

Amendment of
section 8 of
Cap. 84

2. The Law Officers Act is amended by repealing section 8 thereof.

GIVEN AT STATE HOUSE, Mahe, Seychelles, this 20th day of March, 1979.

CONSTITUTION OF THE REPUBLIC OF SEYCHELLES DECREE, 1979

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Schedule — The Constitution of the Republic of Seychelles

SEYCHELLES



DECREE No. 14 of 1979



&c., &c., &c.,

I decree,

F. A. RENE,
President.

23rd March, 1979.

A DECREE to give to the people of Seychelles a new Constitution; and to provide for matters incidental thereto and connected therewith

IT IS HEREBY DECREED by the President as follows—

PART I.—PRELIMINARY

1. This Decree may be cited as the Constitution of the Short title Republic of Seychelles Decree, 1979.

Commence-
ment

2. This Decree shall come into operation on the date of its publication in the *Gazette*.

Interpre-
tation

3. (1) In this Decree, unless the context otherwise requires—

“the appointed day” means the 5th June, 1979;

“the existing Constitution” means the Constitution of the Republic of Seychelles provided for in paragraph 2 of the Seychelles (Constitution) Proclamation, 1977;

“the first President of Seychelles” means the first President of Seychelles under the new Constitution;

“the interim period” means the period beginning with the coming into operation of this Decree and ending immediately before the appointed day;

“the new Constitution” means the Constitution referred to in section 4.

(2) Any reference in this Decree to “elections by the people” is a reference to elections under the new Constitution for the purpose of electing a President or members of the People's Assembly.

PART II—THE CONSTITUTION OF THE REPUBLIC OF SEYCHELLES

New
Constitution

4. The Constitution set out in the Schedule which—

(a) has been prepared pursuant to paragraph 3 of the Seychelles (Constitution) Proclamation, 1977; and

(b) incorporates the wishes of the people, so far as is practicable, as ascertained by the Constitutional Council established by the President pursuant to that paragraph.

shall be the Constitution of the Republic of Seychelles with effect from the appointed day.

Existing
Constitution

5. The existing Constitution shall be abrogated with effect from the appointed day.

PART III—THE INTERIM PERIOD

6. (1) During the interim period, the President may, by order, establish a Boundaries Commission consisting of such number of members as is specified in the order, and—

- (a) appoint the members of the Commission; and
- (b) designate one of the members to be chairman.

(2) The Boundaries Commission shall make recommendations to the President for the division of Seychelles into 23 electoral areas and, for the purpose of so doing, the Commission shall have regard to the following matters, namely—

- (a) the existing division of Seychelles into branch districts of the Seychelles People's Progressive Front;
- (b) subject to paragraph (a), the natural geographical features of Seychelles; and
- (c) in relation to the area of Victoria, population density.

7. (1) The President may, by Proclamation during the interim period, proclaim the 23 electoral areas into which Seychelles is divided, giving in the Proclamation the name and boundaries of each electoral area; and for the purpose of so doing, the President shall have regard to, but shall not be bound by, any recommendations of the Boundaries Commission.

(2) The electoral areas proclaimed pursuant to subsection (1) are, on and after the appointed day, deemed to have been proclaimed under section 41 of the new Constitution on the appointed day.

8. (1) The President may, to enable elections by the people to be held after the appointed day, during the interim period, under Article 57 of the existing Constitution, make provision by Decree for and with respect to—

- (a) elections by the people;
- (b) the registration of voters for the purpose of elections by the people;
- (c) the disqualification of persons in relation to registration for the purpose of, or voting at, elections by the people; and

Bound:
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by the
people

(d) the supervision of elections by the people by the holder of an office, or by an authority constituted by the Decree.

(2) A Decree may make provision for any of the matters referred to in subsection (1) by authorizing the making of subsidiary legislation with respect to the matter, and any subsidiary legislation so made shall, for the purposes of this section, be deemed to be provision made by a Decree.

(3) Subject to subsection (5), power under this section to make provision by Decree with respect to any matter referred to in subsection (1) is subject to the limitations and requirements set out in Part IV of the new Constitution, and, to the extent that any provision made by Decree is inconsistent with any such limitation or restriction, it is void.

(4) The registration of voters for the purposes of elections by the people shall be carried out during the interim period pursuant to any Decree made as provided in this section.

(5) For the purpose of the registration of voters pursuant to this Part, citizenship shall be determined by reference to the existing Constitution and not by reference to the new Constitution.

(6) For the purpose of elections by the people held pursuant to section 9, the reference in Part IV of the new Constitution to an Act is deemed to be a reference to provision made, pursuant to this section, with respect to elections by the people.

9. For the purpose of—

- (a) electing the first President of Seychelles; and
- (b) electing persons to be members of the People's Assembly in its first session,

elections by the people shall be held within 6 weeks after the appointed day.

10. (1) For the purpose of the election by the people of a person to be the first President—

- (a) the reference in section 19 (1) (b) of the new Constitution to an Act is deemed to be a reference

to provision made, pursuant to section 8 of this Decree, for the election by the people of a President;

(b) the provisions of section 19 (2) (a) and (b) of the new Constitution do not have effect; and

(c) the question whether or not a person is a citizen of Seychelles shall be determined by reference to the existing Constitution and not by reference to the new Constitution.

(2) The person elected to be the first President of Seychelles shall, at the first meeting of the Assembly summoned pursuant to section 11(2), take and subscribe before the Assembly the oath of allegiance and such other oath for the due execution of his office as may be prescribed by an Act; and section 24(4) of the new Constitution does not apply in relation to the first President.

11. (1) For the purpose of the election by the people of persons to be members of the People's Assembly in its first session—

(a) the reference in section 44 of the new Constitution to an Act is deemed to be a reference to provision made, pursuant to section 8 of this Decree, for the election by the people of members of the People's Assembly; and

(b) the question whether or not a person is a citizen of Seychelles shall be determined by reference to the existing Constitution and not by reference to the new Constitution.

(2) The person elected to be the first President of Seychelles shall exercise the power under section 55 of the new Constitution so as to summon the People's Assembly to its first meeting not later than 3 months after the appointed day.

PART IV—CARETAKER GOVERNMENT

12. With effect from the appointed day, the person who, immediately before that day, holds office under the existing Constitution as President, shall discharge the functions of the office of President, under the new Constitution, and the new Constitution applies as if that person had been elected pursuant to section 23 (2) (b) of the new Constitution to perform those functions.

Election of members of People's Assembly in first session

Discharge of President's functions

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13. (1) With effect from the appointed day, any person who, immediately before that day, holds office under the existing Constitution as a Minister, shall act in the office of Minister under the new Constitution and, subject to this section, the new Constitution applies as if that person had been appointed to the office of Minister under the new Constitution.

(2) Any person acting pursuant to subsection (1) in the office of Minister has the same responsibilities as he had as Minister immediately before the appointed day.

(3) Section 26(4) and 28 of the new Constitution do not apply in relation to a person acting pursuant to subsection (1) in the office of Minister.

(4) Any person acting pursuant to subsection (1) in the office of Minister holds office until immediately before the assumption of office by the first President.

oath
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14. No person discharging the functions of President pursuant to section 12, or person acting in the office of Minister under section 13, shall be required to take an oath under the new Constitution for the purpose of discharging those functions or so acting.

PART V—TRANSITIONAL PROVISIONS

isting
s

15. (1) Subject to section 7 of the new Constitution, the existing laws continue in force on and after the appointed day.

(2) Where any matter that falls to be prescribed or otherwise provided for, for the purposes of the new Constitution by or under an Act is prescribed or provided for by or under an existing law (being an Act or a Decree), that prescription or provision has as from the appointed day, effect as if it had been prescribed or provided for, for the purposes of the new Constitution, by or under an Act enacted pursuant to the new Constitution.

(3) In this section, the expression "existing law" means any Acts, Decrees, Orders in Council or statutory instruments having effect as part of the law of Seychelles immediately before the appointed day, including any Decree or statutory instrument made before, and coming into operation after, the appointed day.

16. (1) Subject to this section, where any office has been established by or under the existing Constitution and the new Constitution establishes a similar or equivalent office, then any person who, immediately before the appointed day, holds or is acting in the former office is, so far as is consistent with the provisions of the new Constitution, deemed to have been appointed as from the appointed day to hold or act in the latter office in accordance with the provisions of the new Constitution and to have taken the oath of allegiance or any other necessary oath under the new Constitution.

Existing
offices

(2) Any person who, under the existing Constitution, or under any existing law, would have been required to vacate his office at the expiration of any period or on the attainment of any age shall vacate his office at the expiration of that period or upon the attainment of that age.

(3) The first President elected under the new Constitution may require any person who continues in office pursuant to the subsection (1) to take the oath of allegiance or any other necessary oath under the new Constitution.

(4) In this section, "existing law" means such a law as is referred to in section 15(3).

17. (1) All proceedings that, immediately before the appointed day, are pending before any court, may be continued and concluded on and after the appointed day before the corresponding court established by or under the new Constitution.

Legal
proceedings

(2) Any decision given before the appointed day shall, for the purposes of any appeal therefrom, have effect on and after the appointed day as if it were a decision of the corresponding court established by or under the new Constitution.

18. (1) This Decree may be amended—

Amendment

- (a) before the appointed day, by a Decree made under Article 57 of the existing Constitution; or
- (b) after the appointed day, by an Act.

(2) Nothing in subsection (1) shall be construed as authorizing an amendment of the new Constitution otherwise than as provided in section 60 of the new Constitution.

GIVEN at State House, Mahe, Seychelles
this 23rd day of March, 1979.

SCHEDULE TO THE CONSTITUTION OF THE REPUBLIC OF SEYCHELLES DECREE 1979

CONSTITUTION OF THE REPUBLIC OF SEYCHELLES

ARRANGEMENT OF SECTIONS

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PREAMBLE

WE THE PEOPLE OF SEYCHELLES HEREBY DECLARE—
OUR INTENTION :—

- ° to maintain Seychelles as an independent State both politically and economically ;
- ° to institute and develop a socialist system which will ensure the creation of an adequate and progressive social order guaranteeing food, clothing and shelter for the people of Seychelles and a steadily rising standard of living ;
- ° to maintain the rule of law based on the recognition of human rights and respect for the equality and dignity of man ;
- ° to secure the enjoyment by every person in Seychelles of certain fundamental rights and freedoms, namely —
 - ° the right to life, liberty and security of the person ;
 - ° the right not to be subjected to torture or to cruel, inhuman or degrading treatment ;
 - ° the right to equality before the law without discrimination and the right to the protection of the law ;
 - ° freedom from arbitrary arrest or detention, or from exile ;
 - ° freedom from unreasonable searches ;
 - ° the right not to be convicted under laws creating offences retrospectively ;
 - ° freedom of movement within Seychelles ;
 - ° freedom of thought, conscience and religion, including the right to practice one's religion ;
 - ° freedom of opinion and expression ;
 - ° freedom to assemble and associate peacefully in accordance with the law ;
 - ° the right to work, to free choice of employment and to just and favourable conditions of work ;
 - ° a right to property not inconsistent with the institution and development, as aforesaid, of a socialist system,

subject only to limitations reasonably justifiable in a democratic society and designed to ensure that the enjoyment of those rights and freedoms by any individual shall not prejudice the rights and freedoms of others or the public interest ; and

OUR DESIRE :—

that the following provisions shall have effect as the Constitution of the Republic of Seychelles.

PART I—INTRODUCTION

Division 1.—The Nation

1. Seychelles is a sovereign socialist Republic.

The Republic
of Seychelles

2. (1) The area of Seychelles consists of—

The area of
Seychelles

- (a) the islands of the Seychelles Archipelago as set out in Schedule 1; and
- (b) the territorial waters and historic waters of Seychelles and the seabed and subsoil underlying those waters.

(2) The sovereignty of Seychelles over its territory is and shall remain absolute, subject only to such obligations at international law as are freely accepted by Seychelles.

(3) The limit of the territorial waters and historic waters of Seychelles shall be as declared, from time to time, by or under an Act.

3. Acts may make provision for and in respect of—

National
symbols

- (a) a National Flag;
- (b) a National Emblem;
- (c) a National Motto; and
- (d) a Public Seal.

4. The national languages of Seychelles are English, French and Creole, but the President may, by regulations made under this section, prescribe the occasions when one, or more than one, of those languages shall be used and, if he does so, the other languages, or language, shall not be used on the prescribed occasions.

National
languages of
Seychelles

Division 2.—The Party

5. (1) Seychelles is a one-party-state and all political activity, other than political activity of —

Seychelles a
one-party-
state

- (a) the organs of Government;
- (b) any authority, established by an Act, acting in accordance with that Act; or

(c) any local government authority, established by or under an Act, acting in accordance with that Act, shall be conducted under the auspices of the Seychelles People's Progressive Front.

(2) An Act may make provision for giving effect to this section and may, in particular, define what constitutes political activity and create offences.

6. (1) The constitution of the Seychelles People's Progressive Front is set out in Schedule 2.

(2) When the constitution of the Seychelles People's Progressive Front is amended in accordance with its provisions, the President may, by Proclamation, amend Schedule 2 for the purpose of making the like amendment to that constitution as set out in that Schedule.

Division 3.—Interpretation

7. This Constitution is the supreme law of Seychelles and any law that is inconsistent with it is, to the extent of the inconsistency, invalid and ineffective.

8. Schedule 3 applies for the purpose of the interpretation of this Constitution.

PART II—CITIZENSHIP

9. A person who is a citizen of Seychelles immediately before the appointed day continues, by virtue of this section, to be a citizen of Seychelles.

10. Subject to section 11, a person born in Seychelles on or after the appointed day, becomes a citizen of Seychelles at the date of his birth.

11. (1) A person does not become a citizen of Seychelles by virtue of section 10 if, at the date of his birth, neither of his parents are citizens of Seychelles.

(2) A person does not become a citizen of Seychelles by virtue of section 10 if, at the date of his birth,—

- (a) his father possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Seychelles; or
- (b) his father is a citizen of a country with which Seychelles is at war and the birth occurs in a place then under occupation by that country.

12. (1) This section applies to a person—

- (a) who would not, but for this section, be or become a citizen of Seychelles;
- (b) who was born outside Seychelles before 29th June, 1976;
- (c) who is resident in Seychelles on the appointed day; and
- (d) any of whose grand parents or parents was born in Seychelles.

(2) A person to whom this section applies becomes a citizen of Seychelles, by virtue of this section, on the appointed day.

(3) Subject to any Act, a person who satisfies all the requirements of subsection (1) with the exception of the requirement in paragraph (c), is eligible to become a citizen of Seychelles by registration.

13. A person born outside Seychelles on or after the appointed day becomes a citizen of Seychelles at the date of his birth if at the date of his birth his father or his mother is a citizen of Seychelles.

14. (1) A person who, on or after the appointed day, marries another person who is or becomes a citizen of Seychelles, is, subject to any Act, eligible to become a citizen of Seychelles by naturalisation; and for that purpose he or she is deemed to have completed any qualifying period of residence when he or she takes up residence in Seychelles.

(2) Subject to subsection (3), subsection (1) applies to a person who, on or after the 29th June, 1976, and before the appointed day, married another person who was or became, or who becomes, a citizen of Seychelles, as it ap-

Persons born outside Seychelles before 29th June, 1976

Persons born outside Seychelles on or after appointed day

Marriage to citizen of Seychelles

plies to a person of a kind referred to in subsection (1).

(3) Subsection (2) does not apply to a person who becomes a citizen of Seychelles, by virtue of section 9, on the appointed day.

15. An Act may make provision—

- (a) for the acquisition of citizenship of Seychelles by persons who are not eligible or who are no longer eligible to become citizen of Seychelles by virtue of the provisions of this Part;
- (b) for depriving of his citizenship any person who is a citizen of Seychelles and who—
- (i) is not a citizen by virtue of section 10, 12 or 13; or
- (ii) is a person to whom section 9 applies by reason of his having been registered as citizen of Seychelles before the appointed day;
- (c) for the renunciation by any person of his citizenship of Seychelles;
- (d) for the maintenance of a register of citizen of Seychelles who are also citizens of other countries;
- (e) for depriving of his citizenship of Seychelles any citizen of Seychelles who has attained the age of 21 years after the appointed day and who, being a citizen of some other country, has not within such period after his attainment of that age as may be prescribed in an Act, renounced his citizenship of that other country or, if the law of that other country does not permit him to so renounce his citizenship, made such declaration as may be prescribed by an Act.

16. (1) For the purposes of this Part—

- (a) a person born on a registered ship or aircraft is deemed to have been born at the place where the ship or aircraft was registered; and
- (b) a person born on an unregistered ship or aircraft belonging to the government of a country is deemed to have been born in that country.

(2) Any reference in this part to the national status of the father or mother of a person at the time of the birth

of that person shall, in relation to a person born after the death of the father or mother, be construed as a reference to the national status of the father or mother at the time of the father's or mother's death; and accordingly, where that death occurred before the coming into operation of this Constitution, the national status that the father or mother would have had if he or she had died on the coming into operation of this Constitution is deemed to be his or her national status at the time of his or her death.

PART III—THE EXECUTIVE

Division 1—The President

17. There shall be a President of Seychelles who shall be the Head of State and Commander-in-Chief of the Armed Forces.

The President of Seychelles

18. (1) The executive authority of Seychelles vests in the President and shall be exercised in accordance with this Constitution.

The executive authority of Seychelles

(2) The executive authority of Seychelles extends to the execution and maintenance of this Constitution.

(3) Subject to this Constitution, the executive authority may be exercised by the President either directly or through persons holding office in the service of Seychelles.

(4) In the performance of his functions under this Constitution, the President shall act in his own discretion, except in cases where he is required by this Constitution to act in accordance with the advice of any person or authority.

(5) Nothing in this section operates to prevent an Act from conferring, or providing for the conferring, of functions on the President, or on persons or authorities other than the President.

19. (1) The President shall be elected by the people in accordance—

Election of the President

(a) with this Constitution; and

(b) subject to this Constitution, with an Act for regu-

lating the election of the President, and regulations made under any such Act.

(2) Within a period—

- (a) of not less than 3 weeks before the office of President becomes vacant pursuant to section 20 (2) (a); or
- (b) of not less than 6 weeks before the office of President becomes vacant pursuant to section 20 (2) (b),

a National Congress of the Seychelles People's Progressive Front constituted as provided in its constitution shall meet and nominate a person who is—

- (c) a citizen of Seychelles;
- (d) a member of the Seychelles People's Progressive Front; and
- (e) not disqualified under section 21,

as the sole candidate for election to the office of President.

(3) The person nominated as provided in subsection (2) shall be presented for election by the people who may vote either for or against him.

(4) Where the majority of votes cast pursuant to subsection (3) are in favour of the person presented for election, he shall thereby be elected President and the Returning Officer shall declare his election.

(5) Where the majority of votes cast pursuant to subsection (3) are not in favour of the person presented for election—

- (a) some other person shall be nominated as provided in subsection (2) and presented for election as provided in subsection (3); and
- (b) subsection (4) and this subsection apply with respect to that person,

and the procedure continues until a person is elected to the office of President.

(6) Where pursuant to subsection (4) a person has been declared by the Returning Officer to have been elec-

ted President, his election shall not be questioned in any court.

(7) An Act referred to in subsection (1) (b) may constitute the office of Returning Officer for Presidential Elections, and the reference in this section to "Returning Officer" is a reference to the holder for the time being of that office.

(8) Where the requirements of subsection (2) (a) are complied with it is not necessary thereafter, should the occasion arise, also to comply with the requirements of subsection (2) (b).

20. (1) Subject to this section, a person elected as President holds office for a term of five years—

Term of office

- (a) beginning with the date next following the date on which he is elected as President; or
- (b) where another person holds office as President on the date next following the date of his election, beginning on the date next following the date on which the office next becomes vacant.

(2) The office of President becomes vacant—

- (a) on the expiration of the period specified in subsection (1); or
- (b) if the incumbent dies or resigns from the office, or ceases pursuant to section 22 to hold the office.

(3) Where, but for this subsection, the office of President would become vacant on a particular date by reason of the operation of subsection (2) (a), but on that date an election or elections held pursuant to section 19 has or have not resulted in the election of a President, the incumbent President shall continue to hold office until the end of the day on which a President is elected under that section.

(4) The President may, by writing under his hand addressed to the Chairman of the Assembly, resign from the office of President.

qualification

21. A person is disqualified for election to the office of President on a particular occasion if his election on that particular occasion would result in his having been elected to the office of President on 4 successive occasions.

removal of
President

22. (1) Where—

(a) not less than three medical practitioners have jointly reported to the Council of Ministers, that in their professional opinion the President is unfit, by reason of physical or mental incapacity, to perform the functions of his office; and

(b) the Council of Ministers is also of that opinion, the Council of Ministers shall cause to be delivered to the Chief Justice a notice in writing—

(c) indicating the opinion of the Council of Ministers;

(d) stating the opinion of those medical practitioners and giving particulars thereof; and

(e) requesting the Chief Justice to investigate the question of the President's fitness in accordance with this section.

(2) The Chief Justice and one Judge nominated by him for the purpose shall, as soon as may be after a notice of a kind referred to in subsection (1) is delivered to the Chief Justice, determine whether or not the President is unfit, by reason of physical or mental incapacity, to perform the functions of his office, and—

(a) if satisfied that he is unfit, shall so certify; or

(b) if satisfied that he is fit, shall so certify,

and in either event shall inform the Council of Ministers in writing accordingly.

(3) Where a certificate is given under subsection (2) (a), the President is suspended from office with effect from the date on which the certificate is given.

(4) During the period of three months following the date on which a certificate is given under subsection (2) (a), the Chief Justice and one Judge nominated by him for the purpose shall keep under review the question of the President's fitness, and in the event that they determine that

the President is fit to perform the functions of his office they shall, by instrument in writing, cancel the certificate given under subsection (2) (a) and the suspension of the President from office under subsection (3) shall thereupon cease.

(5) Where a certificate given under subsection (2) (a) is not cancelled as provided in subsection (4) during the period of three months following the date on which the certificate is given, the President ceases to hold office on the expiration of that period.

(6) For the purpose of making a determination under subsection (2) or keeping under review the question of the President's fitness as required by section (4), the Chief Justice and the Judge nominated by him shall make such inquiry and hear such evidence as they consider necessary to make that determination or for the purpose of keeping that question under review.

(7) The validity of a certificate given under subsection (2), or an instrument in writing made under subsection (4), shall not be challenged in any court.

(8) The Council of Ministers shall cause to be published in the *Gazette* notice of—

(a) the fact of the President's suspension under subsection (3) and the date thereof;

(b) the fact of any resumption by the President of his office pursuant to subsection (4) and the date thereof; and

(c) the fact that the President has ceased to hold office pursuant to subsection (5) and the date on which he so ceased.

23. (1) Whenever the President—

(a) is going to be absent from Seychelles; or

(b) by reason of illness which he considers will be of short duration, considers it desirable to do so

he may, by instrument in writing, appoint a Minister to discharge, subject to such restrictions and exceptions as he may specify in the instrument, the functions of the

Discharge of
President's
functions

office of President during the period of his absence or illness.

(2) Where the President—

- (a) dies ;
- (b) resigns ; or
- (c) is suspended from office pursuant to section 22 (3),

the Council of Ministers, after consultation with the Central Executive Committee of the Seychelles People's Progressive Front, shall elect one of their number to discharge the functions of the office of President until—

- (d) in a case referred to in paragraph (a) or (b), a President is elected ; or
- (e) in a case referred to in paragraph (c), the President resumes office pursuant to section 22 (4) or a new President is elected, whichever first occurs.

(3) A person appointed under subsection (1), or elected under subsection (2), to discharge the functions of the office of President, does not have power—

- (a) to dismiss a Minister ; or
- (b) to appoint a person to the office of Chief Justice.

24. (1) The President shall receive such salary and allowances, and on retirement such pension or other allowances, as may be prescribed by an Act.

(2) The salary and allowance payable to the President and any pension payable to him or retirement are a charge on the Consolidated Fund.

(3) The salary and allowances payable to the President shall not be varied to his disadvantage while he holds office.

(4) Upon the assumption of his office, the President shall take and subscribe before the Assembly the oath of allegiance and such oath for the due execution of his office as may be prescribed by an Act.

25. (1) No civil or criminal proceedings shall be instituted or continued against the President while in office.

(2) Without prejudice to subsection (1) and notwithstanding any provision in any law relating to the limitation of actions, it is lawful to institute civil proceedings against the President within three years of his ceasing to hold office as President for or in connection with any matter arising while he held office, or to continue proceedings instituted before the President assumed office.

Division 2—Ministers and the Council of Ministers

26. (1) There shall be such number of Ministers as is prescribed by or under an Act.

(2) The President may appoint any person who—

- (a) is a citizen of Seychelles ;
- (b) has attained the age of 18 years ; and
- (c) is a member of the Seychelles People's Progressive Front,

to be a Minister.

(3) Where a member of the People's Assembly is appointed to be a Minister he shall, on assuming office, cease to be a member of the Assembly.

(4) A Minister shall, before assuming office, take and subscribe before the President the oath of allegiance and such oath for the due execution of his office as may be prescribed by an Act.

(5) The approval of the Assembly shall be sought in respect of an appointment of a person to be a Minister which has been made under this section.

27. (1) Unless he—

- (a) dies ;
- (b) resigns ; or
- (c) is removed from office,

a Minister holds office until immediately before the assumption of office of a President.

(2) A Minister may resign from office by delivering to

Protection of
President
against legal
proceedings
while in
office

Ministers
Dec. 30. 79

GN. 35/79

Term of
office of
Ministers

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the President a notice of resignation, but the resignation does not have effect unless and until it is accepted by the President.

(3) The President may, by instrument in writing, remove a Minister from office.

(4) The President shall cause to be published in the *Gazette* notice of the fact of the removal or resignation of a Minister from office.

28. (1) A Minister has such titles, portfolios and responsibilities as are determined from time to time by the President.

(2) Except as provided in an Act, all departments of Government must be the political responsibility of a Minister, and the President is politically responsible for any of them that are not specifically allocated under this section.

(3) Nothing in this section operates to prevent the conferring of functions on Ministers by or under an Act.

(4) Ministers shall perform their responsibilities under subsection (1) under the direction of the President.

29. (1) A Council of Ministers is hereby established.

(2) The Council of Ministers shall consist of all the Ministers.

(3) The President or, in his absence, a Minister appointed by the President, shall preside at meetings of the Council of Ministers.

(4) Subject to this section, the procedures of the Council of Ministers are as determined by it.

30. The Council of Ministers is responsible for advising the President with respect—

(a) to the implementation of the policy of the Government; and

(b) to such other matters as may be referred to it by the President.

Division 3.—The Attorney-General

31. (1) There shall be an Attorney-General who shall be appointed by the President.

Attorney-General

(2) The Attorney-General is the principal legal adviser to the Government and, subject to subsection (6), in any case in which he considers it desirable to do so, he has power—

(a) to institute criminal proceedings against any person before any court in respect of any offence alleged to have been committed by that person;

(b) to take over and continue any criminal proceedings referred to in paragraph (a) that have been instituted or undertaken by any other person; and

(c) to discontinue at any stage before judgement is delivered any criminal proceedings already instituted.

(3) Subject to subsection (4), the Attorney-General may act personally or through subordinates acting under him.

(4) The power vested in the Attorney-General in regard to the taking over and the discontinuance of proceedings shall be vested in him exclusively.

(5) In the exercise of the powers referred to in subsection (2) (a), (b) or (c) the Attorney-General is not subject to the direction or control of any other person or authority.

(6) An Act may make provision with respect to the institution of proceedings by a person or authority other than the Attorney-General before military courts or tribunals established by the Act for the trial of offences against military law committed by persons subject to military law, and, unless the Act otherwise provides, the Attorney-General shall not exercise the power under subsection (2) in relation to any such person in respect of any such offence.

PART IV—THE FRANCHISE

32. Subject to this Part, every citizen of Seychelles who has attained the age of 18 years of age has the right—

Right to vote etc.

(a) to be registered as a voter for the purposes of; and

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ncil of
nisters

(b) to vote at, elections by the people.

33. (1) A person is not entitled to be registered as a voter for the purposes of elections by the people—

- (a) if he is disqualified from being so registered by the Act; or
- (b) unless he makes application, in accordance with law, to be so registered.

(2) A person is not entitled to vote at elections by the people—

- (a) if he—
 - (i) is not registered as a voter for the purposes of elections by the people; or
 - (ii) is disqualified from doing so under an Act;
- (b) if he does not do so in accordance with law regulating the conduct of elections by the people.

34. No Act shall provide for the disqualification of a person of Seychelles who has attained the age of 18 years—

- (a) from registration as a voter for the purposes of elections by the people; or
- (b) from voting at, elections by the people, except on the ground of—
 - (c) infirmity of mind;
 - (d) criminality;
 - (e) absence of proof of, or failure to give evidence of, citizenship, age or registration as a voter; or
 - (f) allegiance to a State other than Seychelles.

35. An Act may provide for the supervision of elections by the people by the holder of an office, or by an authority, constituted by the Act.

PART V—THE LEGISLATURE

Division 1—People's Assembly

36. (1) There shall be a People's Assembly which shall consist of—

- (a) 23 elected members or, if an Act prescribes the

number of the elected members of the Assembly, that number of elected members; and

(b) the members appointed pursuant to subsection (2).

(2) The President may appoint a person to be the member of the Assembly.

"(3) Subject to subsections (4) and (5), where an elected member of the Assembly is for any reason unable to attend a sitting of the Assembly the President may appoint a member of the Executive Committee of the Branch of the Seychelles People's Progressive Front of the electoral area for which the elected member was elected to represent the electoral area at the sitting of the Assembly and the person appointed shall, while performing, or in connection with the performance of, the functions of an elected member, have the same right, privilege and obligations of an elected member of the Assembly and any written law which applies to an elected member of the Assembly shall apply to the person appointed as if he were an elected member of the Assembly.

(4) A person shall not be appointed under subsection (3) unless he qualifies to be a member of the Assembly under section 37. (Act 2-88)

(5) Subsection (3) shall not apply where the seat of an elected member of the Assembly becomes vacant under section 38."

- (a) if he is elected to the office of President;
- (b) if he is appointed to the office of Minister;
- (c) if he resigns his seat by notice in writing to the Chairman of the Assembly; or
- (d) if any circumstance arises that, if he were not a member of the Assembly, would cause him to be disqualified for election under section 37.

Division 2.—Electoral Areas

39. (1) There shall be a Boundaries Commission consisting of a chairman and such number of other members as the President may, from time to time, determine.

(2) The members of the Commission shall be appointed by the President, and the President shall designate one of the members to be chairman.

(3) The members of the Commission, for the time being, shall immediately after the Commission has performed any

Boundaries Commission

(b) to vote at, elections by the people.

Restrictions on right to vote, etc.

33. (1) A person is not entitled to be registered as a voter for the purposes of elections by the people—

(a) if he is disqualified from being so registered by an Act; or

(b) unless he makes application, in accordance with law, to be so registered.

(2) A person is not entitled to vote at elections by the people—

(a) if he—

(i) is not registered as a voter for the purposes of elections by the people; or

(ii) is disqualified from doing so under an Act; or

(b) if he does not do so in accordance with any law regulating the conduct of elections by the people.

Limit on disqualification

34. No Act shall provide for the disqualification of a citizen of Seychelles who has attained the age of 18 years—

(a) from registration as a voter for the purposes of; or

(b) from voting at,

elections by the people, except on the ground of—

(c) infirmity of mind;

(d) criminality;

(e) absence of proof of, or failure to give evidence of, citizenship, age or registration as a voter; or

(f) allegiance to a State other than Seychelles.

Supervision of elections by the people

35. An Act may provide for the supervision of elections by the people by the holder of an office, or by an authority, constituted by the Act.

PART V—THE LEGISLATURE

Division 1—People's Assembly

Members of Assembly

36. (1) There shall be a People's Assembly which shall

consist of ^{subject to subsection (3),} (a) 122 elected members or, if an Act prescribes the

number of the elected members of the Assembly, that number of elected members; and

(b) the members appointed pursuant to subsection (2).

(2) The President may appoint a person to be the member of the Assembly the President may appoint to be an elected member of the Assembly the President may appoint to be a member of the Branch of the Seychelles

37. for which the elected member is sitting of the Assembly and if, at the same time, he is sitting of the Assembly in connection with the performance of the same right, privilege and obligation as if he were sitting of the Assembly by written law which applies to a person appointed as if he were sitting of the Assembly.

(a)

(b)

(c)

38. seat

(2)

(a) if he is elected to the office of President;

(b) if he is appointed to the office of Minister;

(c) if he resigns his seat by notice in writing to the Chairman of the Assembly; or

(d) if any circumstance arises that, if he were not a member of the Assembly, would cause him to be disqualified for election under section 37.

Division 2.—Electoral Areas

39. (1) There shall be a Boundaries Commission consisting of a chairman and such number of other members as the President may, from time to time, determine.

(2) The members of the Commission shall be appointed by the President, and the President shall designate one of the members to be chairman.

(3) The members of the Commission, for the time being, shall immediately after the Commission has performed any

Boundaries Commission

(b) to vote at, elections by the people.

33. (1) A person is not entitled to be registered as a voter for the purposes of elections by the people—

- (a) if he is disqualified from being so registered by an Act; or
- (b) unless he makes application, in accordance with law, to be so registered.

(2) A person is not entitled to vote at elections by the people—

- (a) if he—
 - (i) is not registered as a voter for the purposes of elections by the people; or
 - (ii) is disqualified from doing so under an Act; or
- (b) if he does not do so in accordance with any law regulating the conduct of elections by the people.

34. No Act shall provide for the disqualified of a citizen of Seychelles who has attained the age of 18 years—

- (a) from registration as a voter for the purposes of; or
- (b) from voting at, elections by the people, except on the ground of—
 - (c) infirmity of mind;
 - (d) criminality;
 - (e) absence of proof of, or failure to give evidence of, citizenship, age or registration as a voter; or
 - (f) allegiance to a State other than Seychelles.

35. An Act may provide for the supervision of elections by the people by the holder of an office, or by an authority, constituted by the Act.

PART V—THE LEGISLATURE

Division 1—People's Assembly

36. (1) There shall be a People's Assembly which shall consist

- (a) 23 elected members or, if an Act prescribes the

number of the elected members of the Assembly, that number of elected members; and

(b) the members appointed pursuant to subsection (2).

(2) The President may appoint a person to be the member of the Assembly for the Outlying Islands and a person to be the member of the Assembly for the Inner Islands.

(2) (a), (b) new subsections (1) & (2)

37. A person is qualified to be a member of the Assembly if, and is not so qualified unless,—

- (a) he is a citizen of Seychelles and has attained the age of 18 years;
- (b) he is a member of the Seychelles People's Progressive Front; and
- (c) he is registered, or qualified to be registered, as a voter for the purposes of elections by the people.

38. (1) Every member of the Assembly shall vacate his seat upon a dissolution of the Assembly.

(2) A member of the Assembly shall vacate his seat—

- (a) if he is elected to the office of President;
- (b) if he is appointed to the office of Minister;
- (c) if he resigns his seat by notice in writing to the Chairman of the Assembly; or
- (d) if any circumstance arises that, if he were not a member of the Assembly, would cause him to be disqualified for election under section 37.

Division 2.—Electoral Areas

39. (1) There shall be a Boundaries Commission consisting of a chairman and such number of other members as the President may, from time to time, determine.

(2) The members of the Commission shall be appointed by the President, and the President shall designate one of the members to be chairman.

(3) The members of the Commission, for the time being, shall immediately after the Commission has performed any

Qualifications and disqualification for election to Assembly

Tenure of office of member of Assembly

Boundaries Commission

restrictions right to e, etc.

on qualification

supervision elections the people

members of assembly

function which it is required by the President to perform under section 40, cease to hold office.

- (4) A member of the Commission ceases to hold office—
- (a) if he resigns his office by notice in writing to the President; or
 - (b) if he is removed from office by the President.

Functions of
Commission

40. (1) When required by the President to do so, the Commission shall—

- (a) make recommendations to the President with respect to the division of Seychelles into electoral areas; or
- (b) review the division of Seychelles in electoral areas and make recommendations to the President for any alterations considered desirable in the light of the review.

(2) The President shall require the Commission to exercise its function under subsection (1) (b)—

- (a) whenever there is an alteration in the number of members of the Assembly; and
- (b) not less than 3 years or more than 10 years after it last exercised any function under subsection (1) (not being a function exercised pursuant to paragraph (a) of this subsection).

(3) Recommendations made under subsection (1) (a) shall propose that Seychelles be divided into a number of electoral areas that equals the number of elected members of which the Assembly consists, as provided in section 36 (1) (a).

(4) In making recommendations under subsection (1), the Commission shall have regard to the following matters, namely—

- (a) the existing division of Seychelles into branch districts of the Seychelles People's Progressive Front;
- (b) subject to paragraph (a), the natural geographical features of Seychelles; and
- (c) in relation to the area of Victoria population density.

41. (1) Subject to subsection (5), the President shall, by Proclamation, proclaim the electoral areas into which Seychelles is divided giving in the Proclamation the name and boundaries of each electoral area.

Division of
Seychelles
into electora
areas

(2) Subject to subsection (5), the President shall, by Proclamation, proclaim any alteration of the electoral areas into which Seychelles is divided giving in the Proclamation particulars of the alteration.

(3) The President shall not proclaim electoral areas under subsection (1) or proclaim any alteration in electoral areas under subsection (2) unless recommendations have been made to him in that behalf by the Commission pursuant to section 40; the President shall have regard to, but is not bound to accept any such recommendations.

(4) The number of electoral areas proclaimed under subsection (1) shall equal the number of elected members of which the Assembly consists, as provided in section 36 (1) (a).

(5) The President shall not exercise the power under subsection (1) or (2) unless a draft of the proposed Proclamation has been approved by resolution of the Assembly.

Division 3—Elections

42. A general election to the Assembly shall be held after every dissolution of the Assembly.

General
elections

43. If the seat of a member of the Assembly becomes vacant by virtue of section 38(2), an election shall be held to fill the vacancy unless the vacancy occurs within the period of 6 months preceding the date on which the Assembly stands dissolved pursuant to section 56.

By-elections

44. The procedure for the election by the people of members of the Assembly shall be in accordance with an Act for regulating any such election, and regulations made under any such Act.

Electoral
procedure

45. (1) The Supreme Court has exclusive jurisdiction to hear and determine any question as to whether—

Determination
of questions
as to member-
ship of
Assembly

- (a) a person has been validly elected as a member of the Assembly; or

(b) the seat in the Assembly of a member has become vacant.

(2) An Act may make provision with respect to—

(a) the persons who may apply to the Supreme Court for the determination of any question under this section ;

(b) the circumstances and manner in which and the conditions upon which any such application may be made ; and

(c) the power, practice and procedure of the Supreme Court in relation to any such application.

(3) The determination of the Supreme Court of an application under this section is not subject to appeal.

Division 4—Chairman of the People's Assembly

Chairman of
People's
Assembly

46. (1) There shall be a Chairman of the Assembly who shall be appointed by the President.

(2) The Chairman shall preside at meetings of the Assembly and perform such other functions as may be prescribed in the Standing Orders of the Assembly.

(3) The Chairman does not have a vote in the Assembly.

Acting
Chairman

47. (1) In the event of a vacancy in the office of Chairman of the Assembly, or his absence from Seychelles or from the Assembly, the President may appoint one of the members of the Assembly to perform the function of the Chairman during the vacancy of absence.

(2) A person appointed pursuant to subsection (1) continues to have a vote in the Assembly.

Division 5—Proceedings in People's Assembly and Privileges and Immunities.

Standing
Orders

48. The Assembly may make Standing Orders and other rules and orders in respect of the order and conduct of its business and proceedings and of such other matters as by law are required or permitted to be prescribed or provided for by the Standing Orders of the Assembly.

49. (1) A Minister has the right to attend meetings of the Assembly—

Attendance
Minister at
meetings of
Assembly

(a) for the purpose of the presentation of a Bill for an Act and in connection with proceedings in the Assembly relative to the passing of a Bill for an Act ; and

(b) for the purpose of dealing with any matter arising in the Assembly, or explaining to the Assembly any matter, which falls within his responsibilities as a Minister.

(2) The Assembly may require a Minister to attend meetings of the Assembly for the purpose referred to in subsection (1) (b).

(3) Where, pursuant to subsection (1) or (2), a Minister attends a meeting of the Assembly, he may speak in the Assembly in accordance with the Standing Orders of the Assembly, but a Minister does not have a vote in the Assembly.

50. (1) The right to introduce a Bill for an Act into the Assembly may be exercised—

Right to
introduce
Bills

(a) by a Minister ; or

(b) subject to subsection (2), by a member of the Assembly.

(2) A member of the Assembly may not, pursuant to subsection (1), introduce a money Bill (as defined by the Standing Orders of the Assembly).

51. The quorum for a meeting of the Assembly is one-third of the number of members of the Assembly at the time.

Quorum

52. All questions before a meeting of the Assembly shall be decided in accordance with the majority of the members of the Assembly present and voting ; and in the event of an equality of votes on a question, the motion is deemed to have been withdrawn.

Voting

53. Meetings of the Assembly shall be open to the public, except in such circumstances as may be prescribed in the Standing Orders of the Assembly.

Meetings
open to the
public

Privileges
and
immunities

54. (1) There shall be freedom of speech and debate in the Assembly, and the exercise of those freedoms shall not be questioned in any court or in any proceedings whatsoever, otherwise than in proceedings in the Assembly.

(2) No member of the Assembly is subject to the jurisdiction of any court in respect of the performance of his functions as such.

(3) No member of the Assembly is liable to civil or criminal proceedings, arrest, imprisonment, fine, damages or compensation by reason of any matter or thing that he has brought by petition, question, resolution, motion or otherwise, or has said before or submitted to the Assembly.

(4) No member of the Assembly or other person is liable to civil or criminal proceedings, arrest, imprisonment, fine, damages or compensation by reason of—

(a) an act done under the authority or under an order of the Assembly; or

(b) words spoken or used, or a document or writing made or produced under an order made under the authority of the Assembly.

(5) No process issued by a court shall be served or executed within the precincts of the Assembly (as defined by or under an Act).

(6) An Act may declare further privileges and immunities of the Assembly and its members and provide for the manner in which the privileges and immunities under this section, or provided for in the Act, may be upheld.

Division 6—Sessions, Meetings and Dissolution of People's Assembly

Sessions and
meetings of
Assembly

55. (1) A session of the Assembly begins on the date of the first meeting summoned pursuant to subsection (2), and ends when the Assembly stands dissolved as provided in section 56.

(2) The President shall summon the first meeting of the Assembly in a session not later than 3 months after the end of the immediately preceding session of the Assembly.

(3) Subject to subsection (4), each succeeding meeting

after the first meeting of the Assembly commences on such date as the Assembly appoints or as may be prescribed by the Standing Orders of the Assembly.

(4) The President may at any time, by Proclamation, summon a meeting of the Assembly.

56. A session of the Assembly continues for 4 years from the date on which the first meeting of the Assembly in the session commences and then stands dissolved.

Dissolution

Division 7—The Legislative Power

57. Subject to this Constitution, the legislative power is vested in the President and the Assembly and shall be exercised in accordance with this Constitution.

Legislative
power

58. (1) Subject to this Constitution, the legislative power shall be exercised by way of Bills passed by the Assembly and assented to by the President.

Mode of
exercising
legislative
power

(2) All laws made pursuant to subsection (1) shall be styled "Acts", and the words of enactment shall be "Enacted by the President and the People's Assembly".

(3) An Act—

(a) shall be published in the *Gazette*; and

(b) shall come into operation—

(i) on the date on which it is so published; or

(ii) if it is provided in the Act or in any other Act, that the Act or any provision thereof shall come into operation on some other date (whether specified or to be appointed), the Act or the provision comes into operation on that other date or, if the Act or the provision is to operate retrospectively, is deemed to have come into operation on that other date.

59. Nothing in section 57 or 58 operates to prevent an Act from conferring on a person or an authority legislative powers or functions including, if the Act so provides, powers of delegation or sub-delegation.

Subsidiary
legislation

Alteration of
Constitution

60. (1) The President may, by Proclamation, amend Schedule 1.

(2) Subject to subsection (1) and to section 6 (2), amendments to this Constitution shall be made by an Act containing in its long title a statement to the effect that it is an Act to amend this Constitution.

(3) A Bill for an Act to amend this Constitution shall not be passed by the Assembly unless it is supported by the votes of not less than two-thirds of the number of members of the Assembly at any stage at which, pursuant to the Standing Orders of the Assembly, the Bill as a whole is put to the vote in the Assembly.

(4) In this section—

(a) references to this Constitution include references to any law that amends or replaces any of the provisions of this Constitution; and

(b) references to the amendment of this Constitution include references to the amendment, modification or re-enactment, with or without amendment or modification, of any provision for the time being contained in this Constitution, the suspension or repeal of any such provision and the making of different provision in lieu of any such provision, and the addition of new provisions to this Constitution.

(5) The Chairman of the Assembly shall certify the number of members voting in the Assembly for or against a Bill for an Act to amend the Constitution at each stage at which the Bill as a whole is put to the vote, and his certificate is conclusive evidence of the facts so certified.

Division 8—Miscellaneous

61. The Assembly may act notwithstanding any vacancy in its membership (including any vacancy not filled when the Assembly first meets after a dissolution).

62. The presence or participation of any person not entitled to be present or to participate in the proceedings of the Assembly does not invalidate those proceedings.

Validity of
proceedings
not affected
by vacancy

Validity of
proceedings
not affected by
unauthorized
participation

PART VI—THE JUDICIARY

Division 1.—The Supreme Court

63. A Supreme Court for Seychelles is hereby established.

Establishment
of Supreme
Court

64. The Supreme Court consists of the Chief Justice and the Puisne Judges.

Composition
of Supreme
Court

65. (1) The Supreme Court has the jurisdiction prescribed by this Constitution and by or under any Act.

Jurisdiction
of Supreme
Court

(2) Subject to any Act and to the Rules of Court of the Supreme Court, the jurisdiction of the Supreme Court may be exercised by a single Judge, or by a number of Judges sitting together.

(3) The jurisdiction of the Supreme Court may be exercised by a Judge or Judges notwithstanding that it is being exercised at the same time by another Judge or other Judges.

66. The qualifications for appointment as a Judge are as determined by or under an Act.

Qualifications

67. (1) A Judge shall be appointed by the President by instrument under the Public Seal.

Appointments

(2) The President shall consult the Chief Justice before appointing any person to the office of Puisne Judge.

(3) The number of Puisne Judges who may be appointed shall be as prescribed by an Act.

68. (1) Where the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then—

Acting
appointments

(a) until a person has been appointed to and has assumed the functions of that office: or

(b) until the person holding that office has resumed the functions of that office,

as the case may be, those functions shall be performed by a Puisne Judge appointed by the President for the pur-

(2) Where—

- (a) the office of a Puisne Judge is vacant ;
- (b) a Puisne Judge is for any reason unable to perform the functions of his office ; or
- (c) the Chief Justice advises the President that the state of business in the Supreme Court so requires, the President may appoint a person qualified for appointment as a Judge to act as a Puisne Judge—
- (d) until a person has been appointed to and has assumed the functions of that office ;
- (e) until the person holding that office has resumed the functions of that office ; or
- (f) until the President, on the advice of the Chief Justice, revoked the appointment,

as the case may be.

(3) An appointment under subsection (2) (c) may be made without reference to any numerical limit imposed as provided in section 67(3).

Seal of
Supreme
Court

69. The Supreme Court shall have, and use as occasion requires, a seal bearing on it the device of the Public Seal of Seychelles surrounded by the words "Seal of the Seychelles Supreme Court".

Division 2.—The Court of Appeal.

Establishment
of Court
of Appeal

70. A Court of Appeal for Seychelles is hereby established.

Constitution
of Court
of Appeal

71. The Court of Appeal consists of—

- (a) a President of the Court of Appeal and two or more other Justices of Appeal ; and
- (b) the Judges.

Jurisdiction
of Court
of Appeal

72. (1) The Court of Appeal has the jurisdiction prescribed by or under an Act.

(2) Subject to any Act, the jurisdiction of the Court of Appeal may be exercised as provided in the Rules of Court of the Court of Appeal.

73. (1) A person shall be qualified for appointment as a Justice of Appeal if, and shall not be qualified unless, he holds or has held high judicial office.

(2) For the purposes of subsection (1), "high judicial office" means the office of judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or the Republic of Ireland, or a court having jurisdiction in appeals from any such court.

74. (1) A Justice of Appeal shall be appointed by the President by instrument under the Public Seal.

(2) The President shall consult the Chief Justice and the President of the Court of Appeal before appointing a Justice of Appeal (other than the President of the Court of Appeal).

75. (1) Where the office of President of the Court of Appeal is vacant or if the President of the Court of Appeal is for any reason unable to perform the functions of his office, then—

- (a) until a person has been appointed to and has assumed the functions of that office ; or
- (b) until the person holding that office has resumed the functions of that office,

as the case may be, those functions shall be performed by a person, being a Judge or a Justice of Appeal, appointed by the President for the purpose.

(2) Where—

- (a) the office of a Justice of Appeal is vacant ;
- (b) a Justice of Appeal is for any reason unable to perform the functions of his office ; or
- (c) a Justice of Appeal is performing the functions of the President of the Court of Appeal pursuant to subsection (1),

the President of Seychelles may appoint a person being a Judge or a person qualified for appointment as a Justice of Appeal, to act as Justice of Appeal.—

- (d) until a person has been appointed to and has assumed the functions of the office of Justice of Ap-

Qualification

Appointment

Acting
appointments

peal or, in a case referred to in paragraph (c), President of the Court of Appeal; or

(e) until the person holding the office of Justice of Appeal is able to perform the functions of his office, as the case may be.

Division 3.—Terms of Appointment, etc., of Judges and Justices of Appeal.

Terms of appointment of Judges

76. (1) Subject to this Division,—

(a) the Chief Justice shall vacate his office when he reaches the age of 62 years; and

(b) a Judge (other than the Chief Justice) shall vacate his office—

(i) on the expiration of the period of 15 years following his appointment; or

(ii) when he reaches the age of 62 years, whichever first occurs, but without prejudice, if he is under 62 years of age, to his further appointment for a term expiring before, or when, he attains that age.

(2) Where a person who is not a citizen of Seychelles is appointed to the office of Judge, he shall vacate his office on the expiration of the period for which he was appointed, but without prejudice to his further appointment.

Term of appointment of Justice of Appeal

77. Subject to this Division, a Justice of Appeal shall vacate his office on the expiration of the period for which he was appointed, but without prejudice to his further appointment.

Miscellaneous provisions with respect to tenure

78. (1) The office of a Judge or a Justice of Appeal shall not, without his consent, be abolished during his continuance in office.

(2) A person who has been appointed to the office of Judge or Justice of Appeal may continue in office notwithstanding any change, during his term of office, of the qualifications for appointment to the office.

(3) A Judge or a Justice of Appeal, or a person acting

as such pursuant to section 68 or 75, whose appointment has terminated, otherwise than by reason of his removal from office under section 80, may continue to sit as a Judge or as a Justice of Appeal, or to act as such, for the purpose of giving judgement or otherwise in relation to any proceedings commenced before him while his appointment was subsisting.

79. (1) There shall be paid—

(a) to a Judge such salaries and allowances as may be prescribed by or under an Act or otherwise lawfully provided for; or

(b) to a Justice of Appeal such salaries and allowances as may be prescribed by or under an Act.

and those salaries and allowances are a charge on the Consolidated Fund.

(2) The salary and allowances payable to a Judge or Justice of Appeal, and his terms of service, shall not be altered to his disadvantage after his appointment.

80. (1) A Judge or a Justice of Appeal may be removed from office only for inability to perform the functions of his office, whether arising from infirmity of mind or body, or for stated misbehaviour, and shall not be so removed save in accordance with this section.

(2) If the President considers that the question of removing a Judge or a Justice of Appeal under this section ought to be investigated, then—

(a) he shall appoint a tribunal which consists of three persons one of whom is an eminent jurist either in a Commonwealth country or in a member country of the Organisation of African Unity; and

(b) the tribunal shall enquire into the matter and report on the facts thereof to the President and advise the President as to whether or not the Judge or Justice of Appeal ought to be removed under this section.

(3) When a tribunal appointed under subsection (2) advises the President that a Judge or Justice of Appeal ought to be removed under this section for inability to perform the functions of his office or stated misbehaviour, the Pre-

Salary, etc., of Judges and Justices of Appeal

Removal of Judge or Justice of Appeal from office

sident shall remove the Judge or Justice of Appeal from office.

(4) If the question of removing a Judge or Justice of Appeal from office under this section has been referred to a tribunal appointed under subsection (2), the President may suspend the Judge or Justice of Appeal from performing the functions of his office, but the suspension—

- (a) may be revoked at any time by the President ; and
- (b) shall cease to have effect if that tribunal advises the President that the Judge or Justice of Appeal ought not to be removed from office.

Division 4.—Miscellaneous

Oaths to be taken by Judges and Justices of Appeal

81. Before entering upon his office a Judge or a Justice of Appeal shall take and subscribe before the President or a person designated by him the oath of allegiance and such oath for the due execution of his office as may be prescribed by an Act.

Establishment of other courts

82. (1) Acts may establish, or provide for the establishment of, courts in addition to the Supreme Court and the Court of Appeal, and may define, or provide for the definition of, their respective powers and jurisdictions and their relationship with other courts, including appeals to other courts.

(2) Acts may make provision for or in respect of the appointment and removal from office of members of courts established pursuant to subsection (1).

Rules of Court

83. (1) Rules of Court of the Supreme Court may be made by the Chief Justice.

(2) Rules of Court of the Court of Appeal may be made by the President of the Court of Appeal.

PART VII—THE ARMED FORCES

Constitution of Armed Forces

84. The Armed Forces shall be constituted and regulated by or under Acts.

85. The functions of the Armed Forces are—

- (a) to defend Seychelles ;
- (b) to assist in the fulfilment by Seychelles of its international obligations ;
- (c) during a period in which a state of emergency has been declared under an Act, to provide assistance to civilian authorities—
 - (i) in a civil disaster ; or
 - (ii) in the restoration of public order and security on being called out by the President ; and
- (d) to perform, as directed by the President, functions and services of a civil nature so as to participate to the maximum extent in the task of national development and improvement.

either within Seychelles or outside it, in accordance with Acts or regulations made under any Act.

PART VIII—THE INTEGRITY COMMISSION

86. There is hereby established a commission to be known as the Integrity Commission.

87. (1) The Integrity Commission consists of three members appointed by the President, one of whom shall be designated by the President to be chairman of the Commission.

(2) A member of the Integrity Commission vacates his office—

- (a) at the expiration of three years from the date of his appointment to the office, but without prejudice to his re-appointment ;
- (b) if he is removed from office by the President ; or
- (c) if he is appointed to the office of Minister or is elected or appointed to any other office prescribed by an Act for the purposes of this section.

(3) The Integrity Commission may act notwithstanding any vacancy in its membership.

Functions of the Armed Forces

Establishment of Integrity Commission

Membership of Integrity Commission

(4) The President may remove a member of the Integrity Commission from office only for inability to perform the functions of his office, whether arising from infirmity of mind or body, or for stated misbehaviour.

Powers, etc.
of Integrity
Commission

88. An Act may make provision with respect to the powers and immunities of the Integrity Commission and its members, the discharge of its functions and its procedure, and may, in particular, make provision—

- (a) requiring the President, Ministers, members of the Central Executive Committee of the Seychelles People's Progressive Front, members of the Assembly, the Chairman of the Assembly and persons holding office in the service of Seychelles, to file statements, at prescribed times, of their assets and liabilities and those of any prescribed member of their family;
- (b) empowering the Commission to enquire into any such statement so filed, and in particular to require and obtain evidence in support of any such statement; and
- (c) requiring the Commission to report any unusual increase in the assets of any such person, or any prescribed member of his family, to the President or, in the case of any such increase in the assets of the President, or any prescribed member of his family, to the Central Executive Committee of the Seychelles People's Progressive Front.

PART IX—FINANCE

Consolidated
Fund

89. All revenue or other moneys raised or received for the purposes of the Republic of Seychelles (not being revenues or other moneys payable by or under any law for some other purpose or into some other fund established for a specific purpose) shall be paid into and form one Consolidated Fund.

Withdrawal
from
Consolidated
Fund

90. (1) No moneys shall be withdrawn from the Consolidated Fund except—

- (a) to meet expenditure that is charged upon the Fund by this Constitution or by any Act; or
- (b) where the issue of those moneys has been authorized—
 - (i) by an Appropriation Act;
 - (ii) by a supplementary estimate approved pursuant to section 91 (4) by resolution of the Assembly passed in that behalf; or
 - (iii) under section 92.

(2) No moneys shall be withdrawn from any public fund other than the Consolidated Fund unless the issue of those moneys has been authorized by or under an Act.

91. (1) The Minister for the time being responsible for finance shall cause to be prepared and laid before the Assembly in each financial year estimates of the revenue and expenditure of the Republic of Seychelles for the next following financial year.

Authorization
of expenditure

(2) The heads of expenditure contained in the estimates (other than statutory expenditure) shall be included in a Bill, to be known as an Appropriation Bill, which shall be introduced into the Assembly to provide for the issue from the Consolidated Fund of the sums of money necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

- (3) Where, in respect of any financial year, it is found—
 - (a) that the amount appropriated by the Appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act; or
 - (b) that any moneys have been expended for any purpose in excess of the amount appropriated for that purpose by that Act or for a purpose for which no amount has been appropriated by that Act,

a supplementary estimate, showing the sum of money required or spent, shall be laid before the Assembly.

(4) Where, in respect of any financial year, a supplementary estimate has been approved by resolution by the Assembly in accordance with subsection (3), a supplement-

tary Appropriation Bill shall be introduced into the Assembly in the financial year next following the year to which the estimate relates, providing for the appropriation of the sums so approved for the purposes specified in that estimate.

Authorization of expenditure in advance of appropriation

92. Where the Appropriation Act in respect of any financial year has not come into operation by the beginning of that financial year, the Assembly by resolution may authorize the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the service of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of that Appropriation Act, whichever is the earlier.

Contingencies Fund

93. (1) Provision may be made in an Act for the establishment of a Contingencies Fund and for authorizing the Minister for the time being responsible for finance, if he is satisfied that there is an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need.

(2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall, as soon as practicable, be laid before the Assembly for the purpose of authorizing the replacement of the amount so advanced.

Public debt

94. (1) The public debt of Seychelles is a charge on the Consolidated Fund.

(2) For the purposes of this section, the public debt includes interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

Remuneration of certain officers

95. (1) This section applies to the offices of Attorney-General, of a member of the Integrity Commission and of the Director of Audit.

(2) The holder of an office to which this section applies shall be paid such salary and allowances as may be prescribed by an Act.

(3) The salary and allowances payable to the holder of an office to which this section applies is a charge on the Consolidated Fund.

(4) The salary payable to, and the terms of office of, the holder of an office to which this section applies shall not be altered to his disadvantage after his appointment.

96. (1) Subject to this section, no taxation shall be imposed or altered except by or under an Act.

Imposition of taxation

(2) An Act may make provision under which the President or a Minister may by order provide that on or after the publication of a Bill (being a Bill approved by the President) that it is proposed to introduce into the Assembly providing for the imposition or alteration of taxation, such provisions of the Bill as may be specified in the order shall, until the Bill becomes law, have the force of law for such period and subject to such conditions as may be prescribed by an Act.

(3) An order made under subsection (2) shall, unless sooner revoked, cease to have effect—

- (a) if the Bill to which it relates is not passed within such period from the date of its first reading in the Assembly as may be prescribed by an Act;
- (b) if, after the introduction of the Bill to which it relates, the Assembly is dissolved; or
- (c) at the expiration of a period of four months from the date the order came into operation, or such longer period from that date as may be specified in any resolution passed by the Assembly, after the Bill to which it relates has been introduced.

(4) An Act may confer upon any authority established by law for the purposes of local government power to impose taxation within the area for which that authority is established and to alter taxation so imposed.

97. (1) There shall be a Director of Audit.

Director of Audit

(2) The accounts of the Council of Ministers, the Assembly, all government departments and offices, and those related to moneys withdrawn from the Consolidated Fund,

and the accounts of all courts, shall be audited and reported on by the Director of Audit; and for that purpose the Director of Audit or any person authorized or appointed in that behalf by the Director of Audit shall have access to all books, records, returns and other documents relating or relevant to those accounts.

(3) The public accounts of Seychelles and of all other persons or authorities referred to in subsection (2) shall be kept in such form as the Director of Audit shall approve.

(4) The Director of Audit shall, within 12 months of the end of the immediately preceding financial year, submit his report to the Assembly and shall in that report draw attention to irregularities in the accounts audited and to any other matter which in his opinion ought to be brought to the notice of the Assembly.

(5) A Public Accounts Committee consisting of—

- (a) a chairman elected by the Assembly from amongst its members; and
- (b) such other number of members as may be fixed by, and appointed in accordance with, the Standing Orders of the Assembly,

shall consider the report of the Director of Audit and, for that purpose, may summon before the committee any person who, in the opinion of the committee, may assist the committee in its consideration of the report.

(6) The Chairman of the Public Accounts Committee may, if he considers it desirable to do so, initiate a debate in the Assembly on the report of the Director of Audit and the consideration of that report by the Public Accounts Committee; but no other person shall initiate such a debate in the Assembly.

(7) In the performance of his functions the Director of Audit shall not be subject to the direction or control of any other person or authority, but the President may request the Director of Audit, in the public interest, to audit at any particular time, the accounts of any persons or authorities referred to in subsection (2).

PART X.—MISCELLANEOUS

98. The President shall in each calendar year, acting in accordance with the advice of the Council of Ministers, deliver to the Assembly a message on the state of Seychelles.

President's
message

99. (1) Subject to this Constitution and to any provision made by or under any Act, the powers—

Constitution
of and
appointme
to public
offices

- (a) of constituting and abolishing offices in the service of Seychelles;
- (b) of making appointment to offices so constituted; and
- (c) of promotion, termination of appointment, dismissal and disciplinary control of persons so appointed to offices so constituted,

are vested in the President.

(2) Subject to this Constitution, provision may be made by or under an Act for and with respect to any matter referred to in subsection (1), and to the extent that any of those powers are given to any person or authority they shall not be exercised by the President unless, and to the extent that, the Act otherwise provides.

100. (1) The President may—

Prerogative
of mercy

- (a) grant to any person convicted of an offence a pardon either free or subject to lawful conditions;
- (b) grant to any person a respite, either indefinite or for a specified period, for the execution of any punishment imposed for any offence;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence; or
- (d) remit the whole or part of any punishment imposed on any person or of any penalty or forfeiture otherwise due to Government on account of any offence.

(2) Except as otherwise permitted by or under an Act, the exercise of the power conferred by subsection (1) shall

not be held out, offered or promised in advance of conviction.

(3) Nothing in this section prevents the establishment by law of systems of probation, parole or release on licence, or any similar system.

(4) Any reference in this section to a conviction or the imposition of a punishment, penalty, sentence or forfeiture includes a conviction or the imposition of a punishment, penalty, sentence or forfeiture by a court martial.

SCHEDULE 1.

(Section

ISLANDS OF THE SEYCHELLES ARCHIPELEGO

Mahe (including South East Island)

Praslin

La Digue

St. Anne

Cerf

Long

Moyenne

Round (Mahe)

Cachee

Seche

Anonyme

Houdoul

Rat

Souris

Therese

Conception

Ilot de l'Islette

Chauve Souris (Mahe)

Vache Marine

North Islet or L'Ilot

Cousin

Cousine

Curieuse

Round (Fraslin)

St. Pierre

Chauve Souris (Praslin)

Booby (aux Fous)

Aride

Felicite

Maryanne

East Sister

West Sister

Cocos

La Fouche

INNER ISLANDS

Silhouette

North

Mamelles

Recif

Fregate

L'Ilot (near Fregate)

Bird

Denis

OUTER ISLANDS

Platte
Coetivy

African Banks : North
Remire
d'Arros
St. Joseph's Group
Desnoeuvs
Marie Louise
Desroches
Poivre : North & West
Poivre : South
Etoile
Boudeuse
Alphonse
Bijoutier
St. Francois

Providence
Cerf (Banc du Sud)
St. Pierre

Farquhar Group

Cosmoledo Group

Aldabra Group

Astove

Assumption

CONSTITUTION OF THE SEYCHELLES PEOPLE'S PROGRESSIVE FRONT

ARTICLE 1 — Title

The name of the Front shall be the Seychelles People's Progressive Front, (SPPF), hereinafter referred to as the Front.

ARTICLE 2 — Office

The Front shall have its Headquarters at such place as the Front shall decide at its National Congress.

ARTICLE 3 — Aims and Objects

The aims and objects of the Front shall be :—

- (i) to maintain the Seychelles as an independent state both politically and economically.
- (ii) To maintain a foreign policy of positive non-alignment.
- (iii) To promote, secure and maintain the unity of the people in a democratic organisation with no social, economic, religious or racial discrimination.
- (iv) To promote and safeguard popular democracy based upon regular general elections on the basis of universal adult suffrage.
- (v) To create a Socialist State wherein all citizens, regardless of colour, class, race, sex or creed, shall have equal opportunities and be afforded with the basic needs of life in a modern society, such as security of income, medical care, good and hygienic housing, free and compulsory education, opportunities for the young and care for the aged.
- (vi) To eradicate from society all forms of discrimination, oppression and exploitation.
- (vii) To establish and maintain the economic and social foundations of a Socialist State through the process of planned development by a strong Central Government in order to stimulate a high degree of economic development in agricultural productivity and industrialisation.
- (viii) To fight with all its strength against any and every effort to destroy the rights of labour or to impose upon the people the arbitrary will of any group or party or clique, thereby violating the unqualified right of the majority of the people to direct the destinies of our country.
- (ix) To identify itself with the World's Socialist, Labour and Progressive Movements.

ARTICLE 4 — Membership

All Seychellois, at home or abroad, who are 18 years of age and who are committed to the Socialist Principle and accept the aims and objectives, as well as the programme and discipline of the Front shall be eligible for membership. Application for membership shall be approved, deferred or rejected after a six-month probationary period. The National Workers Union, the National Women's Organisation and the National Youth Organisation shall operate under the umbrella of the Front.

ARTICLE 5 — Party Funds

- (i) The general funds of the Front shall be derived from the proceeds of Front functions, subscriptions, donations, sale of Front literature and badges, the membership admission fees and subscriptions, allocation by the Central Government and all other sources approved by the Front.
- (ii) A receipt bearing the Front's name and signed by the National Treasurer or the Treasurer of the Branch concerned, shall be issued for all monies paid to the Front.
- (iii) The Branch Treasurer or some other person authorised by the Branch Executive Committee shall issue the Front receipts for all monies paid to the Branch.
- (iv) The National Treasurer or some other person authorised by the Central Executive Committee shall issue the Front receipts for all monies received by the National Headquarters.
- (v) All funds received by the Front shall be deposited in a bank and all application for withdrawal shall be signed in the case of a Branch by any two among the Chairman, the Secretary and the Treasurer of the Branch plus any one among the President, the Secretary-General and the National Treasurer of the Front. In the case of the National Headquarters, by the President, the Secretary-General and the National Treasurer or in case of absence of any of the above officers by the Vice-President or Assistant National Treasurer.
- (vi) There shall be a Committee comprised of the Secretary-General and the National Treasurer who shall be in charge of all Front assets and shall have custody of all Front properties.

ARTICLE 6 — Admission Fees, Membership Dues

- (i) The admission fee shall be R. 10/—.
- (ii) Each member of the Front shall pay membership dues of R. 3/— each month to his or her branch.
- (iii) Any member may make voluntary donations of any amount. Non-members who sympathise with the Front's cause may make donations to the Front provided that such donations shall be free from any conditions that might undermine the aims and objects of the Front.

ARTICLE 7 — The National Congress

- (i) The National Congress, the Supreme Body in the country, shall be convened annually at such a date and place as may be fixed by the Central Executive Committee. An emergency National Congress may also be convened whenever deemed necessary by the Central Executive Committee.
- (ii) The National Congress shall be composed of :—
 - (a) The members of the Central Executive Committee.
 - (b) Five delegates from each Branch.
 - (c) Three delegates from the National Women's Organisation.
 - (d) Three delegates from the National Youth Organisation.
 - (e) Three delegates from the National Workers Union.

(iii) The National Congress shall have power :—

- (a) To lay down the broad basic policy and programme of the Front for the ensuing year. The decisions of the National Congress shall be binding on all members of the Front and affiliated organisations.
- (b) To consider the reports presented.
- (c) To act as a body in all disciplinary matters affecting the Front. Its decisions in this respect shall be final.
- (d) To consider amendments of the existing Constitution. Resolutions to this effect must be carried by a two-thirds majority vote of those present.
- (e) To deal with all other matters affecting the Front and the country.
- (f) To elect the Central Executive Committee.

(iv) The quorum of the National Congress shall be two-thirds of its composition.

ARTICLE 8 — The Central Executive Committee

(i) The Central Executive Committee shall be elected by secret ballot every three years and shall consist of :—

- (a) A President, a Secretary-General, a National Treasurer, an Organising Secretary, a Publicity Secretary, a Political Secretary, a Vice-President, an Assistant Secretary-General and an Assistant National Treasurer who shall be elected by the National Congress.
- (b) Six other members to be elected by the National Congress from nominations proposed at the National Congress, and from a list of nominees submitted by the branches to the Front, one nominee per Branch.

(ii) The Central Executive Committee :—

- (a) shall act as the directorate of the Front in seeing that the decisions and policies of the Front are duly executed.
- (b) shall take such measures as it deems necessary to enforce decisions and programmes of the Front. The Central Executive Committee shall present a report on Front activities to the National Congress.
- (c) shall supervise the administrative machinery of the Front at all levels.
- (d) shall normally meet at least once a month or more often if necessary and in the event of an emergency shall assume full control and responsibility. The Central Executive Committee shall be summoned by the Secretary-General either on his own instance or of at least four members of the Central Executive Committee.
- (e) shall have power to expel a member and submit its decision to the National Congress for ratification.

(iii) Members of the Central Executive Committee shall not be a member of any Branch Executive Committee.

- (iv) (a) There shall be a Central Disciplinary Committee consisting of the President, the Secretary-General and one other member chosen by the Central Executive Committee.
- (b) The Central Disciplinary Committee shall deal in the first instance with all disciplinary matters brought before it and shall make whatever decisions it thinks fit.

- (c) Any member of the Front affected by a decision of the Central Disciplinary Committee may appeal to the Central Executive Committee. Such appeal shall be lodged in writing to the Secretary-General for consideration by the Central Executive Committee.
- (d) There shall be a final right of appeal to the National Congress.
- (v) The quorum of the Central Executive Committee shall be eight.
- (vi) The responsibility of the office bearers on the Central Executive Committee shall be as follows :

(a) *President*

The President shall be the Chairman of the Central Executive Committee and of the National Congress. He shall have the overall responsibility for the running of the Front.

(b) *Secretary-General :*

The Secretary-General shall be responsible for the general administration of the Front and all its organs. As such he shall exercise direct supervision over the running of the Front Headquarters, the Branches, the National Workers Union, the National Women's Organisation, and the National Youth Organisation. He shall be responsible for the implementation of the political decisions of the Front. The President and the Secretary-General shall always work in close consultation with each other.

(c) *National Treasurer*

The National Treasurer shall be responsible for the financial administration of the Front in close consultation with the Secretary-General.

(d) *Organising Secretary*

The Organising Secretary shall be responsible for the organisation of all Front activities in close consultation with the Secretary-General.

(e) *Publicity Secretary*

The Publicity Secretary shall be responsible for all Front publicity and propaganda in close consultation with the Secretary-General.

(f) *Political Secretary*

The Political Secretary shall be responsible to see that the Front's ideology is implemented and he shall ensure that members follow the Front's ideology and political line.

(g) *Vice President*

The Vice President shall if requested to do so assist the President in the performance of his functions and shall act in his place in his absence.

(h) *Assistant Secretary-General*

The Assistant Secretary-General shall if requested to do so assist

the Secretary-General in the performance of his functions and shall act in his absence.

(i) *Assistant National Treasurer*

The Assistant National Treasurer shall if requested to do so assist the National Treasurer in the performance of his functions and shall act in his place in his absence.

ARTICLE 9 — The Branch

- (i) The Branch is the basic organisation of the Front. The Central Executive Committee has the power to permit the formation of Branches wherever it deems necessary.
- (ii) Each Branch shall be governed by a Branch Executive Committee which shall be elected annually at a General Meeting of the Branch.
- (iii) There shall be a General Meeting of each Branch at least once every quarter.
- (iv) The Branch Executive Committee shall consist of the following officers :— Chairman, Deputy Chairman, Secretary, Treasurer and six other members.
- (v) The duties of the Branch Executive Committee shall be :—
 - (a) To carry out propaganda and organisational work among the people.
 - (b) To carefully vet people who seek to become new members of the Front and collect Front funds.
 - (c) To pay constant attention to the wishes and feelings of the people ; take the lead in organising, politicising and motivating the people in the locality in which the Branch operates ; encourage the spirit of initiative among the masses and to defend the ideology of the Front.
- (vi) The Branch Executive Committee shall meet twice a month.
- (vii) Upon the resignation, death or incapacity of the Branch Chairman, the Deputy Chairman shall assume office for a maximum period of 3 months, during which fresh elections to elect a new committee shall be organised. Similarly, fresh elections to elect a new committee shall be held when any office shall become vacant on the Branch committee.
- (viii) No branch coordinator shall be eligible for membership on any Branch Committee.

ARTICLE 10 — National Women's Organisation

The women of the country shall be organised into a National Women's Organisation. This will not give a separate status to women in the Front but shall be established to coordinate the activities of women members in various fields of the political, economic and cultural life of the country. There shall be no membership fee. The organisation shall be financed by the Front.

ARTICLE 11 — National Youth Organisation

The Youth of the country shall be organised into the "Young Pioneers" movement between the ages of 6 and 12 and as "Pioneers" from the age of 12 up to the age of National Service. There shall be no membership fee. The organisation which shall operate under the direction of the Front will also be financed by the Front.

ARTICLE 12 — National Workers Union

The National Workers Union shall function under the direction of the Front. The Front's sanction will have to be obtained through the Secretary-General in decision-making. The Front's National Treasurer shall approve the Union's expenses. The National Workers Union shall contribute to the Front 25% of the total contributions from union membership dues.

ARTICLE 13 — Publications

The Front shall publish its own literature.

ANNEX

MEMBERSHIP

Every person who was a member of the SPUP immediately before the dissolution of the Seychelles People's United Party and who was fulfilling the membership conditions of the Party will automatically become a member of the SPPF unless he chooses not to do so.

NEW MEMBERS

All Seychellois, at home or abroad who are 18 years of age and who are committed to the socialist principles and accept the aims and objects, as well as the programme and discipline of the Front shall be eligible for membership. A person shall be eligible for membership or be allowed to continue as a member only if he fulfills the following conditions :

- (a) He is a person who adheres to socialist principles.
- (b) A person who respects the people.
- (c) A person who constantly strives to understand, explain, defend and implement the policies of the Front.
- (d) A person of integrity who always strives to be of exemplary behaviour both in words and in deeds, trustworthy, and who is, above all, a worker.
- (e) A person who will willingly discharge his duties and responsibilities in accordance with the guidelines set forward by the Front.

METHODS OF APPLYING FOR MEMBERSHIP

Every person who wants to become a member shall fill in a special application form and forward it to the Secretary of the Branch of his/her district.

Applications for membership shall be approved, deferred or rejected as provided for under Article 4, by the Central Executive Committee on the recommendation of the Branch Committee.

THE RIGHTS OF A MEMBER

Every member shall have the following rights :

- (a) The right to take part in all activities of the Front in accordance with the rules and procedures.
- (b) The right to attend and participate in discussions and meetings which the member is entitled to attend in accordance with the provisions of the Constitution of the Front.
- (c) The right to elect his leaders or be elected as a leader in accordance with the Constitution of the Front.
- (d) The right to defend himself before appropriate organs of the Front on charges levelled against him and the right to appeal to higher organs.

THE OBLIGATIONS OF A MEMBER

- (a) To know and accept that the Front is the supreme authority in the country. To defend and safeguard the ideology of the Front.
- (b) To faithfully serve his country and the people by discharging any responsibilities entrusted to him without fear, favour or hatred.
- (c) To apply all his efforts towards the development of the country and the building of a socialist society.
- (d) To be truthful, trustworthy and a good citizen of the Republic of Seychelles.
- (e) To have complete faith in the socialist policy of the Front.
- (f) To constantly strive to acquire more education and to use the education as acquired for the benefit of all.
- (g) To be willing and ready to accept criticism and to practise self-criticism in the development of a correct political orientation.
- (h) To pay his membership fees promptly.
- (i) To attend all party meetings which he is entitled to attend.

LEADERSHIP

A leader of the Front is any member of the Front who has been entrusted with any responsibility within the Front, whether through elections or appointment as may be provided for by the Constitution of the Front.

OBLIGATIONS OF LEADERS

- (1) A leader must not be power hungry or avaricious.
- (2) A leader must never use his official position for his personal gain or private benefit or practise favouritism, or act in any other way which is contrary to the purpose for which the responsibility entrusted to him was intended.
- (3) A leader must never entertain any corrupt practices, or receive any illegal income, or bribery or be associated with illegal or unlawful activities.
- (4) A leader who is dismissed shall not re-apply or be appointed for any leadership positions until a period of 5 years has elapsed from the date of his dismissal.
- (5) A leader shall conduct himself in an exemplary manner in all aspects of his duties or social life as his responsibilities demand of him.
- (6) A leader must always seek to ensure the implementation of the policies of the Front.
- (7) A leader who does not satisfy these requirements shall himself have created the conditions for his own dismissal from leadership.

MEETINGS

A member of any organ established by the Constitution of the Front shall cease to be such member if he fails to attend three consecutive meetings except if his failure to attend is due to reasons acceptable to the organ concerned.

SCHEDULE 3

(Section 8)

INTERPRETATION

1. In this Constitution, unless the context otherwise requires— Definitions
- “Act” means a law made pursuant to section 58(1);
- “appointed day” means the 5th June, 1979;
- “Assembly” means the People’s Assembly;
- “Commission” means the Boundaries Commission;
- “elections by the people” means an election of a President or an election of a member of the Assembly;
- “financial year” means the period of 12 months beginning on the first day of January in any year, or on such other day as may be prescribed by an Act;
- “functions” includes powers and duties;
- “the Gazette” means such publication as may for the time being be appointed by the President to be the publication in which Government notices are published by authority, and includes any supplement thereto in which Government notices are published;
- “the Integrity Commission” means the Commission by that name established under section 86;
- “Judge” means the Chief Justice or a Puisne Judge;
- “Justice of Appeal” means a Justice of the Court of Appeal;
- “law” includes any provision that has the force of law;
- “oath” includes an affirmation;
- “the oath of allegiance” means the oath of allegiance prescribed by an Act;
- “office in the service of Seychelles” means any office, the emoluments attaching to which are paid directly from the Consolidated Fund or directly out of moneys provided by an Act;
- “Seychelles” means the area of Seychelles as specified in section 2.
2. In this Constitution, unless the context otherwise requires— Gender and number
- (a) words importing masculine gender include females; and
- (b) words in the singular include the plural and words in the plural include the singular.
3. In this Constitution, references— Function of President, etc
- (a) to the functions of the office of the President shall be construed as references to his powers and duties in the exercise of the executive power of the Republic and to any other powers or duties conferred or imposed on the

President by this Constitution or by or under any Act or otherwise : or

- (b) to persons holding offices are, unless otherwise specified, references to offices in the service of Seychelles.

Persons in receipt of pension

4. For the purposes of this Constitution, a person shall not be considered as holding office in the service of Seychelles by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Republic or any former Government of Seychelles.

Provision where no time is prescribed

5. Where no time is prescribed or allowed within which an act is required or permitted by this Constitution to be done, the act shall or may be done, as the case may be, with all convenient speed and as often as the occasion requires.

Attainment of age

6. For the purposes of this Constitution, a person attains a certain age at the first moment of the relevant anniversary of his birth.

Exercise and performance of power and duties

7. (1) Where this Constitution confers a power or imposes a duty, the power may be exercised, or the duty shall be performed, as the case may be, from time to time as occasion requires.

(2) Where this Constitution confers a power or imposes a duty on the holder of an office as such, the power may be exercised, or the duty shall be performed, as the case may be, by the holder (whether substantive or otherwise) for the time being of the office.

(3) Subject to sub-paragraph (5), where this Constitution confers a power to make an appointment, the power includes power to remove or suspend a person so appointed and to appoint another person temporarily in the place of a person so removed or suspended or, where the appointee is for any reason unable or unavailable to perform his duties, to appoint another person temporarily in his place.

(4) Where this Constitution confers a power to make any statutory instrument, pass any resolution or give any direction, the power includes power exercisable in the same manner and subject to the same conditions (if any) to amend or revoke the instrument, resolution or direction.

(5) The power provided for in sub-paragraph (3)—

- (a) is subject to this Constitution ; and
(b) is exercisable subject to any conditions to which the exercise of the original power or appointment was subject.

Preamble

8. (1) The Preamble to this Constitution expresses **general principles** and although it may be used as an aid to the interpretation

of this Constitution it shall be read subject to the other provisions of this Constitution.

(2) The Preamble to this Constitution shall not be treated as part of the Constitution for the purposes of the operation of section 7, but where any law is reasonably capable of being understood or given effect to in such a way as not to be inconsistent with the Preamble it shall be so understood or given effect to.

9. For the purposes of interpretation—

- (a) the provisions of this Constitution shall be given their fair and liberal meaning ;
(b) this Constitution shall be read as a whole ; and
(c) this Constitution shall be treated as speaking from time to time.

General principles of interpretation

10. The repeal of any provision of this Constitution does not— Repeal, etc.

- (a) revive anything that was not in force or existing immediately before the repeal took effect ;
(b) affect the previous operation of the repealed provision or anything duly done or suffered under it.
(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the repealed provision ;
(d) affect any penalty, forfeiture or punishment incurred in respect of an offence committed against the repealed provision ; or
(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment may be imposed, as if the repealed provision had continued in force.