

Seychelles

## Delineation and Classification of the Domaine Public Act Act 7 of 1958

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## Seychelles

# Delineation and Classification of the Domaine Public Act

## Act 7 of 1958

Commenced on 15 September 1958

*[This is the version of this document as it was at 30 June 2012 to 30 June 2021.]*

*[Act 7 of 1958; S.I. 95 of 1975; S.I. 72 of 1976; Act [23 of 1976](#)]*

### 1. Short title

This Act may be cited and the Delineation and Classification of the Domaine Public Act.

### 2. President empowered to define boundaries of the *domaine public*

Whenever the President is satisfied that it is expedient so to do, the President may, by proclamation, define the boundaries of any property deemed under the law to form part of the *domaine public*, subject to the procedure laid down in [section 3](#) or [section 4](#), as the case may be, being followed.

### 3. Procedure to be followed when *domaine public* borders on property owned and occupied by the Republic

When the boundary to be defined runs between a property deemed to belong to the *domaine public* and a property owned and occupied by the Republic—

- (a) if in the opinion of the President no doubt exists as to the correctness of the boundary between the two properties, the President may issue a proclamation forthwith as empowered under [section 2](#);
- (b) if in the opinion of the President doubt exists as to the correctness of the boundary between the two properties, the President may cause a notice to be published in the *Gazette* and in one local newspaper describing the proposed boundary and requesting that any objections from interested parties be filed within such time and at such place as may be specified in the notice; and
  - (i) if objections have been filed within the prescribed time but are, in the opinion of the President devoid of merit, the President may issue a proclamation as empowered under [section 2](#); or
  - (ii) if objections have been filed and are in the opinion of the President worth considering, the President may cause the matter to be enquired into by a person to be appointed by him, who shall make recommendations after having heard and considered the objections, and after considering such recommendations, the President may issue a proclamation as empowered under [section 2](#).

### 4. Procedure to be followed when *domaine public* borders on other property

- (1) When the boundary to be defined runs between a property deemed to belong to the *domaine public* and the property owned or occupied by any person other than the Republic, the President shall cause a notice to be published in the *Gazette* and in one local newspaper describing the proposed boundary and requesting that any objections from interested parties be filed at the office of the Minister within two months of the publication of such notice in the *Gazette*. The President shall cause a similar notice to be served on the owner or person in apparent possession of the property continuous with the relevant part of the *domaine public*, or if there be no owner or person in apparent possession of such property, or if the owner is absent from Seychelles or is on an outlying island, on the Curator of Vacant Estates. The time within which any objection may be filed at the

office of the Minister by any person served with a notice as herein provided, shall be three months from the service of such notice.

- (2) If no objections are filed within the prescribed periods, the President may proclaim the proposed boundary as empowered under [section 2](#).
- (3) If objections have been filed within the prescribed periods, the President shall refer the matter to the Supreme Court for determination, and upon such reference the Supreme Court shall determine such matter as if it had arisen in a civil action duly instituted in the said Court. The Chief Justice is hereby empowered to make rules setting out the procedure to be followed in such cases. When the Supreme Court shall have determined the boundary between the two properties, such decision shall be transmitted to the President by the Registrar of the Supreme Court, and the same shall be received and acted upon as a final decision upon the matter so referred.
- (4) After receiving the decision of the Supreme Court, the President may proclaim under [section 2](#) the boundary as determined by the Supreme Court.

## **5. President empowered to withdraw property from classification as *domaine public***

- (1) Whenever the President is satisfied that it is expedient so to do, the President may, by proclamation, withdraw from its classification as *domaine public* any specific area of property deemed under the law to form part of the *domaine public*, subject to the procedure laid down in [section 6](#) being followed.
- (2) Any specific area of property which has been withdrawn from its classification as *domaine public* shall, from the date of the proclamation of the President become part of the private property of the Republic (*domaine privé*) anything in Article 538 of the Civil Code of Seychelles to the contrary notwithstanding.

## **6. Procedure to be followed before withdrawing area from classification as *domaine public***

- (1) The President shall cause a notice to be published in the *Gazette* and in one local newspaper describing the area of *domaine public* proposed to be withdrawn from this classification and requesting that any objections from interested parties be filed at the office of the Minister within two months of the publication of such notice in the *Gazette*.
- (2) If no objections are filed within the prescribed periods, the President may issue a proclamation as empowered under [section 5](#).
- (3) If objections have been filed within the prescribed periods, the President shall refer the matter to a committee of not less than three persons nominated by him. Upon such reference the committee shall hear the persons from whom the objections have been received and consider such objections. The committee shall then make recommendations to the President who shall consider such recommendations.
- (4) After considering such recommendations the President may—
  - (a) in the case where private rights of any person would be affected—
    - (i) issue a proclamation as empowered under [section 5](#), subject to effect being given to the recommendations; or
    - (ii) refer the matter to the Supreme Court in which case the provisions of subsection (3) of [section 4](#) shall apply *mutatis mutandis*, and after receiving the decision of the Supreme Court the President may issue a proclamation as empowered under [section 5](#) subject to effect being given to the terms of such decision;
  - (b) in all other cases, issue a proclamation as empowered under [section 5](#).

## **7. Power to declare property of the Republic part of *domaine public* or of *domaine privé***

Whenever the President is satisfied that a doubt exists as to whether any property forms part of the *domaine public* or of the private property of the Republic (*domaine privé*), the President may by proclamation declare that any such property forms part of the *domaine public* or forms part of the private property of the Republic (*domaine privé*) as the case may be: Provided that the procedure laid down in [section 6](#) shall be followed *mutatis mutandis* before a proclamation is issued.

## **8. Saving of other powers**

This Act shall not be construed as limiting in any way the powers given under the Coast Reserves and Foreshore Leases Act and Part II of the Roads Act, and such provisions of these two Acts shall not limit or qualify the powers given under this Act.

## **9. Definition**

In this Act the expression "outlying island" shall mean any of the outlying islands listed in the first schedule to the Peace Officers (Inner Islands and Outlying Islands) Act.