

Seychelles

Peace Officers (Inner Islands and Outlying Islands) Act Act 11 of 1963

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Peace Officers (Inner Islands and Outlying Islands) Act
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Seychelles

Peace Officers (Inner Islands and Outlying Islands) Act Act 11 of 1963

Commenced on 26 December 1947

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

[Act 11 of 1963; S.I 95 of 1975; S.I 72 of 1976; Act [23 of 1976](#)]

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Part I – Preliminary

1. Short title

This Act may be cited as the Peace Officers (Inner Islands and Outlying Islands) Act

2. Interpretation

In this Act, unless the context otherwise requires—

"**competent court**" means the Supreme Court, the Magistrates Court or a Justice of the Peace within the limit of his Jurisdiction;

"**contract of senior**" means a contract to employ or to serve as a servant in accordance with the provisions of the Employment Act;

"**employer**" means any person or body of persons corporate or unincorporate who or which has entered into a contract of senior to employ any servant and includes the agent or manager of such person or body of persons;

"**Inner Island**" or "Outlying Island" means any of the Inner Islands or Outlying Islands, as the case may be, specified in the First Schedule;

"**owner**" means the owner of an island and includes the lessee or usufructuary;

"**island**" means an island to which this Act applies;

"**Justice of the Peace**" means a Justice of the Peace appointed by the President after consultation with the Chief Justice to have jurisdiction as specified in the appointment over all or any of the islands mentioned in the First Schedule;

"**servant**" means any person employed by an employer on an island.

3. Application of Act

This Act shall apply to the islands set out in the First Schedule.

4. Appointment and powers of Peace Officers

- (1) The President after consultation with the Chief Justice may appoint any person to be a Peace Officer on any island mentioned in the First Schedule.

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The act consolidates the Inner Islands (Appointment of Peace Officers) Act (Cap [48/1972](#)) and the Outlying Islands (Employment of Servants) Act (Cap [176/1972](#) Ed), in which most of the provisions were repealed by the Employment Act, 1985.

- (2) A Peace Officer shall have power—
 - (a) to try offences set out in the Second Schedule;
 - (b) to inflict a fine of not more than ten rupees in respect of a first offence and of not more than twenty rupees in respect of a subsequent offence by the same person; and
 - (c) to impose a sentence of not more than seven days' imprisonment in respect of a first offence and of not more than fourteen days' imprisonment in respect of a subsequent offence by the same person.
- (3) Any person who has been punished under the provisions of subsection (2) of this section may appeal to a Justice of the Peace on this next visit to the island.
- (4) Every punishment by fine or imprisonment under subsection (2) shall be reported by the peace Officer to a Justice of the Peace who visits the island and the Justice of the Peace is hereby empowered to confirm or quash any conviction and to confirm, reduce or remit any sentence of imprisonment or fine imposed.
- (5) Every fine imposed by a Peace Officer upon a servant may be deducted from the servant's wages and shall be paid into the general revenue of the Government within a period of three months.
- (6) On complaint made to a Peace Officer that a person has threatened to kill someone on the island or to do him bodily harm, and on proof to the satisfaction of the Peace Officer that a breach of the peace may result from such threat, the Peace Officer may cause the person against whom the complaint has been made to be arrested and detained in custody and shall send such person to Mahe by the first opportunity.
- (7) When on an island a person—
 - (a) commits suicide, or
 - (b) is killed by another, or by animal, or by machinery, or by an accident, or
 - (c) dies under suspicious circumstances, or
 - (d) disappears.

the Peace Officer shall inquire into the facts and the circumstances connected with the death or disappearance of such person and shall forward to the Commissioner of Police, as soon as practicable, a full written report of the facts of the case together with any statements recorded by him. If the Peace Officer is of opinion that the inquiry discloses an offence of a serious nature he shall take the steps prescribed by [section 8](#).

5. Prison cells

- (1) The owner in the case of an inner island, and the employer, in the case of an outlying island, shall construct and maintain on an island for which a Peace Officer has been appointed prison cells to be approved of before use by the Minister after consultation with the Minister responsible for Prisons, in the case of an inner island, and by the President, in the case of an outlying island.
- (2) Any sentence of imprisonment awarded and any detention authorised by a Peace Officer may be undergone on the island in approved prison cells.

6. Record of arrests and penalties

- (1) Peace Officers shall keep or cause to be kept a book in which shall be recorded each instance of arrest or penalty imposed on any person together with the causes and circumstances thereof, and shall produce such book to a Justice of the Peace on his next visit to the island.
- (2) Peace officers shall send a true copy of the entries made in the book required to be kept under subsection (1) to the Supreme Court in respect of the quarters ending 31st March, 30th June, 30th

September and 31st December in every year. Such copy shall be duly certified under the hand of the Peace Officer to be a true copy of the original.

7. Revisionary powers of Supreme Court

The Supreme Court shall, in cases tried by a Peace Officer, have the same powers of revision as are vested in it by the Criminal Procedure Code in cases of revision of proceedings before subordinate courts.

8. Serious offences committed on islands

- (1) Where any offence of a serious nature has been committed on an island the Peace Officer shall cause the offender to be arrested and detained in custody and shall send him to Mahe by the first opportunity together with such witnesses as may be necessary for a proper enquiry.
- (2) The Peace Officer shall at the same time forward to the Attorney General and to the Commissioner of Police a full written report of the facts of the case.
- (3) The person in charge of any vessel shall be bound to receive on board such vessel the said offender and witnesses and to convey them to Mahe and on his arrival in Mahe shall deliver the said offender over to the Police.
- (4) The cost of conveyance of the said offender and the witnesses shall in the first instance be borne by the owner or in the case of the outlying island by the employer:

Provided that where the court trying the offender so certifies such costs shall be borne by the Republic.

Part III – Justice of the peace

9. Visits to islands

All powers and duties conferred or imposed on a Justice of the Peace by this Act shall be in addition to and not in derogation of any of the powers and duties of a Justice of the Peace under the Criminal Procedure Code.

10. No wages to accrue during imprisonment

A Justice of the Peace may hold sittings in any convenient room or place on any island for which he is appointed, and at such time and on such days as may be convenient to him.

11. Power to make regulations

- (1) A Justice of the Peace may inquire into any offence and take all necessary measures to secure the attendance before the appropriate court of the offender and of all the witnesses.
- (2) A Justice of the Peace may for the purpose of this section—
 - (a) cause the offender to be arrested and detained in custody and to be taken to Mahe by the first opportunity;
 - (b) bind by recognisance any witness to appear and give evidence at the trial of the offender, and on his refusal to be so bound cause him to be arrested and detained in custody for the purpose of being taken before the appropriate court to give evidence; and
 - (c) cause all exhibits to be seized and sealed.
- (3) Where the manager of any island is a witness, the Justice of the Peace may, if no adequate arrangement can, in his opinion, be made to replace such manager during his absence, on the request of such manager allow him to remain on the island until his employer has been informed

and arrangements have been made to relieve him. The employer shall in every such case cause such manager to be brought back to Mahe as soon as possible.

- (4) Every employer who fails to comply with the provisions of subsection (3) shall be guilty of an offence, and shall, on conviction, be liable to the punishment provided by [section 20](#).
- (5) The Justice of the Peace shall as soon as possible transmit the record of his inquiry, together with his report thereon and the exhibits in connection therewith, to the Attorney General.

12.

- (1) When any person dies under any suspicious circumstances the Justice of the Peace shall, where a peace officer is absent or has not acted under [section 4\(7\)](#) inquire into the facts and the circumstances connected with the death of such person, and, if such inquiry, in his opinion, discloses any offence he shall take the steps prescribed by [section 11](#).
- (2) The Justice of the Peace, if he is a medical practitioner, may make a post-mortem examination of the body of the deceased and may cause such body to be disinterred for the purposes of such examination.

13.

Every Justice of the Peace shall keep a register in which shall be entered a note of all orders, requisitions, judgments and executions, and of all other proceedings held by him under the provisions of this Act, and every entry in such register signed by the Justice of the Peace or any certified copy thereof shall at all times be admitted as evidence of every such entry and of all proceedings referred to in such evidence of every such entry and of all proceedings referred to in such entry and of the regularity of such proceedings without further proof.

14.

As soon as possible after his return from any island the Justice of the Peace shall hand over his records to the Supreme Court which shall have custody of the same, and any copy certified by the Registrar of any entry made therein by the Justice of the Peace shall be as valid and effectual as a copy certified by the Justice of the Peace himself.

15.

- (1) Every employer shall maintain such communications between every island on which he employs servants and Mahe or other place as may be needed to ensure the necessities of life for such servants, in any case not less than once every three months.
- (2) A Justice of the Peace and any competent officer under the Employment Act shall be entitled to obtain a free passage to and from an island on board a vessel owned or chartered by the owner, and the owner shall provide for him on board such vessel the best possible accommodation.
- (3) The owner shall also provide proper and sufficient food for the Justice of the Peace and the competent officer during the voyage and during his stay on the island.

Part IV – General

16.

No wages shall accrue to the credit of any servant during any term of imprisonment undergone by him.

17.

Every employer shall not less than one week before the intended departure of any vessel to any island on which he employs servants give notice thereof to the Chief Executive Officer under the Employment Act

18. Executive officer under the Employment Act

- (1) Every employer shall receive any properly franked postal packet addressed to any of his servants, and shall, by the next vessel proceeding to the island on which such servant is employed, send, despatch and deliver the same to the addressee free of charge. He shall likewise receive any postal packet tendered to him by any of his opportunity, send, despatch and deliver the same free of charge to the Postmaster in Mahe.
- (2) For the purpose of this section the expression "postal packet" means any letter, newspaper or packet.

19.

The President may appoint any public officer whose presence may be deemed necessary on any island for service on such island, and the owner, lessee or occupier of such island shall provide for such officer suitable accommodation and such articles of food at current rates as may be reasonably required for his use.

20.

Any person who commits an offence against this Act or regulations made for which no special penalty is provided shall, on conviction, be liable to a fine not exceeding one thousand rupees and to imprisonment for a term not exceeding twelve months.

21.

Nothing in the provisions of this Act shall prevent any employer or servant from being proceeded against according to law for any offence punishable under any law for the time being in force.

22.

- (1) The President after consultation with the Chief Justice may make regulations generally for carrying out the objects and provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing provision, such regulations may—
 - (a) prescribe forms and the books to be kept and the returns to be made by Peace Officers, Justices of the Peace and owners; and
 - (b) amend, vary and add to the schedules to this Act.

First Schedule

Inner Islands
Silhouette Island
Frigate Island

Outlying Islands	
Alphonse Island	Flat Island (Ile Plate)
Amirantes Group	Providence Island
Assumption Island	Astove Island
Bijoutier Island	Denis Island
Bird Island (Ile aux Vaches)	St. Francois Island
Cosmoledo Group	St. Pierre Island
Coetivy	
Farquhar	
Aldabra	