

Seychelles

Passport Act

Act 2 of 1991

Legislation as at 30 June 2012

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Passport Act

Act 2 of 1991

Commenced on 30 September 1991

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[SI. 92 of 1976; SI. 105 of 1976; SI. 35 of 1979; SI. 124 of 1979; SI. 10 of 1990; SI. 9 of 1994; SI. 4 of 1995]

Part I – Preliminary

1. Short title

This Act may be cited as the Passport Act.

2. Interpretation

In this Act—

"certificate of identity" means a certificate of identity issued under this Act or, in the case of a renewal, endorsement or cancellation, issued under the repealed Passport Act, 1976;

"passport" means a passport issued under this Act or, in the case of a renewal, endorsement or cancellation, issued under the repealed Passport Act, 1976;

"passport officer" means a passport officer appointed under [section 13](#);

"travel document" means a travel document issued under this Act or, in the case of a renewal, endorsement or cancellation, issued under the repealed Passport Act, 1976;

Part II – Passport

3. Issue or renewal of passport

- (1) Subject to subsection (2), a passport officer may, on an application in the prescribed form, issue a passport to, or renew a passport of, a citizen of Seychelles.
- (2) Subject to [section 6\(2\)](#) or [section 7](#), a passport officer shall not issue or renew a passport under subsection (1)—
 - (a) when so directed in writing by the Minister under [section 6](#);
 - (b) where he reasonably believes that any information or statement contained in the application is false or misleading;
 - (c) where the applicant has been convicted of a criminal offence and the sentence of the court has not been satisfied or set aside;
 - (d) where criminal proceedings in respect of an offence alleged to have been committed by the applicant have been or are about to be instituted;
 - (e) where a warrant or summons for the appearance, or a warrant of arrest, of the applicant has been issued by a court;
 - (f) where the applicant has been repatriated and has not re-imbursed the expenditure incurred in connection with his repatriation;

- (g) where the applicant owes money or a debt or is under any other obligation to the Government;
- (h) where civil proceedings for—
 - (i) the recovery of any sum of money, whether liquidated or not, alleged to be due to the Government, or
 - (ii) the enforcement of any alleged obligation to Government, have been or are about to be instituted;
- (i) where the court has so ordered or has made an order preventing the applicant from leaving Seychelles;
- (j) where the applicant is of unsound mind;
- (k) where the applicant is afflicted with an infectious or contagious disease or has not complied with the requirements of international health regulations as may be prescribed in the interest of world health;
- (l) where the departure of the applicant from Seychelles is or was in breach of any international obligation of the Government;
- (m) where, in the case of an application for the issue of a passport, the passport officer believes that the applicant is already in possession of, or has in his control, a passport that was issued to the applicant and the passport is still in force, unless the passport officer considers that there are special reasons for issuing the passport.

4. Cancellation of passport

- (1) Subject to this Act, a passport officer may cancel a passport at any time—
 - (a) where he becomes aware of any of the circumstances in [section 3\(2\)\(b\)](#) to (m) which, had the circumstances existed immediately before the issue or renewal of the passport, would have prevented the passport officer from issuing or renewing the passport under [section 3](#);
 - (b) where he receives a direction of the Minister under [section 6](#) requiring him to cancel the passport.
- (2) A passport on being cancelled under subsection (1) becomes void.
- (3) A person who has in his possession or under his control a passport which has been cancelled under subsection (1) shall, on demand by a passport officer, forthwith deliver the passport to the passport officer.

5. Period of passport

- (1) Subject to subsection (2), a passport shall be issued for the prescribed period.
- (2) Subject to this Act, a passport officer may, when directed by the Minister, issue or renew a passport for a shorter period than that prescribed.

6. Direction of Minister

- (1) The Minister may at any time, where he is of the opinion that it is in the national interest to do so, give a direction in writing to a passport officer to—
 - (a) refuse an application for the issue or renewal of a passport;
 - (b) cancel a passport;
 - (c) endorse a passport;

- (d) issue a passport for a shorter period than that prescribed,
and the passport officer shall comply with the direction.
- (2) The Minister may, at any time, notwithstanding the application of any ground in [section 3\(2\) \(b\) to \(m\)](#), give a direction to a passport officer to issue or renew a passport and the passport officer shall comply with the direction.
- (3) No court shall have jurisdiction to hear or determine any matter whatsoever in relation to the legality or validity of the opinion or direction of the Minister under subsection (1) or (2).

7. No right to be heard

A person who has applied for a passport or the renewal of a passport or whose passport has been cancelled or endorsed or to whom a passport has been issued for a shorter period than that prescribed shall not be entitled to be heard before

- (a) the passport officer makes his decision in respect of the application to issue or renew the passport or before cancelling or endorsing the passport or issuing the passport for a shorter period than that prescribed; or
- (b) a decision is made on an appeal under [section 8](#).

8. Appeal

- (1) Where a passport officer—
 - (a) refuses to issue or renew a passport;
 - (b) cancels a passport;
 - (c) endorses a passport; or
 - (d) issues a passport for a shorter period than that prescribed,the passport officer shall notify the person concerned in writing giving the reason for his decision.
- (2) A person aggrieved by a decision of a passport officer under [section 3\(2\)](#) and [section 4](#) on any ground, other than the ground set out in [section 3\(2\)\(a\)](#), may within 21 days of the date of the notice under subsection (1) appeal to the Minister and the Minister may confirm or reverse the decision of the passport officer and, where he reverses the decision, the Minister shall give such direction as he deems fit to the passport officer and the officer shall comply with the direction.
- (3) The Minister shall notify the person who appealed of his decision in writing.
- (4) A person aggrieved by a decision of a passport officer under [section 3\(2\)](#) and [section 4](#) on the ground set out in [section 3\(2\)\(a\)](#) may, within 21 days of the date of the notice under subsection (1), appeal to the President and the President may confirm or reverse the decision and, where he reverses the decision, the President shall give such direction as he deem fit to the passport officer who shall comply with the direction.
- (5) The decision of the President shall be communicated in writing to the person who appealed.
- (6) The decision of the President or the Minister on an appeal is final.

9. Passport is the property of Government

A passport is and remains at all time the property of Government.

10. Notification of loss of passport

Where a passport is lost or stolen, the person to whom the passport was issued shall, as soon as practicable after he becomes aware of the loss or theft—

- (a) if the passport was lost or stolen in Seychelles, notify a police officer and a passport officer;
- (b) if the passport was lost or stolen outside Seychelles, notify a Seychelles diplomatic or consular mission in the country where the loss or theft occurred or, where there is no such mission, the person responsible for the supervision or management of the department, division or section of the Government responsible for matters relating to passports in Seychelles.

11. Seizure of passport

- (1) A passport officer may at any time seize and detain a passport where he reasonably believes that—
 - (a) the passport or its renewal has been obtained by a false or misleading statement or representation;
 - (b) any entry in the passport is false or has been inserted as a result of a false or misleading statement or representation;
 - (c) the passport contains a fraudulent entry;
 - (d) the photograph in the passport does not correspond to the likeness of its holder;
 - (e) the passport is in the wrongful possession of any person;
 - (f) the passport had been stolen.
- (2) Where a passport officer believes—
 - (a) that a person is in unlawful possession of a passport; or
 - (b) that a person has in his possession a passport, or a passport containing any endorsement, which has been obtained by a false or misleading statement or representation,

he may by notice in writing require the person to deliver the passport to him within the time specified in the notice and the person shall comply with the notice within the time specified therein.

12. Travel document

- (1) Subject to this Act, a passport officer may, where it is not reasonably practicable to issue a passport, issue in such form as may be prescribed, a certificate of identity or other travel document.
- (2) Sections [3\(2\)](#), [4](#), [5](#), [6](#), [7](#), [8](#), [9](#), [10](#) and [11](#) apply to a certificate of identity or travel document issued under subsection (1) as they apply to a passport.

Part III – Administration

13. Passport officer

- (1) The Minister may appoint any person within or outside Seychelles to be a passport officer.
- (2) A passport officer shall perform his functions under this Act in accordance with this Act and the directions of the Minister.
- (3) Subject to this Act, the Minister may appoint a person who shall have the day-to-day supervision and management of the department, division or section of the Government responsible for matters

relating to passports, certificates of identity and travel documents under this Act and the Minister may delegate to that person his functions under subsection (1).

- (4) A person appointed under subsection (3) shall—
- (a) by virtue of his appointment, be a passport officer;
 - (b) be subject to this Act, any other written law and the direction of the Minister when performing his functions under this Act.

Part IV – Miscellaneous

14. Offences

- (1) A person who—
- (a) forges any passport, certificate of identity or travel document;
 - (b) makes any fraudulent entry or fraudulently erases, fixes or removes anything in, upon or from any passport, certificate of identity or travel document;
 - (c) has in his possession a passport or certificate of identity or travel document which has been forged or containing a fraudulent entry or in upon or from which anything has been fraudulently erased, fixed or removed;
 - (d) uses a passport, certificate of identity or travel document which has been issued to another person;
 - (e) for the purpose of obtaining a passport, certificate of identity or travel document, or obtaining the renewal or endorsement of any passport, makes any false or misleading statement or representation;
 - (f) refuses to deliver a passport, certificate of identity or travel document—
 - (i) which has been cancelled when or within time demanded by a passport officer under [section 4](#);
 - (ii) when or within the time required by a passport officer under [section 11\(2\)](#);
 - (g) uses a passport, certificate of identity or travel document, which has been cancelled under [section 4](#);
 - (h) being a person to whom a passport, certificate of identity or travel document has been issued, without reasonable excuse permits another person to use the passport, certificate of identity or travel document;
 - (i) fails to comply with [section 10](#),
commits an offence.
- (2) A person who commits an offence referred to subsection (1)(a) to (d) is liable to imprisonment for 7 years;
- (3) A person who commits an offence referred to in subsection (1)(d) to (h) is liable to imprisonment for 2 years;
- (4) A person who commits an offence referred to in subsection (1)(i) is liable to imprisonment for 1 year.

15. Regulations

The Minister may make regulations for carrying into effect the purposes and provisions of this Act and, without prejudice to the generality of the foregoing, may make regulations—

- (a) prescribing the form for application or renewal of passport, certificate of identity or travel document;
- (b) prescribing the documents which must be submitted when an application for the issue or renewal of a passport, certificate of identity or travel document is made;
- (c) prescribing the period for which a passport, certificate of identity or travel document may be issued;
- (d) prescribing the fees to be paid in connection with the issue, renewal or endorsement of a passport, certificate of identity or travel document;
- (e) creating an offence and imposing by way of penalty a fine not exceeding R.20,000 and a term of imprisonment not exceeding 2 years.

16. Transitional

Notwithstanding the repeal of the Passport Act, 1976 by this Act any passport, certificate of identity or travel document issued under the repealed Passport Act 1976 shall, unless renewed or cancelled under this Act, continue to be valid for the period for which it was issued or renewed under that Act.