

**CONSTITUTION OF THE REPUBLIC OF SEYCHELLES
(TENTH AMENDMENT) BILL, 2020**

(Bill No. 23 of 2020)

OBJECTS AND REASONS

The Constitution of the Republic of Seychelles (the Constitution) was adopted by the people of Seychelles in a referendum and came into force on the 21st June, 1993. Over the years, it was felt to review the Constitution in light of development and changes which have taken place. Accordingly, the Constitution Review Committee (the Committee) was established by then President on 16th April, 2008 to review the Constitution. The Committee after detailed examination on the basis of written submission received from the public and after extensive discussion submitted its Recommendations to the President on 21st December, 2009.

The Recommendations of the Committee have been examined and it has been considered necessary at this stage that the Recommendations of the Committee which can be given effect by bringing an ordinary Constitution Amendment Bill to alter the Constitution are proposed in the present Bill.

While the Recommendations of the Committee were under examination it has been felt to bring certain amendments relating to salary, allowance, gratuity and pensions of certain Constitutional Appointees so as to remove any constitutional ambiguity or confusion in this regard.

In the meantime, the Electoral Commission of Seychelles has also proposed few amendments to be carried out for smooth and effective implementation of electoral process.

Accordingly, the Constitution of the Republic of Seychelles (Amendment) Bill, 2020 proposes to alter the Constitution which, amongst other things, includes the following —

- (1) to provide for a specific provision relating to deprivation of citizenship on certain defined grounds;
- (2) to clarify as to when the tenure of office of President begins in case the election is held before the expiry of the tenure of the President and

-
- reduce the period from “twelve months” to “three months” and from “forty-eight months” to “twelve months” for the purposes of extension of tenure of the President in case of the existence of a public emergency;
- (3) to provide for the performance of the functions of the President by the Designated Minister in case the President and Vice-President, are both absent from Seychelles or unable for any other reason to perform the functions of the President during such absence;
 - (4) to make specific provisions regarding “allowances, retiring benefits or privileges, gratuity, etc.,” payable to the President;
 - (5) to provide equal number of representation of men and women in appointment of Ministers; and also to amend the provisions relating to salary allowances, pensions, etc., payable to Ministers;
 - (6) to provide that the Speaker shall send a copy of the notice of motion to the President and the Minister and cause the motion to be debated in the National Assembly within fourteen days after receiving notice of the motion and where the motion for vote of censure is passed, the Speaker is to notify the President and the Minister;
 - (7) to enable the enactment of an Act to make provisions for functions and powers of the Attorney General;
 - (8) to ensure that “fifty per cent” representation of women in proportionally elected members, if they are not adequately represented in directly elected members of the National Assembly;
 - (9) to increase the time of holding by-election from “thirty days” to “forty-five days” as proposed by the Electoral Commission;
 - (10) to amend articles 81, 82, 83, 84 and 84A relating to disqualification of members of the National Assembly;
 - (11) to provide that where President has returned the Bill, the members of the National Assembly should, within a period of six month, resolve to present the Bill again to President and if the Bill is not approved within that six month, the Bill shall be deemed to be withdrawn;

-
- (12) to provide for re-arrangement of electoral areas under article 112 and to remove an ambiguity under articles 113, 114 and 116;
 - (13) to provide that if a person holds the office of a Magistrate, Judge or Justice of Appeal, he shall not be eligible for appointment as Chairperson or Member of the Electoral Commission;
 - (14) to make the Chairperson and Members of the Electoral Commission not eligible for payment of gratuity as they are, now, appointed on part-time basis;
 - (15) to provide for re-arrangement of boundaries and provide that the order relating to changes in boundaries of the electoral areas shall come into force on the next general election of the National Assembly after the order is so published and the Electoral Commission shall prepare the register of voters for that electoral area;
 - (16) to provide that the Speaker shall act upon declaration on receipt of a copy of the finding of the Court of Appeal, where the Court of Appeal finds that any provisions of a law contravenes the Constitution;
 - (17) to provide that where a person who has served as a Justice of Appeal becomes citizen of Seychelles, the person shall not be eligible for reappointment as a Justice of Appeals;
 - (18) to amend the provision of articles 126 and 127 providing for certain qualifications and disqualifications for appointment as Judge of Supreme Court;
 - (19) to simplify the provisions relating to filing of application against contravention or Constitutional question for redress before the Constitutional Court;
 - (20) to revise the provision relating to tenure of office of Justices of Appeal and Judges;
 - (21) to substitute article 133 with a new article to streamline the provisions relating to salary, allowance, gratuity and pensions of Justices of Appeal, Judges and Master of Court;
 - (22) to provide that complaints which are frivolous or vexatious shall not be entertained and where the Tribunal recommends removal of a Judge, the Attorney General to initiate prosecution against him;

-
- (22) to insert a new article to provide for Seal of Court of Appeal in line with the provisions relating to the Seal of Supreme Court;
 - (23) to streamline the provisions relating to qualification of member of Constitutional Appointments Authority;
 - (24) to revise the provisions relating to Ombudsman;
 - (25) to insert new Chapters XV-A and XV-B to provide for “Anti-corruption measures” and “Central Bank of Seychelles”;
 - (26) to provide for appointment of a tribunal for the purpose of investigation for removing an officer or Commissioner of Police;
 - (27) to make it clear that the Public Service Appeal Board has power to hear complaints of public officers employed with the Judiciary and Legislature;
 - (27) to streamline the provisions of articles 64, 66A, 69, 76, 105, 133, 142, 158, 160 relating to salary, allowances, gratuity, pension, etc., of Ambassadors, High Commissioners and other principal representative of Seychelles abroad, the Vice-President, Ministers, **Attorney General**, Speaker, Deputy Speaker, Leader of the Opposition, Leader of Government Business in the National Assembly and members of National Assembly, Justices of Appeal, Judges and Masters of the Court, Chairperson and members of the Constitutional Appointments Authority, Auditor-General and Commissioner of Police;
 - (28) to amend Schedules 2, 4 and 5 in light of the Recommendations of the Committee.

The Bill seeks to achieve the above objectives.

Dated this 29th day of July, 2020.

FRANK D.R. ALLY
ATTORNEY GENERAL

**CONSTITUTION OF THE REPUBLIC OF SEYCHELLES
(TENTH AMENDMENT) BILL, 2020**

(Bill No. 23 of 2020)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement
2. Amendment of article 13 of the Constitution (*Cap 42*)
3. Insertion of new article 13A
4. Amendment of article 52
5. Amendment of article 56
6. Amendment of article 58
7. Amendment of article 64
8. Amendment of article 66A
9. Amendment of article 69
10. Amendment of article 74
11. Amendment of article 76
12. Amendment of article 78
13. Amendment of article 79
14. Amendment of article 81
15. Amendment of article 82
16. Amendment of article 83
17. Amendment of article 84
18. Amendment of article 84A
19. Amendment of article 88
20. Amendment of article 104
21. Substitution of new article for article 105
22. Amendment of article 112
23. Amendment of article 113
24. Amendment of article 114
25. Amendment of article 115B
26. Amendment of article 115C
27. Amendment of article 116
28. Amendment of article 120
29. Amendment of article 122
30. Amendment of article 125

-
31. Amendment of article 126
 32. Amendment of article 130
 33. Amendment of article 131
 34. Amendment of article 132
 35. Substitution of new article for article 133
 36. Amendment of article 134
 37. Insertion of new article 138A
 38. Amendment of article 141
 39. Amendment of article 142
 40. Amendment of article 144
 41. Amendment of article 146
 42. Amendment of article 158
 43. Amendment of article 160
 44. Amendment of article 163
 45. Insertion of new Chapters XV-A and XV-B
 46. Amendment of article 165
 47. Amendment of article 166
 48. Amendment of article 167
 49. Amendment of article 168
 50. Amendment of Schedule 2
 51. Amendment of Schedule 4
 52. Amendment of Schedule 5

**CONSTITUTION OF THE REPUBLIC OF
SEYCHELLES (TENTH AMENDMENT) BILL, 2020**

(Bill No. 23 of 2020)



**A BILL
FOR**

AN ACT to alter the Constitution.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Constitution of the Republic of Seychelles (Tenth Amendment) Act, 2020 and shall come into operation on such date as the President may, by notice in the Gazette, appoint.

Short title and
commencement

Amendment of
artyicle 13 of the
Constitution
(Cap 42)

2. Article 13 of the Constitution of the Republic of Seychelles (*hereinafter referred to as the “Constitution”*) is amended in clause (1), by repealing paragraph (b).

Insertion of
new article
13A

3. The Constitution is amended by inserting after article 13, the following article —

“**13A.**(1) No citizen of Seychelles shall be deprived of his citizenship except under any existing written law or by or under any other law relating to citizenship.

(2) The procedure to deprive a citizen of Seychelles of his citizenship shall be fair and the citizen shall be given adequate opportunity and reasonable time to make any representation thereto.

(3) A citizen of Seychelles shall cease to be a citizen if he is deprived of his citizenship in accordance with clause (1).

(4) An Act may provide for deprivation of citizenship of a spouse who is a citizen of Seychelles by registration or naturalisation by virtue of marriage with a citizen of Seychelles, if the marriage has been dissolved, otherwise than by death, within a period of two years, or such period as may be prescribed in the Act, of the grant of citizenship by registration or naturalisation.

(5) Where a person has been deprived of citizenship of Seychelles under this article or an Act, his spouse or child under the age of 21 years who has been registered or naturalised as a citizen of Seychelles being the spouse or child of that person pursuant to this

Constitution, may, by order, be deprived of citizenship of Seychelles.

(6) No person shall be deprived of his citizenship of Seychelles under this article or any Act if as a result of the deprivation he would not be a citizen of any country.”.

4. Article 52 of the Constitution is amended —

Amendment of
article 52

- (a) in clause (1), by repealing subclause (b) and substituting therefor the following subclause —

“(b) where an election for the office of President is held before the expiration of the term of five years, beginning on the date next following the date of declaration of the election of President.”;

- (b) in clause (6)(b), by repealing the words “twelve months” and “forty-eight months”, and substituting therefor the words “three months” and “twelve months” respectively.

5. Article 56 of the Constitution is amended, by renumbering it as clause (1) thereof and by inserting after clause (1) so renumbered, the following clause —

Amendment of
article 56

“(2) Where the President and the Vice-President are on leave of absence, absent from Seychelles or unable for any other reasons, except for a reason specified in article 55, to discharge the functions of the office of President, the designated Minister shall discharge those functions until the President or Vice-President returns from leave of absence or from outside Seychelles and resumes the functions of the office of President or is able to

discharge the functions of the office of President.”.

Amendment of
article 58

6. Article 58 of the Constitution is amended —

- (a) in clause (1), by inserting after the words “President shall”, the words “during his term of office”;
- (b) in clause (2), by repealing the words “or allowance”, and substituting therefor the words “, allowance or retiring benefits or privileges”;
- (c) in clause (3), by repealing the words “or gratuity”, and substituting therefor the words “, gratuity or benefits”;
- (d) in clause (5), by repealing the words “or allowance”, and substituting therefor the words “, allowance or benefits”.

Amendment of
article 64

7. Article 64 of the Constitution is amended, by inserting after clause (1), the following clauses —

“(1A) An Act shall provide for the salary, allowance and gratuity of persons appointed as Ambassador, High Commissioner or any other principal representative to represent Seychelles abroad and of the pension of a person who has held such offices under this Constitution from the coming into force of this Constitution.

(1B) The salary, allowance, gratuity or pension, as the case may be, payable under clause (1A) shall be a charge on the Consolidated Fund and subject to article 165, shall not be altered to the disadvantage of the person.”.

8. Article 66A of the Constitution is amended, by repealing clause (12) and substituting therefor the following clauses —

Amendment of
article 66A

“(12) The Vice-President shall during his term of office receive such salary, allowance and gratuity as may be prescribed by an Act.

(13) Where the person holding the office of Vice-President ceases to hold office otherwise than by being removed under article 54, the person shall receive such pension, gratuity, allowance or retiring benefits or privileges as may be prescribed by an Act.

(14) The salary, allowance, pension, gratuity or benefits, as the case may be, payable under this article to the Vice-President or a person who has ceased to be Vice-President shall be a charge on the Consolidated Fund and shall not be altered to the disadvantage of the Vice-President or the person who has ceased to be Vice-President.

(15) Where a person who has previously held office as Vice-President under this Constitution discharges the office of Vice-President or is elected to the office of President, the person shall not, while holding the office as Vice-President or President, be entitled to receive the pension, gratuity, allowance or retiring benefits or privileges payable under clause (13).”.

9. Article 69 of the Constitution is amended —

Amendment of
article 69

(a) in clause (1), by inserting after the word “determine”, the words “and out of which, in so far as practicable, the number of men and women shall be equal”;

- (b) by repealing clauses (5) and (6), and substituting therefor the following clauses —

(5) A Minister shall during his term of office receive such salary, allowance and gratuity as may be prescribed by an Act.

(6) An Act shall provide for the pension of a person who has ceased to be Minister under this Constitution or under any previous Constitution.

(6A) The salary, allowance, pension or gratuity, as the case may be, payable under this article to a Minister or a person who has ceased to be Minister under this Constitution or any previous Constitution shall be a charge on the Consolidated Fund and shall not be altered to the disadvantage of the Minister or the person who has ceased to be Minister.”.

Amendment of
article 74

10. Article 74 of the Constitution is amended —

- (a) by repealing clause (3), and substituting therefor the following clause —

“(3) The Speaker shall, upon receipt of the notice of the motion under clause (2), send a copy of the notice to the President and the Minister and, unless the Minister has ceased to hold office beforehand, cause the motion to be debated in the National Assembly within fourteen days after receiving notice of the motion.”;

- (b) in clause (5), by inserting after the words “notify the President”, the words “and the Minister”.

11. Article 76 of the Constitution is amended —Amendment of
article 76

- (a) by repealing clause (12), and substituting therefor the following clause —

“(12) The salary, allowance, pension or gratuity, as the case may be, payable to the Attorney General or a person who has ceased to be Attorney General shall be a charge on the Consolidated Fund and shall not be altered to the disadvantage of the Attorney General or a person who has ceased to be Attorney General under this Constitution.”;

- (b) by inserting after clause (13), the following clause —

“(14) An Act may make other provisions in relation to the Attorney General and may confer other functions and powers on the Attorney General.”.

12. Article 78 of the Constitution is amended —Amendment of
article 78

- (a) in paragraph (b), by repealing the words “not more than 10 members elected”, and substituting therefor the words “such number of members, not exceeding the half of the number of members directly elected referred to in paragraph (a), elected”;

- (b) by inserting at the end, the following proviso —

“Provided that where the women are not adequately represented by the directly elected members of the National Assembly under paragraph (a), there shall be half of the number of proportionally elected members under paragraph (b) from women.”.

Amendment of
article 79

13. Article 79(2) of the Constitution is amended, by repealing the words “within 30 days”, and substituting therefor the words “within 45 days”.

Amendment of
article 81

14. Article 81 of the Constitution is amended —

(a) in clause (1), by inserting after paragraph (g), the following paragraph —

“(ga) if the person is appointed to hold a judicial office;”;

(b) by inserting after clause (5), the following clause —

“(5A) A certificate under the hand of the Speaker certifying that a person has ceased to be a proportionally elected member of the National Assembly shall be conclusive evidence of this fact and of the fact that the seat held by that person is vacant.”;

(c) in clause (6) —

(i) by repealing the words “ceased to be a member”, and substituting therefor the words “ceased to be a directly elected member”;

(ii) in paragraph (b), by repealing the words “still a member”, and substituting therefor the words “still a directly elected member”;

(d) in clause (7), by repealing the words “a member”, and substituting therefor the words “a directly elected member”.

-
- 15.** Article 82 of the Constitution is amended — Amendment of article 82
- (a) in clause (1) —
- (i) in paragraph (a), by repealing the words “as a member”, and substituting therefor the words “as a directly elected member”;
- (ii) in paragraph (b), by repealing the words “a member”, and substituting therefor the words “a directly elected member”;
- (b) in clause (2), by repealing paragraph (b);
- (c) in clause (3), by repealing paragraph (b);
- (d) in clause (6), by repealing the words “by virtue of article 81(1)(h)(i)”.
- 16.** Article 83 of the Constitution is amended, by repealing clauses (6) and (7). Amendment of article 83
- 17.** Article 84 of the Constitution is amended, by repealing clauses (4), (5) and (6). Amendment of article 84
- 18.** Article 84A of the Constitution is amended, by repealing clauses (4), (5) and (6). Amendment of article 84A
- 19.** Article 88 of the Constitution is amended — Amendment of article 88
- (a) in clause (2), by inserting after the words “article 86(2)”, the words “and not later than six months from the date of the receipt of the Bill under clause (1)”;
- (b) by inserting after clause (2), the following clause —

“(2A) Where the Bill returned to the Speaker under clause (1) is not approved by the National Assembly within a period of six months specified under clause (2), the Bill shall be deemed to have been withdrawn.”.

Amendment of
article 104

20. Article 104(1) of the Constitution is amended, by inserting after the words “each session of the Assembly,”, the words “and thereafter from time to time,”.

Substitution
new article for
article 105

21. Article 105 of the Constitution is amended by repealing it and substituting therefor the following article —

Salary,
allowance,
gratuity or
pension of
Speaker, Deputy
Speaker, Leader
of Opposition,
Leader of
Government
Business and a
member

“**105.**(1) The Speaker, Deputy Speaker, Leader of the Opposition, Leader of Government Business in the National Assembly and a member shall during their term of office receive such salary, allowances and gratuity as may be prescribed by an Act.

(2) An Act shall provide for the pension of a person who has previously held the office of Speaker, Deputy Speaker, Leader of the Opposition, Leader of Government Business in the National Assembly or a member, as the case may be, under this Constitution from the coming into force of this Constitution or under any previous Constitution.

(3) The salary, allowance, pension or gratuity, as the case may be, payable under this article to the Speaker, Deputy Speaker, Leader of the Opposition, Leader of Government Business in the National Assembly and a member or a person who had previously held the office of Speaker, Deputy Speaker, Leader of the Opposition, Leader of Government Business in the National Assembly or a member, as the case may be, under this

Constitution or any previous Constitution shall be a charge on the Consolidated Fund and shall not be altered to their disadvantage.

(4) The salary, allowances, pension or gratuity payable to the Leader of the Opposition or the Leader of Government Business or a person who had previously held the said offices, as the case may be, shall be not less than those payable to a Minister.

(5) Subject to clause (6), where a person is elected as the Speaker, Deputy Speaker, Leader of the Opposition, Leader of Government Business in the National Assembly or a member and in addition to this article is entitled to receive under any other provision of the Constitution a salary, allowance, pension or gratuity, the person shall not, while holding the office of Speaker, Deputy Speaker, Leader of the Opposition, Leader of Government Business in the National Assembly or member, be concurrently entitled to receive the salary, allowance, pension or gratuity under this article and the other provision of the Constitution, but may opt to receive the salary, allowance, pension or gratuity under either this article or other provision of the Constitution.

(6) A member of the National Assembly elected to the office of Speaker, Deputy Speaker, Leader of the Opposition or Leader of Government Business shall not, while holding that office, be paid the salary, allowance or gratuity payable to a member or the pension payable to him as having previously held the office of a member.”.

- (a) by repealing clause (2), and substituting therefor the following clause —

“(2) There shall be not less than one electoral area on each of Mahe and Praslin and the Inner Islands.”;

- (b) in clause (3) —

(i) by repealing the words “on Mahe and Praslin”;

(ii) by repealing paragraph (b), and substituting therefor the following paragraph —

“(b) shall ensure that each electoral area shall have, as nearly as is practicable, an equal number of inhabitants.”.

Amendment of
article 113

23. Article 113 of the Constitution is amended, by repealing the words “if the citizen were not so registered”.

Amendment of
article 114

24. Article 114(1) of the Constitution is amended, by repealing paragraph (b) and substituting therefor the following paragraph —

“(b) serving a sentence of imprisonment on conviction for an offence”;

Amendment of
article 115B

25. Article 115B(1)(b) of the Constitution is amended, by inserting after the words “political party”, the words “or a magistrate, Judge or Justice of Appeal”.

Amendment of
article 115C

26. Article 115C(5) of the Constitution is amended, by repealing the word “, allowances and gratuity”, and substituting therefor the words “and allowances”.

-
- 27.** Article 116 of the Constitution is amended — Amendment of article 116
- (a) in clause (1)(b), by repealing the words “into which Mahe and Praslin”;
- (b) in clause (5) by repealing the words “shall come into force on the next dissolution of the National Assembly after the order is so published”, and substituting therefor the words “shall come into force on the next general election of the National Assembly after the order is so published and the Electoral Commission shall prepare the register of voters for that electoral area.”.
- 28.** Article 120(6) of the Constitution is amended, by inserting after the word “Speaker”, the words “who shall act upon the declaration”. Amendment of article 120
- 29.** Article 122 of the Constitution is amended, by renumbering it as clause (1) thereof, and by inserting after clause (1) so renumbered, the following clause — Amendment of article 122
- “(2) A person who has served as a Justice of Appeal and becomes citizen of Seychelles, at the end of his term of appointment as such Justice of Appeal, is not eligible to be appointed as a Justice of Appeal thereafter.”.
- 30.** Article 125 of the Constitution is amended — Amendment of article 125
- (a) in clause (1)(c), by repealing the words “adjudicating authority”, and substituting therefor the words “adjudicating authorities”;
- (b) by repealing clause (7), and substituting therefor the following clause —

“(7) For the purposes of this Part —

- (a) “Judge” where the context requires include the Chief Justice; and
- (b) in clause (1)(c), “adjudicating authorities” include a person, body or authority which performs a judicial or quasijudicial function or whose decision affects the legal right of an individual.”.

Amendment of
article 126

31. Article 126 of the Constitution is amended —

(a) in clause (1), by repealing paragraph (a), and substituting therefor the following paragraph —

“(a) the person —

- (i) has practiced before a court of unlimited original jurisdiction for not less than ten years;
- (ii) is a Judge and has served as such in a court of unlimited original jurisdiction for a period of not less than ten years; or
- (iii) is a Judge and has served as Judge in, and practiced before, a court of unlimited original jurisdiction for a period which together amounts to not less than years; and”;

(b) in clause (2)(a), by repealing the words “been entitled to practice”, and substituting therefor the word “practiced”;

- (c) in clause (3), by repealing the words “public officer”, and substituting therefor the words “judicial officer or public officer”;
- (d) by inserting after clause (3), the following clause —

“(4) A person who has served as a Judge and becomes citizen of Seychelles, at the end of his term of appointment as such Judge, is not eligible to be appointed as a Judge thereafter.”.

32. Article 130 of the Constitution is amended —

Amendment of
article 130

- (a) by repealing clauses (1), (2) and (3) and substituting therefor the following clausesd —

“(1) A person, who alleges that a provision of this Constitution, other than a provision of Chapter III, has been or is likely to be contravened by any law, or an act or omission relating to that person, may, within two years, apply to the Constitutional Court for redress.

(2) A person may make an application to the Constitutional Court under clause (1) for redress on behalf of another person in relation to which a provision of this Constitution, other than a provision of Chapter III, has been or is likely to be contravened by an act or omission, with or without authority of the other person, if the other person is unable to personally make the application.

(3) An application under clause (1) —

- (a) may be declined to be entertained by the Constitutional Court, where the applicant has obtained adequate redress for the contravention under any law;
 - (b) shall not be entertained by a court, where the applicant has obtained the adequate redress for the contravention from the Constitutional Court.”;
- (b) by repealing clause (5) and substituting therefor the following clause —

“(5) Where the Constitutional Court makes a declaration under clause (4)(b), the Court shall send a copy of the declaration to the President and the Speaker who, subject to any decision on appeal therefrom, shall act upon the declaration.”.

Amendment of
article 131

33. Article 131 of the Constitution is amended —

- (a) in clause (1), in paragraph (e), by repealing the words “who is not a citizen of Seychelles”, and substituting therefor the words “who, at the time of appointment, was not a citizen of Seychelles”;
- (b) in clause (2), by repealing the words “shall have effect”, and substituting therefor the words “shall, subject to any period of notice given therein, have effect”;
- (c) by repealing clause (4), and substituting therefor the following clause —

“(4) A person who is not a citizen of Seychelles and who has already completed one term of office as a Justice of Appeal or a Judge shall not be eligible to be appointed to the office of Justice of Appeal.”.

34. Article 132(3) of the Constitution is amended, by inserting after the words “may continue”, the words “, for a period not exceeding three months,”.

Amendment of article 132

35. Article 133 of the Constitution is amended, by repealing it and substituting therefor the following article —

Substitution of new article for article 133

Salary, allowance, gratuity or pension of Justices of Appeal, Judges and Master of Court

“**133.**(1) The Justices of Appeal, Judges and Masters of the Court shall during their term of office receive such salary, allowance and gratuity as may be prescribed by an Act.

(2) An Act shall provide for the pension of a person who is a citizen of Seychelles and who has ceased to be a Justice of Appeal, Judge or Master of the Court under this Constitution from the coming into force of this Constitution.

(3) The salary, allowance, pension or gratuity, as the case may be, payable under this article to a Justice of Appeal, Judge or Master of the Court or a person who has ceased to be a Justice of Appeal, Judge or Master of the Court under this Constitution shall be a charge on the Consolidated Fund and, subject to article 134, shall not be altered to the disadvantage of the Justice of Appeal, Judge or Master of the Court or the person who has ceased to be a Justice of Appeal, Judge or Master of the Court.”.

36. Article 134 of the Constitution is amended —

Amendment of article 134

- (a) in clause (2), by repealing the words “ought to be investigated”, and substituting therefor the words “is not frivolous or vexatious”;
- (b) by inserting after clause (2), the following clause —

“(2A) Where the Tribunal recommends the removal of the Justice of Appeal or Judge under clause (2)(b), it may, if is of the opinion that any offence has been committed by the Justice of Appeal or Judge, recommend the Attorney General for initiation of the prosecution against such Justice of Appeal or Judge.”.

Insertion of
new article
138A

37. The Constitution is amended, by inserting after article 138, the following article —

Seal of Court
of Appeal

“**138A.** The Court of Appeal shall have, and use as occasion require, a seal bearing on it the device of the Public Seal of Seychelles surrounded by the words “seal of the Court of Appeal”.”.

Amendment of
article 141

38. Article 141(1) of the Constitution is amended, by repealing paragraph (a) and substituting therefor the following paragraph —

“(a) is a person of proven integrity and impartiality who has held a judicial office in a court of unlimited original jurisdiction or is qualified to practice before the Supreme Court and the Court of Appeal but presently not practicing or has agreed during the tenure as a member of the Constitutional Appointments Authority not to practice before any court of tribunal in Seychelles;”.

39. Article 142 of the Constitution is amended, by repealing clauses (4) and (5) and substituting therefor the following clauses —

Amendment of
article 142

“(4) The Chairperson and members of the Constitutional Appointments Authority shall during their term of office receive such salary or allowance as may be prescribed by an Act.

(5) The salary or allowance payable under this article to the Chairperson and members of the Constitutional Appointments Authority under this Constitution shall be a charge on the Consolidated Fund and subject to article 166, shall not be altered to the disadvantage of the Chairperson or member of the Constitutional Appointments Authority.”.

40. Article 144 of the Constitution is amended —

Amendment of
article 144

(a) by inserting after clause (2), the following clause —

“(2A) The office of the Ombudsman shall become vacant —

- (a) on the death of the person holding the office;
- (b) if the person, by writing, addressed to the President, resigns from the office;
- (c) if the person is removed from the office;
- (d) at the end of the term of office of the person holding the office.”;

- (b) by repealing clauses (4) and (5) and substituting therefor, the following clauses —

“(4) The Ombudsman shall during his term of office receive such salary, allowance and gratuity as may be prescribed by an Act.

(5) An Act shall provide for the pension of a person who held the office of Ombudsman under this Constitution from the coming into force of this Constitution.

(6) The salary, allowance, gratuity or pension, as the case may be, payable under this article to the Ombudsman or a person who has ceased to be Ombudsman under this Constitution shall be a charge on the Consolidated Fund and subject to article 165, shall not be altered to the disadvantage of the Ombudsman or a person who has ceased to be Ombudsman under this Constitution.”.

Amendment of
article 146

41. Article 146 of the Constitution is amended, in clause (7), by repealing the definition of “public authority”, and substituting therefor the following definition —

'“public authority” means a Ministry, department, or division of the executive organ of the Government, the Judiciary and the Legislature.'

Amendment of
article 158

42. Article 158 of the Constitution is amended, by repealing clauses (9), (10) and (11), and substituting therefor the following clauses —

“(9) The Auditor-General shall during his term of office receive such salary, allowance and gratuity as may be prescribed by an Act.

(10) An Act shall provide for the pension of a person who has held the office of Auditor-General under this Constitution from the coming into force of this Constitution.

(11) The salary, allowance, gratuity or pension, as the case may be, payable under this article to the Auditor-General or a person who has ceased to be Auditor-General under this Constitution shall be a charge on the Consolidated Fund and subject to article 165, shall not be altered to the disadvantage of the Auditor-General or a person who has held the office of Auditor-General under this Constitution.

(12) The Act referred to in clause (9) or clause (13) may provide for other conditions of service of the Auditor-General.

(13) An Act may make other provisions in relation to the Auditor General and may confer other functions and powers on the Auditor General.”.

43. Article 160 of the Constitution is amended, by inserting after clause (2), the following clauses —

Amendment of
article 160

“(3) The Commissioner of Police shall during his term of office receive such salary, allowance and gratuity as may be prescribed by an Act.

(4) An Act shall provide for the pension of a person who has held office of Commissioner of Police under this Constitution from the coming into force of this Constitution.

(5) The salary, allowance, gratuity or pension, as the case may be, payable under this

article to the Commissioner of Police or a person who has held the office of Commissioner of Police under this Constitution shall be a charge on the Consolidated Fund and subject to article 165, shall not be altered to the disadvantage of the Commissioner of Police or a person who has held the office of Commissioner of Police under this Constitution.”.

Amendment of
article 163

44. Article 163 of the Constitution is amended —

(a) in clause (1) —

(a) by inserting after the word “obligations” in article 163(1)(b), the words “ and to enforce maritime laws, maritime security and marine protection in relation to the maritime zones of Seychelles.”

(b) by inserting after paragraph (c), the following paragraph —

“(ca) to assist police or other agencies in relation to enforcement of laws of Seychelles in Seychelles or any other area over which the Republic has proclaimed its jurisdiction;”

(b) by inserting after clause (2), the following clause —

“(3) An Act may provide for the exercise of powers of arrest, apprehension, detention, investigation, inspection and seizure by the officers of the Defence Forces or any unit or branch of the Defence Force to enforce maritime laws, maritime security and marine protection in relation to the maritime zones of Seychelles.”.

45. The Constitution is amended, by inserting after article 163, the following Chapters —

Insertion of
new Chapters
XV-A and
XV-B

“CHAPTER XV - A

ANTI-CORRUPTION MEASURES

Anti-
corruption
measures

163A.(1) The State shall take administrative and legislative measures necessary to prevent and combat corruption.

(2) There shall be established by an Act a body which shall investigate any allegation of fraud or corruption in connection with the exercise by a person of a function of a public authority.

(3) The body shall exercise and perform powers and functions conferred upon it by or under such Act.

(4) The body shall be independent and impartial.

(5) The Anti-Corruption Commission established by the Anti-Corruption Act, 2016 (*Act 7 of 2016*), shall be deemed to have been established by an Act enacted pursuant clause (2).

CHAPTER XV - B

CENTRAL BANK OF SEYCHELLES

Establishment
of Central
Bank of
Seychelles

163B.(1) There is established the Central Bank of Seychelles.

(2) The Central Bank of Seychelles shall be responsible to promote domestic price stability, promote financial stability, formulating

and implementing monetary policy, issuing currency, hold and manage the country's official reserve, and perform other duties and functions conferred on it by an Act.

(3) The Central Bank of Seychelles shall not be under the direction or control of any person or authority in the exercise of its powers or in the performance of its functions.

(4) An Act shall provide for the composition, powers, functions and operations of the Central Bank of Seychelles.

(5) The Central Bank of Seychelles established by the Central Bank of Seychelles Act, 2004 (*Cap. 26*), shall be deemed to have been established by an Act enacted pursuant this article.”.

Amendment of
article 165

46. Article 165 of the Constitution is amended —

(a) in clause (3), by repealing paragraph (a) and substituting therefor the following paragraph —

“(a) the Authority shall appoint a tribunal consisting of —

(i) a president who is person who holds or has held office as a judge of a court having unlimited original jurisdiction or a court having jurisdiction in appeal from that court; and

(ii) two other members who are persons of eminence and proven integrity and impartiality; and”;

- (b) by inserting after clause (5), the following clause —

“(6) The tribunal shall, while making an inquiry into the matter under clause (3)(b), follow the rules of natural justice and afford the person under inquiry the right of representation.”.

47. Article 166 of the Constitution is amended —

Amendment of
article 166

- (a) in clause (3), by repealing paragraph (a), and substituting therefor the following paragraph —

“(a) the Speaker shall appoint a tribunal consisting of —

- (i) a president who is person who holds or has held office as a Judge of a court having unlimited original jurisdiction or a court having jurisdiction in appeal from that court; and
- (ii) two other members who are persons of eminence and proven integrity and impartiality; and”;

- (b) by inserting after clause (4), the following clause —

“(5) The tribunal shall, while making an inquiry into the matter under clause (3)(b), follow the rules of natural justice and afford the person under inquiry the right of representation.”.

48. Article 167(1) of the Constitution is amended, by repealing the words “in respect of its social and economic undertakings contained in Chapter III”.

Amendment of
article 167

Amendment of
article 168

49. Article 168 of the Constitution is amended —

- (a) by repealing the word “broadcasting” at all the places where it appears;
- (b) in clause (1), by repealing the words “they may operate”, and substituting therefor the words “they shall operate”;
- (c) in clause (2), by repealing the words “Constitution and any other law, afford”, and substituting therefor the words “Constitution, provide fair and adequate”;
- (d) by inserting after clause (2), the following clause —

“(3) A law may provide for the regulation of the media generally.”.

Amendment of
Schedule 2

50. Schedule 2 of the Constitution is amended —

- (a) in the definition of “the Gazette”, by repealing the words “the Gazette” and substituting therefor “Gazette”;
- (b) in the definition of “National Assembly”, by repealing the words “by this Constitution” and substituting therefor, the words “by article 77”;
- (c) in the definition of “public officer”, by inserting after the words “public office”, the words “but does not include a Minister or a person appointed to a post established by the Constitution”;
- (d) by inserting after the definition of “The Public Service”, the following definition —

“Seychellois” means a citizen of Seychelles;¹.

- 51.** Schedule 4 of the Constitution is amended — Amendment of
Schedule 4
- (a) in paragraph 2, by repealing “the votes’ whenever they appear with the words “valid votes”;
 - (b) in paragraph 4, by inserting after the words “seven days”, the words or such other longer period as the Electoral Commission may determine”.
- 52.** Schedule 5 of the Constitution is amended — Amendment of
Schedule 5
- (a) in paragraph 1(1), by repealing sub-paragraph (b) and renumbering the remaining sub-paragraphs accordingly;
 - (b) in paragraph 6(1) —
 - (a) in clause (a), by repealing sub-paragraph (j) and substituting therefor “fraud or corruption is reasonably suspected”;
 - (b) in the last paragraph, by repealing the words “or chief executive officer of the public authority”, and substituting therefor “, chief executive officer of the public authority or the body established under article 163A(2).”.