116(5) of the Constitution hereby makes the following Order —

1. This Order may be cited as the Constitution of the Republic of Seychelles (Electoral Areas - Mahe and Praslin) Order, 2016.

Citation

2. Mahe shall be divided into 23 electoral areas, the names and boundaries of which are specified in Schedule A.

Electoral Area on Mahe

3. The names and boundaries of the 2 electoral areas on Praslin are specified in Schedule B.

Electoral Area on Praslin

4. The Constitution of the Republic of Seychelles (Electoral Areas Mahe and Praslin) Order, 1996 is hereby repealed.

Repealed of S.I. 68 of 1996

SCHEDULE A

NAMES AND BOUNDARIES OF ELECTORAL AREAS

1. ANSE AUX PINS,

being an area —

- (a) Bounded on the North-West by Cascade electoral area and North by Point Larue electoral area;
- (b) on the East by the sea;
- (c) on the south by Au Cap electoral area.

2. ANSE BOILEAU,

being an area —

- (a) Bounded on the North-West by Grand Anse electoral area;
- (b) on the North-West by Cascade electoral area;
- (c) on the East by watershed with proposed Au Cap electoral area from point CAB to the summit of Montagne Posée Road, thence in a straight line to Brulee trigonometrical station, thence in a straight line to point RPB, thence in a straight line with Au Cap electoral area to Castle Peak or Piton de L'Eboulis, thence in a straight line to beacons M676, BCND and AO66, and thence by a road to AO63;
- (d) on the West by the sea starting at point AB1(E+332725 N+9476761) on the high water mark opposite western end of Les Canelles Road at Anse La Mouche to Riviere Caiman.

3. ANSE ETOILE,

being an area —

- (a) bounded on the North by Glacis electoral area, starting from point GA1 (E+328155 N+9494120), thence by Riviere Hodoul and Riviere D'Antoine to the sea;
- (b) bounded on the East by the sea, starting at the mouth of Riviere D'Antoine to point PA91 (E+329272 N+9491046) eastern corner of property No.H 1830;
- (c) on the South by straight line from point PA91 to the junction of Quincy Village Road along the main road to North East Point, thence by Quincy Village Road to point AE1(E+328710 N+9491120), thence in a straight line to Signal Hill trigonometrical station; and

- (d) on the West by straight line from Signal Hill to points CORAL4 (E+327777 N+9491017) and CORAL6 (E+327455 N+9490898), thence by the western boundary of property No. H933 through points JC87 and CE54 to point GA2 (E+327145 N+9492462); (south of La Gogue Reservoir), thence by the Eastern edge of La Gogue Reservoir to point CE57 (E+327262 N+9492857), thence through points BCN4(E+327412 N+9493321), BCN2 (E+327700 N+9493843) and Montagne Pigeon (E+328055 N+9493935), to the starting point GA1.

4. ANSE ROYALE,

being an area —

- (a) bounded on the North starting at Piton de L'Eboulis or Castle Peak to point CRL2 (E+334546 N+9477979),

thence by the Western boundary of property No.C3373, South Western boundary of property Nos.C3373, C3374, C1480, C1478, C3220 and C3219 to point MD74 (E+335717 N+9477309) thence by a straight line to Jean Marie trigonometrical station and to the sea through Pointe Au Sel;
- (b) on the East by the sea;
- (c) on the South by Val d'endor Road to it's summit;
- (d) on the West by Baie Lazare River to point AB, thence following a foot path Northwards through L'Enforcement to the summit of Les Canelles Road at AO63, thence by a road to beacon AO66 (E+333766 N+9476684) and Eastwards to point BCND (E+334091 N+9476681) at the Mental Hospital, thence Northwards to beacon M676 (E+333941 N+9477484), and thence to the starting point Piton de L'Eboulis or Castle Peak;
- (e) includes Souris island.

5. AU CAP,

being an area —

- (a) bounded on the North by a straight line from Les Capusin hill to the crossing of Riviere Grand Bassin and Capusin Road, thence by Capusin Road to Property No.S837, thence by the estate road from the southern corner of the above mentioned property and Reef Estate Road to the sea at point “a” (E+336295 N+9481053) (Southern corner of property No. S410);

- (b) bound on the on the East by the sea;
- (c) bounded on the South by Anse Royale electoral area;
- (d) bounded on the West by Anse Boileau electoral area.

6. BAIE LAZARE,

being an area —

- (a) bounded on the North by a straight line from point AB1(E+332725 N+9476761) at high water mark opposite Western end of Les Canelles Road at Anse La Mouche, thence by Les Canelles Road to point AO63 (E+333958 N+9476459) at the summit;
- (b) on the East by Anse Royale electoral area to the summit of Val d'endor Road and by a foot path to Mont. Lockyer;
- (c) on the South by a straight line to hill point TB 1 (E+333660 N+9473265), thence in a straight line to Maravi trigonometrical station and then in a straight line to the sea through Maravi R.C. Cross;
- (d) on the West by the sea;
- (e) includes Chauve Souris island.

7. BEAU VALLON,

being an area —

- (a) bounded on the North by Glacis electoral area;
- (b) on the North-East by Anse Etoile electoral area, thence from Signal Hill trigonometrical station by straight line through points MTB2 (E+327440 N+9490660) and MTB 1 (E+327260 N+9490430) to Creve Coeur trigonometrical station, thence in a straight line to Mast MB 1 (E+326880 N+9489625) near Cable and Wireless Satellite Station, thence by the road to St. Louis Hill (E+327180 N+9489355) (at the T.V. Mast);
- (c) on the South from St. Louis Hill to beacon JB822 (E+327176 N+9489210), thence to point BS1(E+327075 N+9489115) (at the summit of St. Louis Road), thence by St. Louis Road to Le Niol junction (opposite the chapel),

thence by Le Niol Road to point BCN67(E+326630 N+9489085) and to point PN35, and thence by Sullivan River, Canada Village, Beau Vallon/Bel Ombre Road, Sullivan River to sea; and

(d) on the West by the sea.

8. BEL AIR,

being an area —

- (a) bounded on the North by St. Louis electoral area;
- (b) on the North-East by the sea starting from point SB2 (E+328890 N+9489127), thence by the sea wall to B1 (E+329100 N+9489545) (Northern most edge of the reclamation), thence by the high water mark along the reclaimed land to point MPB (E+328932 N+9488712) (due South of Houdoul Island), thence to a point MB3 (E+328936 N+9488632) (at the intersection of S.M.B. fence with Latanier Road), thence by Latanier Road to the entrance of S.P.T.C. workshop, thence to point MB4 (E+329000 N+9488410) on East Coast Road, thence by the East Coast Road to point MB5 (E+328827 N+9488454) (opposite the mark of Riviere Trois Freres), thence by Riviere Trois Freres to point MB6 (E+327818 N+9488395) on the bridge of Sans Soucis Road;
- (c) on the East from the point MB6 by Sans Soucis Road in a Southerly direction (uphill) to point MB7 (E+328315 N+9487515) (on the last right hand bend facing uphill before the drive to Ex - Makarios's residence), thence in a straight line through New Sans Soucis trigonometrical station PC4 to point MB8 (E+328668 N+9487480) where the straight line intersects the Old Foret Noire Road (the first sharp left hand bend on leaving the Foret Noire Estate when travelling uphill), thence following the old Foret Noire Road to F.E.B.A. housing estate water tower at MB9 (E+328775 N+9487191), thence in a straight line to point MB10 (E+328860 N+9486975), thence to the confluence of the two streams forming the Rochon River, thence by the stream flowing down Copolia up to point PLB (E+328625 N+9486315), thence in a straight line to Salazie Forestry Road at point POB 1 (E+328250 N+9485440);
- (d) on the South from Point POB 1 by Salazie Forestry Road to Sans Soucis Road at point POB2 (E+327550 N+9485900), thence by Sans Soucis Road towards North-East to point POB3 (E+327910 N+9486000), thence by a foot path in a North Westerly direction to Morne Seychellois;
- (e) on the West by a straight line from Morne Seychellois to Trois Freres and to the foot of the escarpment to point SPB (E+326820 E+9488350) on the common boundary with St. Louis and Port Glaud electoral areas; and

- (f) includes Houdoul Island.

9. BEL OMBRE,

being an area —

- (a) bounded on the North by the sea starting from the mouth of River Major, to point BVB (E+325125 N+9489880) at the mouth of Riviere Sullivan;
- (b) on the East by Beau Vallon electoral area;
- (c) on the South from PN35 with Beau Vallon and St. Louis electoral areas, through points PB1, PB2, AN91, PB4, AN85, PB and by the northern boundary of property No.J1051 through points B167, E, A, to B122; thence in straight line to Bernard trigonometrical station and to the source of Riviere Cascade at point PB1 (E+324160 N+9487150), thence following Riviere Cascade to point PB6 (E+322850 N+9486450) (at the confluence of Riviere Cascade and a stream); and
- (d) on the West along stream uphill to the water-shed, thence along Riviere Major to the starting point at the mouth of Riviere Major.

10. CASCADE,

being an area —

- (a) bounded on the North-West by Les Mamelles and Roche Caiman electoral areas;
- (b) on the North by the sea up to Riviere Dejeuner at CP1 (E+334810 N+9483780), thence to point CP2 (E+334870 N+9483740) on the main road, thence to point CP3 (E+33 5030 N+9483710) (near the exit from the Airport);
- (c) on the East by straight line from CP3 to CP4 (E+335025 N+9483495) on a large rock, thence to Les Denis trigonometrical station through Mont. Sebert, thence to Les Capucin Hill, thence to watershed at point CAB (E+333550 N+9481600) with Anse Aux Pins and Anse Boileau electoral areas;
- (d) on the South by watershed to Montagne Planneau; and
- (e) on the West by watershed to Montagne Planneau from New Savy, the thence by a straight line to point GC (E+331350 N+9484265) and by the stream to point LC1 with Les Mamelles electoral area.

11. ENGLISH RIVER,

being an area —

- (a) bounded on the North by Anse Etoile electoral area;
- (b) on the East by the sea from point PA91, to EM1 (E+328832 N+9489400) at the mouth of Riviere Moosa;
- (c) on the South by Riviere Moosa to the junction of Mont. Buxton Lane and Oliviere Maradan Road; and
- (d) on the West by Mont. Buxton Lane up to Button Lane in position EM2 (E+328120 N+9489636), thence by Button Lane again to Mont. Buxton Lane at EM3 (E+328112 N+9489749), thence by a foot path to the Southern boundary of Union Vale Estate at point AV43 (E+328551 N+9489883), thence to the starting point of Signal Hill.

12. GLACIS,

being an area —

- (a) bounded on the West, North and North-East by the sea;
- (b) on the East by Anse Etoile electoral area;
- (c) on the South by Nezet River; and
- (d) includes L'ilot island.

13. GRAND ANSE (MAHE),

being an area —

- (a) bounded on the West by Port Glaud electoral area;
- (b) on the North-East by Plaisance, Les Mamelles and Cascade electoral areas;
- (c) on the East by the watershed from New Savy trigonometrical station to Montagne Planneau and then;
- (d) on the South-East by Caiman River to the sea; and
- (e) on the South-West by the sea.

14. LES MAMELLES,

being an area —

- (a) bounded on the North-East by the Old Main Road to Point Larue starting from Plaisance junction up to Riviere Brillant;
- (b) bounded on the South by Riviere Brillant to a point LC1 (E+330190 N+9485290), thence along Ma Josephine Road to La Misere Road,
- (c) bounded on the West by La Misere Road to the starting point of Plaisance Junction.

15. MONT BUXTON,

being an area —

- (a) bounded on the North-East by English River electoral area;
- (b) on the South with St. Louis electoral area from Moosa River crossing Oliviere Maradan Road, thence by Hangard Street to Creve Coeur Road;
- (c) on the South-West by Creve Coeur Road to point MB 1 near Cable and Wireless Satellite station with Beau Vallon electoral area; and
- (d) on the West from MB 1 with Beau Vallon electoral area in a straight line through Creve Coeur trigonometrical station, points MTB 1 and MTB2 to Mont. Signal with English River electoral area.

16. MONT FLEURI,

being an area —

- (a) bounded on the North-East by the sea, starting from MPB with Bel Air electoral area, thence by the sea to point MQ 712 (E+329609 N+9487968) Western corner of property No.V8317 occupied by the Vehicle Testing Station;
- (b) on the South-East from MQ712 in a straight line to position IPE (E+329596 N+9487912) an iron peg on the wall at the Eastern corner of property No.V5820 occupied by the Police Station, thence by Rochon Road and Rochon River to the confluence of the two streams forming Rochon River;
- (c) on the South – West by Bel Air electoral area to point MPB; and
- (d) includes Ste. Anne, Cerf, Cache, Long, Moyenne, Round and Seche Islands.

17. PLAISANCE,

being an area —

- (a) bounded on the North-East by the sea from point TK450 (E+329843 N+9488220) to point PR (E+330100 N+9488000), and thence through points TR474 (E+329854 N+9487770) (Southern corner of property No.V9023 near Sports Complex round-about) and MD479 (E+329696 N+9487723) (on the sea wall at the Eastern corner of the property No.V5279) to Cemetery Road junction, and thence by the old Main Road (to Point Larue) to Plaisance junction;
- (b) bounded on the East by La Misere Road up to the church;
- (c) bounded on the South by the watershed to Salazie Forestry Road, thence by the road to point POB 1; and
- (d) on the West by Bel Air and North-West by Mont Fleuri electoral areas.

18. POINT LARUE,

being an area —

- (a) bounded on the West by Cascade electoral area and the sea;
- (b) on the North and North-East by the sea;
- (c) on the South by the watershed from point PA1 (E+336960 N+9482320) to the peak at point PA2 and by a straight line through point PA3 to Les Dents; and
- (d) includes Anonyme, Rats and Brulee Islands.

19. PORT GLAUD,

being an area —

- (a) bounded on the North by Bel Ombre and St. Louis electoral areas;
- (b) on the East by Bel Air electoral area up to POB 1, thence by the water course of Riviere Grand Anse to its confluence with Riviere Grand Bois, thence by a straight line to point PG1 (E+326960 N+9484200) on Riviere Beoliere, and thence by Riviere Beoliere to the sea;
- (c) on the South and West by the sea.
- (d) includes Vaches, Trois Dames, Therese, Petite, L'Islette and Conception islands.

20. ROCHE CAIMAN,

being an area —

- (a) bounded on the North-West by Plaisance electoral area starting from Cemetery Road junction through points MD479 and TR474 to point PR, thence by the sea to point P (E+330250 N+9488175);
- (b) bounded on the North-East by the sea from point P to point PC1 (E+331638 N+9486155) on the jetty of Brillant, thence along the boundary of reclaimed land towards South-West and in a straight line to point PC2 (E+331455 N+9485720) at the mouth of Riviere Brillant;
- (c) on the South-East by River Brillant to Point Larue Road; and
- (d) bounded on the South – West by Point Larue road to the starting point (Cemetery Road junction).

21. ST. LOUIS,

being an area —

- (a) bounded on the North by Mont. Buxton electoral area up to the intersection of Moosa River crossing Oliviere Maradan Road, thence by Moosa River to the sea;
- (b) bounded on the East by the sea;
- (c) on the South from point SB2 by Riviere St. Louis (with Bel Air electoral area), Albert Street, Revolution Avenue, St. Louis Road to St. Louis River at the sharp bend to the right hand side towards uphill, thence by St. Louis River to point SB 1 (E+327055 N+9488705), thence to point SPB with Bel Air and Port Glaud electoral areas;

(d) on the South-West by the State Land Boundary to point PN35 (E+326100 N+9488660), and on the West by Beau Vallon electoral area.

(e) on the West by Beau Vallon electoral area.

22. TAKAMAKA,

being an area —

(a) bounded on the North by Baie Lazare and Anse Royale electoral areas; and

(b) on the East, South and West by the sea.

23. ILE PERSÉVÉRANCE

being an area —

(a) bounded on the North by the sea from SCB (standard concrete beacon) VD883 (E+329243.63, N+9491755.28) to SCB VG450 (E+329646.88, N+ 9491727.11).

(b) on the East by the sea from SCB VG450 through SCB VD761(E+330147.99 N+9491214.06), SCB VD551 (E+330329.48, N+9491148.58) to theoretical point (C) (E+330230.61 N+9490401.44).

(c) on the South by the sea from theoretical point (C) (E+330230.61 N+9490401.44) through theoretical point (B) (E+330119.02 N+9490434.47), SCB UZ886 (E+329479.14 N+9490632.10) to SCB UX723 (E+329399.53 N+9490740.58); and

(d) on the West by the sea from SCB UX723 to SCB VD883.

SCHEDULE B

24. BAIE STE. ANNE (PRASLIN),

being an area —

- (a) bounded on the North and East by the sea;
- (b) on the South-West by Grand Anse (Praslin) electoral area; and
- (c) includes Curieuse Island, Round Island, Chauve Souris Islands and St. Pierre Islet.

25. GRAND ANSE (PRASLIN),

being an area —

- (a) bounded on the North-East by a straight line starting from the estuary of the Anse Georgette River to Many New trigonometrical station, thence to the junction of Salazie and Pasquiere Roads, thence to a bridge on Grand Anse - Baie Ste. Anne Main Road in Vallee de Mai, thence to Fond Azore trigonometrical station, thence to the estuary of Anse Marie Louis River;
- (b) on the South and West by the sea; and
- (c) includes Les Parisiennes, Aride, Cousin and Cousine Islands.

NATIONAL ASSEMBLY OF SEYCHELLES STANDING ORDERS, 2009

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S.I.87 of 2009

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CONSTITUTION OF THE REPUBLIC OF SEYCHELLES

National Assembly of Seychelles Standing Orders, 2009

In exercise of the powers conferred by Article 101 of the Constitution of the Republic of Seychelles, the National Assembly has, by resolution passed on 17th March, 2009, made the following Standing Orders.

PART- GENERAL

1. These Orders may be cited as the National Assembly of Seychelles. Standing Orders, 2009. Citation

2. In case of any doubt and for any question of procedure not provided for in these Orders, the Speaker shall decide the point of order or practice, having regard to the Constitution, the practice of the Assembly, and the practices of other Commonwealth Parliaments, in so far as they may be applicable to the National Assembly of Seychelles. Procedure in cases not provided for in these Orders

3. In these Orders- Interpretation
 - "Assembly" means the National Assembly of Seychelles referred to in the Constitution;
 - "Chairperson" means the person presiding over a Committee of the Assembly;
 - "Clerk" means the Clerk to the Assembly;
 - "Constitution" means the Constitution of the Republic of Seychelles;
 - "Leader of Government Business" means the Member so designated, in terms of section 3A (3) of the National Assembly Members' Emoluments Act, by the President;
 - "Leader of the Opposition" means the Member referred to in Article 84 of the Constitution;
 - "member of Public" means any person other than the Speaker, the Deputy Speaker, a Member or an Officer of the Assembly;
 - "meeting" means a period during which one or more sittings take place, commencing when the Assembly first

sits after being summoned for the first time or after an adjournment of more than a month, and ending when the Assembly is adjourned for more than a month, or upon a motion in terms of Order 17, or at the conclusion of a session;

"Member" means a Member of the Assembly;

"Minister" means a member of the Cabinet for the time being responsible for the matter in question and, in the case of a matter falling within the portfolio responsibility of the President or that of a Minister who for any reason is unable to attend the Assembly, means the President or such other Minister as the President may nominate for the purpose;

"Officer" means the Clerk or any other officer or person acting within the precincts of the Assembly under the orders of the Speaker and includes a Police Officer on duty within the precincts of the Assembly;

"precincts of the Assembly" means the chamber in which the Assembly or a Committee thereof sits for the transaction of business, together with the offices, rooms, lobbies, galleries, courtyard, gardens and other places provided for the use or accommodation of Members or officers and any passage connecting such places, and any other place immediately, contiguous thereto as may from time to time be designated by the Speaker;

"sitting" means a period during which the Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in committee;

"Session" means the period of time as defined by Article 106(1) of the Constitution;

"The Speaker and the Deputy Speaker" means the Speaker and the Deputy Speaker of the Assembly in terms of the Constitution.

Election of the
Speaker and the
Deputy Speaker

PART II- PRESIDING OFFICER, MEMBERS AND CLERK OF THE ASSEMBLY

4.(1) The Assembly shall-

- (a) at the first sitting of the first meeting of a session; and
- (b) if the office of the Speaker becomes vacant at any time before the next dissolution of the Assembly, at its next sitting after the occurrence of the vacancy,

elect from among its Members a Speaker.

(2) The procedure for the election of a Speaker shall be as follows-

- (a) a Member, addressing the Clerk, may propose as Speaker a Member then present, and move that the Member "do take the Chair of this Assembly as Speaker";
- (b) the proposal under sub-paragraph (a) shall require to be seconded, but no debate shall be allowed;
- (c) if only one Member be so proposed and seconded the Member shall be called by the Assembly to the Chair, without question put;
- (d) if more than one Member be so proposed and seconded, the Assembly shall proceed to election by ballot;
- (e) for the purpose of a ballot, the Clerk shall give to each Member present a ballot paper bearing the names of the candidates and a Member shall vote by placing a cross opposite the name of the candidate of choice of the Member;
- (f) ballot papers shall be folded so as to conceal the vote and shall not be marked in any way by which the Member voting could be identified;
- (f) the Clerk or an officer deputed by the Clerk shall collect the ballot papers and the counting of the votes shall be done by the Clerk at the table of the Assembly in the presence of two oldest Members, one from each of the two main parties represented in the Assembly, and the result of the ballot shall be declared by the Clerk;
- (h) where more than two candidates have been

proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall continue; the candidate obtaining the smallest number of votes at each ballot shall each time be excluded until one candidate obtains more votes than the remaining candidate or the aggregate votes of the remaining candidates, as the case maybe;

- (i) where at any ballot among three or more candidates two or more obtain the smallest number of votes, determination as to who among these candidates is to be excluded from the next subsequent ballot shall be by lot;
- (j) where at any ballot between two candidates the votes are equal, further ballots shall be held until one candidate obtains more votes than the other.

(3) The Assembly shall-

- (a) at the first sitting of the first meeting of a session; and
- (b) if the office of the Deputy Speaker becomes vacant at any time before the next dissolution of the Assembly, at its next sitting after the occurrence of the vacancy,

elect from among its Members a Deputy Speaker.

(4) The procedure for the election of a Deputy Speaker shall be the same as for the election of the Speaker.

Office of Speaker
and Deputy
Speaker
becoming vacant

5. The office of Speaker or Deputy Speaker shall become vacant-

- (a) where the person holding the office of Speaker or Deputy Speaker ceases to be a Member of the National Assembly in accordance with the provisions of Article 81 of the Constitution;
- (b) where the Assembly passes a resolution supported by the votes of not less than two-thirds of th

number of Members of the Assembly requiring the person to vacate the office of Speaker or Deputy Speaker, as the case may be;

- (c) where, by notice in writing to the Assembly, the Speaker or Deputy Speaker resigns office, and the Clerk receives the notice;
- (d) where the person holding the office of Speaker or Deputy Speaker is appointed Leader of Government Business or is elected Leader of the Opposition.

6. The Speaker, or in the absence of the Speaker the Deputy Speaker or, in their absence a Member, not being the Leader of Government Business or the Leader of the Opposition, elected by the Assembly in the manner prescribed by paragraph (2) of Standing Order 4, shall preside over the deliberations of the Assembly and he or she shall exercise the same authority as the Speaker:

Officer Presiding

Provided that the words "Speaker" in the motion prescribed by subparagraph (a) of paragraph (2) of Standing Order 4 shall be replaced by the words "Speaker for today's sitting only."

7. The Speaker or, in the absence of the Speaker, the Deputy Speaker or in their absence, a Member, not being the Leader of Government Business or the Leader of the Opposition, elected as in Standing Order 4 shall act as Chairperson of the Committee of the Whole Assembly:

Chairperson of Committees of the Whole Assembly

Provided that the word "Speaker" in the motion prescribed by subparagraph (a) of paragraph 2 of Standing Order 4 shall be replaced by the word "Chairperson".

8.(1) The Speaker or, in the absence of the Speaker, the Deputy Speaker shall preside at any sitting of the Assembly.

Authority of Presiding Officers during proceedings

(2) The Speaker or the Deputy Speaker shall preserve order and decorum in the Assembly and shall decide points of order and practice.

(3) In deciding a point of order or practice, the Speaker or the Deputy Speaker shall state reasons for their decision and shall cite any rule of procedure or other applicable authority.

(4) The Speaker or the Deputy Speaker may invite Members to cite relevant rules of procedure or authorities in support of points of order raised by them.

(5) The decision of the Speaker or the Deputy Speaker on a point of order shall be final.

Leave of
absence

9.(1) Every Member shall attend the sittings of the Assembly unless leave of absence has been given to the Member by the Speaker. The Speaker shall not unreasonably withhold such leave.

(2) Except with the permission of the Speaker, if a Member has absented himself or herself from Seychelles for a continuous period in excess of 30 days or, during a session of the Assembly, for a continuous period in excess of 90 days during which time the Assembly has been summoned to meet and continues to meet, such Member shall cease to be a Member in virtue of the provisions of Article 81 of the Constitution.

(3) Leave of absence may be given by the Speaker to any Member who shows sufficient cause justifying his or her absence or who is away on official or parliamentary duties.

(4) Application for leave of absence shall be in writing unless the Speaker otherwise permits.

(5) In exceptional cases, any Member may inform the Speaker of the Member's absence and the circumstances leading to such absence, and seek the Speaker's retrospective leave of absence.

Quorum

10.(1) The quorum of the Assembly and of a Committee of the whole Assembly shall consist of one half of the number of Members at the time.

(2) If at any time the attention of the Speaker is called by a Member to the absence of a quorum, the Speaker shall count the Assembly. If on the first count a quorum does not appear to be present, the Speaker shall call for a division of the Assembly, and if no quorum be present after the lapse of three minutes, the Speaker or the Chairperson shall announce to the Assembly or Committee, as the case may be, that there is not a quorum present and shall proceed as follows-

(a) the Speaker shall adjourn the Assembly without

question put until such time on the same day or such other day as the Speaker may decide;

- (b) if the Assembly is in Committee, the Assembly shall resume, and the Speaker shall adjourn the Assembly as provided in paragraph (a):

Provided that if attention is drawn to the absence of a quorum at the commencement of business, the Speaker or the Chairperson, as the case may be, shall before taking the action described in paragraphs (a) and (b) suspend the sitting for such period of time as the Speaker or the Chairperson may decide.

11. The proceedings and debates of the Assembly will be in Creole, but a Minister or a Member may address the Assembly in English or French. Language

12.(1) The Clerk or any officer deputed by the Clerk shall keep the Record of proceedings of the Assembly and of Committees of the whole Assembly which shall constitute the progress of the Assembly; and shall circulate a copy of the Record to Members before the beginning of the next sitting or as soon as possible after the conclusion of each sitting. Duties of the Clerk of the Assembly

(2) The Record of proceedings shall record the names of Members attending and all decisions of the Assembly or Committees of the whole Assembly, as the case may be.

(3) When decisions are taken in the Assembly or in a Committee of the whole Assembly, the Record of proceedings shall state the number of Members voting for and against the question.

(4) The Clerk shall be responsible, under the direction of the Speaker, for preparing an Order Paper for each sitting of the Assembly or Committee of the whole Assembly showing the business to be placed before the Assembly or Committee at the sitting, together with such other information as the Speaker may direct that it should contain.

(5) The Clerk shall, not less than three clear days before the commencement of any sitting of the Assembly, send to each Member of the Assembly a copy of the Order Paper stating the business to be transacted at the sitting.

(6) The Clerk shall be responsible for the custody of the journals and records, including all papers presented to or laid before the Assembly; and the journals and records shall at all reasonable times be open to inspection by Members and other persons under such arrangements as may be sanctioned by the Speaker.

(7) The Clerk shall be responsible, under the direction of the Speaker, for the production of an official report of speeches made in the Assembly and in Committees of the whole Assembly and for making copies available to Members.

(8) The Clerk or any officer deputed by the Clerk shall serve as the secretary to any Committee appointed by the Assembly and shall record the proceedings in the Minutes.

Procedure for the removal of Speaker or Deputy Speaker

13.(1) A motion for a resolution for the removal of the Speaker or the Deputy Speaker from office shall be moved in the following manner-

- (a) seven days' notice signed by not less than one half of all Members of the Assembly in the case of the Speaker, and one third in the case of the Deputy Speaker, shall be given to the Clerk;
- (b) the Clerk shall, within twenty four hours of receipt of the notice, forward it to the Speaker or the Deputy Speaker ,as the case may be;
- (c) the motion shall be tabled in the Assembly and shall be listed for debate within fourteen days after receipt of the notice by the Speaker or the Deputy Speaker;
- (d) in debating the motion under paragraph (c) the Assembly shall constitute itself into a Committee, which shall report its findings to the Assembly for adoption;
- (e) the Speaker or the Deputy Speaker is entitled to be heard during the debate.

(2) The Speaker or the Deputy Speaker, as the case may be, in respect of whom proceedings for removal have commenced, shall not continue to preside over any proceedings of the Assembly.

(3) If the Assembly passes the motion for the removal of the Speaker or the Deputy Speaker by not less than two-thirds of the number of Members of the Assembly, the Speaker or Deputy Speaker shall cease to hold office.

14.(1) A Member who is desirous of moving a motion of censure against the Vice-President or a Minister shall notify the Clerk in writing of his or her intention, citing the grounds for the proposed censure motion and giving detailed particulars supporting such grounds.

Procedure for
vote of censure
against the
Vice-President
and Ministers

(2) The Clerk shall, after being satisfied that the notice of motion has been signed by not less than one third of the number of the Members of the Assembly, transmit the notice to the Speaker who shall send a copy thereof to the President.

(3) Seven days after the notice has been received, the Speaker shall cause the motion to be placed on the Order Paper.

(4) On the motion being called, the Member who gave notice under paragraph (1) of this Order shall formally move the motion and lay all supporting documents on the Table and each document so laid shall be endorsed by the Clerk. A copy of each such document shall be forwarded to the President for onward transmission to the Vice-President or Minister concerned, as the case maybe.

(5) After the mover has concluded his or her speech and laid all documents in support of the motion, debate thereon shall be postponed and the Speaker shall cause a Committee to be appointed comprising 7 Members to which the motion and the supporting documents shall be referred. Thereupon the Committee shall scrutinise and identify prima facie evidence to the allegations in the motion.

(6) In the exercise of its duties under paragraph (5), the Committee-

- (a) may call any person to the Committee for the purpose of examining the person;
- (b) may receive supplementary information from any Member of the Assembly or any person called to the Committee;

(c) shall allow the Vice-President or the Minister who is the subject of the motion to defend himself or herself against any allegations made against him or her.

(7) On completion of the proceedings, the Chairperson of the Committee shall report the findings of the Committee to the Assembly.

(8) On receipt of the Committee's report, and notwithstanding the findings of the Committee, the Speaker shall cause the motion to be debated within fourteen days of the receipt of the notice of the motion.

(9) If the Assembly passes the motion of censure by not less than two thirds of the number of Members of the Assembly, the Speaker shall inform the President of the result of the vote within twenty four hours.

PART 111 -SESSIONS,MEETINGSAND SITTINGS

Summoning of sessions

15.(1) The first meeting of a session of the Assembly shall be held at such place, and shall begin at such time as the President may, by proclamation published in the Gazette, appoint.

(2) Subject to paragraph (1) the President may, at any time by proclamation published in the Gazette, summon a meeting of the National Assembly.

(3) At the dissolution of the Assembly all proceedings then pending shall terminate and lapse.

Commencement of Meetings

16. A meeting of the Assembly, other than the first meeting of a session shall, subject to the Constitution, begin on such date as the Speaker may appoint.

Conclusion of Meetings

17.(1) Meetings shall be concluded by the adjournment of the Assembly for the conclusion of the meeting.

(2) A motion to determine the day for the conclusion of a meeting shall be moved in the following terms: "That on the adjournment of the Assembly on (this or a later day) the present meeting of the Assembly shall be concluded and the Assembly shall then stand adjourned (until a named day or sine die)".

(3) No amendment to the motion set out in paragraph (2) shall be accepted other than to substitute another day for any day referred to in the motion.

(4) Any business not disposed of by the Assembly on the adjournment at the conclusion of a meeting shall be stood over to the next meeting.

18.(1) The Assembly may sit on any day.

Sittings

(2) The Assembly shall sit on such days as are decided by the Speaker.

19.(1) Subject to Order 15(1), a sitting of a meeting of the Assembly shall begin at 9:00a.m.

Times of sittings

(2) Subject to this Order and Order 21(6), at 5:00 p.m. proceedings on any business under consideration shall be interrupted, any motion which has been moved for the adjournment of the Assembly shall lapse, and if the Assembly is in committee, the Speaker shall resume presiding over the Assembly:

Provided that if the Speaker or the Chairperson, as the case may be, is of the opinion that the proceedings on which the Assembly is engaged could be concluded by a deferment of the moment of interruption, the Speaker or Chairperson may defer interrupting the business.

(3) If a division is in progress at 5:00pm. or a question is being put from the Chair and a division results immediately thereon, the business shall not be interrupted until the result of the division has been declared.

(4) Except as provided in Order 21(6), no further business shall be entered upon after the interruption of business under paragraph (2) of this Order.

(5) Any matter under discussion at 5:00 p.m. and any business not entered upon at that time shall stand over to the next sitting or, if it is the last sitting of a meeting, to the next meeting.

(6) The Speaker in the Assembly, or the Chairperson in a committee of the whole Assembly, may at any time suspend a sitting and will usually do so from 12:00 p.m. until 2:00 p.m.

PART IV - MOTIONS FOR THE ADJOURNMENT OF THE ASSEMBLY

Adjournment of
the Assembly

20.(1) When for any reason it is not desired to formulate a motion in express terms for the purpose of debating a matter or matters, a motion that the Assembly do now adjourn may be moved for the purpose of such a debate.

(2) A motion under this Order may be moved by any Member after the Member has so notified the Speaker.

(3) The Speaker may decline to put the motion to the Assembly if the Speaker considers it an abuse of the Orders of the Assembly.

(4) A motion for the adjournment under this Order may not be moved until motions are upon under Order 24(2) and then only between two items of business.

(5) If a motion for the adjournment made under this Order is agreed to, the Assembly shall stand adjourned and any business not entered upon shall stand over in accordance with Order 17(4), but if the motion is not passed or is withdrawn, the Assembly shall proceed to the next item of business.

(6) At the conclusion of the business under Order 24(2), the Speaker shall either adjourn the Assembly without question put, or, if notice has been given of a matter to be raised upon a motion for the adjournment of the Assembly under this Order, the Speaker shall call upon a Member to move "That this Assembly do now adjourn".

(7) On any motion moved under paragraph (6) a Member who has given notice in writing and obtained the leave of the Speaker may raise any matter of administration for which the Government is responsible.

(8) Upon the conclusion of any debate arising under a motion under paragraph (6), the Speaker shall put the question "That this Assembly do now adjourn.":

Provided that, if the question has not been put at the expiration of one hour after the motion has been moved, the Speaker shall adjourn the Assembly without question put.

Adjournment on
specific and
important
matters

21.(1) Immediately before motions are to be entered upon under Order 24 (2), a Member may ask leave to move the adjournment of

the Assembly for the purpose of discussing a specific and important matter that should have urgent consideration.

(2) A Member asking leave to move an adjournment of the Assembly under this Order shall, before the commencement of the sitting, hand to the Speaker a written notification of the matter which the Member wishes to discuss.

(3) Such a motion by a Member may not be made **unless-**

- (a) the Speaker is satisfied that the matter is specific and important and should have urgent consideration; and
- (b) the leave of the Assembly is given; or
- (c) if it is not given, at least one half of the Members present support the request.

(4) If the Speaker is satisfied that the motion may properly be made, and the leave of the Assembly on that behalf is granted, the motion shall stand over until such hour as the Speaker may appoint on the same day or the next day when proceedings shall be interrupted after three hours and any proceedings on which the Assembly is engaged shall stand postponed until the motion for the adjournment is disposed of.

(5) Discussion under paragraph (4) of this Order cannot be raised upon any matter standing upon the Order Paper although such matter be previously withdrawn at the same sitting, nor upon any matter of privilege, nor upon any matter which cannot be debated save upon a substantive motion.

(6) Any proceeding postponed under this Order shall not be interrupted at five o'clock and may be resumed and proceeded with at or after that hour for a period of not more than three hours.

(7) Not more than one such motion for the adjournment shall be made at the same sitting, and not more than one matter shall be discussed on that motion.

PART V- MOTIONS FOR ADJOURNMENT OF DEBATES

22.(1) A Member who wishes to postpone to some future occasion further debate on a question which has been proposed

Adjournment of
debate or
proceedings in
Committee

from the Chair may claim to move "That the debate be now adjourned", or, in Committee of the whole Assembly, "That the Chairperson do report progress and ask leave to sit again."

(2) The debate on the motion shall be confined to the matter of the motion.

(3) If the Speaker or Chairperson shall be of the opinion that the motion is an abuse of the proceedings of the Assembly or Committee, as the case may be, the Speaker or Chairperson may decline to propose it.

(4) When such a motion has been negatived, the debate on, the question before the Assembly or the Committee shall be continued and no further motion shall be moved during the same debate.

(5) Such a motion shall be made only by a Member who, having been called by the Speaker, is for the time being holding the floor and Members who have already contributed to the debate under such consideration are not allowed to move such a motion.

(6) It shall not be in order to move an amendment to a motion under the provisions of this Order.

Closure of
Debate

23.(1) After a question has been proposed, a Member may claim to move "That the question be now put", and, unless it shall appear to the Speaker that such a motion is an abuse of these Standing Orders or an infringement of the rights of a minority, the question "That the question be now, put" be put forthwith and decided without amendment or debate.

(2) When a motion "That the question be now put" has been carried, and the question consequent thereon has been decided, a Member may claim that such other question be put as may be requisite to bring to a decision any question also proposed and, provided that the assent of the Speaker is not withheld, such questions shall be put forthwith and decided without amendment or debate.

PART VI - ORDER OF BUSINESS

Order of
Business

24.(1) At the first sitting of the first meeting of the Assembly in a new session-

- (a) the Clerk shall read the Proclamation by the President summoning the Assembly to the meeting;
- (b) the Speaker shall cause the Oath of Allegiance to be made and subscribed by all Members;
- (c) the Speaker shall announce to the Assembly whether the President intends to address the Assembly on that day and if so at what time;
- (d) if the President intends to address the Assembly the sitting shall stand suspended until the time appointed for the President to do so;
- (e) at the conclusion of the President's address the sitting shall stand suspended or adjourned as the Speaker may direct until such time or to such day as may be specified by the Speaker.

(2) The business for a sitting shall be transacted in the following order-

- (a) National Anthem;
- (b) Moment of Reflection;
- (c) Administration of Oath of Allegiance;
- (d) Communications from the President;
- (e) Communications from the Chair;
- (f) Presentation of papers;
- (g) Questions of which notice has been given;
- (h) Questions without notice;
- (i) Statements by Ministers;
- G)** Personal explanations;
- (k) Matters of privilege;
- (l) Motions for the adjournment of the Assembly under Order 21;
- (m) Any motion, Bill, or other business which, in the opinion of the Speaker, should precede the remaining business of the day;
- (n) Motions of which notice has been given;
- (o) Bills.

PART VII - OATH AND COMMUNICATIONS

- National Anthem 25. A sitting of the National Assembly shall begin with the National Anthem.
- Oath of Allegiance 26. The Oath of Allegiance shall be administered by the Clerk to the Members in prescribed form and no Member shall sit, speak or vote until the Member has taken the Oath of Allegiance.
- Message from the President 27.(1) A message from the President shall be read, at the first convenient sitting of the Assembly after it is received by the Speaker, by the President or a Minister designated by the President.
- (2) The Message from the President on the State of the Nation shall be read at the first annual sitting of the Assembly after it is received by the Speaker, by the President or a Minister designated by the President.
- (3) Notwithstanding the provisions of Order 24, the Message from the President on the State of the Nation shall be followed by a response from the Leader of the Opposition and by a general debate without question put.

PART VIII - PAPERS

- Presentation of Papers 28.(1) Papers may be presented to the Assembly during a sitting by the Clerk laying them on the Table.
- (2) A record of every paper presented to the Assembly shall be entered in the Record of proceedings of the Assembly.
- (3) Copies of all subsidiary legislation made under the authority of any law and published in the Gazette since the last meeting of the Assembly shall be laid on Table by the Clerk.
- (4) Any person shall be entitled at all convenient times on application to the Clerk to read and, if they so desire, to take extracts from or copies of all papers laid on the Table.
- Debates on Papers 29.(1) Subject to any written law, at any time after the presentation of any paper under Order 28, a Member may give notice of a motion that the Assembly resolve itself into a Committee of the whole Assembly to consider the paper and debate upon that motion shall be confirmed to the general principles set forth in the paper.

(2) If a motion under paragraph (1) is agreed to, the Assembly shall resolve itself into a Committee and debate in committee may extend to all the details of the paper which shall be discussed paragraph by paragraph unless otherwise decided by the Chairperson having regard to the Assembly but no question shall be put on, nor any amendment proposed to, any part of the paper; and at the conclusion of the debate no question shall be put save that the Member who moved the motion do report to the Assembly that the Committee has considered the paper.

(3) As soon as the Member has reported that the Committee has considered the paper, a motion may be made forthwith, or on a later day after notice, that the Assembly agrees with the proposals contained in the paper.

PART IX- QUESTIONS TO MINISTERS AND MEMBERS

30.(1) Questions may be put to a Minister relating to any subject, Ministry or department for which the Minister is responsible. Scope of Questions

(2) Ministers shall attend sittings of the Assembly to answer questions asked of them.

(3) Questions relating to matters which are under the control of a statutory body must be restricted to those matters for which the Minister is responsible.

(4) The proper object of a question is to obtain information on a matter of fact within the responsibility of a Minister or to press for action.

(5) Questions may also be put to other Members, relating to a Bill, motion or other public matter connected with the business of the Assembly for which such Members are responsible.

(6) When a question has been refused or amended, and the Member concerned wishes to make representation to the Speaker on the matter, these must be made privately to the Speaker and not raised by way of a point of order in the Assembly.

31.(1) Notice of questions shall be given in writing by a Member to the Clerk and shall be received by the Clerk not less than ten clear days before the meeting of the Assembly. Questions with and without Notice

(2) All questions of which notice has been received by the Clerk within the time limit prescribed in paragraph (1) shall, unless the Speaker rules the question out of order, be placed upon the Order Paper as soon as is practicable, but not later than three (3) months.

(3) Questions of which notice has not been given in accordance with paragraph (1) but which, in the opinion of the Speaker, are of an urgent character and relate to matters of public importance may be asked at the conclusion of question time, provided that the Speaker is satisfied that the Minister has been given enough time to prepare an answer.

(4) Subject to paragraph (2), the Leader of the Opposition shall be accorded the privilege to put to a Minister a private notice question by sending it in writing to the Clerk at least six hours before question time.

(5) Notice of questions, including private notice questions, shall not be entertained on the following sitting days-

- (a) on the opening of a session when the Speech of the President is delivered;
- (b) when the Minister responsible for Finance delivers the Budget speech;
- (c) on any day fixed for the consideration of an **Appropriation Bill** or a **Supplementary Appropriation Bill**.

Content of
Questions

32.(1) The right to ask a question shall be subject to the following general rules as to the interpretation of which the Speaker shall be the sole **judge**-

- (a) not more than one subject matter shall be referred to in any question and the Speaker shall have the power to reject any question which the Speaker considers to be of excessive length;
- (b) a question shall not include the names of persons or any statements of fact unless they be strictly necessary to render the question intelligible;
- (c) a question shall not contain statements which the Member who asks the question is not prepared to substantiate;

- (d) a question shall not contain arguments, inferences, opinions, imputations, epithets, ironical or offensive expressions or be based upon hypothetical circumstances;
- (e) a question shall not refer to an answer given to any question during the last twelve months;
- (f) a question shall not refer to proceedings in a Committee of the Assembly which have not been reported to the Assembly;
- (g) a question shall not seek information about any matter which is by its nature secret;
- (h) a question shall not reflect on the decision of a court of law and no question shall be asked on any matter which is sub judice;
- (i) a question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal case or the answer to a hypothetical proposition;
- (j) a question shall not be asked as to whether statements in the Press or of private individuals or bodies of persons are accurate;
- (k) a question shall not be asked as to the character or conduct of any person except in the official or public capacity;
- (l) a question shall not be asked reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- (m) a question shall not be asked making or implying a charge of a personal character which the Member asking the question is not prepared to substantiate;
- (n) a question shall not be asked seeking for information set forth in accessible documents or ordinary works of reference;-
- (o) a question fully answered shall not be asked again during the same session;
- (p) a question cannot be asked on a matter within the jurisdiction of the Speaker.

(2) If the Speaker is of the opinion that any question of which a Member has given notice to the Clerk is an abuse of the right of questioning or infringes any of the provisions of this or any other Order; the Speaker may direct-

- (a) that the Member concerned be informed that the question is inadmissible for reasons stated; or
- (b) that the question be entered on the Order Paper with such alterations as the Speaker may direct.

Manner of asking
and answering
Questions

33.(1) When a question for oral answer on the Order Paper is reached, the Speaker shall call upon the Member in whose name the question stands and the Member so called shall then ask the question by reading it out from the Order Paper or if the Speaker so directs by reference to its number on the Order Paper, and the Minister or Member shall then reply.

(2) At the discretion of the Speaker supplementary questions may be asked by Members for the purpose of elucidating any matter of fact regarding which an answer has been given, but the Speaker shall disallow any supplementary question which introduces matters not arising from the original question or which infringes any of the provisions of Order 32.

(3) A Member who desires a written answer to a question shall mark the notice of the question with an asterisk; and that question shall be entered on the Order Paper and the answer shall be sent to the Member who asked it and to the Clerk who shall cause such answer to be circulated to Members and to be in the official report.

(4) No question shall be taken in the Assembly later than one hour and a half after the beginning of question time but the Speaker may, in the Speaker's discretion, extend question time.

(5) If a question is not reached, it shall be the subject of a written answer.

(6) The number of questions which may be put down in the name of a Member for oral answer at any meeting shall not exceed four.

(7) A question may be withdrawn by the Member asking it at any time before an answer is given, either by notice in writing to

the Clerk, or by the Member at question time when the Member's name is called by withdrawing it orally.

(8) A question shall not be made the pretext for a debate.

PART X- STATEMENTS, PERSONAL EXPLANATIONS AND PRIVILEGE

34. A Minister may make a statement to the Assembly on behalf of the Government on any matter for which the Government is responsible and the statement may not be debated but, at the discretion of the Speaker, questions may be asked by Members for the purpose of elucidating any matter of fact with which the statement deals.

Statements by
Ministers

35.(1) With the prior leave of the Speaker, any Member may make a personal explanation although there be no question before the Assembly and the explanation may not be debated and no controversial matter may be included in any explanation.

Personal
Explanations by
Members

(2) The precise contents of the proposed explanation must be submitted in advance to the Speaker to ensure that they are appropriate. The Member granted the privilege of making such a statement shall not depart from the text approved by the Speaker.

(3) Notwithstanding the arrangement mentioned in Standing Order 24(2) and paragraph (1) of this Order, the Speaker may, at any time, allow a Member to offer an explanation.

36.(1) A Member who wishes to raise a matter which the Member believes affects the privileges of the Assembly shall do so at the first available sitting of the Assembly by so informing the Speaker and stating the matter it is proposed to be raised.

Matter of
Privilege

(2) When called by the Speaker, the Member shall briefly state the grounds on which the Member believes that the matter raised affect the privileges of the Assembly.

(3) The Speaker shall then state whether the matter may or may not affect the privileges of the Assembly.

(4) A Member may then move a motion relating to that matter of privilege which shall take precedence over other business.

(5) Matters of privilege shall be raised as provided for in Order 24(2);

Provided that if during a sitting of the Assembly a matter suddenly arises which appears to involve the privileges of the Assembly, the proceedings may be interrupted, unless a division is in progress, in order that the matter may be raised and disposed of.

PART XI - MOTIONS AND AMENDMENTS TO MOTIONS

Contents of
Motions

37.(1) Subject to the Constitution and these Orders, any Member may propose any matter for debate in the Assembly by way of motion, that is, a self contained proposal submitted for the approval of the Assembly and drafted in such a way as to be capable of expressing a decision of the Assembly.

(2) A notice of motion which, in the opinion of the Speaker, amounts to an attempt to reconsider a specific question upon which the Assembly has decided during the last twelve months shall be disallowed by the Speaker unless it be a notice of a motion to rescind a previous decision of the Assembly.

Notice of
Motions

38.(1) Unless otherwise provided by these Orders or with the prior permission of the Speaker on ground of public urgency, no motion shall be moved at a meeting unless notice thereof has been given at least ten clear days before that meeting.

(2) A Member shall give notice of a motion by handing a copy thereof fairly written and signed by the Member to the Clerk.

(3) The Speaker may disallow a notice of motion which, in the Speaker's opinion, contains unbecoming expressions, or which infringes the rules of debate. Any such notice may be amended by the Speaker with the consent of the Member who gave the notice and may thereupon appear on the Order Paper.

(4) All motions of which notice has been given in accordance with this Order, including those which the Speaker rules to be out of order, shall be circulated to all Members.

(5) Motions whose contents are cognate may be debated together unless a dissentient view is expressed.

(6) The following motions may be moved without notice-

- (a) a motion moved by a Member for the adjournment of the Assembly or the conclusion of a meeting;
- (b) a motion moved by a Member to vary the time or date of a sitting;
- (c) a motion for the suspension of any of these Orders;
- (d) a motion to recommit a Bill in whole or in part;
- (e) a motion to withdraw a Bill;
- (f) subject to the provisions of these Orders governing financial procedure and the procedure at Bills, a motion moved when the Assembly is in committee;
- (g) a motion for the suspension of a Member;
- (h) a motion relating to a matter of privilege;
- (i) a motion to adjourn a debate, or in committee to report progress and ask leave to sit again.

(7) A Member may amend a notice of motion standing in the name of that Member if the amendment does not, in the opinion of the Speaker, materially alter the scope of, or any principles embodied in, the original motion, and any such amendment shall be deemed to have been made at the time the original notice of motion was given.

39.(1) A Member called upon by the Speaker to move a motion shall state the terms of the motion and after making other remarks formally move the motion.

Manner' of
debating
Motions

(2) Every motion (including an amendment to a motion); except a motion made in committee, must be seconded.

(3) If a motion is not seconded, the Clerk shall make a note in Records of proceedings to the effect that as the motion was not seconded the Speaker was unable to propose the question thereon.

(4) A motion may be seconded by a Member without speaking to the motion; in that event the Member's right to speak to the motion later shall be reserved.

(5) A motion has been moved and seconded, the question thereon shall be proposed to the Assembly by the Speaker, and debate may then take place on that question.

(6) Any motion appearing on the Order Paper and not moved when the Member in whose name it stands is called upon by the Speaker at the proper time to move it shall be deemed to be withdrawn unless that Member gives, or has given, notice of the Member's intention to defer it.

(7) When no more Members wish to speak on a motion, the Speaker shall put the question on the motion to the Assembly for its decision.

(8) A question when put from the chair may be amended-

- (a) by deleting certain words in order to insert or add other words;
- (b) by deleting certain words, or
- (c) by inserting or adding other words.

Amendments
to Motions

40.(1) Any amendment to a motion shall be put in writing by the mover and delivered to the Clerk at least forty eight hours before moving it.

Provided that the Speaker may, in cases of simple amendment waive this requirement.

(2) Every amendment shall be relevant to the motion which it seeks to amend and shall not raise any question which, in the opinion of the Speaker, should be raised by a motion for the purpose after notice given.

(3) An amendment shall not be moved if a substantially identical amendment has already been disposed of.

(4) No amendment shall be permitted if in the opinion of the Speaker, it represents a direct negative of the question proposed.

Manner of
debating
Amendments
to Motions

41.(1) Any amendments to the motion which a Member wishes to propose in accordance with these Orders may be moved at any time after the question upon the motion has been proposed and before it has been put.

(2) When two or more amendments are proposed to be moved to the same motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the motion, or in cases of doubt, in such order as the Speaker shall decide.

(3) When every such amendment has been disposed of the Speaker shall either again propose the question upon the motion, or the motion as amended, as the case may be, and, after any further debate that may arise thereon, shall put the question.

(4) Where the mover of an amendment directly addresses the motion, the mover loses the right to speak again on the main motion after the amendment has been disposed of.

42.(1) Upon any amendment to delete any of the words of a motion, the question to be proposed by the Speaker shall be "That the following wordsbe deleted from the motion".

Method of
dealing with
Amendments

(2) Upon any amendment to insert words in, or add words at the end of, a motion, the question to be proposed by the Speaker shall be "That the following words.....be inserted (or added)".

(3) Upon an amendment to delete words and insert or add other words instead, the question to be proposed by the Speaker shall be "That the following words.....be deleted from the question and that the following words.....be there inserted (or added)".

43.(1) An amendment to an amendment may be moved at any time after the question upon the original amendment has been proposed and before it has been put.

Amendments to
Amendments

(2) Order 42 shall apply to amendments to amendments.

(3) When every amendment to an amendment has been disposed of, the Speaker shall either again propose the question upon the original amendment or propose the question on the original amendment as amended, as the case may be.

44.(1) A notice of motion or amendment may be withdrawn at any time before it is moved if the Member in whose name it stands gives instructions to this effect to the Clerk.

Withdrawal of
Motions and
Amendments

(2) After the question on a motion or amendment has been proposed from the Chair, the motion or amendment shall be deemed to have been put in the possession of the Assembly and may only be withdrawn with the leave of the Assembly.

(3) A motion or amendment to which an amendment has been moved may not be withdrawn until that amendment has been disposed of.

(4) A motion or amendment which has been withdrawn may be proposed again on notice.

PART-ENFORCEMENT OF ORDER

Point of Order 45.(1) A Member who fails to observe these Orders may be immediately called to order by the Speaker or the Chairperson, or by a Member raising a point of order and the Member raising the point of order shall direct attention to the point the Member desires to bring to notice and submit it to the Speaker or the Chairperson for decision.

(2) The Speaker shall either rule on the point of order forthwith or may suspend the sitting in order to give further consideration to the point before making a ruling; in either case the Member who was speaking at the time the point of order was raised may, as soon as the Speaker has ruled on the point of order, continue speaking.

Decision of Speaker final 46.(1) The Speaker shall be responsible for the observance of these Orders in the precincts of the Assembly and in committee and the decision of the Speaker on a point of order shall be final.

(2) A Member infringing any of these Orders shall immediately be called to order by the Speaker and a Member may call the attention of the Speaker to such an infringement.

Irrelevance, tedious repetition and gross disorderly conduct 47.(1) After having called the attention of the Assembly to the conduct of a Member who persists in irrelevance or tedious repetition in debate, the Speaker may direct the Member to discontinue speaking.

(2) The Speaker shall order a Member whose conduct is grossly disorderly to withdraw immediately from the Assembly for such period as the Speaker deems appropriate and not more than the remainder of that day's sitting; and an officer shall act on any order received from the Chair to ensure compliance with this Order.

Naming and suspension of Members 48.(1) If on any occasion the Speaker is of the opinion that the powers conferred under Order 47 are inadequate to deal with the offence, the Speaker may name the Member.

(2) Whenever a Member has been named by the Speaker immediately after the commission of the offence of disregarding

the authority of the Chair or of contravening any Orders of the Assembly by persistently and wilfully obstructing or otherwise, then-

- (a) if the offence has been committed in the Assembly, the Speaker or the person presiding shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, "That such Member (naming the Member). be suspended from the service of the Assembly", and
- (b) if the offence has been committed in a committee of the whole Assembly, the Chairperson shall forthwith suspend the proceedings, and report the circumstances to the Assembly; and the Speaker shall thereupon, on motion being made, put the same question without amendment, adjournment or debate as if the offence had been committed, in the Assembly.

(3) If any Member is suspended under this Order, the suspension on the first occasion shall continue for one sitting, on the second occasion for two consecutive sittings, and on the third or any subsequent occasion for four consecutive sittings.

(4) On receiving from a Member so suspended a written expression of regret the Speaker shall lay it before the Assembly and it shall be entered in the Record of proceedings and on a motion being made for the discharge of the Order of suspension the question thereon shall be decided without amendment or debate and if the question is agreed to, the Order shall be discharged and the Member shall be readmitted to the Assembly.

(5) Where several Members present have jointly disregarded the authority of the Chair, the Speaker may name them jointly.

(6) Nothing in this Order shall deprive the Assembly of the power of proceeding against any Member in accordance with any written law for the time being in force.

49.(1) If any Member, or Members acting jointly, who have been suspended under Order 48, shall refuse to obey the directions of the Speaker when ordered so to do, the Speaker shall call the attention of the Assembly to the fact that recourse to force is

Refusal to obey
directions of the
Speaker

necessary in order to compel obedience to the directions and the Member or Members named by the Speaker as having refused the directions shall thereupon, and without further question put, be suspended from the service of the Assembly for twelve consecutive sittings:

Provided that any such period of suspension shall come to an end when the Assembly is dissolved.

Members
suspended to
withdraw from
the precincts

50. A Member who is ordered to withdraw from the Assembly under Order 47, or who is suspended from the service of the Assembly under Order 48, shall forthwith withdraw from the precincts during the period of the suspension.

Grave disorder in
the Assembly or
Committee of the
Whole Assembly

51.(1) If grave disorder arises in the Assembly the Speaker may adjourn the Assembly without question put or suspend the sitting for any period.

(2) If grave disorder arises in a Committee of the whole Assembly, the Assembly shall resume without question put.

PART XIII - RULES OF DEBATE

Time and Manner
Of Speaking

52.(1) A Member desiring to speak shall raise a hand and if called upon by the Speaker shall address the Member's Observations to the Chair.

(2) If two or more Members wish to speak at the same time, the Speaker shall select one Member and call on the Member to speak.

(3) The mover of any motion or amendment may speak in support thereof, but no further debate shall be allowed nor shall any question thereon be put to the Assembly until the motion or amendment be duly seconded.

(4) No Member shall speak more than once to any question except-

- (a) in Committee;
- (b) in explanation as provided in paragraphs (5) and (6) of this Order;
- (c) in the case of the mover of a substantive motion in the Assembly, in reply not being a motion for the

adjournment of the Assembly moved under paragraph (7) of Order 20;

- (d) with the pleasure of the Assembly, no dissentient view being expressed:

Provided that any Member may second a motion or amendment without prejudice to the Member's right to speak at a later period of the debate.

(5) A Member who has spoken to the main question may speak again when a new question, such as a proposed amendment, has been put by the Chair.

(6) A Member who has spoken to a question may again be heard to offer an explanation to some material part of the Member's speech which has been misunderstood but the Member must not introduce any new matter.

(7) When the Speaker speaks during proceedings in the Assembly or in committee of the whole Assembly, every Member shall be seated and silent so that the Speaker may be heard without interruption.

(8) No Member shall speak to any question after it has been put by the Speaker, that is, after the votes for and against have been collected.

(9) Subject to paragraph (6) and unless these Standing Orders otherwise provide, a Member shall be entitled to speak to any question in the Assembly for not more than thirty minutes, or to address a Committee of the whole Assembly for not more than fifteen minutes at any one time.

(10) The mover of an original motion shall be entitled to not more than one hour for the mover's opening speech and thirty minutes for the mover's reply, but the Speaker may at the Speaker's discretion extend this time by fifteen minutes.

(11) The ruling of the Speaker as to time shall be final.

(12) The discretion of the Speaker or the person presiding in calling Members to speak cannot be challenged.

53.(1) Members shall rise in their places upon the arrival of the Speaker in the Chamber.

(2) Members shall refrain from moving around and any Member or Officer proceeding to enter the Chamber shall stand still in the gangway until the Speaker has taken his seat.

(3) Members shall bow to the Chair before leaving or resuming their seat.

(4) Members shall not pass between the Chair and any Member who is speaking or between the Chair and the Table.

(5) Except when moving to and from their seat or speaking, Members in the Chamber shall be seated.

(6) When the Speaker leaves the Chair, Members shall stand in their places in silence.

(7) Members shall not read newspapers, books, letters or other documents unless they are directly connected with the business of the Assembly.

(8) Members shall not use mobile phones to make or receive calls in the Chamber, or any electronic equipment, save with the leave of the Speaker.

(9) (a) Members shall endeavour not to smoke or use tobacco products.

(b) The Speaker may designate areas outside the National Assembly Building for those Members who wish to smoke.

(10) Members, while in the Assembly and visitors to the Assembly, shall be dressed in such manner as to show proper respect for the Assembly, and in accordance with directions given from time to time by the Speaker.

Content of
Speeches

54.(1) A Member shall confine his or her observations to the subject under discussion and may not introduce matters not relevant thereto.

(2) A Member shall not refer to matters which are sub judice.

(3) A Member shall not refer to any proceedings of a Committee of the Assembly, until such proceedings have been presented to the Assembly by a report from the Committee.

(4) The name of the President shall not be used disrespectfully in debate.

(5) The conduct of the President, Vice-President, Speaker, Deputy Speaker, Ministers, Leader of Government Business, Leader of the Opposition, Members or Judges of Superior Courts and Magistrates and all Constitutional appointees and their families, shall not be referred to except upon a motion moved for that purpose.

(6) It shall be out of order to introduce arguments on any question upon which the Assembly has taken a decision during the last twelve months except upon a motion to rescind that decision with the permission of the Speaker.

(7) A Member shall not-

- (a) use offensive words or expressions;
- (b) use unbecoming or offensive language against any Member;
- (c) use the right of free speech for the purpose of obstructing the business of the Assembly;
- (d) impute improper motives to or make a personal charge against any Member except upon a motion calling in question the conduct of the Member.

55.(1) It shall be out of order to anticipate a Bill which has been published in the Gazette by debate upon a motion or an amendment thereto, or by raising the subject matter of the Bill upon a motion for the adjournment of the Assembly. Anticipation

(2) It shall be out of order during a debate on any other motion, including a motion for the adjournment of the Assembly, or on an amendment thereto, to anticipate debate on a motion of which notice has been given.

(3) In determining whether a debate is out of order on the grounds of anticipation, regard shall be had to the probability of the matter anticipated being brought before the Assembly within a reasonable time.

56.(1) A Member shall not interrupt another Member who is speaking except- Interruptions

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to move the closure under Order 23;
- (d) to correct a misapprehension or elucidate an explanation, provided that the Member speaking is willing to give way and that the Member wishing to interrupt is called by the Chair.

PART XIV - VOTING

Collection of
Votes

57.(1) When the Speaker puts a question to the Assembly or to the Committee for its decision, the Speaker shall first call upon those Members who are in favour of the question to raise one hand and the Clerk shall count the Members who have so raised their hands.

(2) The Speaker shall then call upon those Members who are against and the Clerk shall count the Members who have so raised their hands.

(3) The Speaker shall then announce the result of the vote.

(4) If a Member does challenge the Speaker's statement by claiming a division, the Speaker shall order the Assembly or the Committee to proceed to a division if the Speaker considers that there is reasonable doubt as to the outcome of the vote in question.

Divisions

58.(1) When a division has been ordered, the Clerk shall ring the division bell for two minutes, unless all Members are sooner present.

(2) At the end of that time the Clerk shall call out the names of Members in alphabetical order and each Member shall vote by saying 'Yes' or 'No' and a Member who abstains from voting shall so state.

(3) When the Clerk has reported to the Speaker the numbers voting for the Yeses and for the Noes respectively, the Speaker shall declare the result of the division.

(4) A Member may at any time before the Speaker has declared the result of a division request to change a vote previously

expressed or withdraw a decision to abstain previously made by the Member on the ground that the vote was given erroneously.

(5) In case of confusion or error occurring during the course of a division concerning the numbers or names recorded, which cannot otherwise be corrected, the Speaker shall direct the Assembly or the Committee to proceed to another division.

59.(1) A Member may vote in a division although the Member did not hear the question put.

Voting by
Members

(2) No Member shall be obliged to vote.

60. The person presiding at a meeting of the National Assembly shall not vote on any question to be decided by the Assembly but, in the event of an equality of votes on any question the person shall have a casting vote.

Equality of
Votes

PART XV - LEGISLATION

61.(1) The Vice-President or any Minister or subject to Order 63 any Member may at any time give notice of intention to present a Bill.

Presentation and
Publication of
Bills

(2) A Bill shall be presented to the Assembly by a draft thereof being sent to the Clerk by the Vice-President, the Minister or Member desiring to introduce it, together with an explanatory statement of the object of and reasons for the Bill, which in the case of a Government Bill shall be signed by or on behalf of the Attorney General or the Vice-President or a Minister and in the case of a Bill presented by a Member, the Member.

(3) A copy of the Bill, together with the explanatory statement, shall be sent by the Clerk to every Member.

(4) The Vice-President or the Minister or the Member presenting the Bill shall be known throughout the subsequent proceedings as the Minister or Member in charge of the Bill.

(5) Every Bill presented to the Assembly, together with the explanatory statement, shall be published in the Official Gazette.

(6) If a certificate of the President is laid on the Table by a Minister declaring that a Government Bill is so urgent or of such nature as not to permit compliance with any or all of the provisions

of this Part relating to the publication of Bills, those provisions shall, upon a motion by a Member, be dispensed with in respect of that Bill and shall stand suspended without question put.

Procedures on
Member's Bill

62.(1) The Clerk shall be responsible for the printing of every Bill which a Member has given notice of intention to present after leave to proceed is granted by the Speaker.

(2) Before a Member gives notice of intention to present a Bill under Order 61, the Member shall apply to the Speaker for leave to bring a Bill.

(3) A Member applying for leave to bring a Bill shall at the same time deliver to the Clerk a certified true copy of the full text of the Bill proposed to be introduced.

(4) Before allowing leave to bring a Bill, the Speaker must be satisfied that-

- (a) the Bill accords with the requirements of the law;
- (b) the Bill is divided into successive clauses consecutively numbered;
- (c) to every clause there is annexed in the margin a short indication of its contents;
- (d) the Bill does not contain anything foreign to what the title of the Bill imports.

(5) In the case of a Bill involving expenditure of public money, the Speaker shall transmit a copy of the full text of the Bill to the Minister charged with responsibility for finance.

(6) It shall be the duty of the Minister charged with responsibility for Finance to inform the Speaker, before leave is granted, whether the recommendation of the President in accordance with Order 73 to such a Bill is required by law.

(7) If the Speaker has been informed that such recommendation is required, the Speaker shall, before deciding to allow leave require a Minister to signify to the Speaker, whether or not such recommendation be forthcoming, and if such recommendation be not forthcoming, the Speaker shall not grant leave to publish the Bill.

(8) Where leave to proceed on a Member's Bill is granted, a copy of the Bill must be lodged with the Clerk within three months after such leave is granted and the Clerk shall arrange for the printing of the Bill.

63.(1) The short title of every Bill presented and published in accordance with Orders 61 and 62 shall be placed on the Order Paper for first reading by the Clerk. First Reading

(2) No debate shall be allowed on the first reading of the Bill; and upon the Clerk reading the short title, the Bill shall be deemed to be read the first time, ordered to be read a second time and so recorded in the Record of Proceedings.

64.(1) No Bill shall be set down on the Order Paper for the second reading earlier than seven clear days from the first reading. Second Reading

(2) On the order for the second reading of a Bill being read, a motion may be made "That the Bill be now read a second time" and a debate may arise covering the general merits and principles of the Bill.

(3) To the question "That the Bill be now read a second time", an amendment may be moved to leave out the words after "that" and add words stating the object and motive on which opposition to the Bill is based, such words being relevant to the general principles of the Bill and not its details.

(4) If such an amendment to the Bill is negatived, the Bill shall be deemed to be read a second time.

65. When a Bill has been read a second time it shall stand committed to a Committee of the whole Assembly. Committal of Bills

66.(1) The committee to which a Bill is committed shall not discuss the general merits and principles of the Bill but only its details. Functions and powers of Bills Committee

(2) The committee shall have power to make amendment to the Bill provided that they are relevant to the subject matter of the Bill; if any such amendments are not within the title of the Bill, it shall amend the title accordingly and shall report the same specially to the Assembly.

Amendments
of Bills

67.(1) Any proposed amendment to a Bill shall be put in writing by the mover and delivered to the Clerk at least seventy two hours before moving it:

Provided that the Chairperson may relax this provision in favour of simple amendments or emergency Bills.

(2) The following provision shall apply to the content of amendments proposed to Bills-

- (a) an amendment shall be relevant to the subject matter of the clause to which it relates;
- (b) an amendment shall not be inconsistent with any clause already agreed to or with any previous decision of the committee;
- (c) an amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;
- (d) if an amendment refers to, or is not intelligible without, a subsequent amendment, notice of the subsequent amendment shall be given before or when the first amendment is moved so as to make the series of amendments intelligible as a whole;
- (e) the Chairperson may refuse to allow an amendment to be moved which, in the Chairperson's opinion, is frivolous or meaningless.

(3) The Chairperson may at any time during the debate on a proposed amendment withdraw it from the consideration of the Committee if in the opinion of the Chairperson the debate has shown that the amendment violates this Order.

Procedures in
Committee of the
Whole Assembly

68.(1) Unless the Committee decides to consider the Bill in any other order, the Chairperson shall call the number of each clause in succession, and if no amendment is proposed thereto, or when all the proposed amendments have been disposed of, the Chairperson shall propose the question "That the clause (or the clause as amended) stand part of the Bill" and when all Members who wish to speak thereon have spoken, the Chairperson shall put the question to the Committee for its decision:

Provided that in order to save time, the Chairperson may, if no Member objects or has given notice of any amendment to any clause affected, call the numbers of more than one clause or of groups of clauses and propose the question "That the clause (or groups of clauses) stand part of the Bill".

(2) In order to save time and repetition of arguments the Chairperson may allow a single discussion to cover a series of interdependent amendments.

(3) Orders 41, 42 and 43 shall apply to debate on amendment to Bills with the substitution of the word 'clause' for the word 'motion' and of the word 'Chairperson' for the word 'Speaker' throughout.

(4) Consideration of a clause may be postponed, unless a decision has already been taken on an amendment thereto; postponed clauses shall be considered after the remaining clauses of the Bill have been considered.

(5) New clauses shall be considered either after the clauses of the Bill have been disposed of and before consideration of any schedule to the Bill or at the appropriate place in the Bill as the Chairperson may determine.

(6) The Chairperson shall call upon the Member in whose name the new clause stands, and when the Member has moved the clause, the Clerk shall read the marginal note of the clause whereupon the clause shall be deemed to have been read a first time and thereafter the Chairperson shall propose the question that the clause be read a second time on which question debate may take place and when that question has been agreed to, amendments may be proposed to the new clause, and when they have been disposed of, the question shall be proposed That the clause (or the clause as amended) be added to the Bill".

(7) Schedules shall be disposed of in the same way as clauses and any new schedule shall be considered after the schedules to the Bill have been disposed of and shall be treated in the same way as a new clause.

(8) When every clause and schedule and proposed new clause or new schedule has been dealt with, the preamble, if there is one, shall be considered and the question put "That the preamble stand part of the Bill".

(9) If any amendment to the title of the Bill is made necessary by an amendment to the Bill, it shall be made at the conclusion of the aforementioned proceedings, but no question shall be put that the title (as amended) stands part of the Bill nor shall any question be put upon the enacting formula.

(10) A Committee having started to consider a Bill shall proceed with its consideration, but, during such consideration the Leader of Government Business or Member in charge may, or any other Member, subject to the discretion of the Chairperson may move a motion "That the Committee do not proceed further with the vote."

(11) If the motion is moved, the Chairperson of the committee shall then report the Bill to the Assembly, as so far amended or without amendment as the case may be, and the Bill shall be ordered to lie on the Table without question put.

Report of
Bill from
Committee

69. As soon as the Committee has completed consideration of the Bill committed to it, the Assembly shall resume and the Chairperson of the Committee shall report it to the Assembly.

Recommittal
of Bill

70.(1) If the Minister or Member in charge of a Bill desires to delete or amend any provision contained in the Bill as reported from a Committee or to introduce any new provision therein, the Leader of Government Business or Member may, at any time before the third reading of the Bill is moved, move that the Bill be recommitted, either wholly or in respect only of some particular part or parts of the Bill or some proposed new clause or new schedule.

(2) When the motion for the recommittal is agreed to, the Assembly shall resolve itself into committee either immediately or on a later date to consider the business so recommitted.

(3) When the whole Bill has been recommitted, the Committee shall go through the Bill as provided for in Order 68.

(4) When the Bill has been recommitted in respect only of some particular part or parts or of some proposed new clause or new schedule, the Committee shall consider the matter so recommitted and any amendments which may be moved thereto.

(5) At the conclusion of the proceedings in Committee on a Bill recommitted under this Order, the Assembly shall resume and

the Chairperson of the Committee shall then report it to the Assembly and thereafter may either name a future day for the third reading of the Bill or move that it be read a third time forthwith.

71.(1) On the third reading of the Bill, the Leader of Government Business or Member in charge shall move "That the Bill be now read a third time", no amendment to this motion may be moved and the debate shall be confined to the contents of the Bill.

Third Reading

(2) With the permission of the Speaker, amendments for the correction of errors or oversights may be made to the Bill before the question for the third reading is put from the Chair, but no amendments affecting the principles that have already been determined shall be moved.

(3) When a Bill has been read a third time it shall be deemed to have been passed and five clean printed copies thereof certified correct by the Clerk, shall as soon as possible, be submitted to the President for the President's assent.

72. The Leader of Government Business or Member in charge of a Bill may, at the beginning of the proceedings on a Bill at a Sitting, move that the Bill be withdrawn.

Withdrawal
of Bill

PART XVI - FINANCIAL PROCEDURE

73. Except on the recommendation of the President signified by a Minister, neither the Assembly nor a committee shall-

Financial
restriction on
Bills, Motions
and Amendments

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding or the Attorney General provides for imposing or increasing any tax, for imposing or increasing any charge on the revenue or other funds of Seychelles or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Government of Seychelles;
- (b) proceed upon any motion including any amendment to a motion the effect of which, in the opinion of the person presiding or the Attorney General, is that provision would be made for purposes aforesaid;

- (c) receive any petition that, in the opinion of the person presiding or the Attorney General, requests provision be made for any of these purposes.

Presentations
of the
Appropriation
Bill and the
Estimates

74.(1) Any Bill containing the estimated financial requirements for expenditure in all services of the Government for a current or succeeding financial year shall be known as the Appropriation Bill.

(2) The estimates shall be appended to the Appropriation Bill on its publication to the Assembly. The estimates of revenue and expenditure on the basis of which the Bill has been drafted, and a copy of the Bill and the estimates shall be sent to every Member seven days before the meeting at which it is to be considered.

(3) Except as provided in this Part, the procedure set out in Part XV governing legislation shall apply to Appropriation Bills.

Second reading
of Appropriation
Bill

75.(1) Before the motion for the second reading of an Appropriation Bill is moved, the Minister in charge of the Bill shall state the financial and economic policy of the Government.

(2) Upon the conclusion of the speech of the Minister in charge of the Bill the debate upon the motion for second reading shall be adjourned to such day and time as the Speaker shall appoint.

(3) The debate upon the motion for second reading shall be confined to such policy and to the general principles of Government administration as indicated by the Bill and Estimates.

Consideration of
Appropriation
Bill

76.(1) When the Appropriation Bill has been read a second time it shall stand committed to a Committee of the whole Assembly.

(2) The Speaker shall allot such number of days as the Speaker thinks fit for discussion of the estimates in Committee and the Speaker may, if the Speaker thinks fit, increase the number of allotted days.

(3) Consideration of all clauses of the Bill shall be postponed pending consideration of the schedule.

(4) The Speaker shall fix the time on any other day at which the consideration of any head of expenditure shall, if not

previously disposed of, be concluded. If the time so fixed is reached before the head concerned is disposed of, the Chairperson shall forthwith put every question necessary to dispose of that head.

(5) The Speaker may, if the Speaker thinks fit, allot the time to be allowed for discussion of any amendment to any head of expenditure and shall take such time into account in fixing the time on any allotted day at which consideration of the head shall be concluded under paragraph (4) of this Order. If the time so allowed has expired before the amendment is disposed of, the Chairperson shall forthwith dispose of such amendment.

(6) On consideration of the schedule of the Bill, the Chairperson shall call the number and title of each head of expenditure in turn and shall propose the question "That the sum of SR for head stand part of the schedule", and, if no amendment is proposed, debate may take place upon that question, such debate being confined to the policy of the service for which the money is to be provided including the revenue and funds for which the service is responsible but shall not refer to the details of any item or sub-head in the Estimates.

(7) Notice of any amendment to be moved in Committee under this Order shall be given to the Clerk three days before the meeting at which the Appropriation Bill is to be considered:

Provided that the Speaker may authorise the Clerk to receive an amendment of which less notice has been given which authorisation shall not be unreasonably withheld.

(8) An amendment to a head of expenditure to increase the sum allotted thereto whether in respect of any item or sub-head or of the head itself may be proposed only by a Minister, who shall signify to the Committee the recommendation of the President to the increase.

(9) An amendment of the provision allotted to a head in the schedule shall be specifically related to the sub-head, and if the latter is sub-divided, to the item to which the amendment refers.

(10) An amendment to increase a head, in respect of any item or sub-head, shall take precedence over one to reduce the head in the same respect, and if it is carried no amendment to reduce the head in that respect shall be called.

(11) All amendments to a head shall be placed upon the Order Paper and considered in the order in which the sub-heads and items to which they refer appear in the Estimates. If there are two or more amendments to reduce a head in respect of the same sub-head or item, they shall take precedence in accordance with the size of the reductions proposed and if one such amendment is carried, none of the others shall be proposed.

(12) Debate on every amendment shall be confined to the sub-head or item to which it relates. After such an amendment has been disposed of, no amendment to or debate on any previous sub-head or item shall be permitted.

(13) When all amendments to a head have been disposed of, the Chairperson shall again propose the question set out in paragraph (6) of this Order or shall propose the schedule, as the case may require and debate on either question shall be subject to paragraph (6).

(14) When the schedule, with or without amendment, has been disposed of, the committee shall consider the clauses and other parts of the Bill in accordance with Order 68 but all questions shall

No debate on
third reading

77.(1) The question on the third reading of the Appropriation Bill shall be decided without debate.

(2) Upon an Order being made for the Appropriation Bill to be read a third time, the Clerk shall read the short title only.

Supplementary
Appropriation
Bill

78. A Supplementary Appropriation Bill, presented during the financial year to which it relates, shall be dealt with in accordance with Order 74 to 77:

Provided that debate on the second reading shall be confined to the policies of the services, and in the Committee to the sub-heads and items, for which the supplementary appropriation is to be made.

PART XVII - COMMITTEES OF THE WHOLE ASSEMBLY

Resolution of
the Assembly
to a Committee

79.(1) Whenever in any matter, other than matters considered under procedure on a Bill or financial procedure, a Member desires that the matter be considered in a Committee of the whole

Assembly, the Member may move, without notice, that the Assembly shall immediately or on a future sitting day resolve itself into a Committee of the whole Assembly to consider the matter.

(2) When a matter stands committed to a Committee of the whole Assembly, the Assembly shall resolve itself into Committee without question put.

80.(1) A Committee of the whole Assembly shall not consider any matter other than a matter which has been referred to it or which it is required by these Orders to consider.

Powers of a
Committee

(2) A Committee may not adjourn its own sitting or the consideration of any matter to a further sitting, but the Member in charge of the business under consideration may by motion, to be decided without amendment or debate, be directed, notwithstanding that all matters referred to the Committee have not yet been considered, to report progress to the Assembly and ask leave to sit again.

81. The Constitution and, save as it is otherwise specifically provided in these Orders these Orders shall apply in Committee as they apply in the Assembly.

Procedure in
Committee

82.(1) When all the matters referred to a Committee have been considered the Assembly shall resume without question put and the Member in charge of such matters shall report to the Assembly.

Report from the
Committee

(2) Every report to the Assembly made by the Committee of the whole Assembly may by motion be agreed to or disagreed to by the Assembly or recommitted to the Committee, or postponed for further consideration.

83.(1) The Assembly may, at any time, upon a motion made after notice given, appoint a select Committee to consider a Bill and report thereon to the Assembly. A select Committee shall consist of such number of Members as may be decided by the Assembly, and as far as practicable, reflect the strength of the political parties and independent Members in the Assembly.

Select
Committees
on Bills

(2) A select Committee to which a Bill shall have been referred shall present a report to the Assembly explaining its recommendations, and if the recommendations involve any amendment, a reprint of the Bill shall be attached to the report with all amendments printed in italics and all deletions clearly

indicated, and a copy of the Bill so amended shall be distributed to every Member of the Assembly.

(3) The report of the select Committee upon a Bill, shall be presented to the Assembly by the Chairperson of the Committee and the report shall be set down for consideration by the Assembly on a day appointed by the Speaker.

(4) Consideration of a Bill reported from the select Committee shall take place upon a motion "That the report from the select Committee be approved".

(5) Upon consideration of a Bill reported from a select Committee, the Assembly shall consider only amendments, if any, made by the Committee, but may further amend those amendments.

(6) Upon consideration of a Bill reported from a select Committee, a motion may be made by any Member that the Bill be recommitted to the select Committee with reference to particular amendments by the select Committee.

(7) Upon consideration of a Bill reported from a select Committee, a motion may be made by any Member that the Bill be recommitted to a Committee of the whole Assembly.

(8) As soon as the Committee has completed consideration of the Bill committed to it, the Assembly shall resume, and the Member in charge of the Bill shall report it to the Assembly.

Select
Committees to
consider
matters other
than Bills

84. Select Committees may be appointed by the Assembly in accordance with the rules of procedure for the considering of matters other than Bills.

PART XVIII- STANDING SESSIONAL COMMITTEES

Standing
Orders
Committee

85.(1) The Standing Orders Committee shall consist of seven Members appointed by the Assembly from among its Members at the commencement of each session.

(2) In addition to any other functions conferred upon it by the Assembly, it shall be the duty of the Standing Orders Committee to consider all proposals concerning the rules of procedure of the Assembly and to report to the Assembly thereon.

(3) The Committee shall elect its own Chairperson.

86.(1) The Finance and Public Accounts Committee of the Assembly shall consist of seven Members appointed by the Assembly from among its Members at the commencement of each session.

Finance and
Public Accounts
Committee

(2) The functions of the Committee shall be-

- (a) to the accounts referred to in article 158(3) of the Constitution in conjunction with the Auditor General's report;
- (b) to report to the Assembly on any excess of authorised expenditure; and
- (c) to propose any measures it considers necessary to ensure that the funds of the Government are properly and economically spent.

(3) The Committee shall have the power to send for persons and records, to take evidence, and to report from time to time.

(4) The Committee shall elect its own Chairperson and if the Chairperson is unable to be present at any meeting, the Committee shall elect another Chairperson for that day.

PART XIX-MEMBERS' FINANCIAL INTERESTS

87.(1) Apart from the provision of law requiring a Member to disclose the extent of any direct pecuniary interest, a Member shall not vote on any subject in which he has a direct personal pecuniary interest.

Members'
Financial
Interests

(2) A motion to disallow a Member's vote on the ground of personal pecuniary interest may be moved as soon as the number of the Members voting on the question shall have been declared.

(3) The Speaker or Chairperson shall have the discretion whether or not to propose the question upon such a motion, and in exercising such discretion shall have regard to the subject matter of the question upon which the division was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and belongs separately to the Member and is not an interest in common with the rest of the

citizens of Seychelles or whether the vote of the Member was given on a matter of state policy.

(4) If the question for disallowing a Member's vote is agreed to, the Speaker or Chairperson shall direct the Clerk to correct the numbers voting in the division accordingly.

PART XX-ADMISSION OF PRESS AND PUBLIC

Admission of
Press

88.(1) The Speaker, may grant a general permission to the representatives of any journal, newspaper or broadcasting organisation to attend the meetings of the Assembly, and such a permission may be granted under such rules as the Assembly may make from time to time for that purpose.

(2) The representative of any journal, newspaper or broadcasting organisation when attending sittings of the Assembly shall sit in the area allotted for the Press and shall under no conditions engage any Member in conversation during sittings.

Admission of
the Public

89. Members of the Public may be present in the Assembly Chamber in the places set apart for them whilst the Assembly or a Committee of the whole Assembly sits.

Power to
remove
members of the
Public

90. Any officer of the Assembly may remove or cause to be removed any member of the Public from any part of the Assembly appropriated to the Members only, and also any member of the Public who, having been admitted into any other part of the Assembly while the Assembly or any Committee of the whole Assembly is sitting, smokes, uses a camera, mobile phone, a tape recorder or any apparatus or is in possession of any firearm or offensive weapon:

Provided that an officer of the Assembly may not remove or cause to be removed any member of the Public where the Speaker in the Speaker's discretion has permitted the use of a camera, mobile phone or a tape recorder in the Assembly or in the precincts of the Assembly.

PART XXI- MISCELLANEOUS

Suspension of
Standing Orders

91. (1) Any of these Orders may, with the leave of the Speaker, be suspended by the Assembly wholly or in part, for a specified purpose upon motion made by a Member.

(2) The terms of a motion for the suspension of a Standing Order shall include a statement of the purpose of the proposed suspension and no amendment shall be moved to such a motion.

(3) The suspension of any Standing Order shall be limited in its operation to the particular purpose for which the suspension was sought.

92.(1) Unless the Speaker Otherwise directs, not less than twelve days' notice of a motion to amend these Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendments.

Amendment of
the Standing
Orders

(2) The motion shall be set down for the earliest sitting after the expiry of the period of notice.

(3) When the motion is reached, the mover shall move the motion, and after it has been seconded, the question shall be put forthwith that the motion be referred to the Standing Orders Committee and if that question is agreed to no further proceedings shall be taken on that motion until the Standing Orders Committee has reported thereon.

93. A Member of the Assembly shall not appear before the Assembly or any Committee thereof as advocate or counsel for any party, or in any capacity for which he is to receive a fee or reward.

Employment of
Members in
professional
capacity

94.(1) No prosecution for any of the offences provided for in the National Assembly (Privileges, Immunities and Powers) Act 2011 shall be instituted except by the Attorney General and in accordance with the following paragraphs of this Order. For the purpose of this Order, any reference in this Order to the National Assembly (Privileges, Immunities and Powers) Act, 2011 shall include a reference to any Act that replaces it.

Institution of
Proceedings
under Act No. 3
of 2011

(2) Any Member may either at the commencement of business or at any other convenient time, but as soon as possible after their occurrence, report to the Assembly circumstances which, in the view of the Member, constitute any such offence; no debate shall be allowed on such report.

(3) The Speaker may, either at the same sitting or any subsequent sitting and after such investigation as the Speaker may

consider necessary, declare to the Assembly that the circumstances reported to the Assembly, in the view of the Speaker, amount to one of the offences provided for in the National Assembly (Privileges, Immunities and Powers) Act 1975, specifying which amounts to, or as the case may be, does not amount to any such offence and no debate shall be allowed on the declaration of the Speaker.

(4) Where the Speaker declares that the circumstances reported to the Assembly, in the view of the Speaker, amount to a specified offence provided in the National Assembly (Privileges, Immunities and Powers) Act 2011, the Speaker shall thereupon put the question on a motion being made (no amendment, adjournment on debate being allowed) that the matter of the offence specified in the Speaker's declaration be referred to the Attorney General.

(5) If the motion is carried, proceedings may be instituted by the Attorney General in accordance with the resolution of the Assembly.

(6) Where the Speaker declares that, in the Speaker's view, the circumstances reported to the Assembly do not amount to an offence provided for in the National Assembly (Privileges Immunities and Powers) Act 2011, the matter shall lapse.

General
Authority of
the Speaker

95.(1) The Speaker shall have the power to regulate the conduct of business of the Assembly in all matters not provided for in these Orders.

(2) The Speaker shall be responsible for the management of the precincts of Assembly and the general administration of the Assembly Chamber.

(3) The Speaker shall as far as is practicable consult with the Leader of the Government Business and the Leader of the Opposition, or their designated representatives in matters concerning the order of business of the Assembly.

Revocation of
S.I. No. 49 of
1994

96. The National Assembly Standing Orders, 1994 are Revoked.

The Seychelles Court of Appeal Rules 2005

[7th June 2005]

S. 1. 13 of 2005

S. 1. 57 of 2009

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THE SEYCHELLES COURT OF APPEAL RULES, 2005

S. I. 13 of 2005

[7th June 2005]

S.I. 49 of 2013

1. These Rules may be cited as the Seychelles Court of Appeal Rules 2005. citation

2.(1) In these Rules, unless inconsistent with the **context**- Interpretation

"advocate" means a barrister or attorney duly admitted to practise in the Supreme Court and includes any person having under these Rules the right of audience on behalf of another person in the Court;

"appeal" includes revision, review, reference, case stated and point of law reserved;

"Attorney General" means the Attorney General of Seychelles appointed under section 76 of the Constitution;

"Chief Justice" means the Chief Justice of the Supreme Court of Seychelles and includes a judge designated to perform or exercise the functions of Chief Justice;

"Court" means the Seychelles Court of Appeal;

"Court day" means any day other than a Saturday, Sunday or public holiday;

"he" includes "she" unless the context otherwise indicates;

"Judge" means a Justice of Appeal acting as such;

"President" means the President of the Seychelles Court of Appeal appointed as such in terms of Article 123 of the Constitution;

"Registrar" means the Registrar of the Court and includes a Deputy Registrar;

"Registrar of the Supreme Court" includes an Assistant Registrar of that Court;

"Rules" means these Rules or any amendment thereof;

"Supreme Court" means the Supreme Court of Seychelles.

(2) Any reference to the party to an appeal shall include the advocate acting for him in the appeal, but an advocate shall not be deemed to be so acting merely by reason of having acted for the party in the proceedings from which the appeal is brought.

(3) In the Computation of time-

"days" means court days;

"month" means a calendar month;

"week" means seven days inclusive of Saturdays, Sundays and Public Holidays except that if the last day of the computation falls on a Sunday or Public Holiday, that last day shall be deemed to be the day following the Sunday or Public Holiday in question.

(4) In computing the number of days, the first day as well as the last day shall be excluded.

Practice and Procedure of the Court and cases not provided for

3.(1) The procedure and practice of the Court shall be as prescribed in these Rules, but the Court may direct a departure from these Rules at any time when this is required in the interests of justice.

(2) In any matter for which provision is not made by these Rules or other legislation, the President may on application or informally give directions as to the procedure to be adopted.

Selection of Judges

4. In respect of any appeal, the Court shall consist of those Judges, not being less than three, whom the President shall select to sit for the purposes of hearing that appeal.

Power of a single Judge

5. Save for an application for special leave to appeal to the Court, the President or a single Judge designated by the President may alone exercise any power vested in the Court not involving the merits of the appeal.

Locus of appeals and notice of sittings

6.(1) The Court shall sit at any place in Seychelles as the President may direct.

(2) The sittings of the Court and the matters to be disposed of at such sittings shall be notified in such manner as the President may direct.

7. The Registry shall be situated at the Seychelles Court of Appeal, State House Avenue, Victoria, Mahe. Registry

8. Any advocate of the Supreme Court may with the concurrence of the Chief Justice be appointed by name or office by the President to be the Registrar or a Deputy Registrar of the Court. Registrar

9.(1) All summonses, warrants, orders, rules, notices and mandatory processes whatsoever of the Court may be signed by a Judge or by the Registrar and shall be sealed with the seal of the Court. Every order of the Court shall be dated as of the date on which the judgment was given or order made. Process of the Court and Service

(2) Process of the Court may be served in such manner as the Court may direct. Service shall ordinarily be personal, but where a party to any proceeding has given an address for service, such service may be effected by delivery at that address. The Court may order substituted service of any process and may order that service be deemed to have been effected at any time and in any manner.

(3) Subject as aforesaid and unless the Court shall otherwise direct, service of any process shall be effected in such manner as would be appropriate if it were a process of the Supreme Court.

(4) Where any person out of the jurisdiction is a necessary or proper party to a proceeding, the Court may allow service out of the jurisdiction or any document required to be served upon such party or that notice of such document be served in lieu thereof.

(5) Proof of service may be given when necessary by affidavit, unless in any case the Court shall require proof by oral evidence.

(6) If the person to be served is in prison, service may be effected by transmitting the document to the officer in charge of the prison for delivery to the prisoner, and service on the prisoner may be proved by a letter purporting to be signed by the officer in charge of the prison and certifying that the document was delivered to the prisoner on a specified date.

(7) Where by these Rules a party is required to serve any document on another party within a limited time, and by virtue of this Rule or any other written law on order of Court such document is required to be served by or through a process server or other officer of any Court, the party shall be deemed to have served the

document in due time if within the time limited for service he files the same in the Registry together with any necessary copies and a requisition for service and pays all fees and charges payable in respect thereof.

Provided that, if the party is required to assist the officer by identifying the person to be served or otherwise, he shall do so with all due diligence and in default of so doing shall be deemed to have failed to serve the other party in due time.

Form of
proceedings

10.(1) All proceedings in the Court shall be on foolscap paper; unless the nature of the document renders it impracticable, and shall be clear and easily legible and may be printed, mimeographed, typewritten, written or reproduced in photostat, or in any combination of those media. Only one side of the paper shall be used and a margin of not less than one inch shall be left on the left hand side of each sheet to permit of binding in book form.

(2) Whatever medium or reproduction may be adopted, the taxing master shall on taxation allow only those costs which would in his opinion have been incurred by using the most economical method permitted.

Power of the
President or
The Court

11.(1) The President or the Court may-

- (a) mero motu or on application, extend or reduce any time period prescribed in these Rules and may condone non-compliance with these Rules;
- (b) give such directions in matters of practice, procedure and the disposal of any appeal, application or interlocutory matter as the President or the Court may consider just and expedient.

(2) Any power or authority vesting in the President in terms of these Rules, save the power to make Rules of Court, may be exercised by a Judge or Judges designated by the President for that purpose.

Adjournment

12. The Court shall have power to adjourn any proceedings before it from time to time.

Amendment

13.(1) The Court shall have power to allow amendment of any proceedings in the Court and of any proceedings in the Supreme Court preparatory or incidental to, or consequential upon, proceedings in the Court.

(2) The Court may of its own motion or on application correct any slip or accidental error arising in its proceedings, so as to give effect to the manifest intention of the Court, notwithstanding that the proceedings have terminated and the Court is otherwise *functus officio* in respect thereof.

14.(1) In all proceedings in the Court, a party may appear in person or by any advocate who is entitled for the time being to practice before the Supreme Court. Right of audience

(2) A person not resident in Seychelles may appear by lawfully authorised attorney.

(3) The President or the Chief Justice may by licence under his hand and on payment of the prescribed fee grant right of audience in respect of any one appeal, including any cross-appeal heard therewith, or in respect of any two or more appeals to be heard together under order of consolidation, to any person who, in his opinion is suitably legally qualified to assist the Court in the appeal.

(4) A corporation may appear by advocate or by a director or other officer or the secretary thereof.

(5) A person under disability may appear by advocate or by his guardian or curator in person as the case may be.

(6) The Attorney-General shall have the right of audience and shall take precedence over all other advocates. Other legal officers of the State shall have the right of audience in all causes and matters within the scope of their official duties.

15. It shall not be necessary to serve notice of hearing on any person who has signified that he does not intend to appear at the hearing, but the Court may in its discretion permit any such person to appear at the hearing in person or by advocate. Notice dispensed with

16. Whenever an application may be made to the Court or to the Supreme Court, it should normally be made in the first instance to the Supreme Court. Application to the Supreme Court first

1) In every matter where special leave to appeal to the Court is required by law in a criminal matter, an application therefor shall be made by way of a notice of motion supported by affidavits. Application for special leave to appeal

(2) The notice of motion together with supporting affidavits and all relevant documents including the judgment of the Supreme Court appealed against shall be delivered within fourteen days of the date of judgment or order of the Supreme Court. A copy of such notice of motion shall be served upon the Attorney General or the respondent as the case may be.

(3) Four copies of the notice of motion and all documents together with the original shall be filed with the Registrar.

(4) Within fourteen days of the service of the notice of motion upon him/her, answering affidavits may be delivered on behalf of the Attorney General or the respondent as the case may be.

(5) The applicant may file replying affidavits within seven days of the service upon him/her of such affidavits of the Attorney General or the respondent as the case may be.

(6) Every application, answer and reply-

(a) shall-

(i) be clear, succinct and to the point;

(ii) furnish fairly all such information as may be necessary to enable the Court to decide the application;

(iii) deal with the merits of the appeal only in so far as is necessary for the purpose of explaining and supporting the particular grounds upon which special leave to appeal is sought or opposed;

(iv) be properly and separately paginated; and

(b) shall not-

(i) be accompanied by the record, or

(ii) traverse extraneous matters.

(7) The times fixed within this Rule may be extended on good cause shown by the President or a Judge duly designated by the President or by the Court.

(8) Where an application for special leave to appeal in a civil matter is required by law, the provisions of sub-rules (1) to (7) inclusively shall mutatis mutandis apply.

(9) If the Court grants special leave to appeal, it may fix the time within which the record may be prepared and, in a civil matter, it may order the appellant to give security to the satisfaction of the Registrar for the costs of the other parties.

(10) The decision of the Registrar on the form and the amount of security in the event of a dispute shall be final.

(11) A notice of motion shall be substantially in the form A in the First Schedule hereto.

18.(1) Every appeal shall be brought by notice in writing (hereinafter called "the notice of appeal") which shall be lodged with the Registrar of the Supreme Court within thirty days after the date of the decision appealed against.

Notice of
appeal

(2) Every notice of appeal shall set forth the ground of the appeal and shall state whether the appeal is against conviction only or sentence only or both conviction and sentence or against some decision appealed against.

(3) Such grounds of appeal shall set forth in separate numbered paragraphs the findings of fact and conclusions of law to which the appellant is objecting and shall also state the particular respect in which the variation of the judgment or order is sought.

(4) Every notice of appeal shall contain a full and sufficient address at which notices or documents connected with the appeal may be served upon the appellant or his advocate, and shall be signed by the appellant or his advocate.

(5) The Registrar of the Supreme Court shall forthwith transmit one copy of the notice of appeal to the Registrar who shall enter the appeal on the register of the Court and inform the Registrar of the Supreme Court of the serial number assigned thereto. The Registrar of the Supreme Court shall also forthwith transmit one copy of the notice of appeal to the Attorney General.

(6) Where more persons than one have been jointly tried and any two or more of them desire to appeal, they may at their option file separate or joint notices of appeal. Every notice of appeal shall

be deemed to constitute one appeal, but where more appeals than one are brought from convictions at the same trial they shall, unless the Court otherwise orders, be deemed to have been consolidated and shall proceed *as* one appeal.

(7) No ground of appeal which is vague or general in terms shall be entertained, save the general ground that the verdict is unsafe or that the decision is unreasonable or cannot be supported by the evidence.

(8) The appellant shall not without leave of the Court be permitted, on the hearing of that appeal, to rely on any grounds of appeal other than those set forth in the notice of appeal:

Provided that nothing in this sub-rule shall restrict the power of the Court to make such order as the justice of the case may require.

(9) Notwithstanding the foregoing provisions, the Court in deciding the appeal shall not be confined to the ground set forth by the appellant:

Provided that the Court shall not, if it allows the appeal rest its decision on any ground not set forth by the appellant unless the respondent has had sufficient opportunity of contesting the case on that ground.

(10) A notice of appeal shall be substantially in the form B in the First Schedule in criminal appeals and in the form C in the civil appeals:

Provided that, notwithstanding that the provisions contained in sub-rules (2) or (3) or (6) of this rule have not been strictly complied with, the Court may, in the interest of justice and for good and sufficient cause shown, entertain an appeal if satisfied that the intending appellant has exhibited a clear intention to appeal to the Court against the decision of the Court below.

Cross-appeal

19.(1) Every respondent who wishes to cross-appeal shall deliver a notice of his/her cross-appeal within fourteen days after receiving the appellant's notice of appeal.

(2) The notice of cross-appeal shall comply with the provisions of sub-rules (2), (3), (6), (7), (8), (9) and (10) herein and shall be substantially in the form D in the First Schedule hereto.

20.(1) An appeal shall not operate as a stay of execution or of proceedings under the decision appealed from:

Appeal not to operate as stay of execution

Provided that the Supreme Court or the Court may on application supported by affidavits, and served on the respondent, stay execution on any judgment, order, conviction, or sentence pending appeal on such terms, including such security for the payment of any money or the due performance or non-performance of any act or the suffering of any punishment ordered by or in such judgment, order, conviction, or sentence, as the Supreme Court or the Court may deem reasonable.

(2) No intermediate act or proceeding shall be invalidated except in so far as the Supreme Court or the Court may direct.

21.(1) Three months after service of the record, the Registrar shall, after consultation with the President, set down the appeal for hearing and shall take necessary steps to ensure that the parties concerned are informed in writing of the date on which the appeal shall be heard.

Setting down appeal for hearing

(2) A registered letter forwarded to a party's last-known address shall be deemed to be sufficient notice of the date of hearing.

(3) If the applicant or appellant fails to appear on the date thus notified, the appeal shall be dismissed for lack of prosecution, unless the Court otherwise directs.

22.(1) An appellant may at any time after filing the notice of appeal and before the appeal is called for hearing serve on the parties to the appeal and file a notice with the Registrar to the effect that he does not intend further to prosecute the said appeal.

Withdrawal of appeal

(2) If all the parties to the appeal consent to the withdrawal of the appeal without an order of the Court, the appellant may file with the Registrar the document or documents signifying such consent and signed by the parties or by their advocates, and the appeal shall thereupon be deemed to have been withdrawn and shall be struck out of the list of appeals by the Registrar who shall thereupon inform the Registrar of the Supreme Court accordingly. In such event any sum lodged in the Registry of the Supreme Court as security for the costs of the appeal shall be paid out to the appellant.

(3) If any stay of execution has been granted, the sentence or order of the trial court thus stayed shall forthwith be enforced upon the withdrawal of any appeal unless the parties agree otherwise in writing.

(4) If all the parties do not consent to the withdrawal of the appeal as aforesaid, the appeal shall remain on the list and shall come on for the hearing of any issue as to costs or other remaining outstanding issue between the parties, and for the making of an order as to the disposal of any sums lodged in Court as security for the costs of the appeal.

(5) If an appellant is alleged to be of unsound mind, his appeal shall not be withdrawn without leave of the Court.

(6) In withdrawing an appeal, the appellant or respondent in cross-appeal shall tender costs unless the other party has agreed to waive them in writing.

Record

23.(1) The preparation of the record of appeal shall be undertaken by the Registrar of the Supreme Court as soon as possible after the notice of appeal has been lodged and upon payment of the prescribed charges. Such record shall be subject to the supervision of the Supreme Court.

(2) The parties may submit any disputed question arising in connection with the record to the decision of the Supreme Court and that Court shall give such directions thereon as the justice of the case may require.

(3) (a) The copies of the record shall be clearly typed on A4 standard paper in double-spacing in black ink, on one side of the paper only;

(b) Legible documents that were typed or printed in the original, including all process in the court a quo forming part of the record on appeal, and documents such as typed or printed contracts and cheques (whether handwritten, typed or printed) and the like shall not be retyped but a clear photocopy shall be provided instead.

(c) The pages shall be numbered clearly and consecutively, and every tenth line on each page

shall be numbered and the pagination used in the court a quo shall be retained where possible.

- (d)
 - (i) At the top of each page containing evidence, the name of the witness and, at the top of each page containing exhibits, the number of the exhibit shall appear.
 - (ii) All references in the appeal record to page numbers of exhibits in the original record shall be transposed to reflect the page numbers of such exhibits in the appeal record.
- (e) The record shall be divided into separate conveniently-sized volumes of approximately 100 pages each.
- (f) The record shall be securely bound in book form disclosing-
 - (i) the case number;
 - (ii) the names of the parties;
 - (iii) the volume number and the numbers of the pages contained in that volume;
 - (iv) the total number of volumes in the record;
 - (v) the court appealed from; and
 - (vi) the names and addresses of all the parties for service.
- (g)
 - (i) The volume number and the numbers of the pages contained in a volume shall also appear on the upper third of the spine of the volume.
 - (ii) Each volume shall be so bound that upon being eased open it will lie open without any manual or other restraint and upon being opened and thereafter repeatedly closed the binding shall not fail.
- (h) In all cases tried by a jury the most complete available note of any charge or summing-up of the Judge of the trial court shall be included in and form part of the record of proceedings.
- (i) If the record consists of more than one volume, each

of the following documents shall be contained in a separate volume-

- (a) the judgement and order appealed against;
 - (b) the judgement and order giving leave to appeal; and
 - (c) the notice of appeal.
- G) The record, in the first or in a separate volume, shall contain a correct and complete index of the evidence, documents and exhibits in the case, the nature of the documents and exhibits being briefly stated therein.
- (k:) The documents omitted to be copied shall be enumerated in a list to be placed after the index.
- Q) Where part or parts only of any lengthy document are directly relevant to the subject matter of the appeal, it shall be permissible to omit to copy such parts of the document as are neither directly relevant to the subject matter of the appeal nor necessary for the proper understanding of the part or parts that are so relevant.
- (m) If the Registrar of the Supreme Court or any party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the document shall be included and the record shall, with a view to the subsequent adjustment of the costs of and incidental to the inclusion of such document, indicate in the index of papers or otherwise such fact including the party by whom the inclusion of the document was objected to.
- (n) On the completion of the preparation of the record of appeal, the Registrar of the Supreme Court shall certify the correctness of each copy thereof. He shall then cause to be served, upon payment of the prescribed charges by the appellant, a copy of the certified record on each party who has been served with the notice of appeal and has filed notice of address for service:

Provided that if more respondents than one are represented by one advocate it shall be sufficient to serve one copy on him.

- (o) The Registrar of the Supreme Court shall transmit four certified copies of the record to the Registrar.

24.(1) Unless the President otherwise directs-

Heads of
argument

- (a) The appellant shall lodge with the Registrar five copies of the appellant's main heads of argument within two months from the date of service of the record. Two copies of such main heads of argument shall be served on each respondent.
 - (b) The respondent shall lodge with the Registrar five copies of the respondent's main heads of argument within one month from the receipt of the appellant's heads of argument. Two copies of such main heads of argument shall be served on the appellant.
- (2)
- (a) The heads of argument shall be set out in separate paragraphs for each head, stating when evidence is to be referred to, the page and lines where such evidence appears in the record.
 - (b) The heads of argument shall be clear, succinct and shall not contain unnecessary elaboration.
 - (c) The heads of argument shall not contain lengthy quotations from the record or authorities.
 - (d) Reference to authorities and the record shall not be general but to specific pages and paragraphs.
 - (e)
 - (i) The appellant's heads of argument shall be accompanied by a written chronology of events relevant to the appeal and duly cross referenced but without argument.
 - (ii) if the respondent disputes the correctness of the chronology of events in a material respect, the respondent's heads of argument shall be accompanied by the respondent's version of the chronology of events.

- (f) The heads or argument shall be accompanied by a list of authorities to be cited in support of the argument and shall indicate the authorities to which particular reference will be made during argument.
- (g) The heads of argument shall define the form of order sought from the Court.
- (h) All heads of argument shall be accompanied by five copies of the front page and relevant portions of all statutory provisions, regulations, rules and unreported decisions to which reference is made.
- (i) Where at the date fixed for hearing of the appeal the appellant has not lodged heads of argument in terms of this Rule, the appeal shall be deemed to be abandoned and shall accordingly be struck out unless the Court otherwise directs on good cause shown.
- G) Where at the date fixed for hearing of the appeal the respondent has not lodged heads of argument in terms of this Rule, the respondent shall not be entitled to be heard unless the Court otherwise directs on good cause shown.
- (k) Nothing in this Rule shall be deemed to limit the discretion of the Court to hear an appeal or application notwithstanding that heads of argument have not been filed.

Interlocutory
matters

25.(1) In this Rule, an interlocutory matter means any matter relevant to a pending appeal the decision of which will not involve the decision of the appeal.

(2) An interlocutory matter, other than an application for special leave to appeal, may be brought before the President or a single Judge designated by the President.

Provided that the President or the Judge before whom the matter is brought may in his discretion hear or refuse to hear or transfer the application to the full Court.

(3) Interlocutory matters shall be brought by way of notice of motion which shall be substantially in the Form A in the First Schedule hereto and shall be supported by affidavits.

(4) The opposing party may deliver answering affidavits within fourteen days of the service of the notice of motion.

(5) The applicant may file replying affidavits within seven days of the service of the answering affidavits.

26. The times fixed within these Rules may, on good cause shown, be extended by the President or a Judge designated by the President or may be extended by the Court.

Extention of
time

27.(1) Within fourteen days after filing the notice of appeal, or in a case where leave to appeal is necessary within fourteen days after being granted leave or special leave to appeal, the appellant shall provide good and sufficient security to the satisfaction and within the discretion of the Registrar for the payment of all such costs of the appeal as may become payable by him.

Security for
Costs

(2) A person may provide security in any manner that the Registrar may approve in his case and such security may, with the approval of the Registrar, consist in whole or in part of a deposit of money.

(3) If the security approved by the Registrar is not furnished or given within the time limit mentioned in sub-rule (1) of this Rule, the notice of appeal shall be deemed to have been withdrawn, and the appellant shall pay to the respondent the costs of the abortive appeal:

Provided that nothing in this sub-rule shall be deemed to limit or restrict the power of the Court to extend time.

28.(1) Any party who is a natural person and who is of the opinion that he is a poor person or indigent may apply to the Court for leave to prosecute or defend an appeal in forma pauperis.

Poor persons
(in forma
pauperis)

(2) A party shall be deemed to be a poor person or indigent if he can satisfy the Court that, except for household goods, wearing apparel and tools of trade, he is not possessed of property or financial means to the amount of Rs10,000 and that he has failed to obtain legal aid.

(3) No such application shall be made unless the opposite party has been asked and has failed or refused to consent to the applicant proceeding in forma pauperis within one month thereafter.

(4) Upon being satisfied that the applicant, is a poor person or indigent, the Court may-

- (a) assign an advocate to such applicant;
- (b) direct payment to such advocate of such remuneration as may be appropriate out of the general revenues and may direct that the amount of such remuneration shall be a first charge on any money or property recovered by the party on or in consequence of the appeal, and that such amount or part thereof which may be recovered shall be refunded to the general revenues;
- (c) direct that no Court fees, or any specified amount less than the prescribed Court fees, be paid in respect of an appeal;
- (d) direct that no security for costs be lodged, or that any specified sum less than would have been otherwise prescribed be lodged in Court as security for costs;
- (e) direct that the record of appeal be prepared by the Registrar of the Supreme Court without payment therefor, or on payment of any specified sum less than the prescribed charges therefor.

Consolidation
of appeals

29. Where the Court is of the opinion that it would be for its convenience and that of all parties concerned that two or more appeals should be consolidated, it may, of its own motion or on the application of any party, direct the appeals to be consolidated and treated as one appeal.

Hearing of
appeal

30.(1) At the hearing of an appeal, the appellant or his advocate shall first address the Court.

Provided that the Court in its discretion may call upon the respondent or his advocate to address it first.

(2) If the appellant is represented by more than one advocate, all of them shall be entitled to address the Court but not on the same aspect or aspects of the appeal.

(3) After the close of the appellant's address, the respondent or his advocate shall be entitled to address the Court.

Provided that if the respondent is represented by more than one advocate, all of them shall be entitled to address the Court but not on the same aspect or aspects of the appeal.

(4) The appellant shall be entitled to reply on a point of law after the respondent or his advocate has concluded his address:

Provided that if the appellant is represented by more than one advocate, one only shall be entitled to reply.

(5) After all the arguments have been concluded, the Court may give judgment immediately or may reserve judgment until a later date.

(6) (a) The judgment shall be delivered by the President or the Senior Judge presiding:

Provided that the President or Senior Judge presiding, as the case may be, may request the scribe or any other member of the Court hearing the appeal to deliver such judgment.

(b) Such judgment may be pronounced notwithstanding the absence of the Judges who composed the Court or any of them.

31.(1) Appeals to the Court shall be by way of re-hearing and the Court shall have all the powers of the Supreme Court together with full discretionary power to receive further evidence by oral examination in Court, by affidavit or by deposition taken before an examiner or commissioner.

Power of the
Court on appeal

(2) Upon appeals from a judgment, decree or order, after trial or hearing of any cause or matter upon the merits, such further evidence, save as to matters which have occurred after the date of the decision from which the appeal is brought, shall be admitted on special grounds only and not without leave of the Court.

(3) The Court may draw inferences of fact, and give any judgment, and make any order which the Supreme Court ought to have given or made, and make such further or other orders *as* the case requires.

(4) The aforesaid powers may be exercised notwithstanding that the notice of appeal relates only to part of the decision, and such powers may also be exercised in favour of all or any of the respondents or parties, who have not appealed from or complained of the decision.

(5) In its judgment, the Court may confirm, reverse or vary the decision of the trial court with or without an order as to costs, or may order a re-trial or may remit the matter with the opinion of the Court thereon to the trial court, or may make such other order in the matter as to it may seem just, and may by such order exercise any power which the trial court might have exercised.

Provided that the Court may, notwithstanding that it is of opinion that the point or points raised in the appeal might be decided in favour of the appellant, dismiss the appeal if it considers that no substantial miscarriage of justice has occurred.

Formal order
of Court

32.(1) Every judgment of the Court shall be embodied in a formal order prepared by the Registrar after consultation with the parties to the appeal.

(2) If the parties do not agree upon the form of the order, the draft thereof shall be settled by the President or by such Judge as the President may designate and the parties shall be entitled to be heard thereon if they so desire.

(3) The Registrar shall send a sealed or certified copy of the order to the Registrar of the Supreme Court.

Fees of the
Court

33. The fees set out in the Second Schedule hereto shall be payable in respect of applications and appeals in relation to the Court and in respect of applications and proceedings in the Supreme Court preparatory or incidental to, or consequential upon an appeal to the Court.

Taxation of
costs

34.(1) The costs incurred in any appeal or application shall, unless assessed by the Court, be taxed by the Registrar in accordance with the rules and scales set out in the Third Schedule hereto.

(2) In exercising his function under this Rule, the Registrar shall be called the taxing master.

Repeal of
Rules

35. The Seychelles Court of Appeal Rules 1978 as amended from time to time are hereby repealed and superceded by these Rules:

Provided that any proceedings already commenced under the repealed Rules may continue thereunder, save in so far as the Rules herein contained may be applicable thereto without injustice or increased costs to any of the parties.

FIRST SCHEDULE

**FORMA
(RULES 17 and 25)**

In the Seychelles Court of Appeal

In the matter between

..... Appellant

and

..... Respondent

Case No of 20.....

NOTICE OF MOTION

Take notice that on the day of 20..... ato'clock or so soon thereafter as the matter may conveniently be heard Mr/Mrs/Miss Advocate for the above named Applicant will move the Court for an order in the following terms:-

(set out)

Take further notice that the accompanying affidavit of is annexed in support of the application.

If you intend to oppose this application, you are required to file your answering affidavit in support of your opposition, after prior service upon the Applicant, with the Registrar within fourteen days of the service of the notice of motion upon you.

.Dated at this day of 20.....

.....
*Advocate for the.; Applicant
Address for service*

To: (Respondent)
Address for service

And to: The Registrar
Seychelles Court of Appeal

FORM B

(RULE 18)

In the Seychelles Court of Appeal

In the matter between

..... Appellant
and
..... Respondent

Criminal Side No of 20.....

NOTICE OF APPEAL

Take Notice that hereby appeals to the Seychelles Court of Appeal against the decision of Mr. Justice given at the Supreme Court on the day of 20 upon the grounds set out in paragraph 2 and will at the hearing of the appeal seek the relief set out in paragraph 3.

The appeal is against conviction only/sentence only/both conviction and sentence.

2. Grounds of Appeal

- (1)
- (2)
- (3) etc.

3. Relief sought from the Seychelles Court of Appeal

The appellant desires/does not desire + - to attend the hearing.

Dated atthisday of20.....

*Advocate for the Appellant
Address*

To: The Respondent
Address

And to: The Registrar
Seychelles Court of Appeal

And to: The Registrar of the Supreme Court

FORMC

(RULE18)

In the Seychelles Court of Appeal

In the matter between

and Appellant

Respondent

Civil Side No of 20...

NOTICE OF APPEAL

Take Notice that being dissatisfied with the decision of Mr. Justice given at the Supreme Court/Constitutional Court on the day of 2Q hereby appeals to the Seychelles Court of Appeal against the whole of the decision (or against such part of the decision as the case may be) that (setting out details) upon the grounds set out in paragraph 2 and will at the hearing of the appeal seek the relief set out in paragraph 3.

And the Appellant further states that the names and addresses of the persons directly affected by the appeal are those set out in paragraph 4.

2. Grounds of Appeal:

(1)

(2)

Etc.

3. Relief sought from the Seychelles Court of Appeal.

4. Persons directly affected by the appeal:

Name Address

(1)

(2)

(3) etc.

Dated atthis..... day of 20.....

*Advocate for the respondent
Address*

To: The Respondent
Address:

And to: The Registrar
Seychelles Court of Appeal

And to: The Registrar of the Supreme Court/Constitutional Court

FORM D

(RULE 19)

In the Seychelles Court of Appeal

In the matter between

..... Appellant

and

.....Respondent

NOTICE OF CROSS-APPEAL

Take notice that, on the hearing of this appeal, the above named respondent, will contend that the decision herein ought to be varied/affirmed to the extent and in the manner and on the grounds hereinafter set out, namely:

(set out)

Dated thisday of.....20.....

(Advocate for the) Respondent

The address for service of the respondent above named is

Dated at..... this.....day of..... 20

*Advocate for the Respondent
Address*

To: *The Advocate for the Respondent*

And to: *The Registrar
Seychelles Court of Appeal*

And to: *The Registrar of the Supreme Court/Constitutional Court*

"SECOND SCHEDULE
(RULE 33)
FEES

S.I. 57 of 2009

The fees and percentage set out in this Schedule shall be taken and paid in respect of all civil causes, matters and proceedings in the court, and in respect of applications and proceedings in the Supreme Court, preparatory or incidental to, or consequential upon, a civil appeal to the Court-

- | | | |
|-----|---|------------------------------------|
| 1. | Upon filing Notice of Appeal | R500.00 |
| 2. | Upon filing Notice of address for service | R100.00 |
| 3. | Upon filing Notice of Cross-Appeal | R550.00 |
| 4. | Upon filing Notice of Motion | R300.00 |
| 5. | Upon filing an Affidavit | R100.00 |
| 6. | Upon sealing an Order | R100.00 |
| 7. | Upon a reference from the Registrar to the President or a Judge designated by the President | R100.00 |
| 8. | Upon filing a bill of costs for taxation | 50.00 |
| 9. | Upon the certificate or allocatur of the result of taxation of a bill of costs. Where the costs of any matter are assessed by the Court and ordered to be paid, the appropriate fee under this item shall be payable. | |
| 10. | Upon taking an Affidavit | R100.00 |
| 11. | Upon marking an exhibit to an Affidavit | R50.00 |
| 12. | Preparing, settling and certifying record | R100.00 |
| 13. | Copy of any document or record when per prepared by the Court | R100.00
page or
part thereof |
| 14. | Service of any process or proceedings required to be served by the Court and, if more than one mile from the Court, in addition, | R100.00 |

(a) within two miles from the Court	R50.00
(b) more than two miles, for every extra mile each way	R10.00
Provided that, for service in Praslin or La Digue, a fixed fee will be payable as follows-	
Praslin	R300.00
LaDigue	R375.00
15. Upon a bond, for every party executing the same.	R100.00

SECOND SCHEDULE
SCALE A
(Civil Causes and Matters)
Instructions

1. Instruction to file notice of appeal	R400.00
2. Instructions to act for a Respondent	R400.00
3. In any case where a Notice of Appeal has been filed but no appeal is subsequently lodged, the Respondent shall be entitled to an inclusive sum for costs (exclusive of disbursements and of the costs of any application made to the Supreme court or the Court.	R1000.00
4. Instructions to file any application	R400.00
5. Instructions to appear for the Respondent to any application	R400.00
Drawing	
6. Notice of Appeal	R1000.00
7. Notice of Motion and relative motion paper	R500.00
8. Affidavit	R100.00
9. Notice of address for service	R100.00
10. Notice of Cross-Appeal	R500.00
11. Bill of costs, per folio	R30.00

12. Proof of witness per folio	R50.00
13. Order, per folio	R100.00
14. Any other necessary document to be filed or used in Court, per folio	R60.00

Attendances

15. On the Registrar	R100.00
16. On the President or a Judge in chambers	R400.00
17. In court, on the hearing of any application or appeal, for the first half hour of the hearing, And for each subsequent half hour, but subject to a maximum for the first day, of And for each subsequent day, of	R1000.00 R3000.00
18. In Court to hear judgment	R300.00"

SCALE B

(Second Appeals in Criminal Cases)

This scale shall apply only for taxation of costs ordered to be taxed and paid as between party and party of an appeal to the Court from a decision of the Supreme Court given in its appellate jurisdiction in a criminal cause or matter.

1. A fee for instructions, to include all work done in and about the appeal other than that chargeable under the subsequent item at the discretion of the taxing master, which unless for special reasons to be recorded, shall not be less than R200 or exceed R1,500.
2. A fee for each necessary attendance in Court or chambers, as allowed under item 16 to 19 inclusive of Scale A, but in every case at one half of the amount shown for such item in that scale.

THIRD SCHEDULE

(RULE 33)

TAXATION

- | | |
|---|--|
| Taxation of costs | <p>1. Unless assessed by the Court, costs incurred in proceedings in the Court and in proceedings in the Supreme Court preparatory or incidental to, or consequential upon, proceedings in the Court shall be taxed by the Registrar (hereinafter referred to as the taxing master) in accordance with the rules and scales hereinafter set out:</p> <p style="padding-left: 40px;">Provided that as regards proceedings in the Supreme Court for which no provision is made in these rules or scales, the rules and scales applicable to the Supreme Court shall be followed:</p> <p style="padding-left: 40px;">Provided further that where the Court directs taxation of costs as between attorney and client or where a party requests such costs to be taxed, the Registrar shall tax such costs under and in accordance with the direction of the Court.</p> |
| Order for costs | <p>2. No costs shall be payable as between party and party or out of any fund unless so ordered by the Court. If costs are ordered to be paid without further direction, they shall be taxed as between party and party.</p> |
| Notice of taxation to be given by taxing master | <p>3. Whenever an advocate shall have lodged a bill for taxation with the necessary papers and vouchers, the taxing master shall thereupon issue a notice fixing the time at which the taxation shall be proceeded with.</p> |
| Reference to President or Judge | <p>4. The taxing master or any party may within twenty days of the allocateur refer any matter in dispute arising out of the taxation of a bill for the opinion of the President or a Judge designated by the President.</p> |
| Bills not to be altered after being lodged | <p>5. No addition or alteration shall be made in costs after a bill has been lodged for taxation except by consent of the parties or by permission or directions of the taxing master or the President or a Judge designated by the President.</p> |
| Default of advocate to attend taxation | <p>6. Any advocate who shall without reasonable excuse after the notice fail to appear on the date fixed for taxation or on any date to which such taxation is adjourned or who shall in any way delay or impede the taxation, or put any other party to any unnecessary or</p> |

improper expenses relative to such taxation shall, unless the taxing master otherwise directs, forfeit the fees on which he would otherwise be entitled for drawing his bill of costs and for attending the taxation and shall in addition be liable to pay for any unnecessary or improper expense to which he has put any other party.

Discretion of taxing master

7. On every taxation the taxing master shall allow all such costs, charges and expenses as shall appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, but save as against the party who incurred the same, no costs shall be allowed which appear to the taxing master to have been incurred or increased through overpayment, extravagance over caution, negligence, or mistake or by payment of special charges or expenses to witnesses or other persons, or by other unusual expenses.

Excessive claims

8. If more than one-quarter of the amount of costs claimed is disallowed on taxation, the costs of preparing, filing and serving the bill and of attending taxation shall be disallowed.

Costs of more than one advocate

9. Costs of more than one advocate shall not be allowed unless the Court shall so direct.

Costs improperly incurred by advocate

10. If in any case it shall appear to the Court or the President or a Judge designated by the President that costs have been improperly or without reasonable cause incurred or that by reasons of any undue delay in proceeding under any judgment or order, or any misconduct or default of the advocate, any costs properly incurred have nevertheless proved fruitless to the person incurring the same, the Court or the President or a Judge designated by the President may call on the advocate by whom such costs have been so incurred to show cause why such costs should not be disallowed as between the advocate and his client, and also (if the circumstances of the case shall require) why the advocate should not repay to his client any costs which his client may have been ordered to pay to any other person and thereupon may make such order as the justice of the case may require.

The Court or the President or a Judge designated by the President may if they or he thinks fit refer the matter to the taxing master for enquiry and report, and may direct the advocate in the first place to show cause before the taxing master.

Party not appearing

11. Notice of taxation need not be given to any party who did not appear in person or by advocate at the hearing of the appeal or matter in question.

Party entitled to costs refusing to lodge bill for taxation

12. When any party entitled to costs refuses or neglects to bring in his costs for taxation or to procure the same to be taxed and thereby prejudices any other party, the taxing master shall be at liberty to certify the costs of the other parties and certify such refusal or neglect, or may allow such party refusing or neglecting a nominal sum or other sum for such costs, so as to prevent any other party being prejudiced by such refusal or neglect.

Manner of preparing bills for taxation

13. Bills of costs shall be entitled and filed in the proceedings and shall be prepared in five columns:

The first or left-hand column for dates showing year, month, days;

The second for the serial number of the items;

The third for the particulars of the services charged for;

The fourth for the professional charges;

The fifth for the taxing master's deductions;

Disbursements shall be shown separately at the foot of the bill.

Every bill of costs which shall be lodged for taxation shall be endorsed with the name and address of the advocate by whom it is lodged, and also the name and address of the advocate (if any) for whom he is agent and shall include at the end thereof a form of certificate or allocateur for signature by the Registrar certifying the result of the taxation.

Vouchers to be produced on taxation

14. Vouchers for all disbursements charged in a bill of costs, together with documents or drafts or copies thereof shall be produced on taxation if so required by the taxing master.

All drafts and other documents the preparation of which is charged for per folio shall have the folios thereof consecutively numbered in the margin of the same, and the number of the folios shall be endorsed thereon in figures. The length of all documents not vouched by attested copies or other satisfactory evidence shall be certified by the advocate, and if such certificate be erroneous the taxing master may disallow the costs of the document so erroneously certified or any part thereof.

Costs where advocate is employed by two or more parties	15. Where the same advocate is employed for two or more parties and separate proceedings are had by or for any two or more such parties, the taxing master shall consider in the taxation of such advocate's bill of costs, either as between party and party, or as between attorney and client, whether such separate proceedings were necessary or proper, and if he is of opinion that any part of the costs occasioned thereby have been unnecessarily or improperly incurred, the same shall be disallowed.
Time and adjournment	17. The taxing master shall have power to limit or extend the time for any proceeding before him, and to adjourn the same from time to time.
Witnesses	18. Expenses of parties attending Court as such shall not be allowed but an allowance may be made for attendance of any necessary witnesses and/or including parties of such amount as would be allowed to such persons for attendance in the Supreme Court.
Meaning of "folio"	19. The expression "folio" where used in this Schedule shall mean 100 words, a single figure or a group of figures up to seven being counted as one word.
Overriding discretion	20. Notwithstanding anything in this Schedule contained, if the taxing master or the President or a Judge designated by the President is of opinion that, having regard to all the circumstances, the amount of a bill of costs after taxation is excessive, the taxing master any time before signing his allocateur, or the President or a Judge designated by the President on reference to him, may make such deduction from the total sum allowed or to be allowed as will in his opinion render the total sum reasonable. The President or a Judge designated by the President may similarly cancel or reduce any deduction made by the taxing master under this rule.

The Constitution (Use of Official Languages) Regulations

S.I. 83 of 1976
S.I. 23 of 19

[6th September, 1976]

1. These Regulations may be cited as the Constitution (Use of Official Languages) Regulations. Citation
2. English shall be the sole official language for the transaction of the business of the Courts and for and in connection with the drafting of a written law save as provided in regulation 3. English
3. French may be used for all matters specified in the Schedule except in connection with the business of the Courts and for and in connection with the drafting of a written law. French

SCHEDULE

1. Correspondence with overseas Governments and international bodies, institutions or organisations.
2. For the purpose of stating or 'referring to any matter expressed in French.
3. In Bills, Acts, Statutory Instruments or other instruments for the purpose of identifying or referring to matters of French law.
4. The citation in any judicial proceedings of any text or authority expressed in French.
5. The notification in any public place of any matter for the purpose of bringing it to the attention of the public.
6. Official announcements on the Government radio or in the Government press.
7. In any circumstances where French has been hitherto used in Seychelles.

Article 136

Supreme Court (Interception of Correspondence or Other Means of Communications) Rules

S.I.52 of 1993

[9th August, 1993]

1. These Rules may be cited as the Supreme Court (Interception of Correspondence or Other Means of Communication) Rules. Citation

Application to Judge in Chambers	2. An application for interception of correspondence or other means of communication of a person shall be made to a Judge in Chambers.
Form of application	3. The application under rule 2 shall be made by way of petition accompanied by an affidavit in support of it.
Person making the application	4. An application under rule 2 may be made by a police officer not below the rank of an Assistant Superintendent of Police or any person authorised under any written law to open, delay or intercept any correspondence or other means of communication hereafter referred to as an "authorised person".
Contents of affidavit	5. The affidavit in support of the application shall disclose sufficient material to satisfy the Judge that it is necessary or desirable for the purpose of any investigation that any correspondence or mean of communication of a person specified in the affidavit should be intercepted.
Order of Judge	6. Where a Judge is satisfied on the material disclosed in the affidavit that it is necessary or desirable to intercept any correspondence or other means of communication of a person, the Judge shall by warrant authorise a police officer not below the rank of an Assistant Superintendent of Police or an authorised person and named in the warrant to intercept the correspondence or other means of communication specified in the warrant in the manner and within the time stated therein.
Authority of the warrant	7.(1) A warrant under rule 6 shall be sufficient authority for the police officer or authorised person named in the warrant to intercept the correspondence or other means of communication of a person in the manner and within the time specified therein and any person having the custody or control of such correspondence or other means of communication shall render all facilities to the person named in the warrant for the execution of the warrant. (2) The police officer or authorised person named in the warrant may take copies or extracts of the correspondence or other means of communication specified in the warrant and shall not use it for any purpose other than the investigation in respect of which the application is made under rule 2.
Offences	8. Any person who fails to render facilities as required under rule 7(1) for the execution of a warrant issued under rule 6 or contravenes rule 7(2) is guilty of an offence and is liable on conviction to imprisonment of one year and to a fine of R5000.
Form of warrant	9. The warrant under rule 6 shall be in the Form in the Schedule.

SCHEDULE

**SUPREME COURT (INTERCEPTION OF
CORRESPONDENCE OR OTHER MEANS OF
COMMUNICATION) RULES**

WARRANT

(Rule 6)

To

Whereas I am satisfied that it is necessary or desirable that
.....² in the custody or control of
.....should be intercepted by
.....⁴ during the period of, days
commencing on the date of this warrant.

This is to authorise you to intercept the correspondence or means
of communication specified above in the manner and within the
time stated herein.

You are further authorised to execute this warrant at any hour of
the day.

GIVEN under my hand and the Seal of the Supreme Court this
day of, 20

1. name of person to whom the warrant is addressed to.
2. describe the correspondence or other means of communication.
3. state the name or designation of the person who has the custody or control of the correspondence or other means of communication.
4. state the manner in which the warrant is to be executed.
5. state the period of the warrant.

Articles 46, 129, 130 and 136

S.I. 33 of 1994
S.I. 2 of 2004

**Constitutional Court (Application, Contravention,
Enforcement or Interpretation of the Constitution) Rules**

[25th April, 1994]

Citation **1.** These Rules may be cited as the Constitutional Court (Application, Contravention, Enforcement or Interpretation of the Constitution) Rules.

Practice and
Procedure
of the
Constitution
Court

2.(1) These Rules provide for the practice and procedure of the Constitutional Court in respect of matters relating to the application, contravention, enforcement or interpretation of the Constitution.

(2) Where any matter is not provided for in these Rules, the Seychelles Code of Civil Procedure shall apply to the practice and procedure of the Constitutional Court as they apply to civil proceedings before the Supreme Court.

Application for
contravention
etc. of the
Constitution

3.(1) An application to the Constitutional Court in respect of matters relating to the application, contravention, enforcement or interpretation of the Constitution shall be made by petition accompanied by an affidavit of the facts in support thereof.

(2) All persons against whom any relief is sought in a petition under subrule (1) shall be made a respondent thereto.

(3) Except where the petition under subrule (1) is presented by the Attorney-General, the Attorney-General, shall be made a respondent thereto.

Time for making
application
S.I.2 of 2004
(26th January
2004)

4.(1) Where the petition under rule 3 alleges a contravention or a likely contravention of a provision of the Constitution, the petition shall be filed in the Registry of the Supreme Court-

- (a) in a case of an alleged contravention, within 3 months of the contravention;
- (b) in a case where the likely contravention is the result of an act or omission, within 3 months of the act or omission;
- (c) in a case where the likely contravention arises in

consequence of any law, within 3 months of the enactment of such law.

(2) Where a petition under rule 3 relates to the application enforcement or interpretation of any provisions of the Constitution, the petition shall be filed in the Registry of the Supreme Court within 3 Months of the occurrence of the event that requires such application, enforcement or interpretation.

(3) Notwithstanding subrules (1) and (2), a petition under rule 3 may, with the leave of the Constitutional Court, be filed out of time.

(4) The Constitutional Court may, for sufficient reason, extend the time for filing a petition under rule 3.

5.(1) A petition under rule 3 shall contain a concise statement of the material facts and refer to the provision of the Constitution that has been allegedly contravened or is likely to be contravened or in respect of which the application, enforcement or interpretation is sought.

Particulars of a
Constitutional
petition

(2) Where the petitioner alleges a contravention or likely contravention of any provision of the Constitution, the petition shall contain the name and particulars of the person alleged to have contravened that provision or likely to contravene that provision and in the case of an alleged contravention also state the date and place of the alleged contravention.

(3) The Court shall not permit an amendment of a petition which seeks to include any new matter not pleaded in the petition.

(4) The petitioner shall file in the Registry of the Supreme Court as many copies of the petition as there are respondents.

6.(1) Where a petition which has been presented fails to comply with the Rules, the Registrar of the Supreme Court shall submit the petition for an order of the Constitutional Court.

Failure to
comply with
the Rules

(2) The Constitutional Court shall hear the petitioner before making an order under subrule (1).

7.(1) The provision of the Court Fees (Supreme Court) and Costs Act shall apply in relation to the fees and taxation of costs of

Fees and costs
Cap 53

a petition to the Constitutional Court *as* they apply to proceedings in the Supreme Court in respect of civil proceedings before the Supreme Court.

(2) For the purpose of subrule (1) the value of the subject matter of the petition shall be deemed to be R25,000.

Registrar to
issue notice

8. After the petitioner has complied with the Rules, the Registrar shall issue notice on the respondents fixing a date and time for their appearance.

Preliminary
objection

9. The respondent may before filing a defence to the petition raise any preliminary objection to the petition and the Constitutional Court shall hear the parties before making an order on the objection.

Reference by
court of law
or tribunal

10.(1) A reference made to the Constitutional Court by any court of law or tribunal for the determination of the Constitutional Court of any question with regard to the contravention or likely contravention of any provision of the Constitution shall be made in the form of a case stated setting out the facts, the question for determination and the names and addresses of the parties to the proceedings before that court or tribunal, in respect of which the question arose.

(2) A reference under subrule 1 shall be made within 14 days of the date on which the question arose before the court of law or tribunal but the Constitutional Court may for sufficient cause entertain such reference notwithstanding the lapse of time.

(3) The Constitutional Court shall give notice of the reference to the parties to the proceedings of the court of law or tribunal in which the question arose and, where the Attorney-General is not a party, to the Attorney-General.

(4) The Constitutional Court shall hear the parties noticed under subrule (3) and the Attorney-General before making its determination on the question referred to it:

Provided that if any party does not appear on notice served on him, the Constitutional Court may proceed to determine the question in the absence of that party.

Consolidation
of petitions or
references

11. Where the Constitutional Court is of the opinion that it would be for its convenience and that of all the parties concerned

that two or more petitions or references be consolidated the Court may of its own motion or on the application of any parties direct that the petitions or references be consolidated and treated as one petition or reference.

12. Proceedings of the Constitutional Court shall take precedence over all other matters of the Supreme Court. Proceeding to take precedence

13.(1) An appeal from a decision of the Constitutional Court to the Seychelles Court of Appeal shall be lodged at the Registry of the Supreme Court within 10 days from the date of such decision. Appeal procedure

(2) Subject to subrule (1), the Seychelles Court of Appeal Rules relating to appeals in civil matters shall be applicable to such an appeal.

Schedule 7, Paragraph 2(4)

Constitution (Amendment of Existing Law) Order S.I.43 of 1994

[27th June, 1994]

1. This Order may be cited as the Constitution (Amendment of Existing Law) Order. Citation

2. In this Order "existing law" has the meaning assigned to it in Interpretation paragraph 1 of Schedule 7 of the Constitution. Interpretation

3. Where an expression specified in column 1 of the Schedule Substitution of occurs in any existing law there shall be substituted, for that expressions, the expression specified in the corresponding entry in column 2 of that Schedule. Substitution of expressions

SCHEDULE

Column 1	Column 2
Chairman of the People's Assembly	Speaker of the National Assembly
Council of Ministers	Cabinet
People's Assembly	National Assembly

Article 136(2)

S.L 40 of 1995

Supreme Court (Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities) Rules

[24th April, 1995]

Citation and application of Rules

1.(1) These Rules may be cited as the Supreme Court (Supervisory Jurisdiction over Subordinate Courts, Tribunals and Adjudicating Authorities) Rules.

(2) These Rules provide for the practice and procedure of the Supreme Court in respect of an application for the exercise of the supervisory jurisdiction of the Court over subordinate courts, tribunals and adjudicating authorities.

Application by petition

2.(1) An application to the Supreme Court for the purposes of Rule 1(2), shall be made by petition accompanied by an affidavit in support of the averments set out in the petition.

(2) The petitioner shall annex to the petition a certified copy of the order or decision sought to be canvassed and originals of documents material to the petition or certified copies thereof in the form of exhibits.

Particulars of petition

3. The petition under Rule 2 shall contain a statement of—
- (a) the name, address and description of the petitioner;
 - (b) the relief sought and the grounds upon which it is sought;
 - (c) the name and address of the petitioner's attorney at law, (if any);
 - (d) the name, address and description of the respondent or each of the respondents;
 - (e) a claim for damages, if any, and a prayer for costs.

Limitation of

A petition under rule 2 shall be made promptly and in any period event within 3 months from the date of the order or decision sought to be canvassed in the petition unless the Supreme Court considers that there is good reason for extending the period within which the petition shall be made.

5. Every petition made under Rule 2 shall be registered by the Registry and shall be listed ex parte for the granting of leave to proceed.

Registration and listing of petition

6.(1) The Supreme Court shall not grant the petitioner leave to proceed unless the Court is satisfied that the petitioner has a sufficient interest in the subject matter of the petition and that the petition is being made in good faith.

Petitioner's interest in the subject matter

(2) Where the interest of the petitioner in the subject matter of the petition is not direct or personal but is a general or public interest, the Supreme Court in determining whether the petitioner has a sufficient interest in the subject matter may consider whether the petitioner has the requisite standing to make the petition.

7.(1) Upon an application being registered under Rule 5, the respondent or each of the respondents may take notice of it at any time and object to the grant of leave to proceed, or if leave to proceed had been granted object to the application at any time before the time fixed by Rule 12 for filing objections and the Supreme Court may make such order on the objections as it may deem fit.

Opposition for leave to proceed

(2) The objection under subsection (1) may be made orally or in writing.

8. Where the Supreme Court refuses to grant leave to proceed, the petitioner may appeal to the Court of Appeal within 14 days of the order of refusal with leave of the Supreme Court first had and received.

Refusal of leave

9.(1) Where leave to proceed is granted, the Supreme Court shall direct that notice be served on the respondent or each of the respondents together with the petition, affidavit and all the connected documents and exhibits.

Grant of leave

(2) The petitioner shall furnish such number of copies of the petition, affidavit and other documents as and when required for service on the respondent or each of the respondents.

10. When granting leave to proceed, the Supreme Court shall direct the subordinate court, tribunal or adjudicating authority whose order or decision is canvassed in the petition, to forward the record or the record of proceedings.

Direction to subordinate court etc.

Right to examination of record	11. On receipt of the record or the record of proceedings at the Registry, parties to the petition shall be entitled to peruse it and obtain copies thereof.
Objections	<p>12.(1) Where notice is served on the respondent or each of the respondents, the respondent or each of the respondents shall file objections in writing, if any, to the petition accompanied by an affidavit in support thereof within six weeks of the service of such notice, unless the Supreme Court directs otherwise.</p> <p>(2) Each respondent shall supply a copy of the objections and affidavit to the petitioner and each of the other respondents, if any.</p>
Security	13. Where the Supreme Court orders the deposit of any sum of money as security by a party to the petition, such sum shall be deposited in such manner and within such time as may be directed by the Court.
Petitioner to act diligently	14. It shall be the duty of the petitioner to take such steps as may be necessary to ensure the prompt service of notice, and to prosecute the petition with due diligence.
Failure to comply with Rules	15. Where the parties fail to comply with the requirements set out in the preceding Rules, the Court may on the application of any of the parties, or <i>ex mero motu</i> make any suitable order.
Service of order or notice	16. Where an order or notice is required to be served on any party, such service shall be effected in the manner prescribed for service of summons in actions before the Supreme Court.
Hearing	17. After the service of notice on the respondent or each of the respondents as directed under rule 9 and the filing of objections, if any, by the respondent or each of them under Rule 12, the Supreme Court shall enter the petition for a hearing.
Relief granted by Court	<p>18.(1) On a petition under Rule 2 the Supreme Court may, for the purpose of enforcing or securing the enforcement of its supervisory jurisdiction, issue injunctions, directions, orders or writs including writs or orders in the nature of habeas corpus, certiorari, mandamus, prohibition and quo warranto as may be appropriate.</p> <p>(2) The Supreme Court may, where the petitioner has claimed damages in the petition, award him damages, if the Court is satisfied that if the claim is made in an action begun by the petitioner at the time of making the petition, he could have been awarded damages</p>

