

Seychelles

## Public Officers' Security Act

Act 9 of 1895

Legislation as at 30 June 2012

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# Seychelles

## Public Officers' Security Act Act 9 of 1895

Commenced on 18 February 1896

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 9 of 1895; Act [22 of 1902](#); Act [14 of 1963](#); Act [23 of 1976](#); S.I. 61 of 1988; S.I. 41 of 1991]

### 1. Short title

This Act may be cited as the Public Officers' Security

### 2. Public officers desiring to be released from security to make declaration to Registrar of the Supreme Court of Seychelles

Notaries, attorneys, registrars, ushers, land surveyors, officers sworn auctioneers and appraisers, and generally all those who, from the nature of their functions, are obliged to furnish security, on immovable property or otherwise, for the correctness of their proceedings, desiring after the cessation of their functions to be relieved from such security or to have removed any mortgage which may have been taken in consequence thereof, shall be bound to make a written of the declaration to that effect to the Registrar of the Supreme

### 3. Procedure to be followed

On receiving such declaration the Registrar shall note thereon the hour and date of such receipt, shall file the same in the registry, and shall cause a copy thereof certified by him to be posted up in a conspicuous place in the Court House.

He shall further cause a copy certified by him to be inserted in two consecutive numbers of the *Gazette*, the first in English, the second in French, and to be posted up on the verandah of the Post Office, and at the Central Police Station.

### 4. Notices to be posted up by ushers

Such copies shall be posted up by an usher of the Supreme Court and such posting up shall be evidenced by the return of such usher on the original declaration filed in the registry.

### 5. Notice to be signed by the Registrar

Each copy posted up and the copy inserted in the *Gazette* shall be accompanied by a notice signed by the Registrar, informing all persons of the time hereafter fixed for lodging oppositions in the registry against the release of such security.

Such notice shall be written in English and in French.

### 6. Expenses to be paid at time of filing declaration

The notices and copies shall be posted up and inserted in the *Gazette* at the expense of the party filing the declaration mentioned in [section 2](#), and such declaration shall not be received until such expenses have been prepaid.

## 7. Notices to remain posted up for three months

Such notices and copies shall remain posted up during the space of three months from the date of the last insertion in the *Gazette*, or of the posting up of the last notice, if such posting up is posterior to such insertion.

## 8. Persons having claims to lodge opposition with Registrar

Any person desirous of exercising any right against the security shall be bound to lodge an opposition to the release of the same in the hands of the Registrar, within the period of three months provided for in [section 7](#). After such time with has expired, no opposition shall be receivable.

## 9. Opposition to state grounds

Such opposition shall set forth the grounds on which it is founded, and shall contain election of domicile by the party making it in the town of Victoria.

## 10. If no opposition, the Registrar to deliver certificate on expiry of three months

After the expiration of the three months mentioned in opposition, [section 7](#), if no opposition has been lodged in the Registry, the Registrar shall deliver to the party applying for the release a certificate to the effect that the formalities prescribed by this Act have been fulfilled, detailing such formalities and giving the date of the fulfilment of each formality, and that no opposition has been lodged.

## 11. Upon production of certificate, Judge to refer to Attorney General

Upon the written application of such party made in of chambers and upon production of such certificate, a Judge, shall *ex-officio* refer the same to the Attorney General, and upon the Attorney General reporting that he has no objection, the Judge shall formally declare the officer to be relieved from security.

## 12. Inscription of mortgage to be erased on production of office copy of judgment

The production of an office copy of such order shall be sufficient authority for the Registrar of Deeds to erase any inscription taken at his office in connection with any such security to which it refers, and for the Principal Secretary, Ministry of Finance or other officer holding the same to reimburse any sum deposited as cash security.

## 13. Opposition to bar delivery of certificate

Any opposition lodged within the time prescribed by [section 8](#) shall bar the delivery of the certificate in [section 10](#) mentioned, until it shall have been set aside by a decision of the Supreme Court.

Such decision may be obtained by proceedings taken to have the opposition set aside, or on proceedings taken by the opposing party to have his claim adjudicated upon, and shall be subject to appeal.

## 14. Procedure if objection made

If the Attorney General states any objection to the release, such objections shall be communicated to the officer applying, and shall have the effect of preventing the Judge from issuing the order mentioned in [section 11](#), and they shall be dealt with in the same manner and subject to the same right of appeal as provided for the case of oppositions by private parties.

**15. Application to heirs of public officers and third parties giving security for public officers**

The provisions of this Act shall apply to the heirs of public officers and to third parties who have furnished security for public officers.