

PENAL CODE (AMENDMENT) ACT, 2021*(Act 42 of 2021)***ARRANGEMENT OF SECTIONS****SECTIONS**

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PENAL CODE (AMENDMENT) ACT, 2021

(Act 42 of 2021)



I assent

A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan
President

19th October, 2021

AN ACT to amend the Penal Code, Cap. 158, to amongst other things, repeal criminal libel; increase the minimum age of criminal responsibility from 7 to 10 years of age; to introduce the offence of bomb hoax; and to provide for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Penal Code (Amendment) Act, 2021, and shall be read and construed as one with the Penal Code, Cap. 158, which, as amended, is hereinafter referred to as the “Code”.

Amendment of section 5

2. Section 5 of the Code is amended —

- (a) in the definition of “money” by inserting immediately after the words “bank notes,” the words “virtual currency,”;
- (b) in the definition of “person employed in the public service” by repealing the words “(i) Justice of the Peace;”;
- (c) by repealing the definitions of “statute” and “vessel”;
- (d) by inserting, in the proper alphabetical order, the following new definitions —

“ **harbour**” includes supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension;

“ **slavery**” means the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, and slave is construed accordingly;

“ **statute**” includes —

- (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; and
- (c) any statutory instrument or subsidiary legislation in force;

“ **vessel**” means every description of vessel in navigation, whether self-propelled or not, and includes aircraft, barges, jet skis, seaplanes and other similar craft and vessels;

“virtual currency” means a digital representation of value in money or money's worth that can be digitally traded and functions as a medium of exchange, a unit of account or store of value, regardless of whether it is legal tender in any country or territory, including Seychelles;”

Amendment of section 15

3. Section 15 of the Code is amended by repealing the words “seven years” and substituting therefor the words “10 years”.

Amendment of section 35

4. Section 35 of the Code is amended by inserting immediately after the words “with a fine” the words “of level 3 on the standard scale”.

Amendment of section 52

5. Section 52 of the Code is amended by repealing the words “a fine not exceeding Rs 500” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 55

6. Section 55 of the Code is amended —

- (a) in subsection (1) by repealing the words “a fine not exceeding Rs 1, 000” and substituting therefor the words “a fine of level 3 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine not exceeding Rs 500” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 70

7. Section 70 of the Code is amended by repealing the following words —

- (a) “peace officer, and any”;
- (b) “authorized in writing by a peace officer,”;

- (c) “For the purposes of this section, the expression “peace officer” means any magistrate or any police officer not below the rank of sergeant.”

Amendment of section 76

8. Section 76 of the Code is amended by repealing the words “a Justice of Peace within the area of his jurisdiction,” and substituting therefor the word “or”.

Amendment of section 89A

9. Section 89A(1) of the Code is amended by inserting immediately after the words “imprisonment for seven years” the words “or a fine of level 5 on the standard scale”.

Amendment of section 98

10. Section 98 of the Code is amended in byrepealing the words “or a Justice of the Peace”.

Amendment of section 106

11. Section 106 of the Code is amended by inserting immediately after the words “intent to mislead any” the words “court or”.

Amendment of section 123

12. Section 123 of the Code is amended by repealing the word “Legislature” and substituting therefor the words “National Assembly”.

Amendment of section 167

13. Section 167(4) of the Code is amended by repealing the words “, and is liable to a fine of Rs50 for the first offence, and for each subsequent offence to a fine of Rs.250” and substituting therefor the words “a fine of level 1 on the standard scale”.

Amendment of section 172

14. Section 172 of the Code is amended by repealing the words “a ine

fine of Rs. 1, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 173

15. Section 173 of the Code is amended by repealing the words “a fine not exceeding Rs. 1, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 173A

16. Section 173A of the Code is amended by repealing the words “a fine of Rs. 1, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

Repeal of Chapter XVIII

17. Sections 184, 185, 186, 187, 188, 189, 190 and 191 of the Code are repealed.

Insertion of new section 222A.

18. The principal Act is amended by inserting immediately after section 222 the following as section 222A. —

“Bomb hoax

222A.(1) A person who —

- (a) places any article, item or substance in any place; or
- (b) dispatches any article, item or substance by post or any other means of sending things from one place to another,

with the intention, in either case, of inducing in some other person a belief that the article, item or substance is likely to explode or ignite and thereby cause personal injury or damage to property commits an offence.

(2) A person who communicates to another person any information which that person knows or believes to be false with the intention of inducing in any person a false belief that a bomb or other thing liable to explode or ignite is present in any place or location commits an offence.

(3) For an offence under subsection (1) or (2) it is not necessary for the offender to have any particular person in mind as the person in whom the offender intends to induce the belief or false belief.

(4) A person who commits an offence under this section is liable to a fine of level 4 on the standard scale or to imprisonment for 5 years, or to both such fine and term of imprisonment.”

Amendment of section 248

19. Section 248 of the Code is amended by repealing the words “a fine of Rs. 5, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 269

20. Section 269 of the Code is amended by repealing the words “its value exceeds Rs60” and substituting therefor the words “its value exceeds SCR 100, 000”.

Amendment of section 299A

21. Section 299A of the Code is amended by repealing the words “a fine of Rs50, 000” and substituting therefor the words “a fine of level 4 on the standard scale”.

Repeal of section 305

22. Section 305 of the Code is repealed.

Amendment of section 307

23. Section 307 of the Code is amended by repealing the words “a

fine not exceeding ten thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 308

24. Section 308 of the Code is amended by repealing the words “a fine not exceeding ten thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 363

25. Section 363(2) of the Code is amended —

- (a) by repealing the words “, magistrate or Justice of the Peace” and substituting therefor the words “or magistrate”;
- (b) by repealing the words “, magistrate or Justice of the Peace within his district” and substituting therefor the words “or magistrate”.

Amendment of section 365

26. Section 365 of the Code is amended by repealing the words “a fine Rs.650” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of Chapter XXXVIII

27. Sections 372(2), 374 and 375 of the Code are amended by repealing the words “municipal council or board”, wherever they appear, and substituting therefor the words “public authority”.

Amendment of section 373

28. Section 373 of the Code is amended by repealing the words “a fine not exceeding Rs. 10, 000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 374

29. Section 374 of the Code is amended by repealing the words “a fine of Rs. 10, 000” and substituting therefor the words “a fine of level 7 on the standard scale”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 6th October, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly