CONSTITUTION OF THE REPUBLIC OF SEYCHELLES
(First Amendment) Act, 1994
(Act 7 of 1994)

I assent

F. A. René
President

6th July, 1994

AN ACT to alter the Constitution.
ENACTED by the President and the National Assembly.

1. This Act may be cited as the Constitution of the Republic of Seychelles (First Amendment) Act, 1994.

Short title

3. The Constitution is amended as follows —

(a) in article 52 —

(i) in clause (1), in paragraphs (a) and (b), by repealing the words "of election" and substituting the words "of the declaration of the election of the President";

(ii) in clause (3)(b), by repealing the word "day" and substituting the words "date next";

(b) in article 58, by inserting after clause (4) the following clause —

"(5) Where a person who has previously held office as President under this or a previous Constitution is elected to the office of President, the person shall not, while holding office as President, be entitled to receive the pension, gratuity or allowance payable under clause (2)";

(c) in article 60(5), by inserting after the word "country" where it occurs in the second place the words "or under the control of the international organisation";

(d) in article 64, by inserting after clause (4) the following clause —

"(5) Clause (4) shall not apply where a written law confers upon the President the authority to execute or authorise the execution of any treaty, agreement or convention."

(e) in article 69, by inserting after clause (6) the following clause —
"(7) Where a person is appointed as Minister and in addition to this article is entitled to receive under any other provision of the Constitution a salary, pension, gratuity or allowance, the person shall not, while holding the office of a Minister, be concurrently entitled to receive the salary, pension, gratuity or allowance under this article and under any other provision of the Constitution but may opt to receive the salary, pension, gratuity or allowance under either this article or any other provision of the Constitution."

(c) in article 71, by repealing in the marginal note the word "Minister" and substituting the word "Ministers";

(f) in article 74(1), by repealing the word "on" and substituting the word "against";

(g) in article 81 —

(i) in clause (1)(h), by inserting after the word "election" the words "or the political party which nominated that person is dissolved or otherwise ceases to exist."

(ii) by inserting after clause (2) the following clause —

"(2A) Where the seat occupied by a proportionately elected member becomes vacant as a result of the dissolution or cessation to exist of the political party which nominated the member, Schedule 4 shall apply for the purposes of determining which of the political parties that nominated a candidate in the immediately preceding general election shall nominate the member to fill the vacant seat except that the
political party which is dissolved or has ceased to exist shall be deemed not to qualify to nominate a proportionately elected member.

(iii) in clause (4) —

A. by inserting after the word "election" the words "and which nominated the person as a member";

B. by inserting after the words "another person" the words "including the person who has immediately before ceased to be a member";

(h) in article 82(3)(b), by inserting after the word "election" the words "and which nominated the person as a member";

(i) in article 84, by inserting after clause (5) the following clause —

"(6) Subject to article 105(3), where a person is elected Leader of the Opposition and in addition to this article is entitled to receive under any other provision of the Constitution a salary, pension, gratuity or allowance, the person shall not, while holding the office of Leader of Opposition, be concurrently entitled to receive the salary, pension, gratuity or allowance under this article and under any other provision of the Constitution but may opt to receive the salary, pension, gratuity or allowance under either this article or any other provision of the Constitution.

(j) in article 86(3), by inserting after the word "shall" where it occurs in the first place the words", as soon as practicable,";

(ja) in article 112(2), by inserting after the word "Praslin" a comma;
(b) in article 130(5), by repealing the comma at the end and substituting a full stop;

(k) in article 140 —

(i) by renumbering clause (2) as clause (3);

(ii) in clause (1)(b), by repealing the words "clause (2)," and substituting the words "clause (3);

(iii) by inserting after clause (1) a new clause (2) as follows —

"(2) The President or the Leader of the Opposition shall within seven days after the person whom the President or Leader of the Opposition has appointed under clause (1)(a) ceased to be a member of the Constitutional Appointments Authority, appoint another person as member of the Authority;"

(iv) in clause (3) —

A. by inserting after the words "clause (1)(a)" the words "fail to appoint or";

B. by inserting after the word "shall" where it occurs in the second place the words "within seven days after receiving the list of candidates;"

(v) by inserting after clause (3) the following clause —

"(4) Where —

(a) the President or the Leader of the Opposition fails to appoint a member of the Constitutional Appointments Authority within the prescribed time, the Speaker shall appoint the member;"
(b) the President and the Leader of the Opposition fail to appoint a member of the Constitutional Appointments Authority within the prescribed time, the appointment shall be made by the National Assembly; —

(l) in article 144 —

(i) in clause (2), by repealing the comma after the word "resigns" and substituting the word "or";

(ii) in clause (3), by repealing the words "article 166" and substituting the words "article 165";

(m) in article 146, by inserting after clause (7), the following clause —

"(8) A limited liability company of which the Government holds not more than forty-nine per centum of its issued share capital shall not, for the purpose of clause (7), be treated to be a limited liability company which is under the direct or ultimate control of the Government ";

(n) in article 148 —

(i) by renumbering clause (2) as clause (3);

(ii) in clause 1(b) by repealing the words "clause (2)" and substituting the words "clause (3)";

(iii) by inserting after clause (1) a new clause (2) as follows —

"(2) The President or the Leader of the Opposition shall within seven days after the person whom the President or Leader of Opposition has appointed under clause (1)(a) ceased to be a member of the Public Service Appeal Board, appoint another person as member of the Board.";
(iv) in clause (3) —

A. by inserting after the words "clause (1) (a)" the words "fail to appoint or";

B. by inserting after the word "shall" where it occurs in the second place the words ", within seven days after receiving the list of candidates,";

(v) by inserting after clause (3) the following clause —

"(4) Where —

(a) the President or the Leader of the Opposition fails to appoint a member of the Public Service Appeal Board within the prescribed time, the Speaker shall appoint the member;

(b) the President and the Leader of the Opposition fail to appoint a member of the Public Service Appeal Board within the prescribed time, the appointment shall be made by the National Assembly;"

(o) in article 158(2) by repealing the words "as a" and substituting the words "as an auditor or";

(p) in Schedule 5, in paragraph 1, by inserting after subparagraph (4), the following subparagraph —

"(5) A limited liability company of which the Government holds not more than forty-nine per centum of its issued share capital shall not, for the purposes of subparagraph (4), be treated to be a limited liability company which is under the direct or ultimate control of the Government."
(q) in the Preamble, by repealing the words "EVOKING the blessings of Almighty God" and substituting the words "INVOKING the blessings of Almighty God".

I certify that 22 members of the National Assembly voted for the Bill at the sitting of the Assembly held on 28th June, 1994 when the Bill as a whole was put to the vote in the Assembly.

[Signature]

P. MacGregor
Speaker of the National Assembly

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 28th June, 1994.

[Signature]

Mrs. Sheila Germell
Clerk to the National Assembly