

**SUSPENSION OF PRESCRIPTION AND TIME LIMITATION  
PERIOD (TEMPORARY PROVISIONS) BILL, 2020**

*(Bill No. 18 of 2020)*

**OBJECTS AND REASONS**

On the 20<sup>th</sup> March, 2020, the Public Health Commissioner acting under the Public Health Act declared a public health emergency in Seychelles. The declaration was preceded by the declaration of the World Health Organization on 11<sup>th</sup> March, 2020, that the infectious disease caused by coronavirus or COVID-19 a pandemic and the confirmation of 7 positive cases of COVID-19 in Seychelles.

As part of measures to effectively prevent, control and suppress the spread of COVID-19 in Seychelles, the offices of several public authorities and the Judiciary were compelled to cease or limit their operation.

With the cessation of operation or limitation of operation of the said offices, coupled with the Prohibition of Outdoor Movement orders made by the Public Health Commissioner during the public health emergency, many people could not physically access their offices to comply with their rights or legal obligations within applicable statutory time periods.

This Bill seeks to suspend under any written law of Seychelles the following—

- (a) The prescription period or time limitation period within which any legal proceedings may be initiated or commenced;
- (b) any time limit within which any legal procedure, step or process ought to be completed in respect of any legal proceedings; or
- (c) any time limit within which any procedure, step, process, decision or compliance with any notice or order ought to be completed, taken, or complied with.

By such suspension, the period of public health emergency would be excluded in calculating the prescription period, time limitation period or time limit, as the case may be.

The Bill will, principally ensure that no prescription period, time limitation period or time limit within which a person has to act or failed to act is lost during

the period of public health emergency. Thus, such time limit under all written laws of Seychelles will not start to run, and, if it has already started running, it will be suspended throughout the duration of the state of emergency.

The suspension will, however, not apply to the following —

- (a) rights, of persons charged with an offence, protected by the Constitution;
- (b) the detention of suspects or accused persons who have been remanded to custody by the courts;
- (c) any notice, order or direction issued, published or made under the Public Health Act;
- (d) any procedure, step, process, decision, notice or order under the Acts set out under the Seychelles Revenue Commission Act;
- (e) any time limit imposed by a court or adjudicating authority in any action, cause, matter or appeal before it during the suspension period where the court or adjudicating authority indicates that it has taken the suspension period into account when imposing the time limit; and
- (f) if compliance with the time limit is dependent on any relevant public body, statutory authority or public office being operational and such public body, statutory authority or public office is in operation during the suspension period so that compliance with the time limit is possible.

The said suspension period would start from the 20<sup>th</sup> March, 2020, when the public health emergency was declared, until the public health emergency expires or such earlier or later date that the Minister responsible for legal affairs would order whereupon the limitation period will start running again.

**Dated this 24th day of April, 2020.**

**FRANK D. R. ALLY  
ATTORNEY GENERAL**

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**ARRANGEMENT OF SECTION**

**Sections**

1. Short title and commencement
2. Interpretation
3. Suspension of prescription period, time limitation period and time limit
4. Non-applicability of the Act
5. Expiration of suspension period
6. Lapse of the Act



**SUSPENSION OF PRESCRIPTION AND TIME  
LIMITATION PERIOD (TEMPORARY PROVISIONS)  
BILL, 2020**

*(Bill No. 18 of 2020)*



**A BILL  
FOR**

**AN ACT to provide for the temporary suspension of the prescription period or time limitation period within which any legal proceedings may be initiated or commenced; or any time limit within which any legal procedure, step or process ought to be completed in respect of any legal proceedings; or any time limit within which any procedure, step, process, decision or compliance with any notice or order ought to be completed, taken, or complied with under any written law of Seychelles.**

**ENACTED** by the President and the National Assembly.

**1.(1)** This Act may be cited as the Suspension of Prescription and Time Limitation Period (Temporary Provisions) Bill, 2020.

Short title and commencement

**(2)** This Act shall be deemed to have come into effect on the commencement date.

Interpretation

**2.** In this Act —

Cap 47

“adjudicating authority” includes the Rent Board established under the Control of Rent and Tenancy Agreements Act, a tribunal, body or authority established by law which performs a judicial or quasi-judicial function;

“commencement date” means the 20<sup>th</sup> March 2020;

“Covid-19” means the coronavirus disease (COVID-19) which is an infectious disease caused by the virus SARS-Cov-2, and declared a pandemic by the World Health Organization on 11 March 2020;

“expiry of the suspension period” means the date on which the public health emergency terminates or such other date as may be prescribed by the Minister

“intended legal proceedings” means legal proceedings commenced or initiated after the commencement date, including the institution of any appeal and criminal proceedings;

“legal proceedings” means proceedings before any court or adjudicating authority, including any intended legal proceedings or execution of judgment or order;

“Minister” means the Minister responsible for legal affairs;

“public health emergency” means the public health emergency declared by the Public Health Commissioner, under section 25(5) of the Public Health Act, on 20<sup>th</sup> March, 2020, and published in

the Gazette on 20<sup>th</sup> March, 2020, to prevent, control and suppress the spread of Covid-19;

“suspension period” means the period commencing from the commencement date to the expiry of the suspension period.

- 3.(1)** The provisions of any Act or Statutory Instrument which establish, prescribe or specify —
- Suspension of prescription period, time limitation period and time limit
- (a) a prescription period or time limitation period, within which legal proceedings may be initiated or commenced;
  - (b) a time limit within which any legal procedure, step or process ought to be completed in any legal proceedings; or
  - (c) any time limit within which any procedure, step, process, decision or compliance with any notice or order ought to be completed, taken, or complied with, as the case may be;

shall be deemed to be suspended during the suspension period.

(2) Where section 3(1) is applicable, the suspension period shall be excluded in calculating the prescription period, time limitation period or time limit, as the case may be.

- 4.(1)** This Act shall not apply —
- Non-applicability of the Act
- (a) to rights, of persons charged with an offence, protected by the Constitution; Cap 42
  - (b) to the proviso to section 179, and section 100 (1)(b), of the Criminal Procedure Code Act; Cap 54
  - (c) to the Public Health Act, or any notice, order Act 13 of 2015

or direction whatsoever issued, published or made thereunder;

Cap 322

- (d) to any time limit under any Act set out in the Schedule to the Seychelles Revenue Commission Act within which any procedure, step, process, decision or compliance with any notice or order ought to be completed, taken, or complied with, as the case may be;
- (e) to any time limit imposed by a court or adjudicating authority in any action, cause, matter or appeal before it during the suspension period where the court or adjudicating authority indicates that it has taken the period of public health emergency or the suspension period into account when imposing the time limit; and
- (f) in respect of section 3(1)(c), if compliance with the time limit is dependent on any relevant public body, statutory authority or public office being operational and such public body, statutory authority or public office, as the case may be, is in operation during the suspension period so that compliance with the time limit is possible.

(2) For the purpose of clarity, where the relevant public body, statutory authority or public office is in operation during part of the suspension period only, section 4(1)(e) shall apply solely to the part of the suspension period that the relevant public body, statutory authority or public office is in operation.

Expiration of  
suspension  
period  
Cap 213  
Cap 103

**5.(1)** Subject to subsection (2), section 321 of the Seychelles Code of Civil Procedure Act and section 57 of the Interpretation and General Provisions Act, the prescription



period, time limitation period or time limit, referred to in section 3, shall, as the case may be, continue to run the day after the expiry of the suspension period.

(2) Where the time limit in an Act or a Statutory Instrument is expressed to end at, on or, with a specified day and —

- (a) the specified day falls during the suspension period; and
- (b) subject to section 57(d) of the Interpretation of General Provisions Act, on the specified day the relevant public body, statutory authority or public office was not operational so that compliance with the time limit was not possible;

the time period shall end 21 days after the expiry of the suspension period.

6.(1) Subject to subsection (2) and section 32 of the Interpretation and General Provisions Act, this Act shall cease to have effect immediately on the expiry of the suspension period.

Lapse of the  
Act  
Cap 103

(2) For the purpose of subsection 5(2), the provisions of this Act shall remain in force for a period of 21 days after the expiry of the specified period.