

Seychelles

## Civil Status Act

### Chapter 34

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# Seychelles

## Civil Status Act

### Chapter 34

Commenced on 22 April 1893

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*[Amended by [Civil Status \(Amendment\) Act, 2018 \(Act 6 of 2018\)](#) on 14 August 2018]*

*[Amended by [Civil Code of Seychelles \(Consequence of Enactment\) Act, 2021 \(Act 24 of 2021\)](#) on 1 July 2021]*

*[Amended by [Civil Status \(Amendment\) Act, 2021 \(Act 45 of 2021\)](#) on 1 June 2022]*

*[Amended by [Civil Status \(Amendment\) Act, 2021 \(Act 45 of 2021\)](#) on 1 November 2022]*

*[Act 4 of 1883; Act [16 of 1898](#); Act [7 of 1904](#); Act [4 of 1911](#); Act [14 of 1916](#); Act [4 of 1917](#); Act [14 of 1917](#); Act [9 of 1919](#); Act [11 of 1925](#); Act [1 of 1934](#); Act [21 of 1938](#); Act [7 of 1946](#); Act [9 of 1948](#); Act [10 of 1951](#); Act [1 of 1953](#); Act [15 of 1955](#); Act [4 of 1956](#); Act [9 of 1958](#); Act [5 of 1959](#); Act [7 of 1961](#); Act [3 of 1963](#); Act [19 of 1963](#); S.I. 6 of 1971; S.I. 91 of 1975; Act [13 of 1975](#); S.I. 104 of 1975; S.I. 72 of 1976; Act [23 of 1976](#); Act [22 of 1980](#); Act [16 of 1982](#); Act [17 of 1985](#); Act [7 of 1989](#); Act [10 of 2000](#); S.I. 57 of 2000; S.I. 47 of 2009]*

## Preliminary

### 1. Short title

This Act may be cited as the Civil Status Act.

### 2. Interpretation

In this Act, unless the context otherwise requires

"**Act**" means an act of the civil status;

"**affidavit**" includes solemn affirmations;

"**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;

*[definition of "birth" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**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;

*[definition of "Chief Officer" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**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;

*[definition of "civil penalty" inserted by section 2(b) of [Act 45 of 2021](#)]*

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

*[definition of "corpse" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**cremate**" means to burn a corpse to ash;

*[definition of "cremate" inserted by section 2(b) of [Act 45 of 2021](#)]*

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

*[definition of "death" inserted by section 2(b) of [Act 45 of 2021](#)]*

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

*[definition of "death qualifying for an inquest" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**district**" means the electoral area assigned to a branch civil status office or other civil status office for the purpose of registration of matters concerning the civil status of persons;

*[definition of "district" inserted by section 2(a)(i) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

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

*[definition of "forensic pathologist" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**judicial department**" includes the Supreme Court and any other court that may exist in Seychelles and the registries thereof;

"**gazetted**" means published in the Seychelles Government Gazette;

"**interment**" *[definition of "interment" repealed by section 2(a) of [Act 45 of 2021](#)]*

"**the court**" means the Supreme Court;

"**judge**" means a Judge in Chambers;

"**magistrate**" means any judicial officer exercising magisterial powers;

"**Medical Certificate of Cause of Death**" means the Medical Certificate of Cause of Death as may be prescribed;

*[definition of "Medical Certificate of Cause of Death" inserted by section 2(b) of [Act 45 of 2021](#)]*

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

*[definition of "medical practitioner" inserted by section 2(b) of [Act 45 of 2021](#)]*

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

*[definition of "midwife" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**Minister**" means Minister responsible for civil status;

*[definition of "Minister" inserted by section 2(b) of [Act 45 of 2021](#)]*

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

*[definition of "nurse" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**oath**" includes solemn affirmations;

"**office**" means office of the civil status;

"**officer or civil status officer**" means officer of the civil status;

"**Outer Islands**" means the islands or groups of islands listed in Part II of the First Schedule of the Constitution of the Republic of Seychelles;

*[definition of "Outer Islands" inserted by section 2(a)(iii) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

"**pathologist**" means a medical practitioner who has specialised training, experience or academic qualifications in the field of pathology;

*[definition of "pathologist" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**Public Health Commissioner**" means Public Health Commissioner appointed under the Public Health Authority Act, 2013;

*[definition of "Public Health Commissioner" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**stillbirth**" shall have the definition assigned by the Minister responsible for health by notice published in the *Gazette*;"

*[definition of "stillbirth" inserted by section 2(b) of [Act 45 of 2021](#)]*

"**register**" means register of the civil status.

## Part I – The Civil Status Department

### Offices of civil status

#### 3. Offices of civil status

(1) There shall be in Victoria a public office where births, marriages and deaths and other matters concerning the civil status of persons shall be registered in accordance with the provisions of this Act, which office shall be called the Central Civil Status Office.

(2) There shall be a branch civil status office at Praslin, which shall be called the civil status office of the Praslin ward. Such office shall be the office for all civil status matters concerning the following Islands – Praslin, Aride, Ile aux Fous or Booby Island, Ile Curieuse, Ile Ronde, Ile Cousin or North Cousin, Ile Cousine or South Cousin.

*[section 3(2) amended by section 2(b)(i) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

(3) The Minister may from time to time order that additional civil status offices be established in any district or Island at such places, for such time and under such conditions as may seem fit.

(4) The civil status office on La Digue shall be the office for all civil status matters concerning the islands of La Digue, Félicité, Marianne, Grande Soeur, Petite Soeur and Ile aux Cocos.

*[section 3(4) inserted by section 2(b)(ii) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

(5) The civil status office at Anse Royale shall be the office for all civil status matters concerning the electoral areas of Anse Royale, Au Cap, Takamaka, Baie Lazare and Anse Boileau.

*[section 3(5) inserted by section 2(b)(ii) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

#### 4. Existing offices

The civil status office existing at Victoria at the commencement of this Act shall be deemed the Central Civil Status Office for Seychelles, and any branch, additional or other civil status office, existing shall be deemed a branch, additional or other civil status office referred to in this Act.

## Civil status officers

### 5. Chief Officer of Civil Status

- (1) It shall be lawful for the President to appoint a Chief Officer of the Civil Status who shall be the head of the Civil Status Office, and shall have the superintendence and control of all officers of the civil status in Seychelles.
- (2) Such officer shall before entering on his duties take the oaths prescribed for officers of the civil status by the Official Oaths Act.
- (3) The Chief Officer of the Civil Status shall have all the powers of a civil status officer and may act as such in any part of Seychelles.

### 6. Other officers may be appointed

- (1) The Minister may appoint from time to time as many proper persons as may be needed to be civil status officers. Such officers shall be civil status officers for the whole of Seychelles and shall have power to act in any office to which they may be attached or transferred by the Chief Officer of the Civil Status.  
*[subsection (1) amended by section 3 of [Act 45 of 2021](#)]*
- (2) The appointment of a civil status officer shall be notified in the *Gazette*.
- (3) Every person so appointed shall on his first appointment take the oath prescribed by the Official Oaths Act.
- (4) Every person having been appointed an officer or assistant or additional officer of the civil status for any district or island and officiating as such at the commencement of this Act shall be deemed an officer appointed under this Act.

### 7. \*\*\*

*[section 7 repealed by section 4 of [Act 45 of 2021](#)]*

### 8. Officers of civil status to be public functionaries

The Chief Officer of the Civil Status, every civil status officer, and any clerk acting as such shall be deemed public functionaries, and be entitled to the protection and be liable to the responsibilities and penalties which by any law are provided with regard to public functionaries.

## Duties of the civil status officers

### 9. Chief Officer of the Civil Status

It shall be the duty of the Chief Officer of the Civil Status to enforce the provisions of this Act. He shall report to the Commissioner of Police any offence against this Act, and to the Minister any neglect of duty committed by any person charged with such duty, and any irregularity or omission appearing in any register.

### 10. Further duties of the Chief Officer of Civil Status

- (1) The Chief Officer of the Civil Status shall register or cause to be registered all births, marriages and deaths and all other acts connected with the civil status in the Republic of Seychelles.

*[section 10(1) amended by section 2(c)(i) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

- (2) He shall prepare and forward to the Minister within the first three months of each year an annual report on the vital statistics of Seychelles for the year preceding.
- (3) He shall have the custody and be answerable for the safe keeping of—
  - (a) all registers, records and instruments connected with the Civil Status of which he has now the custody under Act 17 of 1871; and
  - (b) all registers, duplicate registers, documents and instruments which, under the provisions of this Act, may be required to be kept in the central office.

*[section 10(3) repealed and substituted by section 2(c)(ii) of Act 10 of 2000 w.e.f. 1 December 2000]*

section 10}}(3) repealed and substituted by section 2(c)(ii) of Act 10 of 2000 w.e.f. 1 December 2000}}

## 11. Duties of other officers

- (1) The officers attached to the central office shall receive, draw up and register all acts of birth, marriage and death of Mahé and such other islands as may not be provided with a civil status office, under the supervision of the Chief Officer of the Civil Status who shall be directly answerable for the proper registration of such acts in conformity with the provisions of this Act. All such officers shall be under the immediate control of the Chief Officer of the Civil Status who may from time to time issue directions as to the distribution of work in the central office.
- (2) Every officer of a district or additional office shall receive, draw up and register all acts of birth, marriage and death and all other acts connected with the civil status in his district and shall in all matters connected with the discipline and administration of the office under his charge, be bound to obey the directions of the Chief Officer of the Civil Status.

Every officer shall be bound to make every report and furnish every return that may from time to time be required of him by the Chief Officer of the Civil Status.

## 12. When an officer cannot act

An officer shall not receive, draw up and register any act in which his own status or that of any of his ancestors, parents, descendants, sisters or brothers shall be concerned, but such act may be received by any other officer.

This article shall not apply to any outlying island where there is only one person competent to act as civil status officer.

## 13. Yearly indexes

Every officer charged with the keeping of any register of births, deaths or marriages shall prepare current alphabetical indexes of the content of such registers, and every entry in such indexes shall be made immediately after the act to which it relates has been registered. The said indexes shall be closed at the end of each year and shall be in duplicate. In the case of a district or additional office one of such duplicates shall be kept with the records of his office, and the other shall together with the duplicate of the register be sent to the Chief Officer of the Civil Status.

## 14. Decennial tables

The Chief Officer of the Civil Status shall within twelve months after the commencement of this Act prepare a decennial alphabetical table with statistical abstracts of all deaths, births, marriages, adoptions and divorces which have occurred during the ten years ending the 31st December, 1892, and afterwards, shall prepare a similar decennial table within the first six months after each tenth year from the 31st December, 1891.

The said tables and abstracts shall be prepared and registered in accordance with forms prepared by the Chief Officer of the Civil Status.

Such alphabetical tables both annual and decennial shall further be typed, and a copy of the same sent to every office to be kept there and open to the public for information.

## Part II – Registers and Act of the civil status

### Registers

#### 15. Duty to maintain registers

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.

*[section 15 substituted by section 5 of [Act 45 of 2021](#)]*

#### 16. Pages to be numbered

- (1) The pages of every register shall be numbered and shall also bear the initials, written or stamped, of the Chief Officer of the Civil Status of Seychelles.
- (2) On each page one act only shall be inscribed.
- (3) No blank page shall be left between two declarations but such acts shall be inscribed consecutively and without interruption.

#### 17. Closing of registers

The officer in every district or additional office, and in the central office the Chief Officer of the Civil Status shall immediately after the last act entered in the register draw up, date and sign a memorandum in which the number of acts entered in the register shall be recorded.

#### 18. Closed registers

- (1) Within one month of being closed one of the duplicates of every register required to be kept in duplicate shall in the case of a district or additional office be forwarded to the central office, the other duplicate being kept as a permanent record in such district or additional office.
- (2) Within the same period one of the duplicates of every register of the central office shall be forwarded for safe custody to such place as may be chosen by the Minister, the other being kept as a permanent record of such central office.

## 18A. Electronic storage registers

- (1) All registers not in use shall be—
  - (a) reproduced into digital format; and
  - (b) kept by the Chief Officer in such places 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.

*[section 18A inserted by section 6 of [Act 45 of 2021](#)]*

## 19. Instruments to be authenticated

- (1) Every instrument, declaration or document which shall in connection with any act be received by an officer, shall be authenticated by such officer with the date on which the same has been received and with his signature.
- (2) Within the first month after the expiration of the year during which the said instruments, declarations, documents or acts have been received, the officer who has received them shall forward them with a return thereof to the Chief Officer of the Civil Status who shall have the custody of the same.

## 20. Power to verify

The Minister or any officer deputed by him, the Chief Justice, a magistrate, and any Justice of the Peace, the Chief Officer of the Civil Status, the Principal Secretary responsible for health, the Attorney General, and the Auditor General, shall have power at any time, to examine, inspect and verify the registers of any civil status officer.

*[section 20 amended by section 7 of [Act 45 of 2021](#)]*

## 21. Errors, etc., to be reported

All errors, omissions, or irregularities discovered in the course of inspection under the preceding section shall be at once made known to the Minister, who will thereupon refer the matter to the Attorney General for any action that may be necessary in order to have the register rectified.

## 22. Extracts from registers

- (1) Every person shall be entitled upon the payment of the fee mentioned in the tariff contained in Schedule B to obtain from any officer a copy of any act registered in any register in the custody of such officer. Every such copy shall be signed by the officer delivering the same, and shall be certified by him as a true copy of the act itself:

Provided that such person may, at his request and upon payment of the fee mentioned in Schedule B, be issued by such officer, in lieu of the copy, a certificate in such form as may be provided by the Chief Officer of the Civil Status.

- (2) Every such copy, even if the original register has disappeared or has been lost or destroyed, shall be evidence as fully as the register itself until it be proved false.
- (3) If at any time it is discovered that any such copy although certified to be correct is nevertheless in point of fact at variance with the original registers, the holder of the said copy shall be entitled on giving up the same to be furnished with another copy free of charge. Such substituted copy shall bear an annotation stating that the delivery thereof has been made free by virtue of the present

section and the incorrect copy shall be delivered into the custody of the Chief Officer of the Civil Status.

- (4) When a copy of an act shall be presented to a Judge or other authority for legalisation no stamp, registration or other duty or fee shall be chargeable thereupon.

#### **22A. Issue of forms to the public**

- (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 completed and delivered to the Chief Officer, free of cost, by every person required to do so in accordance with this Act.

*[section 22A inserted by section 8 of [Act 45 of 2021](#)]*

#### **23. \*\*\***

*[section 23 repealed by section 2(d) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

### **Rules as to registration of declarations**

#### **24. Date, etc., to be mentioned in every Act**

In every act the year, month and day of receiving the same, shall be stated, as well as the names, surname, national identity number, profession and residence of all persons therein mentioned.

*[section 24 amended by section 2(e) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

#### **25. Only statements of parties to be recorded**

It shall not be lawful for any officer to mention or record in any act either as a note or as a statement in the body of the act anything beyond what the parties are bound to declare to him.

#### **26. When parties may be represented by agents**

In any case in which the parties interested are not bound by law to appear in person they may be represented before the officer by an agent expressly appointed to represent them by an authentic deed.

#### **27. Witnesses to act**

Persons appearing as witnesses to any act must not be under eighteen years of age; the witnesses may be selected by the parties, and relatives may be so selected.

#### **28. Act to be read to parties and signed by them**

- (1) The officer shall read the act entered by him to the parties, or their attorneys and the witnesses, and shall record in the act that it has been so read.
- (2) The act shall be signed by the officer, the parties and witnesses. In case any of the parties or witnesses be unable to sign, such person shall make his mark on the act.

#### **29. Acts of the civil status drawn up abroad**

Any act of the civil status drawn up in any country out of Seychelles shall be deemed valid as an act of the civil status if it has been drawn up in accordance with the law in force in such country.



### 30. When acts are not vitiated

- (1) No act shall be vitiated or rendered void on account of the true or correct names of the parties thereto not having been used or on account of any error, discrepancy or variance in any description, provided that in case of dispute the identity of the parties be established.
- (2) No act shall be impeachable on the ground that the person by whom it has been registered was not at the time of such registration lawfully qualified to register such act or to give it full effect and validity:

Provided always that the person having registered such act was at the time of registration lawfully authorised to act as a civil status officer under [section 6](#).

*[section 30(2) proviso amended by section 2(f) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

## Part III – Registration of births, stillbirths and abandoned children

*[Part III amended by section 2(g) and 2(h) of [10 of 2000](#), by section 1(b) of [Act 24 of 2021](#) and substituted by section 9 of [Act 45 of 2021](#)]*

### 31. Interpretation under Part III

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, older sister or older brother, and includes a guardian, of a child;

"**the register**" means a register of births or register of stillbirths and cognate words shall be construed accordingly.

*[section 31 substituted by section 9 of [Act 45 of 2021](#)]*

### 32. Notification of births and stillbirths

- (1) A medical practitioner, nurse or midwife who attends a birth shall give a notification of birth to the Chief Officer and to the mother of the child or an authorised person.
- (2) If the birth occurs in circumstances where subsection (1) does not apply, the mother of the child or a person authorised 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 to the mother of the child or an authorised 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) Where 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.

*[section 32 substituted by section 9 of [Act 45 of 2021](#)]*

### **33. Particulars of notification of birth and stillbirth**

- (1) A notification of live birth shall 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 the manner for notification of births.  
*[section 33 substituted by section 9 of [Act 45 of 2021](#)]*

### 34. Registration of births

- (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 of the birth provided 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 authorised 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 30 days of the birth of that child, the Chief Officer or the Attorney General may make an *ex parte* application by notice of motion with an accompanying affidavit to the Master of the Supreme Court or a Judge for 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 3 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](#).  
*[section 34 substituted by section 9 of [Act 45 of 2021](#)]*

### 35. Registration of child born to an unmarried mother

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 statement from 2 credible persons having knowledge that the birth occurred in Seychelles.

*[section 35 substituted by section 9 of [Act 45 of 2021](#)]*

### 36. Re-registration of birth to include particulars of father

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 and 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.

*[section 36 substituted by section 9 of [Act 45 of 2021](#)]*

### 37. Late registration and re-registration of child

- (1) If after 3 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.

*[section 37 substituted by section 9 of [Act 45 of 2021](#)]*

### **38. Finding an abandoned child**

- (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 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 in relation to the child.

*[section 38 substituted by section 9 of [Act 45 of 2021](#)]*

### **39. Registration of an abandoned child**

- (1) If, after 60 days of the finding of an 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 give names to 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 shall 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.

*[section 39 substituted by section 9 of [Act 45 of 2021](#)]*

### **39A. Registration of births occurring outside Seychelles**

- (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.

*[section 39A inserted by section 2(h) of [Act 10 of 2000](#) w.e.f. 1 December 2000 and substituted by section 9 of [Act 45 of 2021](#)]*

### 39B. Surname of child

- (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).

*[section 39B inserted by section 9 of [Act 45 of 2021](#)]*

### 39C. Information to be given to parents

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.

*[section 39C inserted by section 9 of [Act 45 of 2021](#)]*

## Part IV – Acts of marriage

### Qualifications and conditions necessary for contracting marriage

40. \*\*\*

*[section 40 repealed by section 1(b) of [Act 24 of 2021](#)]*

41. \*\*\*

*[section 41 repealed by section 1(b) of [Act 24 of 2021](#)]*

42. \*\*\*

*[section 42 repealed by section 1(b) of [Act 24 of 2021](#)]*

43. \*\*\*

*[section 43 repealed by section 1(b) of [Act 24 of 2021](#)]*

44. \*\*\*

*[section 44 repealed by section 1(b) of [Act 24 of 2021](#)]*

45. \*\*\*

*[section 45 repealed by section 1(b) of [Act 24 of 2021](#)]*

46. \*\*\*  
*[section 46 repealed by section 1(b) of [Act 24 of 2021](#)]*
47. \*\*\*  
*[section 47 repealed by section 1(b) of [Act 24 of 2021](#)]*
48. \*\*\*  
*[section 48 repealed by section 1(b) of [Act 24 of 2021](#)]*
49. \*\*\*  
*[section 49 repealed by section 1(b) of [Act 24 of 2021](#)]*
50. \*\*\*  
*[section 50 repealed by section 1(b) of [Act 24 of 2021](#)]*
51. \*\*\*  
*[section 51 repealed by section 2(k) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

### Publication

52. \*\*\*  
*[section 52 repealed by section 1(b) of [Act 24 of 2021](#)]*
53. \*\*\*  
*[section 53 repealed by section 1(b) of [Act 24 of 2021](#)]*
54. \*\*\*  
*[section 54 repealed by section 1(b) of [Act 24 of 2021](#)]*
55. \*\*\*  
*[section 55 repealed by section 1(b) of [Act 24 of 2021](#)]*
56. \*\*\*  
*[section 56 repealed by section 1(b) of [Act 24 of 2021](#)]*
57. \*\*\*  
*[section 57 repealed by section 2(m) of Act [10 of 2000](#) w.e.f. 1 December 2000 and by section 1(b) of [Act 24 of 2021](#)]*
58. \*\*\*  
*[section 58 repealed by section 1(b) of [Act 24 of 2021](#)]*



59. \*\*\*

*[section 59 repealed by section 1(b) of [Act 24 of 2021](#)]*

### **Oppositions to marriage**

60. \*\*\*

*[section 60 repealed by section 1(b) of [Act 24 of 2021](#)]*

61. \*\*\*

*[section 61 repealed by section 1(b) of [Act 24 of 2021](#)]*

62. \*\*\*

*[section 62 repealed by section 1(b) of [Act 24 of 2021](#)]*

63. \*\*\*

*[section 63 repealed by section 1(b) of [Act 24 of 2021](#)]*

64. \*\*\*

*[section 64 repealed by section 1(b) of [Act 24 of 2021](#)]*

65. \*\*\*

*[section 65 repealed by section 1(b) of [Act 24 of 2021](#)]*

66. \*\*\*

*[section 66 repealed by section 1(b) of [Act 24 of 2021](#)]*

67. \*\*\*

*[section 67 repealed by section 1(b) of [Act 24 of 2021](#)]*

### **Dispensations**

68. \*\*\*

*[section 68 repealed by section 1(b) of [Act 24 of 2021](#)]*

### **Proof of consent of parents, guardians, etc.**

69. \*\*\*

*[section 69 repealed by section 1(b) of [Act 24 of 2021](#)]*

### Celebration of marriage

70. \*\*\*  
[section 70 repealed by section 1(b) of [Act 24 of 2021](#)]
71. \*\*\*  
[section 71 repealed by section 1(b) of [Act 24 of 2021](#)]
72. \*\*\*  
[section 72 repealed by section 1(b) of [Act 24 of 2021](#)]

### Legitimation of natural children in act of marriage

73. \*\*\*  
[section 73 repealed by section 1(b) of [Act 24 of 2021](#)]

### Fees

74. \*\*\*  
[section 74 repealed by section 1(b) of [Act 24 of 2021](#)]
75. \*\*\*  
[section 75 repealed by section 1(b) of [Act 24 of 2021](#)]
76. \*\*\*  
[section 76 repealed by section 1(b) of [Act 24 of 2021](#)]

### Marriages in *articulo mortis*

77. \*\*\*  
[section 77 repealed by section 1(b) of [Act 24 of 2021](#)]
78. \*\*\*  
[section 78 repealed by section 1(b) of [Act 24 of 2021](#)]
79. \*\*\*  
[section 79 repealed by section 1(b) of [Act 24 of 2021](#)]

## Part V – Registration of deaths

*[Part V amended by section 2(r) and 2(s) of Act 10 of 2000 and substituted by section 10 of Act 45 of 2021]*

### 80. Body of the deceased to be examined by medical practitioner or pathologist

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.

*[section 80 substituted by section 10 of Act 45 of 2021]*

### 81. Obligation to give notification of death

- (1) (a) 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 be given 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 the manner for the notification of death.

*[section 81 substituted by section 10 of Act 45 of 2021]*

### 82. Obligation to declare death

- (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.

*[section 82 substituted by section 10 of Act 45 of 2021]*

### 83. Medical Certificate of Cause of Death

- (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*.

*[section 83 substituted by section 10 of [Act 45 of 2021](#)]*

#### **84. Prohibition on issuing a medical certificate of death**

- (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 as soon as reasonably practicable 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).

*[section 84 substituted by section 10 of [Act 45 of 2021](#)]*

#### **85. Registration of death occurring in Seychelles**

- (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 26 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 Deaths 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.

*[section 85 substituted by section 10 of [Act 45 of 2021](#)]*

#### **86. Certificate of death**

- (1) The Chief Officer, upon registering any death in accordance with this Act or any other written law, shall forthwith issue 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.

*[section 86 substituted by section 10 of [Act 45 of 2021](#)]*

#### **87. Registration of presumed death and certificate of presumed death**

- (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

*[section 87 substituted by section 10 of [Act 45 of 2021](#)]*

#### **88. Registration of deaths occurring outside Seychelles**

- (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 inquiries 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 as are 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 authorised 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.

*[section 88 substituted by section 10 of [Act 45 of 2021](#)]*

## **89. Authorization of burial or cremation**

- (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 authorise 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 relative of the deceased person;
  - (b) a person who is duly authorised 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.

*[section 89 substituted by section 10 of [Act 45 of 2021](#)]*

**90** \*\*\*

*[section 90 repealed by section 10 of [Act 45 of 2021](#)]*

**91** \*\*\*

*[section 91 repealed by section 10 of [Act 45 of 2021](#)]*

## **Part VI – Divorce, acknowledgment of children adoption, and changes with respect to names**

### **92. Copy of judgment to be sent to Chief Officer of Civil Status**

- (1) Whenever a judgment of divorce has been pronounced by the court, it shall be the duty of the Registrar to forward within eight days from the date of such judgment a copy certified by him of such judgment.
- (2) The judgment shall be entered by the Chief Officer of the Civil Status in a special register which shall not be a duplicate register, and a marginal mention of such divorce with date of the judgment shall be made on the act of marriage of the divorced parties in every register in which such act is entered.

## **Acknowledgment of natural children**

### **93. Registration of acknowledgment**

- (1) Any deed containing the acknowledgment of a natural child shall be entered in full in a separate register, which shall not be a duplicate register, and a mention of such acknowledgment with the date of the deed shall be entered in the margin of the act of birth of such child in every register in which such birth is entered.
- (2) Any notary or other public officer authorised by law to draw up such deed of acknowledgment shall be bound within eight days to send a copy of the said deed to the Chief Officer of the Civil Status, and in default of so doing he shall be liable to a fine not exceeding fifty rupees.

## **Change of name**

### **94. Application for change of name**

- (1) Every person who is a citizen of Seychelles and has resided in Seychelles for three years may apply by petition to the Chief Officer of the Civil Status for leave to make any change in or addition to his name, surname or family name.

*[section 94(1) amended by section 2(t)(i) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

- (1A) In the case of an application in respect of a minor the consent in writing of both parents, or in their absence, that of the guardian shall be annexed to the application.

*[section 94(1A) inserted by section 2(t)(ii) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

- (2) An application under subsection (1) shall be accompanied by the fee mentioned in Schedule B.

**95. Notice of application in Gazette**

- (1) The applicant shall be bound to give notice of his application in the *Gazette* and in a daily newspaper. Such notice shall be published at least three times in the *Gazette* and such newspaper.

*[section 95(1) repealed and substituted by section 2(u) of Act 10 of 2000 w.e.f. 1 December 200]*

- (2) At any time within four months from the last publication any person interested therein may oppose such application by filing in the Central Civil Status Office a protest in writing, setting forth his grounds of objection.
- (3) A protest in writing under subsection (2) shall be accompanied by the fee mentioned in Schedule B which shall, where the protest is allowed, be refunded to the person filing the protest.

**96. Chief Officer of Civil Status may authorise proposed change**

If within the prescribed period no opposition is made to the application, or if any such opposition is made but is not considered well founded and if it further appears that there are any good and sufficient grounds in support of the application, the Chief Officer of the Civil Status may grant such application and authorise the proposed change and addition.

**97. Notice of authorisation to be published**

The Chief Officer of the Civil Status shall cause to be gazetted any decision by him authorising any such change and addition.

Thereupon the name authorised to be borne by the applicant shall thenceforth be deemed his name, and the surname of family name as altered or added to in conformity with such decision shall thenceforth be the surname or family name of the applicant and that of his wife and children and of any other person by law entitled to bear the surname or family name of such applicant.

**98. Proviso relative to name assumed under contract of marriage, testament and donation**

Nothing herein contained shall affect the right of any person to assume and bear any surname or family name which he may be entitled to assume and bear under any contract of marriage, testament or donation.

**99. Chief Officer of Civil Status to rectify acts of civil status**

When a notice authorising a change or addition of name or surname or family name has been published under [section 97](#) the Chief Officer of the Civil Status shall forthwith inscribe in the margin of the act of birth of the applicant and of any other act concerning such applicant, the alteration or addition authorised by such notice.

**Part VII – Amendment and cancellation of acts of the civil status****100. Amendment of Acts**

A judge may, upon the written application of the Chief Officer of the Civil Status or any party, order the amendment without any fee, stamp or registration due of any act whenever such judge shall be satisfied that any error has been committed in any such act or in the registration thereof. Nothing herein contained shall prevent any interested person from asking by action before the Supreme Court for the rectification or cancellation of any act.

*[section 100 amended by section 2(v) of Act 10 of 2000 w.e.f. 1 December 2000]*



### **101. Powers of Attorney General**

It shall be lawful for the Attorney General to dispute the validity of any act or to require the rectification or annulment thereof whenever he shall deem it fit. Every proceeding by or on behalf of the Attorney General for any purpose aforesaid shall be by motion and rule calling upon the parties interested to show cause against such application.

### **102. Costs**

In no case in which the Attorney General deems fit to act or is called upon to act, with respect to matters relative to the civil status, or otherwise with respect to the provisions of this Act, shall any liability for costs or damages be incurred by the Attorney General or by Government, in any way or upon any ground whatsoever.

### **103. Judgment not binding upon parties not called**

Any order of a judge or magistrate or judgment of the court for the amendment, rectification or annulment of any act shall not be binding upon any interested party who shall not have either moved or applied for such order or judgment or shall not have been made a party to it.

### **104. Amendment to be noted in margin of act**

Any such order or judgment shall be entered verbatim in a special register, which shall not be a duplicate register and a summary mention of the amendment, rectification or annulment decreed shall be made in the margin of the act in every register in which such act has been registered.

### **105. Completing acts left incomplete**

Whenever it shall be discovered that either before or after the commencement of this Act any act has not been entered, filed up, signed or otherwise completed in any register by the officer having charge of such register, a judge may upon the application of the Chief Officer of the Civil Status authorise by an order in writing, any officer for the time being in charge of the register to enter, fill up, sign or otherwise complete any such acts in any such registers.

### **106. Costs of proceeding to be borne by officer in fault**

The officer who ought to have entered, filled up, signed or otherwise completed any such act shall be liable for the costs of any such application to the judge and of any further proceedings that may become necessary upon such application:

Provided that nothing herein contained shall bar any criminal prosecution to which such officer may be liable under this Act or the Penal Code.

### **107. Acts completed under Judge's order to be valid**

All acts entered, filled up, signed and otherwise completed under the above provisions shall be as valid as if such acts had been, at the time of the declaration, entered, filled up, signed and otherwise completed in conformity with this Act.

## Part VIIA – Miscellaneous

[Part VIIA inserted by section 11 of [Act 45 of 2021](#)]

### 107A. Electronic submissions and signatures

- (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.

[section 107A inserted by section 11 of [Act 45 of 2021](#)]

## Part VIII – Offences and penalties

### 108. Penalty against officer for breach of provisions as to registration, etc

Any officer who—

- (a) inscribes any of his acts upon loose sheets; or
- (b) receives, draws up or registers any act otherwise than in strict conformity with the provisions of this Act; or
- (c) by negligence or carelessness loses or injures or allows to be lost or injured any register or part thereof or any instrument, deed, order or other document connected with the civil status and in his custody; or
- (d) celebrates a marriage without proof of the consent of the parents or other persons whose consent is required by law; or
- (e) celebrates a marriage when the publications prescribed have not been made or the prescribed intervals between the publication and celebration of the marriage have not elapsed and no dispensation has been obtained,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rupees.

### 109. Solemnising marriage in *articulo mortis* without complying with Act

Any minister of religion who shall celebrate a marriage in *articulo mortis* otherwise than in strict conformity with the provisions of this Act or who shall fail to send to the officer of the civil status the act of any such marriage as required shall be liable to a fine not exceeding two hundred rupees.

### 110. Destroying or injuring acts of the civil status

Every person who shall wilfully destroy or injure or cause to be destroyed or injured any register of the civil status or any instrument connected therewith, shall be deemed guilty of an offence and on conviction shall be liable to 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.

[section 110 amended by section 12 of [Act 45 of 2021](#)]

### 111. Forgery by officer

Sections 335, 337 and 347 of the Penal Code shall be applicable to any officer who—

- (a) commits forgery in any register or act or in any copy of such act in one or more of the modes referred to in section 333 of the Penal Code; or
- (b) in drawing up an act or any copy of such act or in making any entry in any register under this Act fraudulently alters the substance or particulars thereof in any manner referred to in section 333 of the Penal Code.

### 112. Counterfeiting, altering, etc., acts

Any person not being an officer who—

- (a) falsely makes or counterfeits or causes to be made or counterfeited any act, or copy of an act or any instrument connected therewith; or
- (b) fraudulently counterfeits or alters any signature, date or writing in any register or act or in a copy of any such act or in any instrument connected therewith;
- (c) fraudulently inserts in or adds to, any register, act, copy or instrument above referred to, any word, letter, figure or sign which did not exist in such register, act or instrument at the time the same was signed by an officer of the civil status; or
- (d) who fraudulently erases or alters in any register, act or instrument above referred to any word, letter, figure or sign; or
- (e) who knowingly makes use of any act, copy or instrument above referred to which has been counterfeited, altered or added to as above mentioned, shall be guilty of an offence and liable on conviction to 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.

*[section 112 amended by section 13 of [Act 45 of 2021](#)]*

### 113. Penalty for making false statement or declaration

Any person who—

- (a) when examined on oath, or in any affidavit wilfully makes a false statement knowing the same to be false; or
- (b) makes, signs or marks before an officer a false declaration, knowing such declaration to be false; or
- (c) makes, signs or marks before an officer a declaration containing a false statement which he knows to be false,

shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rupees or imprisonment for any term not exceeding two years.

### 114. Concealment, substitution of children, etc

- (1) Any person guilty of carrying away, concealing or doing away with a newborn infant, or substituting any child for another, or of falsely attributing a child to a woman who shall not have been delivered at all, shall be deemed guilty of an offence and on conviction liable to 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.

- (2) If, with intent to prejudice or conceal the status of any child, any person having the care of such child shall not produce it to anyone lawfully entitled to claim the same, such person shall be liable to the penalties mentioned in the foregoing subsection.

*[section 114 amended by section 14 of [Act 45 of 2021](#)]*

### **115. Penalty for concealing birth**

- (1) If any woman shall be delivered of a child every person who shall by any secret disposition of the dead body of such child, whether such child died before, at or after its birth, endeavour to conceal the birth thereof shall be liable to 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.
- (2) If any person tried for murder of a child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted to find, in case it shall so appear in evidence, that the child had been born within twelve months before its death and that such person did by some secret disposition of the dead body of such child by any means whatsoever endeavour to conceal the birth thereof, and thereupon the court may pass sentence under subsection (1) of this section as if such person had been convicted upon an information for the concealment of the birth.
- (3) The father or mother of a legitimate child who shall fail within three months of the birth of such child to declare the birth shall be guilty of an offence and be liable on conviction to a fine not exceeding one hundred rupees. The same penalty shall apply to the mother of a natural child who fails to make the declaration above prescribed.

*[section 115 amended by section 15 of [Act 45 of 2021](#)]*

### **116. When a newborn child is found**

Any person who, having found a newborn child, shall neglect to make the declarations and fulfil the formalities required of him by [section 38](#) shall be guilty of and on conviction liable to a fine of level 1 on the standard scale or imprisonment not exceeding six months.

*[section 116 amended by section 16 of [Act 45 of 2021](#)]*

### **117. \*\*\***

*[section 117 repealed by section 17 of [Act 45 of 2021](#)]*

### **118. Concealing the body of a person deceased by the effect of violence**

Whoever shall conceal, privately bury or otherwise dispose of the body of a person killed, or who has died from the effects of any blow or wound, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rupees or to imprisonment for any term not exceeding two years.

### **119. Penalty for obstructing marriages by unwarranted or malicious oppositions**

If any person makes opposition to a marriage without having a right under the laws of Seychelles to oppose the marriage, or if it appears to the court that the opposition is made maliciously, the court may inflict upon such opposing party a fine not exceeding one thousand rupees besides costs of suit.

### **120. \*\*\***

*[section 120 repealed by section 18 of [Act 45 of 2021](#)]*

**121. Penalty for not making declarations in cases of suspicious, violent or sudden deaths**

In any case of a suspicious, or violent or sudden death, the persons declaring such death, when acquainted with the circumstances of such death who shall fail to disclose such circumstances, shall be guilty of an offence and liable to a fine not exceeding five hundred rupees or to imprisonment for any term not exceeding six months.

**122. Attempt**

If any person attempts to commit any offence for which the punishment of imprisonment is provided in this Act, such person shall be liable to be punished as if he had been guilty of the full offence whenever such attempt has been made manifest by a commencement of execution and has been suspended or has failed in its effect only by circumstances independent of the will of such person.

**123. Accomplices**

Persons who in any of the ways referred to in the Penal Code, shall be accomplices in any offence for which the punishment of imprisonment is provided in this Act, shall be liable to the punishment provided for such offence in the same manner as if such offence was one provided for by the Penal Code.

**124. Offences to be reported to the police**

It shall be the duty of the Chief Officer of the Civil Status, of every judge or magistrate, of every officer and of every police officer to report to the Commissioner of Police every offence against this Act of which they may become aware.

**125. Inquiries by Commissioner of Police**

The Commissioner of Police shall inquire into every offence against this Act which has been reported to him, or in any other way brought to his cognisance or touching which it may appear that information ought to be obtained.

**126. Commissioner of Police to report to Attorney General. Power of direction given to Attorney General**

The Commissioner of Police shall report to the Attorney General all offences against this Act brought to his knowledge, the steps taken by him in connection therewith and the result of such steps, and the Attorney General shall by virtue of his office have power to issue such instructions as he is empowered to issue under any law in force in Seychelles.

**127. Fees payable under this Act**

- (1) The fees enumerated in the Schedule B shall be levied with respect to acts connected with the civil status.
- (2) Such fees shall be levied by means of stamps upon the said acts and shall accrue to the Treasury.
- (3) The Minister may, upon sufficient cause being shown, remit or reduce, in any particular case, the fee payable under [section 94](#) or [section 95](#) and may by regulation made under this section amend the Schedules.

**Part IX**

*[Part IX repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**128.** \*\*\*

*[section 128 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**129.** \*\*\*

*[section 129 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**130.** \*\*\*

*[section 130 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**131.** \*\*\*

*[section 131 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**132.** \*\*\*

*[section 132 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**133.** \*\*\*

*[section 133 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**134.** \*\*\*

*[section 134 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**135.** \*\*\*

*[section 135 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**136.** \*\*\*

*[section 136 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**137.** \*\*\*

*[section 137 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**138.** \*\*\*

*[section 138 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**139.** \*\*\*

*[section 139 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

**140.** \*\*\*

*[section 140 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

141. \*\*\*

*[section 141 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

142. \*\*\*

*[section 142 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

143. \*\*\*

*[section 143 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

144. \*\*\*

*[section 144 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

145. \*\*\*

*[section 145 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

146. \*\*\*

*[section 146 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

147. \*\*\*

*[section 147 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

148. \*\*\*

*[section 148 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

149. \*\*\*

*[section 149 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

150. \*\*\*

*[section 150 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

151. \*\*\*

*[section 151 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

152. \*\*\*

*[section 152 repealed by section 2(w) of Act [10 of 2000](#) w.e.f. 1 December 2000]*

153. \*\*\*

*[section 153 repealed by section 2(w) of [10 of 2000](#) w.e.f. 1 December 2000]*

154. \*\*\*

*[section 154 repealed by section 2(w) of [10 of 2000](#) w.e.f. 1 December 2000]*

155. \*\*\*

*[section 155 repealed by section 2(w) of Act 10 of 2000 w.e.f. 1 December 2000]*

156. \*\*\*

*[section 156 repealed by section 2(w) of Act 10 of 2000 w.e.f. 1 December 2000]*

## Part X – Outer Islands

*[heading amended by section 2(x) of Act 10 of 2000 w.e.f. 1 December 2000]*

### Special provisions relating to late registration of births and deaths

157. \*\*\*

*[section 157 repealed by section 19 of Act 45 of 2021]*

158. \*\*\*

*[section 158 repealed by section 19 of Act 45 of 2021]*

159. \*\*\*

*[section 159 repealed by section 19 of Act 45 of 2021]*

160. \*\*\*

*[section 160 repealed by section 19 of Act 45 of 2021]*

161. \*\*\*

*[section 161 repealed by section 19 of Act 45 of 2021]*

### 162. Police officer in charge of stations on islands may be appointed officer of civil status for certain purposes

- (1)
  - (a) It shall be lawful for the President to appoint any non-commissioned officer in charge of a police station on any Outer Islands to be an officer of the civil status for such island and adjacent islands for the purpose of registering deaths.
  - (b) Such appointment shall be personal to the officer appointed and shall terminate with his transfer to another station.
  - (c) Any officer so appointed shall before exercising the functions of officer of civil status take the oath of office, as such, before a judge in chambers, and shall in matters connected with such functions be amenable to the instructions of the officer of civil status having jurisdiction under this Act over the island to which he shall be appointed.
- (2) The officer of civil status having jurisdiction under this Act shall on each visit to the island to which such non-commissioned officer shall be appointed, examine all entries made by such officer and shall initial the same, and he shall report any irregularities discovered to the Chief Officer of the Civil Status at Mahé.

*[section 162 amended by section 2(aa) of Act 10 of 2000 w.e.f. 1 December 2000]*



**163. Police officers may be also given power as civil status officer**

*[amended by section 2(ab)(ii) of Act 10 of 2000 w.e.f. 1 December 2000]*

It shall be lawful for the President, subject to the conditions mentioned in [section 162](#), to appoint any non-commissioned officer in charge of the any police station to act as officer of civil status for the purpose mentioned in that section:

*[section 163 amended by section 2(ab)(i) of Act 10 of 2000 w.e.f. 1 December 2000]*

Provided that every such officer shall, between the first and sixth day of each month, produce his registers of deaths to the Chief Officer of the Civil Status for inspection and such Chief Officer shall initial each act registered therein.

### Schedule A

Birth in Seychelles (Form I)(CS001.pdf): [www.seyllii.org/greybook](http://www.seyllii.org/greybook)

Publication of marriage in Seychelles (Form II)(CS001.pdf): [www.seyllii.org/greybook](http://www.seyllii.org/greybook)

Act of marriage - Marriage in the Seychelles (Form III)(CS001.pdf): [www.seyllii.org/greybook](http://www.seyllii.org/greybook)

Act of marriage "In Articulo Mortis" (Form IV)(CS001.pdf): [www.seyllii.org/greybook](http://www.seyllii.org/greybook)

Affidavit under section 53 (Form V)(CS001.pdf): [www.seyllii.org/greybook](http://www.seyllii.org/greybook)

Civil Status of Seychelles (Form VI)(CS001.pdf): [www.seyllii.org/greybook](http://www.seyllii.org/greybook)

Death in Seychelles (Form VII)(CS001.pdf): [www.seyllii.org/greybook](http://www.seyllii.org/greybook)

**Schedule B - Fees (Section 127)**

		Rupees
1.	For every extract from or copy of an act of the Civil Status.	50
	<i>[Schedule B item 1 amended by regulation 2(a) of <a href="#">SI 47 of 2009</a> w.e.f. 1 May 2009]</i>	
2.	For each certificate under the proviso of section 22(1).	50
	<i>[Schedule B item 2 amended by regulation 2(b) of <a href="#">SI 47 of 2009</a> w.e.f. 1 May 2009]</i>	
3.	For a dispensation of one publication of the banns of marriage.	50
4.	For a dispensation of age.	10
5.	For a licence when there exist prohibited degrees of consanguinity or affinity.	10
6.	For registering any rectification of an act of the Civil Status.	1
7.	For registering any adoption.	1
8.	For registration of any divorce.	1
9.	For each certificate under section 58 of subsections (1) and (4).	10
10.	For each licence under section 52(3)	100
	<i>[Schedule B item 10 amended by regulation 2(c) of <a href="#">SI 47 of 2009</a> w.e.f. 1 May 2009]</i>	

11.	For each search under the 1st proviso to section 53.	0.50
12.	For each application under section 94.	1000.
	<i>[Schedule B item 12 amended by regulation 2(d) of <a href="#">SI 47 of 2009</a> w.e.f. 1 May 2009]</i>	
13.	For each protest under section 95.	400.

*[Notes to the 1991 Ed:*

- (1) *The Civil Status Act (Cap 89 1971 ED and the Civil Status (Christian Marriages) Act (Cap 90, 1971 ED) and the Civil Status (outlying Districts) Act (Cap 91, 1971 ED) have been consolidated in this Edition as the Civil Status Act.*
- (2) *The exercise and performance of powers and duties under sections 6, 7, 31(3) Proviso, 36(4), 40, 45, 52(3), 59, 68, 75 Proviso have been delegated to the Chief Officer of the Civil Status by S.I. 23 of 1972. (Cap 241 Sub. Leg.)*
- (3) *The Evidence (Seychelles) Order, 1962, (U.K. S.I. 1962, No. 2608 of 28th November 1962) makes entries contained in the register of birth, marriages and death under the Civil Status Act admissible in evidence in the United Kingdom and provides for their proof by official certificates issued by the Chief Officer of the Civil Status, Civil Status Officer or in the case of Christian marriage a minister.]*