

DIGITIZATION AND PUBLICATION OF GAZETTE BILL, 2020

(Bill No. 21 of 2020)

OBJECTS AND REASONS

The primary object of this Bill is to make the Gazette more accessible to the public. The Bill seeks to establish a Gazette website where digital copies of the Gazette will be accessible, free of charge, to any person.

Further, the Bill sets out the procedures for the publication of Bills, Acts, subsidiary legislation and statutory documents in the Gazette. The Bill adopts the procedures for such publications where they exist in the Constitution, the National Assembly of Seychelles Standing Orders and other laws.

Moreover, the Bill gives the President the power to reprint any written law published in the Gazette, and it empowers the Attorney General to correct spelling mistakes, cross-references, typographical errors, and to renumber the text in a written law published in the Gazette.

Further, the Bill makes consequential amendments to the Interpretation and General Provisions Act of 1976 by deleting references to “People’s Assembly” and replacing those references with the words “National Assembly”. Also, words such as “Act”, “Gazette” and “statutory instrument” are re-defined.

This plan to have the Gazette available on the internet will assist Seychelles in meeting its international transparency obligations.

Dated this 30th day of June, 2020.

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

DIGITIZATION AND PUBLICATION OF GAZETTE BILL, 2020

(Bill No. 21 2020)

ARRANGEMENT OF SECTIONS

SECTIONS

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**DIGITIZATION AND PUBLICATION OF GAZETTE
BILL, 2020**

(Bill No. 21 of 2020)



**A BILL
FOR**

**AN ACT to provide for the digitization and publication of
the Gazette; and to provide for matters incidental thereto.**

ENACTED by the President and the National Assembly.

1.(1) This Act may be cited as the Digitization and
Publication of Gazette Act, 2020.

Short title and
commencement

(2) This Act comes into operation on such date as the
Minister may, by notice published in the Gazette, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“Act” means —

- (a) an Act made under article 86 of the Constitution; and
- (b) any Act, Decree or Order in Council having effect as part of the laws of Seychelles by virtue of section 15 of the Constitution of the Republic of Seychelles Decree, 1979, or any other written law;

“Bill” means a Bill for an Act that is intended to be introduced into the National Assembly for consideration and possible enactment;

“Clerk” means the Clerk to the National Assembly;

“Editor” means the person appointed under section 5 to be editor of the Gazette;

“Gazette” has the meaning assigned to it under Schedule 2 of the Constitution and includes the Official Gazette, Supplement to the Official Gazette and Extraordinary Gazette published under the authority of the Government in printed form or in digital form;

“Government Printer” means any printer, for the time being, authorized by the Minister to print the Gazette;

“Law Revision Commissioner” means the Commissioner appointed under the Statute Law Revision Act, Cap. 231;

“Minister” means the Minister responsible for legal affairs;

“Standing Orders” mean the rules of practice and procedure of the National Assembly made under article 101 of the Constitution;

“statutory document” means a notice, report or any other document issued under an Act or subsidiary legislation to give notice, notification or general information of an executive character but which does not form part of the laws of Seychelles;

“subsidiary legislation” means any legislative or statutory instrument made in exercise of any power conferred by the National Assembly on a person or an authority by an Act to make subsidiary legislation, by way of proclamation, regulation, rule, order, rule of court, by-law, notification, resolution, notice or other instrument having the force of law;

“website” means a website of the Government established under section 3 for the purposes of publishing the Gazette.

3.(1) For the purposes of the digitization and publication of the Gazette, the Minister shall establish a website where the Gazette shall be published.

Establishment
of a Gazette
Website

(2) A publication of the Gazette on the website established under subsection (1) is a publication of the Gazette under the authority of the Government.

4.(1) Every publication of the Gazette shall be published by the Government Printer in digital format on the website.

Publication and
certification of
Gazette

(2) A printed form of the Gazette may be published by the Government Printer as directed by the Attorney General.

(3) The Attorney General or the Editor may, on a request made by any person who has paid the prescribed fee,

certify whether a printed form of a Gazette was published under the authority of the Government.

Appointment
of Editor of
the Gazette

5.(1) The Attorney General shall appoint an Editor of the Gazette, who shall be responsible for the preparation and management of the Gazette.

(2) The Attorney General shall appoint such other officers as are considered necessary to assist the Editor in the performance of the Editor's duties.

(3) The Editor shall work under the direction and control of the Attorney General.

Power in
authorize
publication
in the
Gazette

6.(1) The Vice-President, a Minister or a member of the National Assembly shall cause a Bill to be published in Gazette pursuant to the Standing Orders.

(2) The President shall, as soon as practicable, cause a Bill which has been passed by the National Assembly and assented to by the President, or an Act deemed to have been assented to by the President in accordance with the Constitution, to be published in the Gazette, whereupon it shall become law, on the date of publication or such other date as may be prescribed in the Act.

(3) Where an Act confers power on a person or an authority to make subsidiary legislation, that person or authority may forward a signed physical copy and a digital copy of the subsidiary legislation to the Attorney General, and the Attorney General may instruct the Editor to publish the subsidiary legislation in the Gazette.

(4) Where any law in force in Seychelles requires the publication of any statutory document such statutory document shall be published in the Gazette, and such publication is deemed to be due publication and shall be judicially noticed.

(5) The Attorney General may cause any notice, document, paper, agreement, international convention or such other written material which, in the opinion of the Cabinet, is in the public interest, to be published in the Gazette.

7. As soon as practicable after 1 January in every year, the Attorney General, on the advice of the Law Revision Commissioner and the Clerk, shall direct the Editor to publish in the Gazette an annual index of all Bills, Acts and subsidiary legislation published in the Gazette between the period 1 January and 31 December of the preceding calendar year.

Publication of consolidated indexes of Acts, subsidiary legislations and Bills

8. Every copy of the Gazette, whether published on the website or printed by the Editor, shall be judicially noticed and is admissible in evidence in legal proceedings without any proof being given that the copy was so published until the contrary is shown.

Status of matters published in the Gazette

9.(1) All printed copies of the Gazette, printed before the coming into operation of this Act, are declared to have been and are deemed to be issues of the Gazette legally printed and published, and shall have effect and be receivable in evidence accordingly.

Past and future publication of the Gazette

(2) The Editor may publish any Gazette, Bill, Act, subsidiary legislation or statutory document printed prior to the commencement of this Act on the website.

10. Whenever it is necessary to publish a reprint of any Gazette, the President may, by Order published in the Gazette, authorize the Attorney General —

President may authorize revised reprints of written laws

- (a) to reprint any Gazette on the website and include in that reprint any alteration, amendment or modification made in any Bill, Act, subsidiary legislation or statutory document; and

- (b) to correct in that reprint grammatical, typographical error and similar errors in a written law or statutory document and, for that purpose, to make additions, omissions or alterations not affecting the meaning of a written law.

Status of
reprints of
written laws

11. Every copy of any published reprint of any written law which has been revised for reprinting pursuant to an Order of the President under section 10 is deemed to be an authentic and a correct copy of that written law in force in Seychelles on the date of such reprinting provided that such date is printed on each copy and provided further that each such copy purports to be printed by the Government Printer by authority of an Order of the President made under this Act.

Offences
and
penalties

12. Any person who —

- (a) prints any paper which falsely purports to be a duly authorized copy of the Gazette;
- (b) wilfully causes to be published in the Gazette any false or inaccurate matter;
- (c) tenders in evidence any such paper falsely purporting to be the Gazette, knowing that the paper was not duly printed or published by the Editor;
- (d) contravenes any regulation made under this Act,

commits an offence and is liable on conviction to a fine not exceeding SCR 50, 000 or to imprisonment for a term not exceeding 6 months, or to both such fine and imprisonment.

Regulations

13. The Minister may by regulations —

- (a) determine the manner, form, times and occasions in which the Gazette is published;
- (b) prescribe the fees and charges for a subscription to the Gazette;
- (c) prescribe the charges for publication of statutory documents, notices, advertisement and other documents;
- (d) prescribe fees for the certification of Gazette publications;
- (e) any other matter necessary for the due administration of this Act.

14. The Interpretation and General Provisions Act, Cap. 103, is amended to the extent specified in Schedule 1.

Consequential
amendments
Cap 103

SCHEDULE 1

(Section 14)

CONSEQUENTIAL AMENDMENTS

1. The Interpretation and General Provisions Act, Cap. 103, is amended as follows —
 - (a) by repealing the words “People's Assembly”, wherever they appear in the Act, and substituting therefor the words “National Assembly”;
 - (b) in section 22 —
 - (i) by repealing the word “Act” and its definition, and substituting therefor the following —

““Act” means

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- (a) an Act made under article 86 of the Constitution; and
- (b) any Act, Decree or Order in Council having effect as part of the laws of Seychelles by virtue of section 15 of the Constitution of the Republic of Seychelles Decree, 1979, or any other written law;”
- (ii) by repealing the terms “Assembly” or “People's Assembly” and their definition, and substituting therefor the following in the proper alphabetical order —
- ““National Assembly” means the National Assembly established under article 77 of the Constitution;”
- (iii) by repealing the word “Gazette” and its definition, and substituting therefor the following —
- ““Gazette” has the meaning assigned to it under Schedule 2 of the Constitution and includes the Official Gazette, Supplement to the Official Gazette and Extraordinary Gazette published under the authority of the Government in printed or in digital form;”
- (iv) by repealing the word the term “statutory instrument” and its definition, and substituting therefor the following —
- ““Statutory instrument” or “subsidiary legislation” means any legislative or statutory instrument made in exercise of any power conferred by the National Assembly on a person or an authority by an Act to make subsidiary legislation, by way of proclamation, regulation, rule, order, rule of court, by-law, notification, resolution, notice or other instrument having the force of law;”