

CIVIL STATUS (AMENDMENT) BILL, 2021*(Bill No. 37 of 2021)***EXPLANATORY STATEMENT**

The primary object of this Bill is to reform the laws on the registration of births and deaths in Seychelles so as to generate more reliable vital statistics. The vital statistics help to inform social and economic planning across both public and private sectors in various areas of national development such as health, education, labour, industry and trade, and population growth. Also, the statistics have a linkage to electoral registers and social security benefits. The health sector has a particularly strong need for reliable vital statistics when it comes to tracking the progress of national strategies to reduce the levels of child, maternal and disease-specific mortality.

This Bill deals with issues relating to: (1) the use technology for the collection vital statistics; (2) registration of births; (3) registration of deaths; (4) authorization of burial and cremation of a deceased person; and (5) the revision of penalties under the existing Act.

Use of technology

Firstly, this Bill seeks to impose an obligation of the Government to ensure that all registers, including the registers of births, deaths and change of names are stored electronically for an indefinite period.

Further, the Bill seeks to enable the Ministry responsible for civil status to register or accept statements, applications, forms, documents or other information through electronic platforms without the need for a person to physically go to a Civil Status Office.

Registration of births

With respect to registration of births, the Bill introduces a requirement that every newborn shall be examined by a medical practitioner, nurse or midwife. On completion of the examination of the newborn, the medical practitioner, nurse or midwife will give the notification of the birth to the Civil Status Office and the mother of the child. The notification of the birth

form will include information such as the date of birth of the child, any name that has been given to the child by the mother and the contact details of the mother of the child.

The notification of the birth form is significant because it enables the Civil Status Office to identify and contact a parent who has not registered the birth of the child.

Further, it enables the Government to register the child after a period of time has lapse using the information on the notification of the birth form. Also, this procedure is a safeguard to ensure that every birth registered in Seychelles actually took place in Seychelles. Further, the Bill introduces a civil penalty on a person who fails to register the birth of a child and such penalty shall not be deemed a criminal offence.

The Bill sets out who can register the birth of a child and it seeks to address some gaps in the present law. For instance, a parent or guardian of teenage mother will be allowed to register the birth on behalf of the teenage mother.

Moreover, the Bill will allow a civil status officer to enter the name of any man as the father of a child born to an unmarried mother on receipt of an approved DNA test result that names the man as the father of the person and this will enable persons to settle paternity matters amicably, cost effectively and privately.

Of significance, this Bill seeks to permit a Seychellois by birth born outside of Seychelles to register his or her birth in a register of births, to be known as the Register of Births Occurring Outside Seychelles, if at the date of the birth, the person is a citizen of Seychelles in accordance with the laws of Seychelles. Further, this proposed law seeks to authorize the Chief Officer of the Civil Status to issue a Certificate of Birth to any Seychellois by birth who was born in a foreign country where the laws or circumstances in the foreign country prevented the Seychellois from obtaining a Certificate of Birth.

Further, the Bill seeks to establish how the surname of a child can be determined.

Registration of deaths

With respect of registration of deaths, the Bill introduces a requirement that the body of a deceased person should be examined by a medical practitioner, pathologist or forensic pathologist. After this examination is completed, the medical practitioner, pathologist or forensic pathologist is required to give a notification of death to the Civil Status Office, the Principal Secretary responsible for health and the executor of the estate of the deceased person or the nearest surviving relative of the deceased person.

Upon receiving the notification of death, the executor of the estate of the deceased person or the nearest surviving relative of the deceased person can proceed to declare the death of the deceased person, obtain a Certificate of Death and make the necessary applications to bury or cremate the deceased person.

Where a person dies from natural causes or where an inquest is not required pursuant to the Inquest of Death Bill, 2021, a Civil Status Officer will register the cause of death on receipt of a Medical Certificate of Cause of Death provided by a medical practitioner. Seychelles intends adopt the Medical Certificate of Cause of Death recommended by the World Health Organization. On the other hand, where an inquest into a person's death is required by law, a Civil Status Officer will register the cause of death on receipt of a Magistrate's Certificate pursuant to the provisions of the Inquest into Death Bill, 2021.

Where a missing person is presumed dead under the Presumption of Deaths Act, Cap. 177, a Civil Status Officer will register that person's death and issue a “certificate of presumed death” to any authorized person.

Further, the Bill seeks to permit the death or presumed death of a citizen of Seychelles which occurred outside Seychelles to be registered in a register of deaths, to be known as the “Register of Deaths Occurring Outside Seychelles”.

Moreover, the register of the cause or probable cause of death shall not be open to inspection by the public. As result, there is a consequential amendment in that Form 5 of the to the Social Security (Medical Certificates) Regulations is repealed.

Authorization of burial or cremation

This Bill sets out who will be authorised to bury or cremate a deceased person. The executor of the estate of the deceased person or the nearest surviving relative of the deceased person will have the authority to bury or cremate a deceased person. The nearest surviving relatives are set out in order of priority.

Revision of penalty

This Bill further seeks to revise some outdated penalties. For instance, under section 114(1) of the Civil Status Act, a person found guilty carrying away, concealing a newborn, or substituting any child for another, or falsely attributing a child to a woman who shall not have been delivered at all, is liable to imprisonment for 2 years. This offence to be an egregious act and it is proposed that the offence should carry a penalty not exceeding SCR250,000 and/or 10 years imprisonment.

Dated this 3rd day of August, 2021.

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

CIVIL STATUS (AMENDMENT) BILL, 2021

(Bill No. 37 of 2021)

ARRANGEMENT OF SECTIONS

Sections

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 6
4. Repeal of section 7
5. Repeal and replacement of section 15
6. Insertion of new section 18A.
7. Amendment of section 20
8. Insertion of section 22A.
9. Repeal and substitution of Part III
10. Repeal and Replacement of Part V
11. Insertion of New Part VIIA
12. Amendment of section 110
13. Amendment of section 112
14. Amendment of section 114
15. Amendment of section 115
16. Amendment of section 116
17. Repeal of section 117
18. Repeal of section 120
19. Repeal of sections 157 to 161
20. Consequential amendment

CIVIL STATUS (AMENDMENT) BILL, 2021

(Bill No. 37 of 2021)



**A BILL
FOR**

AN ACT to introduce a new system for the registration of births and deaths; to provide for the electronic submission of documents; to revise penalties under the act; and for matters incidental thereto.

ENACTED by the President and the National Assembly.

Short title and commencement

1.(1) This Act may be cited as the Civil Status (Amendment) Act, 2021, and shall be read and construed as one with the Civil Status Act, Cap. 34, which as amended, is hereinafter referred to as the “principal Act”.

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

Amendment of section 2

2. Section 2 of the principal Act is amended —

(a) by repealing the definition of “interment”;

(b) by inserting in the proper alphabetical order the following new definitions —

“**birth**” means the complete expulsion or extraction of a foetus from a female, irrespective of the duration of the pregnancy, where after such expulsion or extraction there is breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle, whether or not the umbilical cord has been cut or the placenta is attached;

“**Chief Officer**” means the person appointed as Chief Officer of the civil status under section 5 and, when the context permits, includes a civil status officer;

“**civil penalty**” means a sum of money payable to the Chief Officer or a civil status officer by a person who fails to perform a mandatory administrative duty or obligation under this Act and shall not be deemed a criminal offence;

“**corpse**” has the same meaning assigned to it under the Public Health Act, 2015;

“**cremate**” means to burn a corpse to ash;

“**death**” means the permanent disappearance of all evidence of life in a person at any time after the person's birth;

“**death qualifying for an inquest**” has the same meaning assigned under the Inquest into Death Act, 2021;

“**forensic pathologist**” has the same meaning assigned under the Inquest into Death Act, 2021;

“Medical Certificate of Cause of Death” means the Medical Certificate of Cause of Death as may be prescribed;

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act, Cap. 126;

“midwife” means a person registered as a midwife under the Nurses and Midwives Act, Cap. 150;

“Minister” means Minister responsible for civil status;

“nurse” means a person registered as a nurse under the Nurses and Midwives Act, Cap. 150;

“pathologist” means a medical practitioner who has special training, experience or academic qualifications in the field of pathology;

“Public Health Commissioner” means Public Health Commissioner appointed under the Public Health Authority Act, 2013;

“stillbirth” shall have the definition assigned by the Minister by notice published in the Gazette;”

Amendment of section 6

3. Section 6(1) of the principal Act is amended by repealing the words “It shall be lawful for the President to” and substituting therefor the words “The Minister may”.

Repeal of section 7

4. The principal Act is amended by repealing section 7.

Repeal and replacement of section 15

5. The principal Act is amended by repealing section 15 and substituting therefor the following —

“Duty to maintain registers

15. It is the duty of the Chief Officer to maintain the following registers —

- (a) register of births;
- (b) register of stillbirths;
- (c) register of deaths;
- (d) register of marriages;
- (e) register of divorces;
- (f) register of children adoptions;
- (g) register of change of names; and
- (h) such other registers as may be specified in this Act or any other enactment.”

Insertion of new section 18A.

6. The principal Act is amended by inserting immediately after section 18 the following as section 18A.

“Electronic storage registers

18A.(1) All registers not in use shall be —

- (a) reproduced into digital format; and
- (b) kept by the Chief Officer in such safe place so as to maintain the integrity of the records for an indefinite period.

(2) Any person authorized by the Minister shall have access to all registers reproduced into digital format.”

Amendment of section 20

7. Section 20 of the principal Act is amended by inserting immediately after the words “the Chief Officer of the Civil Status,” the words “the Principal Secretary responsible for health,”.

Insertion of section 22A.

8. The principal Act is amended by inserting immediately after section 22 the following as section 22A.

“Issue of forms to the public

22A.(1) The Chief Officer may provide any document or form prescribed under this Act in electronic format, free of cost, to the public.

(2) The document or form shall be filled up and delivered to the Chief Officer, free of cost, by every person required to do so in accordance with this Act.”

Repeal and substitution of Part III

9. The principal Act is amended by repealing Part III and substituting therefor the following —

“PART III**REGISTRATION OF BIRTHS, STILLBIRTHS AND ABANDONED CHILDREN****Interpretation under Part III**

31. In this Part unless the context otherwise requires —

“**child**” means a person who has not attained the age of 18 years;

“**Director responsible for children affairs**” means the person acting in the capacity or performing the functions of head of the division or section responsible for children affairs in the Ministry or department responsible for children affairs;

“**late registration**” means the registration of a birth after the time specified in section 37(1);

“**person**” means a natural person and includes a child;

“**relative**” means the grandmother, grandfather, aunt, uncle, guardian or an older sister or older brother of a child;

“**the register**” means a register of births or register of stillbirth established under this Part and cognate words shall be construed accordingly.

Notification of births and stillbirths

32.(1) A medical practitioner, nurse or midwife who attends a birth shall give a notification of birth to the Chief Officer and the mother of the child.

(2) If the birth occurs in circumstances where subsection (1) does not apply, the mother of the child or a person authorized by the mother of the child shall contact a medical practitioner as soon as reasonably practicable and thereafter the medical practitioner shall give a notification of birth to the Chief Officer and the mother of the child or an authorized person.

(3) Notwithstanding subsection (2), in the case of death, illness, absence or inability of the mother of the child —

- (a) the head of the family or household in which the child was born;
- (b) an occupier of the premises or the dwelling in which the child was born; or
- (c) a person who was present at the time and place where the child was born,

shall contact a medical practitioner as soon as reasonably practicable and thereafter the medical practitioner shall give a

notification of birth to the Chief Officer and a person authorized to register the birth of the child under this Act.

(4) A person in charge of a prison, mental health facility, quarantine facility or a public institution is deemed to be the occupier thereof for the purposes of subsection (3)(b).

(5) Where a medical practitioner, nurse or midwife who is not employed by the Government issues a notification of birth pursuant to subsection (1), (2) or (3), that medical practitioner, nurse or midwife shall forward without delay a copy of the notification of birth to the Principal Secretary of the Ministry responsible for health.

(6) A notification of birth shall be given to the Chief Officer within 3 days after the birth of the child, indicating whether the child was born alive or was stillborn.

(7) Notwithstanding subsection (6), the notification of the birth, indicating whether the child was born alive or was stillborn, shall be given to the Chief Officer as soon as reasonably practicable where a medical practitioner is made aware of the birth in circumstances set out in subsection (2) or (3).

(8) If a pregnancy resulted in the birth of more than one child, a separate notification shall be given for each child and each statement shall state the number of children born and the birth order of the child that is the subject of the particular notification.

(9) A medical practitioner, nurse or midwife who, pursuant to subsection (5) is required to give a notification of birth or stillbirth to the Chief Officer and the Principal Secretary of the Ministry responsible for health, fails or refuses to give a notification of birth or stillbirth, in accordance with this Act, the person who manages the hospital or other medical facility that employs the medical practitioner, nurse or midwife is liable to pay a fixed civil penalty of SCR 5,000 to the Chief Officer.

Particulars of notification of birth and stillbirth

33.(1) A notification of live birth may contain the following particulars —

- (a) the time, day, month and year of the birth of the child;
- (b) the sex of the child;
- (c) the name of the child, if any;
- (d) the name, date of birth, telephone number, email address and profession of the mother of the child;
- (e) the nationality of the mother of the child;
- (f) the marital status of the mother of the child;
- (g) the national identity number or passport number of the mother of the child; and
- (h) any other information as may be prescribed.

(2) A notification of stillbirth may contain, in addition to the particulars referred to in subsection (1), the following particulars —

- (a) the weight of the foetus;
- (b) the gestational age of the foetus;
- (c) the name of the certifying medical practitioner or midwife; and
- (d) any other information as may be prescribed.

(3) The Minister responsible for health shall prescribe a form or manner for notification of births.

Registration of births

34.(1) The registration of the birth of a child born at any place within Seychelles shall be done within 30 days of the birth of that child.

(2) The registration of the birth of a child shall be completed by —

- (a) the mother and father of the child; or
- (b) the child's mother, if the father is deceased or incapable of registering the birth of the child or if the father is unacknowledged by or unknown by the mother; or
- (c) the child's father, if the mother is deceased or incapable of registering the birth of the child; or
- (d) a person having lawful custody of the child, if both parents are deceased or incapable of registering the birth of the child; or
- (e) a person authorized in writing by the mother of the child.

(3) If the birth of a child is not registered within a period of 15 days of the birth of that child, the Chief Officer shall send a written notice to any person specified in the notification of birth to appear before the Chief Officer to register the birth of the child in accordance with subsection (1).

(4) The registration of the birth of a child shall be completed on such registration form as may be prescribed by the Minister.

(5) The person submitting a registration form to the Chief Officer shall submit a statement and shall state that the particulars provided of the birth are true according to the person's best knowledge and belief.

(6) The Chief Officer shall issue a Certificate of Birth, in such manner as may be prescribed, to the person who registered the birth of the child or such other authorized person.

(7) A person who registers or causes to be registered a birth of a child after the time specified in subsection (1), is liable to pay to the Chief Officer a fixed civil penalty of SCR 1, 000 and a further civil penalty of SCR 25 for each day that the person continues to contravene subsection (1).

(8) If any person specified in subsection (2) fails to register the birth of a child after 2 months of the birth of that child, the Chief Officer or the Attorney General may make an ex parte application by notice of motion and an accompanying affidavit to the Master of the Supreme Court or a Judge to make an order for the person to appear before the Chief Officer to register the birth of that child and pay the civil penalty due under subsection (7).

(9) If none of the persons referred to in subsection (2) appears in answer to the order issued under subsection (8), or cannot be found after all reasonable efforts have been made to locate the persons, the Chief Officer shall register the birth any time after 4 months of the birth of the child using the information provided in the notification of birth.

(10) The birth of a child registered under subsection (9) may be re-registered in accordance with section 37.

Registration of child born to an unmarried mother

35. The Chief Officer shall not enter the name of any man on the register of births as the father of a child born to an unmarried mother unless the Chief Officer receives —

- (a) a joint application by the mother and father of the child for the father's name to be entered on the register; or

- (b) a paternity order in respect of the child made by a court; or
- (c) an application by the man acknowledging himself to be the father of the child, in the case where the mother cannot be found or is dead, supported by a declaration made by him and
 - (i) an approved DNA test result that names the man as the father of the child and a written statement that the guardian of the child, if any, consented to the DNA test; and
 - (ii) a sworn statement from 2 credible persons having knowledge that the birth occurred in Seychelles.

Re-registration of birth to include particulars of father

36. At any time after the birth of a person who is registered in the register of births but whose father's name is not entered on the register, the Chief Officer shall authorize the entry of the name and particulars of the father if the Chief Officer is satisfied that —

- (a) a joint application is made submitted to the Chief Officer by the mother and father of the person for the father's name to be entered on the register; or
- (b) a paternity order in respect of the person has been made by a court; or
- (c) an approved DNA test result has been submitted to the Chief Officer that names the man as the father of the person and a written statement that —
 - (i) the man and the person consented to the DNA test where the person has attained the age of 18 years; or

- (ii) the man and the mother of the person consented to the DNA test where the person is under the age of 18 years.

Late registration and re-registration of child

37.(1) If after 4 months of the birth of a child, the birth is not registered or the birth was registered pursuant to section 34(9), an application shall be made to Chief Officer for late registration or re-registration of the birth of the child, as the case may be.

(2) The Chief Officer shall register or re-register the birth, as the case may be, if —

- (a) the person making the application is eligible to register the birth of the child in accordance with section 34 or 35;
- (b) the information relating to the birth and the reason for the late registration is verified by a written statement;
- (c) the Chief Officer is satisfied as to the truth and sufficiency of information and other matters stated in the written statement; and
- (d) such civil penalties as are imposed under section 34(7) are paid.

(3) If the application does not satisfy the requirements of subsection (2), the Chief Officer shall require the applicant to apply to the court for an order for registration of birth.

(4) The Chief Officer shall register the birth of a child on receipt of an order of a Judge in the terms thereof and shall specifically note on the register that the registration was done pursuant to an order of the Judge.

Finding an abandoned child

38.(1) Where a living newborn child is found abandoned, it is the duty of —

- (a) the person who finds the child to contact the police without delay;
- (b) the Commissioner of Police to immediately take the child to the nearest medical practitioner or medical facility for evaluation;
- (c) the medical practitioner or medical facility into whose care the child was delivered to immediately inform the Director of responsible for children affairs of the finding of the abandoned newborn child.

(2) The person who finds the child shall, within 7 days of finding the child, give to the police and to the Director responsible for children affairs a statement of all information that the person has regarding the particulars of the birth of the child.

Registration of an abandoned child

39.(1) If after 60 days of the finding of the abandoned child, the Director responsible for children affairs is satisfied that all reasonable efforts were made to identify the child, the Director responsible for children affairs in consultation with a medical practitioner shall establish the date of birth of the child and name the child.

(2) The Director responsible for children affairs shall provide the Chief Officer with evidence on affidavit concerning the finding of the child and requesting that the birth of the child be registered.

(3) The affidavit shall include the following particulars —

- (a) the time, day, month and year the child was found;
- (b) the date of birth of the child;
- (c) the sex of the child;
- (d) the weight of the child when found;
- (e) the location in which the child was found;
- (f) the names given to the child;
- (g) the name, residence and profession of the person who found the child, if applicable;
- (h) the medical practitioner or medical facility, into whose care the child was delivered, under section 38(1)(c); and
- (i) any other information arising from a credible source.

(4) Where the date of birth of a child whose birth is required to be registered under this section is not known and a medical practitioner certifies in writing that, in the medical practitioner's opinion, the birth took place on or about a date specified in the medical certificate, the Director responsible for children affairs and the Chief Officer shall regard the date given by the medical practitioner as the date of birth.

(5) The Chief Officer shall, if satisfied by the information provided, register the birth of the child and issue a Certificate of Birth to the Director responsible for children affairs.

(6) If subsequent to the registration of a birth under this section, further information is received by the Chief Officer affecting the particulars of the birth as registered, or the identity of the child is established to the satisfaction of the Chief Officer, the

Chief Officer shall, after consultation with the Director responsible for children affairs —

- (a) add to, or correct, the registration of the birth made under this section; or
 - (b) cancel the registration of birth made under subsection (5) and cause a new registration in accordance with the facts of the birth to be substituted for the former registration.
- (7) If a new registration is made under subsection (6)(b) —
- (a) it must carry the same date as shown on the registration under subsection (5); and
 - (b) it shall be regarded as the only registration of the birth of the child and no Certificate of Birth in respect of the first registration shall be issued.

Registration of births occurring outside Seychelles

39A.(1) A person born outside of Seychelles may be registered in a register of births, to be known as the Register of Births Occurring Outside Seychelles, if at the person's date of the birth the person is a citizen of Seychelles in accordance with the laws of Seychelles.

(2) A person entitled to be registered in the Register of Births Occurring Outside Seychelles shall submit the following evidence of the birth —

- (a) a Certificate of Birth or an official document verifying the birth issued by the appropriate authority in the foreign country, with an English translation of the certificate if the certificate is not in English; or
- (b) if there is a Seychelles Diplomatic Mission in the foreign country, a certificate of an officer of the

Diplomatic Mission that the officer is satisfied, from the evidence produced and inquiries the officer has made on the direction of the Attorney General, that the particulars of the birth given in the certificate are correct; and

(c) such other evidence as the Minister may prescribe by regulations.

(3) The person giving notice of the birth shall certify in writing to the Chief Officer the correctness and authenticity of the evidence submitted pursuant to subsection (2).

(4) Sections 34(2), 35 and 36 shall apply mutatis mutandis to the registration of a birth under this section.

(5) On receiving the evidence required under this section or as stipulated by regulations, the Chief Officer shall enter the prescribed particulars of the birth in the Register of Births Occurring Outside Seychelles.

(6) Subject to subsection (6), the Chief Officer may issue a Certificate of Birth to a person registered in the Register of Births Occurring Outside Seychelles and the certificate shall specify the foreign country where the person was born and any other information as may be prescribed.

(7) The Minister shall prescribe by regulations the circumstances or conditions under which a person may be issued a Certificate of Birth under this section.

Surname of child

39B.(1) The surname of a child shall be registered in the register of birth as follows —

(a) if the parents of a child have the same surname, then the child's surname shall be the parents' surname;

- (b) if the parents of a child have different surnames and the father's name is not entered on the register, the child's surname shall be the mother's surname, subject to paragraph (c) or any other written law; or
- (c) if the parents of a child have different surnames and the father's name is entered on the register in accordance with this Act, then the child's surname may be the mother's surname or the father's surname, or both, as agreed by the parents.

(2) Sections 94 to 99 shall apply *mutatis mutandis* to a petition to change a child's surname pursuant to subsection (1).

Information to be given to parents

39C. Where a birth is registered under this part, an officer shall inform the parents of their duty to maintain the child under sections 4 and 6 of the Children Act, Cap. 28, and that failure to fulfil that duty is an offence.”

Repeal and substitution of Part V

10. The principal Act is amended by repealing Part V and substituting therefor the following —

“PART V REGISTRATION OF DEATHS

Body of the deceased shall be examined by medical practitioner or pathologist

80. Subject to this Act or any other written law, the body of a deceased person or the remains of a body shall be examined by a medical practitioner, pathologist or forensic pathologist.

Obligation to give notification of death

81.(1) A medical practitioner who was in attendance before the death and until the death of a deceased person shall, within 24

hours after such death, give or cause to give a notification of death to the Chief Officer, the Principal Secretary responsible for health and the executor of the estate of the deceased person or the nearest surviving relative of the deceased person.

(2) If the death occurs in circumstances where subsection (1) does not apply, the medical practitioner, pathologist or forensic pathologist who conducts an examination of the deceased person or the remains of a body shall give or cause to give a notification of death to the Chief Officer, the Principal Secretary responsible for health and the executor of the estate of the deceased person or the nearest surviving relative of the deceased person.

(3) The Minister responsible for health shall prescribe a form or manner for the notification of death.

Obligation to declare death

82.(1) The executor of the estate of the deceased person or the nearest surviving relative of the deceased person or a person authorized under section 89 to bury a corpse or to cremate a deceased person shall declare the death of the deceased person at a civil status office using the information contained in the notification of death and any other information as may be required by the Chief Officer.

(2) Upon declaration of the death of the deceased person, the Chief Officer shall issue a Certificate of Death under section 86 to the executor of the estate of the deceased person or the nearest surviving relative of the deceased person or an authorized person.

(3) Subject to section 89, upon receipt of a Certificate of Death, the executor of the estate of the deceased person or the nearest surviving relative of the deceased person or an authorized person may submit an application to the Public Health Commissioner or the Chief Officer for a permit to bury a corpse or to cremate a deceased person.

Medical Certificate of Cause of Death

83.(1) Subject to section 84, a medical practitioner who was in attendance before the death and until the death of the deceased shall cause a Medical Certificate of Cause of Death to be completed and submitted to the Chief Officer and the Public Health Commissioner.

(2) Subject to section 84, whenever a person dies in Seychelles, in circumstances other than that described in subsection (1), the body of the deceased person shall be examined by a medical practitioner who shall cause a Medical Certificate of Cause of Death to be completed and submitted to the Chief Officer and the Public Health Commissioner.

(3) It shall be the duty of every person, including a public body, to provide such information as is necessary for a medical practitioner to complete a Medical Certificate of Cause of Death.

(4) Subject to section 84, a copy of the Medical Certificate of Cause of Death may be given to —

- (a) the executor of the estate of the deceased person or the nearest surviving relative of the deceased person;
- (b) a person or body dealing with social security, insurance and similar matters in relation to the deceased person;
- (c) a person specified by the Minister responsible for health in a notice published in the Gazette.

Prohibition on issuing a medical certificate of death

84.(1) A medical practitioner shall not submit a Medical Certificate of Cause of Death to the Chief Officer, the Public Health Commissioner or a person specified in section 83(4) in relation to a death qualifying for an inquest or a death specified in subsection (4).

(2) In relation to a death qualifying for an inquest or a death specified in subsection (4), the medical practitioner, pathologist or forensic pathologist shall submit a medical report to the Commissioner of Police highlighting any medical observations made during the examination of the deceased.

(3) The Commissioner of Police shall submit the medical report under subsection (2) together with a police report in relation to the deceased person to —

- (a) the Attorney General; and
- (b) a Magistrate or any person empowered to hold an inquest under the Inquest into Death Act, 2021, or any other written law.

(4) Where the medical practitioner is of the opinion that a person died under suspicious circumstances, the medical practitioner shall report the death to the Commissioner of Police and the Commissioner of Police shall follow the procedures set out in subsection (3).

Registration of death occurring in Seychelles

85.(1) The Chief Officer shall register each death occurring in Seychelles in a register of deaths, to be known as the “Register of Deaths Occurring in Seychelles”, on the provision of the particulars of death contained in —

- (a) the notification of death and the declaration of death; and
- (b) a Medical Certificate of Cause of Death provided to the Chief Officer by a medical practitioner; or
- (c) a Magistrate's Certificate issued pursuant to section 24 of the Inquest into Death Act, 2021; or
- (d) any other document in accordance with a written law.

(2) A death occurring outside Seychelles may be registered in the Register of Death Occurring in Seychelles if the requirements set out in section 88(5) are satisfied.

(3) The Chief Officer shall keep a separate register, from that specified in subsection (1), to enter the particulars of the cause or probable cause of death of a deceased person.

(4) Notwithstanding any other written law, the register of the cause or probable cause of death shall not be open to inspection by the public.

(5) The Minister responsible for health shall publish a notice in the Gazette specifying the persons who may access the particulars of the cause or probable cause of death of a deceased person.

Certificate of death

86.(1) The Chief Officer, upon registering any death in accordance with this Act or any other written law, shall forthwith give to an authorized person a Certificate of Death.

(2) Subject to subsection (3), a Certificate of Death shall contain such information as may be prescribed.

(3) A Certificate of Death shall not contain any information in relation to the cause or probable of death of the deceased person.

Registration of presumed death and certificate of presumed death

87.(1) When an order of the court is made pursuant to the Presumption of Deaths Act, Cap. 177, or under any written law pertaining to a missing person's presumed death, the court or any person who has been granted the order may forward that order to the Chief Officer for the purpose of registering the particulars of the missing person's presumed death.

(2) On receipt of the order under subsection (1), the Chief Officer shall make an entry in a register containing the name of the missing person and such other information as may be necessary in relation to the missing person's presumed death.

(3) The Chief Officer, upon registering a missing person's presumed death, may issue a Certificate of Presumed Death to an authorized person.

Registration of deaths occurring outside Seychelles

88.(1) Subject to subsection (5), the death or presumed death of a citizen of Seychelles which occurred outside Seychelles shall be registered in a register of deaths, to be known as the “Register of Deaths Occurring Outside Seychelles”.

(2) A person giving notice of a death or presumed death of a citizen of Seychelles occurring outside Seychelles shall submit the following evidence —

- (a) a Certificate of Death or an official document verifying the death or presumed death issued by the appropriate authority in the foreign country, with an English translation of the certificate if the certificate is not in English; or
- (b) if there is a Seychelles Diplomatic Mission in the foreign country, a certificate of an officer of the Diplomatic Mission that the officer is satisfied, from the evidence produced and inquires the officer has made, that the particulars of the death or presumed death given in the certificate are correct; and
- (c) such other evidence as the Minister may prescribe by regulations.

(3) The person giving notice of the death or presumed death shall certify in writing to the Chief Officer the correctness and authenticity of the evidence submitted pursuant to subsection (2).

(4) On receiving the evidence required under subsection (2), the Chief Officer shall enter the prescribed particulars of the death in the Register of Deaths Occurring Outside Seychelles in conformity with this Act.

(5) A death of a citizen which occurred outside Seychelles may be registered in the Register of Deaths Occurring in Seychelles under section 85 —

(a) where the person is domiciled in Seychelles;

(b) in such circumstances prescribed by regulations.

(6) The registration of death in a register does not affect or influence any legal proceedings in relation to the succession of the deceased person's estate.

(7) Notwithstanding any other written law, the register of the cause or probable cause of death shall not be open to inspection by the public.

(8) For avoidance of doubt, a Certificate of Death under section 86 may be issued to the executor of the estate of the deceased person or the nearest surviving relative of the deceased person or a person authorized under section 89 to bury a corpse or to cremate a deceased person in such circumstances as may be prescribed by regulations.

(9) The Certificate of Death shall specify the foreign country where the person died and any other information as may be prescribed.

Authorization of burial or cremation

89.(1) Notwithstanding any written law, an application for a permit to bury a corpse or to cremate a deceased person shall be made to the Public Health Commissioner.

(2) The Public Health Commissioner may set out circumstances under which the Chief Officer may authorize a person to bury a corpse or to cremate a deceased person.

(3) Subject to the Public Health Act, 2015, the application under subsection (1) may be made by —

- (a) an executor of the estate of the deceased person or the nearest surviving relatives of the deceased person;
- (b) a person who is duly authorized to do so by any person referred to in paragraph (a); or
- (c) any other person who has given sufficient reason to the Public Health Commissioner as why the application is not being made by any of the persons referred to in paragraphs (a) and (b).

(4) For the purposes of subsection (3)(a), the nearest surviving relatives of the deceased person are, in order of priority —

- (a) the surviving spouse or surviving partner in a domestic relationship under the Civil Code of Seychelles Act;
- (b) the children of the deceased person including any person entitled by any enactment to be treated as the children of the deceased person;
- (c) the father or mother of the deceased person;
- (d) the brothers and sisters of the deceased person.

(5) Subject to the Public Health Act, 2015, the Public Health Commissioner may grant a permit to bury a corpse or to cremate a deceased person —

- (a) on being satisfied that the Chief Officer has either issued a Certificate of Death or registered the death in accordance with this Act; or
- (b) in accordance with any other written law.”

Insertion of New Part VIIA

11. The principal Act is amended by inserting immediately after Part VII the following new Part as Part VIIA —

“PART VIIA. MISCELLANEOUS

Electronic submissions and signatures

107A.(1) A statement, application, form, document or other information required to be submitted to the Chief Officer under this Act may be submitted in the manner determined by the Chief Officer, which may include submission through an electronic medium.

(2) A signature required by a person under this Act may be provided or verified in the manner determined by the Chief Officer, which may include its provision or verification through an electronic medium.”

Amendment of section 110

12. Section 110 of the principal Act is amended by repealing the words “imprisonment with or without hard labour for any period not exceeding two years” and substituting therefor the words “a fine of level 3 on the standard scale or to imprisonment not exceeding 2 years, or to both a fine and a term of imprisonment.”.

Amendment of section 112

13. Section 112 of the principal Act is amended by repealing the words “imprisonment with or without hard labour for any period not exceeding two

years” and substituting therefor the words “a fine of level 3 on the standard scale or to imprisonment not exceeding 2 years, or to both a fine and a term of imprisonment”.

Amendment of section 114

14. Section 114 of the principal Act is amended by repealing the words “imprisonment with or without hard labour for any term not exceeding two years” and substituting therefor the words “a fine of level 5 on the standard scale or to imprisonment not exceeding 10 years, or to both a fine and a term of imprisonment”.

Amendment of section 115

15. Section 115 of the principal Act is amended by repealing the words “imprisonment for any term not exceeding two years” and substituting therefor the words “a fine of level 3 on the standard scale or to imprisonment not exceeding 2 years, or both a fine and a term of imprisonment”.

Amendment of section 116

16. Section 116 of the principal Act is amended —

- (a) by repealing the words “section 36” and substituting therefor the words “section 38”;
- (b) by repealing the words “a fine not exceeding two hundred rupees” and substituting therefor the words “a fine of level 1 on the standard scale”.

Amendment of section 117

17. The principal Act is amended by repealing section 117.

Amendment of section 120

18. The principal Act is amended by repealing section 120.

Repeal of sections 157 to 161

19. The principal Act is amended by repealing sections 157, 158, 159, 160 and 161.

Consequential amendment

20. The Social Security Act, Cap. 225, is amended by repealing Form 5 of the Schedule to the Social Security (Medical Certificates) Regulations, 2010.