

**AGENCY FOR NATIONAL HUMAN RESOURCE DEVELOPMENT  
(VALIDATION AND REPEAL) BILL, 2022**

*(Bill No. 23 of 2022)*

**EXPLANATORY STATEMENT ON OBJECTS OF AND REASONS  
FOR THE BILL**

The Agency for National Human Resource Development Act (*Act 14 of 2013*) (the “Act”) was assented by the President of the Republic on 2<sup>nd</sup> December, 2013.

According to the Act, the Act was to commence operation on a date that the Minister shall appoint.

Upon the assent of the Act, the Agency for National Human Resource Development (the “Agency”) was established and started to operate. The President appointed the members of the governing Board and the Chief Executive Officer of the Agency.

However, inadvertently the Act was never legally brought into operation by publication of a commencement notice.

As part of the restructuring of Government, it is proposed to dissolve the Agency and repeal the Act.

In view of the oversight in respect of the coming into operation of the Act, it is a prerequisite for the repeal of the Act that it should first be validated.

This Bill seeks to validate the Act and then repeal it.

On the repeal of the Act, the Agency will stand dissolved, and its function in respect of human resources development shall be taken over and discharged by the Department of Employment of the Government of Seychelles, and its function in respect of the management and administration of the Government of Seychelles Scholarship Scheme and tertiary training fund will be taken over and discharged by the Ministry of Education of the

Government of Seychelles, all its employees shall become employees of the Government and the assets and liabilities of the Agency shall vest in, and become assets and liabilities of the Government.

**Dated this 21<sup>st</sup> day of September, 2022.**

**JUSTIN VALENTIN  
MINISTER OF EDUCATION**

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**ARRANGEMENT OF SECTIONS**

**Sections**

1. Short title
2. Validation of Act 14 of 2013
3. Repeal of Act 14 of 2013
4. Continuation of employment
5. Assets, liabilities and contracts
6. Effect of repeal

**AGENCY FOR NATIONAL HUMAN RESOURCE DEVELOPMENT  
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**A BILL**

**FOR**

**AN ACT TO PROVIDE FOR THE VALIDATION AND REPEAL OF THE AGENCY  
FOR NATIONAL HUMAN RESOURCE DEVELOPMENT ACT, ACT 14 OF 2013.**

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

**Short title**

**1.** This Act may be cited as the Agency for National Human Resource Development (Validation and Repeal) Act, 2022.

**Validation of Act 14 of 2013**

2. The Agency for National Human Resource Development Act (Act 14 of 2013) shall be deemed to have come into operation on the 3<sup>rd</sup> December, 2013.

**Repeal of Act 14 of 2013**

3. The Agency for National Human Resource Development Act (Act 14 of 2013) is repealed and the Agency for National Human Resource Development established under section 3 of the Act stands dissolved.

**Continuation of employment**

4. Notwithstanding any law, a person employed by the Agency for National Human Resource Development under section 14 of the Agency for National Human Resource Development Act on the date of the coming into operation of this Act shall continue his or her employment with the Government of Seychelles within the Ministry of Education and the Department of Employment, as the case may be, on terms and conditions no less favorable than those subsisting immediately prior to the date of the coming into operation of this Act, until their terms of employment are amended, varied or repealed in accordance with the Public Service Orders or any scheme of service applicable to employees of the Government.

**Assets, liabilities and contracts**

5. Upon the commencement of operation of this Act —

- (a) all movable or immovable property, asset, rights, interests and privileges acquired, accrued by, or vested in the Agency for National Human Resource Development under the repealed Act shall stand transferred to and vested in the Government of Seychelles;
- (b) all liabilities and obligations incurred by the Agency for National Human Resource Development prior to the date of repeal of the repealed Act shall be deemed to have been incurred by the Government of Seychelles;

- (c) any contract or agreement executed by the Agency for National Human Resource Development prior to the date of the repeal of the repealed Act shall continue to have effect in accordance with its terms as if it was originally made and entered into by the Government of Seychelles; and
- (d) any right, privilege, obligation or liability acquired or incurred by a person under the repealed Act shall not be affected by the repeal and any legal investigation, legal proceedings or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced by or against the Government of Seychelles.

### **Effect of repeal**

6. The mention of the particular matters referred to in sections 3, 4, and 5 shall not be held to prejudice or affect the general application of section 31 of the Interpretation and General Provisions Act (Cap 103) with regard to the effect of repeal.