



# OFFICIAL GAZETTE

## REPUBLIC OF SEYCHELLES

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#### GENERAL NOTICES

No. 838 of 2021

#### ELECTIONS ACT

*(Cap 262)*

Pursuant to section 3(1)(c) of the Elections Act which provides that the Electoral Commission shall, for the purposes of the said Act, appoint a Registration Officer for each electoral area and section 3(7) which provides that an appointment made under section 3(1) shall be published in the Gazette, the Electoral Commission hereby gives notice of the appointment of the following Registration Officer for the following electoral areas —

**Ms. Gabriella Nourrice — All electoral areas**

**Mrs. Manuella Amesbury**  
**Chief Electoral Officer**  
**FOR: ELECTORAL COMMISSION**

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No. 839 of 2021

#### LAND SURVEY NOTICE

#### CORRIGENDUM

Published in the Official Gazette Vol. XLVI dated 2<sup>nd</sup> November 2021, No. 83 of 2021 the parcel numbers “LD2525 and LD2526” should read “LD2625 and LD2626”.

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No. 840 of 2021

**Immovable Property (Judicial Sales) Act (Cap 94)****SCHEDULE A****(NOTICE UNDER SECTION 31)****JUDICIAL SALE**

Warning is hereby given that on 30<sup>th</sup> day of November 2021 at 2:00 in the afternoon, shall take place the final adjudication, before the Judge of the Supreme Court, of a portion of land and a warehouse made of blocks and iron steel bars, situated at Majoie, Mahe, Seychelles measuring 1,629 square meters and seized against Niranjana (Proprietary) Limited at the request of the Bank of Baroda, Seychelles.

All parties claiming to take inscriptions of Legal Mortgage upon the said property are warned that they must do so before the transcription of the judgment of adjudication, failing which they shall be debarred of such right.

Dated this 2nd day of November 2021.

Guy A Ferley  
Of Rooms 8 and 9 Trinity House, Victoria, Mahe, Seychelles  
Attorney in charge of Sale

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No. 841 of 2021

**CHANGE OF NAME**

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Rosemary Hilda Francoise to Rosemary Hilda De Larue Francoise agreeable with sections 94-99 of Cap. 34. Any person interested may oppose such application by filing a protest in writing setting forth his/her grounds of objections.

Ms Rosemary Hilda Francoise  
Pointe Au Sel  
Mahe

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No. 842 of 2021

**CHANGE OF NAME**

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my son's name from Caleb Joseph Marie to Caleb Joseph Benson agreeable with sections 94-99 of Cap. 34. Any person interested may oppose such application by filing a protest in writing setting forth his/her grounds of objections.

Ms. Julianne Monique Benson  
La Louise  
Mahe  
Seychelles

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No. 843 of 2021

**CHANGE OF NAME**

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Debora Irene Brioche to Deborah Irene Brioche agreeable with sections 94-99 of Cap. 34. Any person interested may oppose such application by filing a protest in writing setting forth his/her grounds of objections.

Ms. Debora Brioche  
Ma Constance  
Mahe

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No. 844 of 2021

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my daughter's name from Hanna Gabrielle's to Hannah Gabrielle agreeable with sections 94-99 of Cap. 34. Any person interested may oppose such application by filing a protest in writing setting forth his/her grounds of objections.

Ms. Vanessa Aglae  
North East Point  
Mahe  
Seychelles

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**CIVIL STATUS (AMENDMENT) ACT, 2021***(Act 45 of 2021)***ARRANGEMENT OF SECTIONS****SECTIONS**

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## CIVIL STATUS (AMENDMENT) ACT, 2021

*(Act 45 of 2021)*



*I assent*

A handwritten signature in black ink, appearing to read 'Wavel'.

Wavel Ramkalawan  
President

*4th November, 2021*

**AN ACT** TO INTRODUCE A NEW SYSTEM FOR THE REGISTRATION OF BIRTHS AND DEATHS; TO PROVIDE FOR THE ELECTRONIC SUBMISSION OF DOCUMENTS; TO REVISE PENALTIES UNDER THE CIVIL STATUS ACT; AND FOR MATTERS INCIDENTAL THERETO.

**ENACTED** by the President and the National Assembly.

### **Short title and commencement**

1.(1) This Act may be cited as the Civil Status (Amendment) Act, 2021, and shall be read and construed as one with the Civil Status Act, Cap. 34, which, as amended, is hereinafter referred to as the “principal Act”.

(2) This Act comes into operation on such date as the Minister may, by notice published in the Gazette, appoint.

**Amendment of section 2**

2. Section 2 of the principal Act is amended —

- (a) by repealing the definition of “interment”;
- (b) by inserting in the proper alphabetical order the following new definitions —

“**birth**” means the complete expulsion or extraction of a foetus from a female, irrespective of the duration of the pregnancy, where after such expulsion or extraction there is breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle, whether or not the umbilical cord has been cut or the placenta is attached;

“**Chief Officer**” means the person appointed as Chief Officer of the civil status under section 5 and, when the context permits, includes a civil status officer;

“**civil penalty**” means a sum of money payable to the Chief Officer or a civil status officer by a person who fails to perform a mandatory administrative duty or obligation under this Act and shall not be deemed a criminal offence;

“**corpse**” has the same meaning assigned to it under the Public Health Act, 2015;

“**cremate**” means to burn a corpse to ash;

“**death**” means the permanent disappearance of all evidence of life in a person at any time after the person's birth;

“**death qualifying for an inquest**” has the same meaning assigned under the Inquest into Death Act, 2021;

“**forensic pathologist**” has the same meaning assigned under the Inquest into Death Act, 2021;

**“Medical Certificate of Cause of Death”** means the Medical Certificate of Cause of Death as may be prescribed;

**“medical practitioner”** means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act, Cap. 126;

**“midwife”** means a person registered as a midwife under the Nurses and Midwives Act, Cap. 150;

**“Minister”** means Minister responsible for civil status;

**“nurse”** means a person registered as a nurse under the Nurses and Midwives Act, Cap. 150;

**“pathologist”** means a medical practitioner who has specialised training, experience or academic qualifications in the field of pathology;

**“Public Health Commissioner”** means Public Health Commissioner appointed under the Public Health Authority Act, 2013;

**“stillbirth”** shall have the definition assigned by the Minister responsible for health by notice published in the Gazette;”

### **Amendment of section 6**

3. Section 6(1) of the principal Act is amended by repealing the words “It shall be lawful for the President to” and substituting therefor the words “The Minister may”.

### **Repeal of section 7**

4. The principal Act is amended by repealing section 7.

### **Repeal and replacement of section 15**

5. The principal Act is amended by repealing section 15 and substituting therefor the following —



**“Duty to maintain registers**

**15.** It is the duty of the Chief Officer to maintain the following registers —

- (a) register of births;
- (b) register of stillbirths;
- (c) register of deaths;
- (d) register of marriages;
- (e) register of divorces;
- (f) register of children adoptions;
- (g) register of change of names; and
- (h) such other registers as may be specified in this Act or any other enactment.”

**Insertion of new section 18A.**

**6.** The principal Act is amended by inserting immediately after section 18 the following as section 18A. —

**“Electronic storage registers**

**18A.(1)** All registers not in use shall be —

- (a) reproduced into digital format; and
- (b) kept by the Chief Officer in such places as to maintain the integrity of the records for an indefinite period.

(2) Any person authorized by the Minister shall have access to all registers reproduced into digital format.”

**Amendment of section 20**

7. Section 20 of the principal Act is amended by inserting immediately after the words “the Chief Officer of the Civil Status,” the words “the Principal Secretary responsible for health,”.

**Insertion of section 22A.**

8. The principal Act is amended by inserting immediately after section 22 the following as section 22A. —

**“Issue of forms to the public**

22A.(1) The Chief Officer may provide any document or form prescribed under this Act in electronic format, free of cost, to the public.

(2) The document or form shall be completed and delivered to the Chief Officer, free of cost, by every person required to do so in accordance with this Act.”

**Repeal and substitution of Part III**

9. The principal Act is amended by repealing Part III and substituting therefor the following —

**“PART III****REGISTRATION OF BIRTHS, STILLBIRTHS AND ABANDONED CHILDREN****Interpretation under Part III**

31. In this Part unless the context otherwise requires —

“**child**” means a person who has not attained the age of 18 years;

“**Director responsible for children affairs**” means the person acting in the capacity or performing the functions of head of the division or section responsible for children affairs in the Ministry or department responsible for children affairs;

**“late registration”** means the registration of a birth after the time specified in section 37(1);

**“person”** means a natural person and includes a child;

**“relative”** means the grandmother, grandfather, aunt, uncle, older sister or older brother, and includes a guardian, of a child;

**“the register”** means a register of births or register of stillbirths and cognate words shall be construed accordingly.

### **Notification of births and stillbirths**

32.(1) A medical practitioner, nurse or midwife who attends a birth shall give a notification of birth to the Chief Officer and to the mother of the child or an authorised person.

(2) If the birth occurs in circumstances where subsection (1) does not apply, the mother of the child or a person authorised by the mother of the child shall contact a medical practitioner as soon as reasonably practicable and thereafter the medical practitioner shall give a notification of birth to the Chief Officer and to the mother of the child or an authorised person.

(3) Notwithstanding subsection (2), in the case of death, illness, absence or inability of the mother of the child —

- (a) the head of the family or household in which the child was born;
- (b) an occupier of the premises or the dwelling in which the child was born; or
- (c) a person who was present at the time and place where the child was born,

shall contact a medical practitioner as soon as reasonably practicable and thereafter the medical practitioner shall give a

notification of birth to the Chief Officer and a person authorized to register the birth of the child under this Act.

(4) A person in charge of a prison, mental health facility, quarantine facility or a public institution is deemed to be the occupier thereof for the purposes of subsection (3)(b).

(5) Where a medical practitioner, nurse or midwife who is not employed by the Government issues a notification of birth pursuant to subsection (1), (2) or (3), that medical practitioner, nurse or midwife shall forward without delay a copy of the notification of birth to the Principal Secretary of the Ministry responsible for health.

(6) A notification of birth shall be given to the Chief Officer within 3 days after the birth of the child, indicating whether the child was born alive or was stillborn.

(7) Notwithstanding subsection (6), the notification of the birth, indicating whether the child was born alive or was stillborn, shall be given to the Chief Officer as soon as reasonably practicable where a medical practitioner is made aware of the birth in circumstances set out in subsection (2) or (3).

(8) If a pregnancy resulted in the birth of more than one child, a separate notification shall be given for each child and each statement shall state the number of children born and the birth order of the child that is the subject of the particular notification.

(9) Where a medical practitioner, nurse or midwife who, pursuant to subsection (5) is required to give a notification of birth or stillbirth to the Chief Officer and the Principal Secretary of the Ministry responsible for health, fails or refuses to give a notification of birth or stillbirth, in accordance with this Act, the person who manages the hospital or other medical facility that employs the medical practitioner, nurse or midwife is liable to pay a fixed civil penalty of SCR 5, 000 to the Chief Officer.

**Particulars of notification of birth and stillbirth**

**33.(1)** A notification of live birth shall contain the following particulars —

- (a) the time, day, month and year of the birth of the child;
- (b) the sex of the child;
- (c) the name of the child, if any;
- (d) the name, date of birth, telephone number, email address and profession of the mother of the child;
- (e) the nationality of the mother of the child;
- (f) the marital status of the mother of the child;
- (g) the national identity number or passport number of the mother of the child; and
- (h) any other information as may be prescribed.

(2) A notification of stillbirth may contain, in addition to the particulars referred to in subsection (1), the following particulars —

- (a) the weight of the foetus;
- (b) the gestational age of the foetus;
- (c) the name of the certifying medical practitioner or midwife; and
- (d) any other information as may be prescribed.

(3) The Minister responsible for health shall prescribe a form or the manner for notification of births.

**Registration of births**

34.(1) The registration of the birth of a child born at any place within Seychelles shall be done within 30 days of the birth of that child.

(2) The registration of the birth of a child shall be completed by —

- (a) the mother and father of the child; or
- (b) the child's mother, if the father is deceased or incapable of registering the birth of the child or if the father is unacknowledged by or unknown by the mother; or
- (c) the child's father, if the mother is deceased or incapable of registering the birth of the child; or
- (d) a person having lawful custody of the child, if both parents are deceased or incapable of registering the birth of the child; or
- (e) a person authorized in writing by the mother of the child.

(3) If the birth of a child is not registered within a period of 15 days of the birth of that child, the Chief Officer shall send a written notice to any person specified in the notification of birth to appear before the Chief Officer to register the birth of the child in accordance with subsection (1).

(4) The registration of the birth of a child shall be completed on such registration form as may be prescribed by the Minister.

(5) The person submitting a registration form to the Chief Officer shall submit a statement and shall state that the particulars of the birth provided are true according to the person's best knowledge and belief.

(6) The Chief Officer shall issue a Certificate of Birth, in such manner as may be prescribed, to the person who registered the birth of the child or such other authorised person.

(7) A person who registers or causes to be registered a birth of a child after the time specified in subsection (1), is liable to pay to the Chief Officer a fixed civil penalty of SCR 1, 000 and a further civil penalty of SCR 25 for each day that the person continues to contravene subsection (1).

(8) If any person specified in subsection (2) fails to register the birth of a child after 30 days of the birth of that child, the Chief Officer or the Attorney General may make an ex parte application by notice of motion with an accompanying affidavit to the Master of the Supreme Court or a Judge for an order for the person to appear before the Chief Officer to register the birth of that child and pay the civil penalty due under subsection (7).

(9) If none of the persons referred to in subsection (2) appears in answer to the order issued under subsection (8), or cannot be found after all reasonable efforts have been made to locate the persons, the Chief Officer shall register the birth any time after 3 months of the birth of the child using the information provided in the notification of birth.

(10) The birth of a child registered under subsection (9) may be re-registered in accordance with section 37.

### **Registration of child born to an unmarried mother**

**35.** The Chief Officer shall not enter the name of any man on the register of births as the father of a child born to an unmarried mother unless the Chief Officer receives —

- (a) a joint application by the mother and father of the child for the father's name to be entered on the register; or
- (b) a paternity order in respect of the child made by a court; or

- (c) an application by the man acknowledging himself to be the father of the child, in the case where the mother cannot be found or is dead, supported by a declaration made by him and —
  - (i) an approved DNA test result that names the man as the father of the child and a written statement that the guardian of the child, if any, consented to the DNA test; and
  - (ii) a statement from 2 credible persons having knowledge that the birth occurred in Seychelles.

### **Re-registration of birth to include particulars of father**

**36.** At any time after the birth of a person who is registered in the register of births but whose father's name is not entered on the register, the Chief Officer shall authorize the entry of the name and particulars of the father if the Chief Officer is satisfied that —

- (a) a joint application is made and submitted to the Chief Officer by the mother and father of the person for the father's name to be entered on the register; or
- (b) a paternity order in respect of the person has been made by a court; or
- (c) an approved DNA test result has been submitted to the Chief Officer that names the man as the father of the person and a written statement that —
  - (i) the man and the person consented to the DNA test where the person has attained the age of 18 years; or
  - (ii) the man and the mother of the person rs.



consented to the DNA test where the person is under the age of 18 years.

### **Late registration and re-registration of child**

37.(1) If after 3 months of the birth of a child, the birth is not registered or the birth was registered pursuant to section 34(9), an application shall be made to Chief Officer for late registration or re-registration of the birth of the child, as the case may be.

(2) The Chief Officer shall register or re-register the birth, as the case may be, if —

- (a) the person making the application is eligible to register the birth of the child in accordance with section 34 or 35;
- (b) the information relating to the birth and the reason for the late registration is verified by a written statement;
- (c) the Chief Officer is satisfied as to the truth and sufficiency of information and other matters stated in the written statement; and
- (d) such civil penalties as are imposed under section 34(7) are paid.

(3) If the application does not satisfy the requirements of subsection (2), the Chief Officer shall require the applicant to apply to the court for an order for registration of birth.

(4) The Chief Officer shall register the birth of a child on receipt of an order of a Judge in the terms thereof and shall specifically note on the register that the registration was done pursuant to an order of the Judge.

### **Finding an abandoned child**

38.(1) Where a living newborn child is found abandoned, it is the duty of —

- (a) the person who finds the child to contact the police without delay;
- (b) the Commissioner of Police to immediately take the child to the nearest medical practitioner or medical facility for evaluation;
- (c) the medical practitioner or medical facility into whose care the child was delivered to immediately inform the Director of responsible for children affairs of the finding of the abandoned newborn child.

(2) The person who finds the child shall, within 7 days of finding the child, give to the police and to the Director responsible for children affairs a statement of all information that the person has in relation to the child.

### **Registration of an abandoned child**

39.(1) If, after 60 days of the finding of an abandoned child, the Director responsible for children affairs is satisfied that all reasonable efforts were made to identify the child, the Director responsible for children affairs in consultation with a medical practitioner shall establish the date of birth of the child and give names to the child.

(2) The Director responsible for children affairs shall provide the Chief Officer with evidence on affidavit concerning the finding of the child and requesting that the birth of the child be registered.

- (3) The affidavit shall include the following particulars —
- (a) the time, day, month and year the child was found;
  - (b) the date of birth of the child;
  - (c) the sex of the child;

- (d) the weight of the child when found;
- (e) the location in which the child was found;
- (f) the names given to the child;
- (g) the name, residence and profession of the person who found the child, if applicable;
- (h) the medical practitioner or medical facility, into whose care the child was delivered, under section 38(1)(c); and
- (i) any other information arising from a credible source.

(4) Where the date of birth of a child whose birth is required to be registered under this section is not known and a medical practitioner certifies in writing that, in the medical practitioner's opinion, the birth took place on or about a date specified in the medical certificate, the Director responsible for children affairs and the Chief Officer shall regard the date given by the medical practitioner as the date of birth.

(5) The Chief Officer shall, if satisfied by the information provided, register the birth of the child and issue a Certificate of Birth to the Director responsible for children affairs.

(6) If subsequent to the registration of a birth under this section, further information is received by the Chief Officer affecting the particulars of the birth as registered, or the identity of the child is established to the satisfaction of the Chief Officer, the Chief Officer shall, after consultation with the Director responsible for children affairs —

- (a) add to, or correct, the registration of the birth made under this section; or
- (b) cancel the registration of birth made under subsection (5) and cause a new registration in

accordance with the facts of the birth to be substituted for the former registration.

- (7) If a new registration is made under subsection (6)(b) —
- (a) it shall carry the same date as shown on the registration under subsection (5); and
  - (b) it shall be regarded as the only registration of the birth of the child and no Certificate of Birth in respect of the first registration shall be issued.

### **Registration of births occurring outside Seychelles**

**39A.(1)** A person born outside of Seychelles may be registered in a register of births, to be known as the Register of Births Occurring Outside Seychelles, if at the person's date of the birth the person is a citizen of Seychelles in accordance with the laws of Seychelles.

(2) A person entitled to be registered in the Register of Births Occurring Outside Seychelles shall submit the following evidence of the birth —

- (a) a Certificate of Birth or an official document verifying the birth issued by the appropriate authority in the foreign country, with an English translation of the certificate if the certificate is not in English; or
- (b) if there is a Seychelles Diplomatic Mission in the foreign country, a certificate of an officer of the Diplomatic Mission that the officer is satisfied, from the evidence produced and inquiries the officer has made on the direction of the Attorney General, that the particulars of the birth given in the certificate are correct; and
- (c) such other evidence as the Minister may prescribe by regulations.

(3) The person giving notice of the birth shall certify in writing to the Chief Officer the correctness and authenticity of the evidence submitted pursuant to subsection (2).

(4) Sections 34(2), 35 and 36 shall apply *mutatis mutandis* to the registration of a birth under this section.

(5) On receiving the evidence required under this section or as stipulated by regulations, the Chief Officer shall enter the prescribed particulars of the birth in the Register of Births Occurring Outside Seychelles.

(6) Subject to subsection (6), the Chief Officer may issue a Certificate of Birth to a person registered in the Register of Births Occurring Outside Seychelles and the certificate shall specify the foreign country where the person was born and any other information as may be prescribed.

(7) The Minister shall prescribe by regulations the circumstances or conditions under which a person may be issued a Certificate of Birth under this section.

### **Surname of child**

**39B.(1)** The surname of a child shall be registered in the register of birth as follows —

- (a) if the parents of a child have the same surname, then the child's surname shall be the parents' surname;
- (b) if the parents of a child have different surnames and the father's name is not entered on the register, the child's surname shall be the mother's surname, subject to paragraph (c) or any other written law; or
- (c) if the parents of a child have different surnames and the father's name is entered on the register

in accordance with this Act, then the child's surname may be the mother's surname or the father's surname, or both, as agreed by the parents.

(2) Sections 94 to 99 shall apply mutatis mutandis to a petition to change a child's surname pursuant to subsection (1).

### **Information to be given to parents**

**39C.** Where a birth is registered under this part, an officer shall inform the parents of their duty to maintain the child under sections 4 and 6 of the Children Act, Cap. 28, and that failure to fulfil that duty is an offence.”

### **Repeal and substitution of Part V**

**10.** The principal Act is amended by repealing Part V and substituting therefor the following —

#### **“PART V REGISTRATION OF DEATHS**

#### **Body of the deceased to be examined by medical practitioner or pathologist**

**80.** Subject to this Act or any other written law, the body of a deceased person or the remains of a body shall be examined by a medical practitioner, pathologist or forensic pathologist.

#### **Obligation to give notification of death**

**81.(1)** (a) A medical practitioner who was in attendance before the death and until the death of a deceased person shall, within 24 hours after such death, give or cause to be given a notification of death to the Chief Officer, the Principal Secretary responsible for health and the executor of the estate of the deceased person or the nearest surviving relative of the deceased person.

(2) If the death occurs in circumstances where subsection (1) does not apply, the medical practitioner, pathologist or

forensic pathologist who conducts an examination of the deceased person or the remains of a body shall give or cause to give a notification of death to the Chief Officer, the Principal Secretary responsible for health and the executor of the estate of the deceased person or the nearest surviving relative of the deceased person.

(3) The Minister responsible for health shall prescribe a form or the manner for the notification of death.

### **Obligation to declare death**

**82.(1)** The executor of the estate of the deceased person or the nearest surviving relative of the deceased person or a person authorized under section 89 to bury a corpse or to cremate a deceased person shall declare the death of the deceased person at a civil status office using the information contained in the notification of death and any other information as may be required by the Chief Officer.

(2) Upon declaration of the death of the deceased person, the Chief Officer shall issue a Certificate of Death under section 86 to the executor of the estate of the deceased person or the nearest surviving relative of the deceased person or an authorized person.

(3) Subject to section 89, upon receipt of a Certificate of Death, the executor of the estate of the deceased person or the nearest surviving relative of the deceased person or an authorized person may submit an application to the Public Health Commissioner or the Chief Officer for a permit to bury a corpse or to cremate a deceased person.

### **Medical Certificate of Cause of Death**

**83.(1)** Subject to section 84, a medical practitioner who was in attendance before the death and until the death of the deceased shall cause a Medical Certificate of Cause of Death to be completed and submitted to the Chief Officer and the Public Health Commissioner.

(2) Subject to section 84, whenever a person dies in Seychelles, in circumstances other than that described in subsection (1), the body of the deceased person shall be examined by a medical practitioner who shall cause a Medical Certificate of Cause of Death to be completed and submitted to the Chief Officer and the Public Health Commissioner.

(3) It shall be the duty of every person, including a public body, to provide such information as is necessary for a medical practitioner to complete a Medical Certificate of Cause of Death.

(4) Subject to section 84, a copy of the Medical Certificate of Cause of Death may be given to —

- (a) the executor of the estate of the deceased person or the nearest surviving relative of the deceased person;
- (b) a person or body dealing with social security, insurance and similar matters in relation to the deceased person;
- (c) a person specified by the Minister responsible for health in a notice published in the Gazette.

### **Prohibition on issuing a medical certificate of death**

**84.(1)** A medical practitioner shall not submit a Medical Certificate of Cause of Death to the Chief Officer, the Public Health Commissioner or a person specified in section 83(4) in relation to a death qualifying for an inquest or a death specified in subsection (4).

(2) In relation to a death qualifying for an inquest or a death specified in subsection (4), the medical practitioner, pathologist or forensic pathologist shall as soon as reasonably practicable submit a medical report to the Commissioner of Police highlighting any medical observations made during the examination of the deceased.



(3) The Commissioner of Police shall submit the medical report under subsection (2) together with a police report in relation to the deceased person to —

- (a) the Attorney General; and
- (b) a Magistrate or any person empowered to hold an inquest under the Inquest into Death Act, 2021, or any other written law.

(4) Where the medical practitioner is of the opinion that a person died under suspicious circumstances, the medical practitioner shall report the death to the Commissioner of Police and the Commissioner of Police shall follow the procedures set out in subsection (3).

### **Registration of death occurring in Seychelles**

**85.(1)** The Chief Officer shall register each death occurring in Seychelles in a register of deaths, to be known as the “Register of Deaths Occurring in Seychelles”, on the provision of the particulars of death contained in —

- (a) the notification of death and the declaration of death; and
- (b) a Medical Certificate of Cause of Death provided to the Chief Officer by a medical practitioner; or
- (c) a Magistrate's Certificate issued pursuant to section 26 of the Inquest into Death Act, 2021; or
- (d) any other document in accordance with a written law.

(2) A death occurring outside Seychelles may be registered in the Register of Deaths Occurring in Seychelles if the requirements set out in section 88(5) are satisfied.

(3) The Chief Officer shall keep a separate register, from

that specified in subsection (1), to enter the particulars of the cause or probable cause of death of a deceased person.

(4) Notwithstanding any other written law, the register of the cause or probable cause of death shall not be open to inspection by the public.

(5) The Minister responsible for health shall publish a notice in the Gazette specifying the persons who may access the particulars of the cause or probable cause of death of a deceased person.

### **Certificate of death**

**86.(1)** The Chief Officer, upon registering any death in accordance with this Act or any other written law, shall forthwith issue to an authorized person a Certificate of Death.

(2) Subject to subsection (3), a Certificate of Death shall contain such information as may be prescribed.

(3) A Certificate of Death shall not contain any information in relation to the cause or probable of death of the deceased person.

### **Registration of presumed death and certificate of presumed death**

**87.(1)** When an order of the court is made pursuant to the Presumption of Deaths Act, Cap. 177, or under any written law pertaining to a missing person's presumed death, the court or any person who has been granted the order may forward that order to the Chief Officer for the purpose of registering the particulars of the missing person's presumed death.

(2) On receipt of the order under subsection (1), the Chief Officer shall make an entry in a register containing the name of the missing person and such other information as may be necessary in relation to the missing person's presumed death.

(3) The Chief Officer, upon registering a missing person's presumed death, may issue a Certificate of Presumed Death to an authorized person.

### **Registration of deaths occurring outside Seychelles**

**88.(1)** Subject to subsection (5), the death or presumed death of a citizen of Seychelles which occurred outside Seychelles shall be registered in a register of deaths, to be known as the “Register of Deaths Occurring Outside Seychelles”.

(2) A person giving notice of a death or presumed death of a citizen of Seychelles occurring outside Seychelles shall submit the following evidence —

- (a) a Certificate of Death or an official document verifying the death or presumed death issued by the appropriate authority in the foreign country, with an English translation of the certificate if the certificate is not in English; or
- (b) if there is a Seychelles Diplomatic Mission in the foreign country, a certificate of an officer of the Diplomatic Mission that the officer is satisfied, from the evidence produced and inquiries the officer has made, that the particulars of the death or presumed death given in the certificate are correct; and
- (c) such other evidence as the Minister may prescribe by regulations.

(3) The person giving notice of the death or presumed death shall certify in writing to the Chief Officer the correctness and authenticity of the evidence submitted pursuant to subsection (2).

(4) On receiving the evidence required under subsection (2), the Chief Officer shall enter the prescribed particulars of the

death in the Register of Deaths Occurring Outside Seychelles in conformity with this Act.

(5) A death of a citizen which occurred outside Seychelles may be registered in the Register of Deaths Occurring in Seychelles under section 85 —

- (a) where the person is domiciled in Seychelles;
- (b) in such circumstances as are prescribed by regulations.

(6) The registration of death in a register does not affect or influence any legal proceedings in relation to the succession of the deceased person's estate.

(7) Notwithstanding any other written law, the register of the cause or probable cause of death shall not be open to inspection by the public.

(8) For avoidance of doubt, a Certificate of Death under section 86 may be issued to the executor of the estate of the deceased person or the nearest surviving relative of the deceased person or a person authorised under section 89 to bury a corpse or to cremate a deceased person in such circumstances as may be prescribed by regulations.

(9) The Certificate of Death shall specify the foreign country where the person died and any other information as may be prescribed.

### **Authorization of burial or cremation**

89.(1) Notwithstanding any written law, an application for a permit to bury a corpse or to cremate a deceased person shall be made to the Public Health Commissioner.

(2) The Public Health Commissioner may set out circumstances under which the Chief Officer may authorise a person to bury a corpse or to cremate a deceased person.

(3) Subject to the Public Health Act, 2015, the application under subsection (1) may be made by —

- (a) an executor of the estate of the deceased person or the nearest surviving relative of the deceased person;
- (b) a person who is duly authorised to do so by any person referred to in paragraph (a); or
- (c) any other person who has given sufficient reason to the Public Health Commissioner as why the application is not being made by any of the persons referred to in paragraphs (a) and (b).

(4) For the purposes of subsection (3)(a), the nearest surviving relatives of the deceased person are, in order of priority —

- (a) the surviving spouse or surviving partner in a domestic relationship under the Civil Code of Seychelles Act;
- (b) the children of the deceased person including any person entitled by any enactment to be treated as the children of the deceased person;
- (c) the father or mother of the deceased person;
- (d) the brothers and sisters of the deceased person.

(5) Subject to the Public Health Act, 2015, the Public Health Commissioner may grant a permit to bury a corpse or to cremate a deceased person —

- (a) on being satisfied that the Chief Officer has either issued a Certificate of Death or registered the death in accordance with this Act; or
- (b) in accordance with any other written law.”

## **Insertion of New Part VIIA**

**11.** The principal Act is amended by inserting immediately after Part VII the following new Part as Part VIIA —

### **“PART VIIA. MISCELLANEOUS**

#### **Electronic submissions and signatures**

**107A.(1)** A statement, application, form, document or other information required to be submitted to the Chief Officer under this Act may be submitted in the manner determined by the Chief Officer, which may include submission through an electronic medium.

(2) A signature required by a person under this Act may be provided or verified in the manner determined by the Chief Officer, which may include its provision or verification through an electronic medium.”

#### **Amendment of section 110**

**12.** Section 110 of the principal Act is amended by repealing the words “imprisonment with or without hard labour for any period not exceeding two years” and substituting therefor the words “a fine of level 3 on the standard scale or to imprisonment not exceeding 2 years, or to both a fine and a term of imprisonment.”.

#### **Amendment of section 112**

**13.** Section 112 of the principal Act is amended by repealing the words “imprisonment with or without hard labour for any period not exceeding two years” and substituting therefor the words “a fine of level 3 on the standard scale or to imprisonment not exceeding 2 years, or to both a fine and a term of imprisonment”.

#### **Amendment of section 114**

**14.** Section 114 of the principal Act is amended by repealing the words “imprisonment with or without hard labour for any term not exceeding two years” and substituting therefor the words “a fine of level 5 on the standard scale or to imprisonment not exceeding 10 years, or to both a fine and a term of imprisonment”.

**Amendment of section 115**

15. Section 115 of the principal Act is amended by repealing the words “imprisonment for any term not exceeding two years” and substituting therefor the words “a fine of level 3 on the standard scale or to imprisonment not exceeding 2 years, or both a fine and a term of imprisonment”.

**Amendment of section 116**

16. Section 116 of the principal Act is amended —

- (a) by repealing the words “section 36” and substituting therefor the words “section 38”;
- (b) by repealing the words “a fine not exceeding two hundred rupees” and substituting therefor the words “a fine of level 1 on the standard scale”.

**Amendment of section 117**

17. The principal Act is amended by repealing section 117.

**Amendment of section 120**

18. The principal Act is amended by repealing section 120.

**Repeal of sections 157 to 161**

19. The principal Act is amended by repealing sections 157, 158, 159, 160 and 161.

**Consequential amendment**

20. The Social Security Act, Cap. 225, is amended by repealing Form 5 of the Schedule to the Social Security (Medical Certificates) Regulations, 2010.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 13<sup>th</sup> October, 2021.



Mrs. Tania Isaac  
Clerk to the National Assembly



**UNEMPLOYMENT RELIEF SCHEME (REPEAL) ACT, 2021**

*(Act 46 of 2021)*



*I assent*

A handwritten signature in black ink, appearing to read 'Wavel'.

Wavel Ramkalawan  
President

*4th November, 2021*

**AN ACT** TO PROVIDE FOR THE REPEAL OF THE UNEMPLOYMENT RELIEF SCHEME ACT, CAP 243.

**ENACTED** by the President and the National Assembly.

**Short title**

**1.** This Act may be cited as the Unemployment Relief Scheme (Repeal) Act, 2021.



**Repeal of Cap 243**

2. The Unemployment Relief Scheme Act (Cap 243) is hereby repealed and the Unemployment Relief Scheme established under section 3 of the Act shall stand dissolved.

**Transfer of funds**

3. On the repeal of the Act, any moneys in the Unemployment Relief Fund, established under section 6 of the Act, shall be transferred into the Consolidated Fund.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 20<sup>th</sup> October, 2021.



Mrs. Tania Isaac  
Clerk to the National Assembly

## **INQUEST INTO DEATH ACT, 2021**

*(Act 47 of 2021)*

### **ARRANGEMENT OF SECTIONS**

#### **PART 1 PRELIMINARY**

##### **SECTIONS**

1. Short title and commencement
2. Interpretation
3. Authority to conduct an inquest
4. Appointment of forensic pathologist

#### **PART 2 REPORTING OF DEATHS**

5. Obligation to report death
6. Reporting of death occurring in official custody
7. Body not to be removed

#### **PART 3 INVESTIGATIONS INTO DEATHS**

8. Police investigation into deaths
9. Police officer to provide report to the Attorney General and Magistrate
10. Attorney General or Magistrate may direct forensic pathologist to conduct an investigation
11. Powers of forensic pathologist

#### **PART 4 POST-MORTEM EXAMINATION AND POWERS OF MAGISTRATE TO ORDER BURIAL, CREMATION OR EXHUMATION**

12. When post-mortem examination is necessary
13. Conduct of post-mortem examination
14. Post-mortem examination report and special examination report
15. Power of Magistrate to order exhumation
16. Power of Magistrate to order release of body for burial or cremation

**PART 5****CIRCUMSTANCES UNDER WHICH AN INQUEST MAY BE HELD**

17. Jurisdiction of magistrate to hold an inquest
18. Duty of Magistrate to hold an inquest
19. Attorney General may make an application for the Magistrate to hold an inquest

**PART 6****INQUEST INTO DEATH**

20. Purpose of inquest
21. Law of evidence not applicable
22. Questioning of witnesses
23. Inquests to be made public
24. Adjournment of inquest when criminal proceedings are commenced
25. Adjournment of inquest when Commission is appointed under the Commissions Inquiry Act or any other written law
26. Magistrate's certificate
27. Admissibility of evidence in subsequent judicial proceedings

**PART 7****MISCELLANEOUS**

28. Change of Magistrate
29. Exemption
30. Power to make regulations
31. Consequential amendments and transitional provision

**SCHEDULE 1: Deaths Qualifying for Inquest**

**SCHEDULE 2: Deaths for which Inquests shall be held**

**SCHEDULE 3: Persons who may be appointed to hold an Inquest**



## INQUEST INTO DEATH ACT, 2021

(Act 47 of 2021)



*I assent*

A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan  
President

*8th November, 2021*

**AN ACT** TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH AN INQUEST INTO DEATH MAY BE HELD; TO SET OUT THE PURPOSES OF AN INQUEST; TO IDENTIFY THE CIRCUMSTANCES UNDER WHICH A POST-MORTEM EXAMINATION MAY BE CONDUCTED AND TO PROVIDE FOR POWERS OF FORENSIC PATHOLOGISTS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

**ENACTED** by the President and the National Assembly.

### **PART 1 PRELIMINARY**

#### **Short title and commencement**

- 1.(1) This Act may be cited as the Inquest into Death Act, 2021.
- (2) This Act comes into operation on such date as the Minister may, by notice published in the Gazette, appoint.

## Interpretation

2.(1) In this Act, unless the context otherwise requires —

“**body**” means a dead person, and includes any part of a person, whether or not the identity of the person concerned is known when the body part is discovered or is later determined, —

(a) without which no person can live; or

(b) discovered in such circumstances or such state that it is probable that the person is dead,

but does not include a stillborn child within the meaning of the Civil Status Act, Cap 34;

“**cause of death**” includes not only the apparent cause of death as ascertainable by inspection or examination of the body, but all matters necessary to enable an opinion to be formed as to the manner in which the deceased person came by that person's death;

“**Chief Officer**” means the person appointed as Chief Officer of Civil Status under section 5 of the Civil Status Act, Cap. 34, and, when the context permits, includes a civil status officer;

“**death**” means the permanent disappearance of all evidence of life in a person at any time after the person's birth;

“**death qualifying for an inquest**” means any death the circumstances of which are set out in Schedule 1;

“**forensic pathologist**” means a pathologist appointed under section 4 as a forensic pathologist;

“**inquest**” means a hearing held under Part 6 of this Act by a person specified in section 3;

“**investigation**” or a variation thereof means an investigation into a death conducted by a police officer, forensic pathologist,

Magistrate or any person empowered to hold an inquest, and includes any post-mortem examination;

**“Magistrate”** means a Senior Magistrate or Magistrate and shall be construed as including a person appointed under section 3(2) or 3(4) to hold an inquest into a person's death;

**“medical practitioner”** means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act, Cap. 126;

**“medical treatment or care”** includes any operation or any surgical, diagnostic or therapeutic procedure;

**“Minister”** means Minister responsible for legal affairs;

**“pathologist”** means a medical practitioner who has specialised training, experience or academic qualifications in the field of pathology;

**“place of custody”** means any place in which any person may lawfully be held, confined, detained, imprisoned or committed;

**“Public Health Commissioner”** means Public Health Commissioner appointed under the Public Health Authority Act, 2013;

**“video link”** means a technological arrangement whereby a witness, without being physically present in the place where the proceedings are conducted, is able to see and hear and be seen and be heard by the Magistrate and any other person who may be required to assist the Magistrate in the conduct of the inquest.

(2) For the purposes of this Act, a person is in official custody while the person is —

(a) held, confined, detained, imprisoned or committed under any written law in any place of custody;

- (b) proceeding to or from any such place of custody under the supervision of a police officer or any public authority charged with the person's custody; or
- (c) being taken into or escaping from such custody.

### **Authority to conduct an inquest**

3.(1) Any Magistrate shall be empowered to hold an inquest into a person's death.

(2) The President may, in consultation with the Chief Justice, appoint a person specified in Schedule 3 to hold an inquest and such person shall have all the powers, privileges, rights and jurisdiction of a Magistrate.

(3) A person appointed under subsection (2) shall, before the person holds an inquest, take and subscribe to the judicial oath set out in the Official Oaths Act, Cap. 153.

(4) Where the Chief Justice deems it necessary, a Judge may hold an inquest into a person's death instead of a Magistrate.

### **Appointment of forensic pathologist**

4.(1) The Minister responsible for health may appoint a pathologist or suitably qualified medical practitioner as a forensic pathologist.

(2) All appointments made under subsection (1) shall be published in the Gazette.

## **PART 2 REPORTING OF DEATHS**

### **Obligation to report death**

5.(1) Any person who becomes aware of a death which is, or appears to be, a death qualifying for an inquest shall, as soon as reasonably practicable, report the death to the police.

(2) Any person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine of

level 2 on the standard scale or to imprisonment for a term not exceeding 1 year or to both.

(3) Nothing in this section or section 6 shall derogate from any other obligation to report a death under any other written law.

### **Reporting of death occurring in official custody**

6. If a person die —

- (a) in the course of being arrested or detained by any person in the exercise, or purported exercise, of any power of arrest or detention under any law; or
- (b) while the person is in official custody,

it shall be the duty of —

- (i) the person exercising the power of arrest or detention;
- (ii) the person in charge of the place of custody where the deceased person died; or
- (iii) the person in whose official custody the deceased person was at the time of death, where the deceased person was outside the place of custody at the time of death,

as the case may be, to prepare and submit to the Commissioner of Police a report of the death within 24 hours upon the person becoming aware of that death.

### **Body not to be removed**

7.(1) In the case of a death qualifying for an inquest, no person shall remove, or in any manner alter the position of, a body unless the removal or moving of the body is —

- (a) authorized by a police officer, pathologist, forensic pathologist or medical practitioner;



- (b) necessary for the purpose of preventing any destruction or damage to the body.

(2) Any person who, without reasonable excuse the burden of proving which shall be on the accused person in a prosecution, contravenes subsection (1), commits an offence and is liable on conviction to a fine of level 2 on the standard scale or to imprisonment for a term not exceeding 1 year or to both.

### **PART 3 INVESTIGATIONS INTO DEATH**

#### **Police investigation into deaths**

**8.** A police officer who comes across or receives any information about any death which is, or appears to be, a death qualifying for an inquest shall —

- (a) if the body is in Seychelles, proceed immediately to the location where the body is lying or the death is believed to have occurred;
- (b) if the body is found, cause the body to be examined by a medical practitioner, pathologist or forensic pathologist;
- (c) use the police officer's best endeavours and powers to investigate the death and the circumstances connected with the death of the deceased person.

#### **Police officer to provide report to the Attorney General and Magistrate**

**9.(1)** After a police officer has started investigations into a death, the police officer shall, as soon as reasonably practicable, submit a copy of the police report together with a medical report pursuant to section 83(3) of the Civil Status Act, Cap 34, to the Attorney General and a Magistrate.

- (2) The police officer investigating into the death shall —
  - (a) from time to time, provide the Attorney General and the Magistrate with such further information concerning the

death as may subsequently come to the officer's knowledge, including the name of any person who has been arrested or charged in connection with the death;

- (b) comply with such directions as the Magistrate may give concerning the investigation.

### **Attorney General or Magistrate may direct forensic pathologist to conduct an investigation**

**10.(1)** When the Attorney General or a Magistrate receives information about the death of any person, the Attorney General or the Magistrate may direct —

- (a) a forensic pathologist to investigate the cause of and circumstances connected with the death; and
- (b) that a copy of all medical records, health-care records and such other documents as may be relevant to the case be provided to the forensic pathologist by —
  - (i) the person in charge of a hospital or medical facility;
  - (ii) the person in charge of the place of custody; or
  - (iii) any other person in possession thereof.

(2) The forensic pathologist shall regularly inform the police investigating the death, the Attorney General and the Magistrate about the progress of the forensic pathologist's investigations and findings.

### **Powers of forensic pathologist**

**11.(1)** A forensic pathologist making an investigation under section 10 may —

- (a) view the body at the place where the body is lying or order the body to be removed to some more convenient place and view the body at that place;
- (b) require any medical practitioner to provide, within such time as the forensic pathologist may specify, —

- (i) a detailed report on the medical treatment or care provided to the deceased person before that person's death;
  - (ii) such medical records or health-care records pertaining to the medical treatment or care of the deceased person as the forensic pathologist may require;
  - (iii) any other information, substance or thing pertaining to the medical treatment or care of the deceased person in the possession of the medical practitioner which the forensic pathologist considers necessary for the purposes of the investigation;
- (c) request a public officer, person or body corporate to provide such information pertaining to the medical history, treatment or care of the deceased person in the possession of the public officer, person or body corporate as the forensic pathologist considers necessary for the purposes of the investigation;
- (d) request the Magistrate to direct the police to provide such assistance as the forensic pathologist may require to investigate the cause of, and circumstances connected with, the death.

(2) A medical practitioner, public officer, person or body corporate shall comply with a request under subsection (1)(b) or (1)(c) to provide information to the forensic pathologist, notwithstanding any restriction on the disclosure of information imposed by any written law and the medical practitioner or public officer shall not by so doing be treated as acting in contravention of any written law.

#### **PART 4**

### **POST-MORTEM EXAMINATION AND POWERS OF MAGISTRATE TO ORDER BURIAL, CREMATION OR EXHUMATION**

#### **When post-mortem examination is necessary**

**12.(1)** In a case of death reported to a Magistrate under section 9, the Magistrate may, after consulting a forensic pathologist, pathologist or an

approved medical practitioner, order a post-mortem examination to be conducted if the Magistrate is of the opinion that a post-mortem examination is necessary in the circumstances to establish the manner and cause of death.

(2) Notwithstanding subsection (1), a Magistrate shall order a post-mortem examination to be conducted if the Attorney General makes an application for an inquest to be held.

### **Conduct of post-mortem examination**

**13.(1)** A post-mortem examination shall be performed by —

- (a) a pathologist;
- (b) a forensic pathologist;
- (c) a medical practitioner under the supervision of a pathologist or forensic pathologist; or
- (d) an approved medical practitioner.

(2) A pathologist, forensic pathologist or an approved medical practitioner who conducts a post-mortem examination may —

- (a) perform or cause to be performed any operation on the body that the pathologist or approved medical practitioner thinks necessary, including causing any part or contents of the body or any other substance or thing to be retained for the purpose of determining the manner or cause of death;
- (b) where necessary, appoint any person who in the pathologist's, forensic pathologist's or approved medical practitioner's opinion is qualified to make a special examination by way of an analysis, test or otherwise of any part or contents of the body or of any other substance or thing, and send such part, contents substance or thing to that person for special examination.

### **Post-mortem examination report and special examination report**

**14.(1)** A pathologist, forensic pathologist or an approved medical practitioner who conducts a post-mortem examination shall —

- (a) draw up, or cause to be drawn up, a report of the findings of the post-mortem examination and of the conclusions which shall be drawn from the report;
- (b) certify the medical cause of death; and
- (c) date and sign the report and send the report to the Magistrate who ordered the post-mortem examination.

(2) Where a person has been appointed under section 13(2)(b), that person shall draw up a report of the findings of the special examination, date and sign the report and send it to the Magistrate who ordered the post-mortem examination.

(3) The post-mortem examination report made under subsection (1) and any special examination report made under subsection (2) shall be admissible as evidence, and shall be prima facie evidence of the facts stated therein, at any inquest under this Act.

(4) A pathologist, forensic pathologist or an approved medical practitioner who conducted a post-mortem examination or any person appointed under section 13(2)(b), if summoned by a Magistrate as a witness in an inquest, may be asked to give expert evidence upon any matter arising out of the examination conducted and cause of death of the deceased person.

### **Power of Magistrate to order exhumation**

**15.** A Magistrate may, after consulting the Public Health Commissioner or if the Attorney General makes an application under section 19(2), order the exhumation of a body, or the remains of a body, for the purpose of discharging any of the Magistrate's duties, or exercising any of the Magistrate's powers under this Part.

### **Power of Magistrate to order release of body for burial or cremation**

**16.(1)** Where a death which is, or appears to be, a death qualifying for an inquest has been reported to a Magistrate and the body is in Seychelles, the Magistrate shall have control of the body until such time as the Magistrate issues an order to release the body under subsection (4).

(2) Notwithstanding subsection (1), the body of the deceased person shall be examined by a medical practitioner, pathologist or forensic pathologist, and the medical practitioner, pathologist or forensic pathologist may submit a medical report to the Commissioner of Police.

(3) If a post-mortem examination has been ordered on the body, the Magistrate shall issue the order to release the body under subsection (4) only after the post-mortem examination has been concluded.

(4) The Magistrate may, whether or not the Magistrate considers that an inquest is necessary, order the release of a body subject to such directions from the Public Health Commissioner —

- (a) for burial or cremation;
- (b) for the body to be transported out of Seychelles; or
- (c) for retention of the body for use in any manner in accordance with law,

and if the Magistrate so orders, shall issue a certificate of an order of release of the body.

(5) A Magistrate shall issue a certificate of an order of release of the body where the Public Health Commissioner determines that it is in the interest of public safety to do so.

(6) A person who is issued a certificate of an order of release of the body shall make any relevant application to the Public Health Commissioner pursuant to Civil Status Act or the Public Health Act.

## **PART 5**

### **CIRCUMSTANCES UNDER WHICH AN INQUEST MAY BE HELD**

#### **Jurisdiction of Magistrate to hold an inquest**

17.(1) A Magistrate shall have jurisdiction to hold an inquest to determine the cause of death of any person where —

- (a) the body of the person is found in Seychelles;

- (b) the death occurred in Seychelles;
- (c) the cause of the death occurred in Seychelles;
- (d) the death occurred on board, or as a result of an occurrence on board, a Seychelles-registered aircraft or Seychelles-registered vessel;
- (e) the death occurred outside Seychelles on or from an aircraft or a vessel, other than an aircraft or a vessel referred to in paragraph (d), provided that the Attorney General has authorised the Magistrate to conduct an inquest into the death.

(2) The Magistrate shall have jurisdiction under subsection (1)(b), (c), (d) or (e) notwithstanding the absence of a body.

#### **Duty of Magistrate to hold an inquest**

**18.(1)** A Magistrate shall hold an inquest into any death which occurred in Seychelles where —

- (a) a person dies while in official custody;
- (b) the Attorney General makes an application pursuant to section 19; or
- (c) the death occurred in any of the circumstances set out in Schedule 2, unless the Magistrate is satisfied that the death was due to natural causes.

(2) A Magistrate may decide not to hold an inquest if the Magistrate is satisfied that —

- (a) the death was due to natural causes and it is unnecessary to do so;
- (b) in the circumstances, that it is not in the public interest, or in the interest of public health or national security to do so.

(3) In deciding whether or not to hold an inquest, a Magistrate may have regard to the following matters —

- (a) in the case of a death that appears to have been unnatural or violent, whether or not it appears to have been due to the action or inaction of any other person;
- (b) the extent to which the drawing of attention to the circumstances of the death may be likely to reduce the chances of the occurrence of other deaths in similar circumstances;
- (c) the desire of any member of the immediate family of the deceased person that an inquest should be conducted;
- (d) whether or not the death occurred outside Seychelles or was caused by matters arising outside Seychelles;
- (e) whether or not an inquest or investigation into the death has been or will be conducted by a Magistrate or a corresponding authority of a foreign country;
- (f) any other matter the Magistrate thinks fit.

(4) A Magistrate who decides not to hold an inquest into a death under subsection (2) shall report the facts to the Attorney General with the Magistrate's reasons for not holding an inquest.

**Attorney General may make an application for the Magistrate to hold an inquest**

19.(1) The Attorney General may, in any case where a Magistrate has jurisdiction and the Attorney General is satisfied that an inquest is necessary or desirable, make an application to a Magistrate for the Magistrate to hold an inquest into the death of any person.

(2) The Attorney General may, on the approval of the Public Health Commissioner, make an application to a Magistrate for an order to have a body exhumed if the Attorney General is of the opinion that it is necessary to do so for the purposes of the inquest.

(3) Notwithstanding that proceedings at any inquest may have been concluded by a Magistrate, where it appears to the Attorney General that



further investigations are necessary, the Attorney General may make an application to a Magistrate for that Magistrate to re-open the inquest and make further investigations, and the Magistrate shall thereafter proceed in the same manner as if the proceedings at the inquest had not been concluded.

## **PART 6**

### **INQUEST INTO DEATH**

#### **Purpose of inquest**

**20.(1)** The purpose of an inquest into the death of a person is to inquire into the cause of and circumstances connected with the death and, for that purpose, the proceedings and evidence at the inquest shall be directed to ascertaining the following matters in so far as they may be ascertained —

- (a) the identity of the deceased person; and
- (b) how, when and where the deceased person came by that person's death; and
- (c) the cause of the death; and
- (d) the circumstances of the death.

(2) A Magistrate at an inquest shall not frame a finding in such a way as to determine any question of criminal, civil or disciplinary liability but shall not be inhibited in the discharge of the Magistrate's functions by any likelihood of liability being inferred from facts that the Magistrate determines or recommendations that the Magistrate makes.

(3) At the conclusion of the inquest, the Magistrate shall record the Magistrate's findings as to the matters referred to in paragraphs (a) to (d) of subsection (1).

#### **Law of evidence not applicable**

**21.** A Magistrate holding an inquest is not bound by the law of evidence and may conduct an inquest in any manner that the Magistrate reasonably thinks fit.

### **Questioning of witnesses**

22.(1) Any interested person, and any other person who has the permission of the Magistrate to do so, may examine a witness in person or by an Attorney-at-Law.

(2) Where at any inquest a report drawn up pursuant to section 14 is received in evidence, any person referred to in subsection (1) who desires to examine the maker of that report may require the Magistrate to summon that person as a witness, and the Magistrate may do so.

(3) Where the Magistrate considers it appropriate, the Magistrate may direct that a witness gives evidence by means of a video link.

### **Inquests to be made public**

23. The proceedings of an inquest shall be open to the public, unless the Magistrate is of the opinion that it is in the interests of justice, public order, public security or there is other sufficient reason, that the public or certain members of the public be excluded from the inquest or any part of the inquest.

### **Adjournment of inquest when criminal proceedings are commenced**

24.(1) If, before the conclusion of an inquest by a Magistrate, any person is charged with any offence under —

- (a) Chapter XIX or Chapter XXI of the Penal Code, Cap. 158;
- (b) section 25 of the Road Transport Act, Cap. 206,

in relation to an act which caused or could have caused the death which is the subject of the inquest, the Magistrate shall adjourn the inquest until after the conclusion of the criminal proceedings.

(2) The President may by Order published in the Gazette amend subsection (1) to add or remove an offence under any written law that would cause a Magistrate to adjourn an inquest until after the conclusion of the criminal proceedings in that matter.

(3) Where a Magistrate resumes an inquest after the conclusion of the

criminal proceedings referred to in subsection (1), the Magistrate shall continue with the inquest from the stage at which the inquest was adjourned, provided that at the resumed inquest no finding shall be made which is inconsistent with the result of those criminal proceedings.

(4) If, having regard to the result of the criminal proceedings referred to in subsection (1), there has been a finding in those proceedings as to the cause of and circumstances connected with the death, and the Magistrate decides not to resume the inquest, the Magistrate shall —

- (a) sign the Magistrate's record of the proceedings of inquest and sign the certificate required section 26 accordingly; and
- (b) send to the Attorney General, Chief Officer, the Principal Secretary for the Ministry of Health and Public Health Commissioner each a copy of the certificate referred to in section 26.

(5) Where an inquest is adjourned under subsection (1), it shall be the duty of the Attorney General to inform the Magistrate responsible for holding the inquest of the result of the criminal proceedings in relation to the subject of the inquest.

(6) In this section “criminal proceedings” means proceedings before —

- (a) a Magistrate at any preliminary inquiry;
- (b) any court by which a person is tried; or
- (c) any court before which an appeal from the decision or judgment of the court referred to in paragraph (b) is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course of them.

#### **Adjournment of inquest when Commission is appointed under the Commissions of Inquiry Act or any other written law**

25.(1) If, before the conclusion of an inquest by a Magistrate, a commission is appointed under the Commissions of Inquiry Act, Cap. 39, or a

committee or body is appointed under any other written law to inquire into any matter relating to the cause of or circumstances connected with the death which is the subject of the Magistrate's inquest, the Magistrate shall adjourn the Magistrate's inquest until after the conclusion of the inquiry by that commission, committee or body.

(2) Where a Magistrate resumes the Magistrate's inquest after the conclusion of the inquiry by the commission, committee or body referred to in subsection (1), the Magistrate shall continue with the inquest from the stage at which the inquest was adjourned, and may have regard to any report or finding by the commission, committee or body which the Magistrate considers relevant to the Magistrate's inquest.

(3) If, having regard to the report of the inquiry by the commission, committee or body referred to in subsection (1), there has been a finding in that inquiry as to the cause of and circumstances connected with the death, and the Magistrate decides not to resume the Magistrate's inquest, the Magistrate shall —

- (a) sign the Magistrate's record and the certificate required section 26 accordingly; and
- (b) send to the Attorney General, Chief Officer, the Principal Secretary for the Ministry of Health and Public Health Commissioner each a copy of the certificate referred to in section 26.

### **Magistrate's certificate**

26.(1) Where a Magistrate holds an inquest into the death of any person, the Magistrate shall complete and sign a certificate setting out the cause of death as determined at the inquest.

(2) The Magistrate shall, within 48 hours after the conclusion of the inquest, forward a copy of the certificate to —

- (a) the Chief Officer, together with such other particulars as are required by the Chief Officer for the purpose of registering the cause of death under the Civil Status Act, Cap. 34;

- (b) the Attorney General, the Principal Secretary for the Ministry of Health and Public Health Commissioner.

(3) If any case where a death qualifying for an inquest has occurred in Seychelles and the Magistrate has decided not to hold an inquest into the death under section 18(2), the Magistrate shall, after considering the results of the investigations into the death —

- (a) complete and sign a certificate setting out the cause of death based on the evidence at the proceedings; and
- (b) within 48 hours after signing the certificate, send a copy thereof to the Chief Officer, Attorney General, the Principal Secretary for the Ministry of Health and Public Health Commissioner.

(4) For the avoidance of doubt, a Magistrate may issue a certificate under this section in the absence of a body.

### **Admissibility of evidence in subsequent judicial proceedings**

27. No evidence admitted by a Magistrate in the course of an inquest shall be admissible in any subsequent judicial or disciplinary proceedings as evidence other than any proceedings for an offence of perjury.

## **PART 7 MISCELLANEOUS**

### **Change of Magistrate**

28. If a Magistrate —

- (a) who has authorised the release of the body is unable to hold the inquest;
- (b) is at any time unable to complete the inquest;
- (c) is unable to re-open an inquest previously concluded by that Magistrate pursuant to section pursuant to section 19,

another Magistrate may hold, continue or re-open the inquest, as the case may be, and may proceed with any evidence recorded by the previous Magistrate.

### **Exemption**

**29.** The President may, by order published in the Gazette specifying reasons therefor, exempt any person or class of persons from being subject to an inquest under this Act.

### **Power to make Regulations**

**30.(1)** The Minister, in consultation with the Chief Justice, may make regulations generally for carrying out or giving effect to the purposes and provisions of this Act, including regulations to amend any Schedule.

(2) Without prejudice to the generality of subsection (1), the Minister, in consultation with the Chief Justice, may make regulations for all or any of the following matters —

- (a) the procedure or practice for the conduct of any inquest under this Act, including provisions relating to the mode of taking or recording evidence during an inquest;
- (b) the prescribing of anything required or permitted to be prescribed under this Act.

### **Consequential amendments and transitional provisions**

**31.(1)** The Criminal Procedure Code, Cap. 54, is amended by repealing sections 346, 347, 348, 349, 350, 351 and Form No. XXI in the Fifth Schedule.

(2) The Peace Officers (Inner Islands and Outlying Islands) Act, Cap. 157, is amended by repealing sections 4(7) and 12.

(3) Any inquest started prior to the commencement of this Act pursuant to the provisions specified in subsections (1) and (2) shall continue in accordance with the Criminal Procedure Code or the Peace Officers (Inner Islands and Outlying Islands) Act, as the case may be.

**SCHEDULE 1***(section 2)***DEATHS QUALIFYING FOR INQUEST**

1. Death in Seychelles of a person whose identity is not known.
2. Any death in Seychelles that was unnatural or violent.
3. Any death in Seychelles that resulted or is suspected to have resulted, directly or indirectly, from an accident.
4. Any death in Seychelles that occurred, directly or indirectly, as a result of any medical treatment or care.
5. Death in Seychelles of a person where the person was, before the person's death, in official custody and where the death was related, or suspected to be related, to that custody.
6. Any death in Seychelles occurring apparently or possibly as a consequence of any law enforcement operation.
7. Any death in Seychelles involving a public vehicle, commercial transport vehicle or other mode of public transport.
8. Any death of a person in possession of an immigration permit.
9. Any death on board a Seychelles-registered vessel or a Seychelles-registered aircraft.
10. Upon the authority of the Attorney General to hold an inquest, a death occurring outside Seychelles on or from an aircraft or a vessel, not being a Seychelles-registered vessel or a Seychelles-registered aircraft.
11. Any death in Seychelles that was caused or suspected to have been caused by an unlawful act or omission.
12. Any death in Seychelles the manner or cause of which is unknown.
13. Any death in Seychelles that occurred under suspicious circumstances.

**SCHEDULE 2**

*[section 18(1)(c)]*

**DEATHS FOR WHICH INQUESTS SHALL BE HELD**

1. Death in Seychelles of a person whose identity is not known.
2. Death in Seychelles of a person where the person was, before the person's death, in official custody and where the death was related, or suspected to be related, to that custody.
3. Any death in Seychelles occurring apparently or possibly as a consequence of any law enforcement operation.
4. Any death in Seychelles that was caused or suspected to have been caused by an unlawful act or omission.
5. Any death in Seychelles the manner or cause of which is unknown.
6. Any death in Seychelles that occurred under suspicious circumstances.

**SCHEDULE 3**

*[section 3(2)]*

**PERSONS WHO MAY BE APPOINTED TO HOLD AN INQUEST**

1. An Attorney-at-Law with at least 3 years standing;
2. An expert who conducts inquests in another country.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 13<sup>th</sup> October, 2021.



Mrs. Tania Isaac  
Clerk to the National Assembly



**CIVIL STATUS (AMENDMENT) ACT, 2021**

*(Act 45 of 2021)*

**ARRANGEMENT OF SECTIONS**

**SECTIONS**

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 6
4. Repeal of section 7
5. Repeal and replacement of section 15
6. Insertion of new section 18A.
7. Amendment of section 20
8. Insertion of section 22A.
9. Repeal and substitution of Part III
10. Repeal and Replacement of Part V
11. Insertion of New Part VIIA
12. Amendment of section 110
13. Amendment of section 112
14. Amendment of section 114
15. Amendment of section 115
16. Amendment of section 116
17. Repeal of section 117
18. Repeal of section 120
19. Repeal of sections 157 to 161
20. Consequential amendment





**CIVIL STATUS (AMENDMENT) ACT, 2021**

*(Act 45 of 2021)*



*I assent*

A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan  
President

*4th November, 2021*

**AN ACT** TO INTRODUCE A NEW SYSTEM FOR THE REGISTRATION OF BIRTHS AND DEATHS; TO PROVIDE FOR THE ELECTRONIC SUBMISSION OF DOCUMENTS; TO REVISE PENALTIES UNDER THE CIVIL STATUS ACT; AND FOR MATTERS INCIDENTAL THERETO.

**ENACTED** by the President and the National Assembly.

**Short title and commencement**

1.(1) This Act may be cited as the Civil Status (Amendment) Act, 2021, and shall be read and construed as one with the Civil Status Act, Cap. 34, which, as amended, is hereinafter referred to as the “principal Act”.

(2) This Act comes into operation on such date as the Minister may, by notice published in the Gazette, appoint.

**Amendment of section 2**

2. Section 2 of the principal Act is amended —

- (a) by repealing the definition of “interment”;
- (b) by inserting in the proper alphabetical order the following new definitions —

“**birth**” means the complete expulsion or extraction of a foetus from a female, irrespective of the duration of the pregnancy, where after such expulsion or extraction there is breathing, beating of the heart, pulsation of the umbilical cord or unmistakable movement of voluntary muscle, whether or not the umbilical cord has been cut or the placenta is attached;

“**Chief Officer**” means the person appointed as Chief Officer of the civil status under section 5 and, when the context permits, includes a civil status officer;

“**civil penalty**” means a sum of money payable to the Chief Officer or a civil status officer by a person who fails to perform a mandatory administrative duty or obligation under this Act and shall not be deemed a criminal offence;

“**corpse**” has the same meaning assigned to it under the Public Health Act, 2015;

“**cremate**” means to burn a corpse to ash;

“**death**” means the permanent disappearance of all evidence of life in a person at any time after the person's birth;

“**death qualifying for an inquest**” has the same meaning assigned under the Inquest into Death Act, 2021;

“**forensic pathologist**” has the same meaning assigned under the Inquest into Death Act, 2021;

**“Medical Certificate of Cause of Death”** means the Medical Certificate of Cause of Death as may be prescribed;

**“medical practitioner”** means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act, Cap. 126;

**“midwife”** means a person registered as a midwife under the Nurses and Midwives Act, Cap. 150;

**“Minister”** means Minister responsible for civil status;

**“nurse”** means a person registered as a nurse under the Nurses and Midwives Act, Cap. 150;

**“pathologist”** means a medical practitioner who has specialised training, experience or academic qualifications in the field of pathology;

**“Public Health Commissioner”** means Public Health Commissioner appointed under the Public Health Authority Act, 2013;

**“stillbirth”** shall have the definition assigned by the Minister responsible for health by notice published in the Gazette;”

### **Amendment of section 6**

3. Section 6(1) of the principal Act is amended by repealing the words “It shall be lawful for the President to” and substituting therefor the words “The Minister may”.

### **Repeal of section 7**

4. The principal Act is amended by repealing section 7.

### **Repeal and replacement of section 15**

5. The principal Act is amended by repealing section 15 and substituting therefor the following —

**“Duty to maintain registers**

**15.** It is the duty of the Chief Officer to maintain the following registers —

- (a) register of births;
- (b) register of stillbirths;
- (c) register of deaths;
- (d) register of marriages;
- (e) register of divorces;
- (f) register of children adoptions;
- (g) register of change of names; and
- (h) such other registers as may be specified in this Act or any other enactment.”

**Insertion of new section 18A.**

**6.** The principal Act is amended by inserting immediately after section 18 the following as section 18A. —

**“Electronic storage registers**

**18A.(1)** All registers not in use shall be —

- (a) reproduced into digital format; and
- (b) kept by the Chief Officer in such places as to maintain the integrity of the records for an indefinite period.

(2) Any person authorized by the Minister shall have access to all registers reproduced into digital format.”

**Amendment of section 20**

7. Section 20 of the principal Act is amended by inserting immediately after the words “the Chief Officer of the Civil Status,” the words “the Principal Secretary responsible for health,”.

**Insertion of section 22A.**

8. The principal Act is amended by inserting immediately after section 22 the following as section 22A. —

**“Issue of forms to the public**

22A.(1) The Chief Officer may provide any document or form prescribed under this Act in electronic format, free of cost, to the public.

(2) The document or form shall be completed and delivered to the Chief Officer, free of cost, by every person required to do so in accordance with this Act.”

**Repeal and substitution of Part III**

9. The principal Act is amended by repealing Part III and substituting therefor the following —

**“PART III****REGISTRATION OF BIRTHS, STILLBIRTHS AND ABANDONED CHILDREN****Interpretation under Part III**

31. In this Part unless the context otherwise requires —

“**child**” means a person who has not attained the age of 18 years;

“**Director responsible for children affairs**” means the person acting in the capacity or performing the functions of head of the division or section responsible for children affairs in the Ministry or department responsible for children affairs;

**“late registration”** means the registration of a birth after the time specified in section 37(1);

**“person”** means a natural person and includes a child;

**“relative”** means the grandmother, grandfather, aunt, uncle, older sister or older brother, and includes a guardian, of a child;

**“the register”** means a register of births or register of stillbirths and cognate words shall be construed accordingly.

### **Notification of births and stillbirths**

32.(1) A medical practitioner, nurse or midwife who attends a birth shall give a notification of birth to the Chief Officer and to the mother of the child or an authorised person.

(2) If the birth occurs in circumstances where subsection (1) does not apply, the mother of the child or a person authorised by the mother of the child shall contact a medical practitioner as soon as reasonably practicable and thereafter the medical practitioner shall give a notification of birth to the Chief Officer and to the mother of the child or an authorised person.

(3) Notwithstanding subsection (2), in the case of death, illness, absence or inability of the mother of the child —

- (a) the head of the family or household in which the child was born;
- (b) an occupier of the premises or the dwelling in which the child was born; or
- (c) a person who was present at the time and place where the child was born,

shall contact a medical practitioner as soon as reasonably practicable and thereafter the medical practitioner shall give a



notification of birth to the Chief Officer and a person authorized to register the birth of the child under this Act.

(4) A person in charge of a prison, mental health facility, quarantine facility or a public institution is deemed to be the occupier thereof for the purposes of subsection (3)(b).

(5) Where a medical practitioner, nurse or midwife who is not employed by the Government issues a notification of birth pursuant to subsection (1), (2) or (3), that medical practitioner, nurse or midwife shall forward without delay a copy of the notification of birth to the Principal Secretary of the Ministry responsible for health.

(6) A notification of birth shall be given to the Chief Officer within 3 days after the birth of the child, indicating whether the child was born alive or was stillborn.

(7) Notwithstanding subsection (6), the notification of the birth, indicating whether the child was born alive or was stillborn, shall be given to the Chief Officer as soon as reasonably practicable where a medical practitioner is made aware of the birth in circumstances set out in subsection (2) or (3).

(8) If a pregnancy resulted in the birth of more than one child, a separate notification shall be given for each child and each statement shall state the number of children born and the birth order of the child that is the subject of the particular notification.

(9) Where a medical practitioner, nurse or midwife who, pursuant to subsection (5) is required to give a notification of birth or stillbirth to the Chief Officer and the Principal Secretary of the Ministry responsible for health, fails or refuses to give a notification of birth or stillbirth, in accordance with this Act, the person who manages the hospital or other medical facility that employs the medical practitioner, nurse or midwife is liable to pay a fixed civil penalty of SCR 5, 000 to the Chief Officer.

**Particulars of notification of birth and stillbirth**

**33.(1)** A notification of live birth shall contain the following particulars —

- (a) the time, day, month and year of the birth of the child;
- (b) the sex of the child;
- (c) the name of the child, if any;
- (d) the name, date of birth, telephone number, email address and profession of the mother of the child;
- (e) the nationality of the mother of the child;
- (f) the marital status of the mother of the child;
- (g) the national identity number or passport number of the mother of the child; and
- (h) any other information as may be prescribed.

(2) A notification of stillbirth may contain, in addition to the particulars referred to in subsection (1), the following particulars —

- (a) the weight of the foetus;
- (b) the gestational age of the foetus;
- (c) the name of the certifying medical practitioner or midwife; and
- (d) any other information as may be prescribed.

(3) The Minister responsible for health shall prescribe a form or the manner for notification of births.

**Registration of births**

34.(1) The registration of the birth of a child born at any place within Seychelles shall be done within 30 days of the birth of that child.

(2) The registration of the birth of a child shall be completed by —

- (a) the mother and father of the child; or
- (b) the child's mother, if the father is deceased or incapable of registering the birth of the child or if the father is unacknowledged by or unknown by the mother; or
- (c) the child's father, if the mother is deceased or incapable of registering the birth of the child; or
- (d) a person having lawful custody of the child, if both parents are deceased or incapable of registering the birth of the child; or
- (e) a person authorized in writing by the mother of the child.

(3) If the birth of a child is not registered within a period of 15 days of the birth of that child, the Chief Officer shall send a written notice to any person specified in the notification of birth to appear before the Chief Officer to register the birth of the child in accordance with subsection (1).

(4) The registration of the birth of a child shall be completed on such registration form as may be prescribed by the Minister.

(5) The person submitting a registration form to the Chief Officer shall submit a statement and shall state that the particulars of the birth provided are true according to the person's best knowledge and belief.

(6) The Chief Officer shall issue a Certificate of Birth, in such manner as may be prescribed, to the person who registered the birth of the child or such other authorised person.

(7) A person who registers or causes to be registered a birth of a child after the time specified in subsection (1), is liable to pay to the Chief Officer a fixed civil penalty of SCR 1, 000 and a further civil penalty of SCR 25 for each day that the person continues to contravene subsection (1).

(8) If any person specified in subsection (2) fails to register the birth of a child after 30 days of the birth of that child, the Chief Officer or the Attorney General may make an ex parte application by notice of motion with an accompanying affidavit to the Master of the Supreme Court or a Judge for an order for the person to appear before the Chief Officer to register the birth of that child and pay the civil penalty due under subsection (7).

(9) If none of the persons referred to in subsection (2) appears in answer to the order issued under subsection (8), or cannot be found after all reasonable efforts have been made to locate the persons, the Chief Officer shall register the birth any time after 3 months of the birth of the child using the information provided in the notification of birth.

(10) The birth of a child registered under subsection (9) may be re-registered in accordance with section 37.

### **Registration of child born to an unmarried mother**

**35.** The Chief Officer shall not enter the name of any man on the register of births as the father of a child born to an unmarried mother unless the Chief Officer receives —

- (a) a joint application by the mother and father of the child for the father's name to be entered on the register; or
- (b) a paternity order in respect of the child made by a court; or

- (c) an application by the man acknowledging himself to be the father of the child, in the case where the mother cannot be found or is dead, supported by a declaration made by him and —
  - (i) an approved DNA test result that names the man as the father of the child and a written statement that the guardian of the child, if any, consented to the DNA test; and
  - (ii) a statement from 2 credible persons having knowledge that the birth occurred in Seychelles.

### **Re-registration of birth to include particulars of father**

**36.** At any time after the birth of a person who is registered in the register of births but whose father's name is not entered on the register, the Chief Officer shall authorize the entry of the name and particulars of the father if the Chief Officer is satisfied that —

- (a) a joint application is made and submitted to the Chief Officer by the mother and father of the person for the father's name to be entered on the register; or
- (b) a paternity order in respect of the person has been made by a court; or
- (c) an approved DNA test result has been submitted to the Chief Officer that names the man as the father of the person and a written statement that —
  - (i) the man and the person consented to the DNA test where the person has attained the age of 18 years; or
  - (ii) the man and the mother of the person rs.

consented to the DNA test where the person is under the age of 18 years.

### **Late registration and re-registration of child**

37.(1) If after 3 months of the birth of a child, the birth is not registered or the birth was registered pursuant to section 34(9), an application shall be made to Chief Officer for late registration or re-registration of the birth of the child, as the case may be.

(2) The Chief Officer shall register or re-register the birth, as the case may be, if —

- (a) the person making the application is eligible to register the birth of the child in accordance with section 34 or 35;
- (b) the information relating to the birth and the reason for the late registration is verified by a written statement;
- (c) the Chief Officer is satisfied as to the truth and sufficiency of information and other matters stated in the written statement; and
- (d) such civil penalties as are imposed under section 34(7) are paid.

(3) If the application does not satisfy the requirements of subsection (2), the Chief Officer shall require the applicant to apply to the court for an order for registration of birth.

(4) The Chief Officer shall register the birth of a child on receipt of an order of a Judge in the terms thereof and shall specifically note on the register that the registration was done pursuant to an order of the Judge.

### **Finding an abandoned child**

38.(1) Where a living newborn child is found abandoned, it is the duty of —

- (a) the person who finds the child to contact the police without delay;
- (b) the Commissioner of Police to immediately take the child to the nearest medical practitioner or medical facility for evaluation;
- (c) the medical practitioner or medical facility into whose care the child was delivered to immediately inform the Director of responsible for children affairs of the finding of the abandoned newborn child.

(2) The person who finds the child shall, within 7 days of finding the child, give to the police and to the Director responsible for children affairs a statement of all information that the person has in relation to the child.

### **Registration of an abandoned child**

39.(1) If, after 60 days of the finding of an abandoned child, the Director responsible for children affairs is satisfied that all reasonable efforts were made to identify the child, the Director responsible for children affairs in consultation with a medical practitioner shall establish the date of birth of the child and give names to the child.

(2) The Director responsible for children affairs shall provide the Chief Officer with evidence on affidavit concerning the finding of the child and requesting that the birth of the child be registered.

- (3) The affidavit shall include the following particulars —
- (a) the time, day, month and year the child was found;
  - (b) the date of birth of the child;
  - (c) the sex of the child;

- (d) the weight of the child when found;
- (e) the location in which the child was found;
- (f) the names given to the child;
- (g) the name, residence and profession of the person who found the child, if applicable;
- (h) the medical practitioner or medical facility, into whose care the child was delivered, under section 38(1)(c); and
- (i) any other information arising from a credible source.

(4) Where the date of birth of a child whose birth is required to be registered under this section is not known and a medical practitioner certifies in writing that, in the medical practitioner's opinion, the birth took place on or about a date specified in the medical certificate, the Director responsible for children affairs and the Chief Officer shall regard the date given by the medical practitioner as the date of birth.

(5) The Chief Officer shall, if satisfied by the information provided, register the birth of the child and issue a Certificate of Birth to the Director responsible for children affairs.

(6) If subsequent to the registration of a birth under this section, further information is received by the Chief Officer affecting the particulars of the birth as registered, or the identity of the child is established to the satisfaction of the Chief Officer, the Chief Officer shall, after consultation with the Director responsible for children affairs —

- (a) add to, or correct, the registration of the birth made under this section; or
- (b) cancel the registration of birth made under subsection (5) and cause a new registration in



accordance with the facts of the birth to be substituted for the former registration.

- (7) If a new registration is made under subsection (6)(b) —
- (a) it shall carry the same date as shown on the registration under subsection (5); and
  - (b) it shall be regarded as the only registration of the birth of the child and no Certificate of Birth in respect of the first registration shall be issued.

### **Registration of births occurring outside Seychelles**

**39A.(1)** A person born outside of Seychelles may be registered in a register of births, to be known as the Register of Births Occurring Outside Seychelles, if at the person's date of the birth the person is a citizen of Seychelles in accordance with the laws of Seychelles.

(2) A person entitled to be registered in the Register of Births Occurring Outside Seychelles shall submit the following evidence of the birth —

- (a) a Certificate of Birth or an official document verifying the birth issued by the appropriate authority in the foreign country, with an English translation of the certificate if the certificate is not in English; or
- (b) if there is a Seychelles Diplomatic Mission in the foreign country, a certificate of an officer of the Diplomatic Mission that the officer is satisfied, from the evidence produced and inquiries the officer has made on the direction of the Attorney General, that the particulars of the birth given in the certificate are correct; and
- (c) such other evidence as the Minister may prescribe by regulations.

(3) The person giving notice of the birth shall certify in writing to the Chief Officer the correctness and authenticity of the evidence submitted pursuant to subsection (2).

(4) Sections 34(2), 35 and 36 shall apply *mutatis mutandis* to the registration of a birth under this section.

(5) On receiving the evidence required under this section or as stipulated by regulations, the Chief Officer shall enter the prescribed particulars of the birth in the Register of Births Occurring Outside Seychelles.

(6) Subject to subsection (6), the Chief Officer may issue a Certificate of Birth to a person registered in the Register of Births Occurring Outside Seychelles and the certificate shall specify the foreign country where the person was born and any other information as may be prescribed.

(7) The Minister shall prescribe by regulations the circumstances or conditions under which a person may be issued a Certificate of Birth under this section.

### **Surname of child**

**39B.(1)** The surname of a child shall be registered in the register of birth as follows —

- (a) if the parents of a child have the same surname, then the child's surname shall be the parents' surname;
- (b) if the parents of a child have different surnames and the father's name is not entered on the register, the child's surname shall be the mother's surname, subject to paragraph (c) or any other written law; or
- (c) if the parents of a child have different surnames and the father's name is entered on the register

in accordance with this Act, then the child's surname may be the mother's surname or the father's surname, or both, as agreed by the parents.

(2) Sections 94 to 99 shall apply *mutatis mutandis* to a petition to change a child's surname pursuant to subsection (1).

### **Information to be given to parents**

**39C.** Where a birth is registered under this part, an officer shall inform the parents of their duty to maintain the child under sections 4 and 6 of the Children Act, Cap. 28, and that failure to fulfil that duty is an offence.”

### **Repeal and substitution of Part V**

**10.** The principal Act is amended by repealing Part V and substituting therefor the following —

#### **“PART V REGISTRATION OF DEATHS**

#### **Body of the deceased to be examined by medical practitioner or pathologist**

**80.** Subject to this Act or any other written law, the body of a deceased person or the remains of a body shall be examined by a medical practitioner, pathologist or forensic pathologist.

#### **Obligation to give notification of death**

**81.(1)** (a) A medical practitioner who was in attendance before the death and until the death of a deceased person shall, within 24 hours after such death, give or cause to be given a notification of death to the Chief Officer, the Principal Secretary responsible for health and the executor of the estate of the deceased person or the nearest surviving relative of the deceased person.

(2) If the death occurs in circumstances where subsection (1) does not apply, the medical practitioner, pathologist or

forensic pathologist who conducts an examination of the deceased person or the remains of a body shall give or cause to give a notification of death to the Chief Officer, the Principal Secretary responsible for health and the executor of the estate of the deceased person or the nearest surviving relative of the deceased person.

(3) The Minister responsible for health shall prescribe a form or the manner for the notification of death.

### **Obligation to declare death**

**82.(1)** The executor of the estate of the deceased person or the nearest surviving relative of the deceased person or a person authorized under section 89 to bury a corpse or to cremate a deceased person shall declare the death of the deceased person at a civil status office using the information contained in the notification of death and any other information as may be required by the Chief Officer.

(2) Upon declaration of the death of the deceased person, the Chief Officer shall issue a Certificate of Death under section 86 to the executor of the estate of the deceased person or the nearest surviving relative of the deceased person or an authorized person.

(3) Subject to section 89, upon receipt of a Certificate of Death, the executor of the estate of the deceased person or the nearest surviving relative of the deceased person or an authorized person may submit an application to the Public Health Commissioner or the Chief Officer for a permit to bury a corpse or to cremate a deceased person.

### **Medical Certificate of Cause of Death**

**83.(1)** Subject to section 84, a medical practitioner who was in attendance before the death and until the death of the deceased shall cause a Medical Certificate of Cause of Death to be completed and submitted to the Chief Officer and the Public Health Commissioner.

(2) Subject to section 84, whenever a person dies in Seychelles, in circumstances other than that described in subsection (1), the body of the deceased person shall be examined by a medical practitioner who shall cause a Medical Certificate of Cause of Death to be completed and submitted to the Chief Officer and the Public Health Commissioner.

(3) It shall be the duty of every person, including a public body, to provide such information as is necessary for a medical practitioner to complete a Medical Certificate of Cause of Death.

(4) Subject to section 84, a copy of the Medical Certificate of Cause of Death may be given to —

- (a) the executor of the estate of the deceased person or the nearest surviving relative of the deceased person;
- (b) a person or body dealing with social security, insurance and similar matters in relation to the deceased person;
- (c) a person specified by the Minister responsible for health in a notice published in the Gazette.

### **Prohibition on issuing a medical certificate of death**

**84.(1)** A medical practitioner shall not submit a Medical Certificate of Cause of Death to the Chief Officer, the Public Health Commissioner or a person specified in section 83(4) in relation to a death qualifying for an inquest or a death specified in subsection (4).

(2) In relation to a death qualifying for an inquest or a death specified in subsection (4), the medical practitioner, pathologist or forensic pathologist shall as soon as reasonably practicable submit a medical report to the Commissioner of Police highlighting any medical observations made during the examination of the deceased.

(3) The Commissioner of Police shall submit the medical report under subsection (2) together with a police report in relation to the deceased person to —

- (a) the Attorney General; and
- (b) a Magistrate or any person empowered to hold an inquest under the Inquest into Death Act, 2021, or any other written law.

(4) Where the medical practitioner is of the opinion that a person died under suspicious circumstances, the medical practitioner shall report the death to the Commissioner of Police and the Commissioner of Police shall follow the procedures set out in subsection (3).

### **Registration of death occurring in Seychelles**

**85.(1)** The Chief Officer shall register each death occurring in Seychelles in a register of deaths, to be known as the “Register of Deaths Occurring in Seychelles”, on the provision of the particulars of death contained in —

- (a) the notification of death and the declaration of death; and
- (b) a Medical Certificate of Cause of Death provided to the Chief Officer by a medical practitioner; or
- (c) a Magistrate's Certificate issued pursuant to section 26 of the Inquest into Death Act, 2021; or
- (d) any other document in accordance with a written law.

(2) A death occurring outside Seychelles may be registered in the Register of Deaths Occurring in Seychelles if the requirements set out in section 88(5) are satisfied.

(3) The Chief Officer shall keep a separate register, from

that specified in subsection (1), to enter the particulars of the cause or probable cause of death of a deceased person.

(4) Notwithstanding any other written law, the register of the cause or probable cause of death shall not be open to inspection by the public.

(5) The Minister responsible for health shall publish a notice in the Gazette specifying the persons who may access the particulars of the cause or probable cause of death of a deceased person.

### **Certificate of death**

**86.(1)** The Chief Officer, upon registering any death in accordance with this Act or any other written law, shall forthwith issue to an authorized person a Certificate of Death.

(2) Subject to subsection (3), a Certificate of Death shall contain such information as may be prescribed.

(3) A Certificate of Death shall not contain any information in relation to the cause or probable of death of the deceased person.

### **Registration of presumed death and certificate of presumed death**

**87.(1)** When an order of the court is made pursuant to the Presumption of Deaths Act, Cap. 177, or under any written law pertaining to a missing person's presumed death, the court or any person who has been granted the order may forward that order to the Chief Officer for the purpose of registering the particulars of the missing person's presumed death.

(2) On receipt of the order under subsection (1), the Chief Officer shall make an entry in a register containing the name of the missing person and such other information as may be necessary in relation to the missing person's presumed death.

(3) The Chief Officer, upon registering a missing person's presumed death, may issue a Certificate of Presumed Death to an authorized person.

### **Registration of deaths occurring outside Seychelles**

**88.(1)** Subject to subsection (5), the death or presumed death of a citizen of Seychelles which occurred outside Seychelles shall be registered in a register of deaths, to be known as the "Register of Deaths Occurring Outside Seychelles".

(2) A person giving notice of a death or presumed death of a citizen of Seychelles occurring outside Seychelles shall submit the following evidence —

- (a) a Certificate of Death or an official document verifying the death or presumed death issued by the appropriate authority in the foreign country, with an English translation of the certificate if the certificate is not in English; or
- (b) if there is a Seychelles Diplomatic Mission in the foreign country, a certificate of an officer of the Diplomatic Mission that the officer is satisfied, from the evidence produced and inquiries the officer has made, that the particulars of the death or presumed death given in the certificate are correct; and
- (c) such other evidence as the Minister may prescribe by regulations.

(3) The person giving notice of the death or presumed death shall certify in writing to the Chief Officer the correctness and authenticity of the evidence submitted pursuant to subsection (2).

(4) On receiving the evidence required under subsection (2), the Chief Officer shall enter the prescribed particulars of the



death in the Register of Deaths Occurring Outside Seychelles in conformity with this Act.

(5) A death of a citizen which occurred outside Seychelles may be registered in the Register of Deaths Occurring in Seychelles under section 85 —

- (a) where the person is domiciled in Seychelles;
- (b) in such circumstances as are prescribed by regulations.

(6) The registration of death in a register does not affect or influence any legal proceedings in relation to the succession of the deceased person's estate.

(7) Notwithstanding any other written law, the register of the cause or probable cause of death shall not be open to inspection by the public.

(8) For avoidance of doubt, a Certificate of Death under section 86 may be issued to the executor of the estate of the deceased person or the nearest surviving relative of the deceased person or a person authorised under section 89 to bury a corpse or to cremate a deceased person in such circumstances as may be prescribed by regulations.

(9) The Certificate of Death shall specify the foreign country where the person died and any other information as may be prescribed.

### **Authorization of burial or cremation**

89.(1) Notwithstanding any written law, an application for a permit to bury a corpse or to cremate a deceased person shall be made to the Public Health Commissioner.

(2) The Public Health Commissioner may set out circumstances under which the Chief Officer may authorise a person to bury a corpse or to cremate a deceased person.

(3) Subject to the Public Health Act, 2015, the application under subsection (1) may be made by —

- (a) an executor of the estate of the deceased person or the nearest surviving relative of the deceased person;
- (b) a person who is duly authorised to do so by any person referred to in paragraph (a); or
- (c) any other person who has given sufficient reason to the Public Health Commissioner as why the application is not being made by any of the persons referred to in paragraphs (a) and (b).

(4) For the purposes of subsection (3)(a), the nearest surviving relatives of the deceased person are, in order of priority —

- (a) the surviving spouse or surviving partner in a domestic relationship under the Civil Code of Seychelles Act;
- (b) the children of the deceased person including any person entitled by any enactment to be treated as the children of the deceased person;
- (c) the father or mother of the deceased person;
- (d) the brothers and sisters of the deceased person.

(5) Subject to the Public Health Act, 2015, the Public Health Commissioner may grant a permit to bury a corpse or to cremate a deceased person —

- (a) on being satisfied that the Chief Officer has either issued a Certificate of Death or registered the death in accordance with this Act; or
- (b) in accordance with any other written law.”

## **Insertion of New Part VIIA**

**11.** The principal Act is amended by inserting immediately after Part VII the following new Part as Part VIIA —

### **“PART VIIA. MISCELLANEOUS**

#### **Electronic submissions and signatures**

**107A.(1)** A statement, application, form, document or other information required to be submitted to the Chief Officer under this Act may be submitted in the manner determined by the Chief Officer, which may include submission through an electronic medium.

(2) A signature required by a person under this Act may be provided or verified in the manner determined by the Chief Officer, which may include its provision or verification through an electronic medium.”

#### **Amendment of section 110**

**12.** Section 110 of the principal Act is amended by repealing the words “imprisonment with or without hard labour for any period not exceeding two years” and substituting therefor the words “a fine of level 3 on the standard scale or to imprisonment not exceeding 2 years, or to both a fine and a term of imprisonment.”.

#### **Amendment of section 112**

**13.** Section 112 of the principal Act is amended by repealing the words “imprisonment with or without hard labour for any period not exceeding two years” and substituting therefor the words “a fine of level 3 on the standard scale or to imprisonment not exceeding 2 years, or to both a fine and a term of imprisonment”.

#### **Amendment of section 114**

**14.** Section 114 of the principal Act is amended by repealing the words “imprisonment with or without hard labour for any term not exceeding two years” and substituting therefor the words “a fine of level 5 on the standard scale or to imprisonment not exceeding 10 years, or to both a fine and a term of imprisonment”.

**Amendment of section 115**

15. Section 115 of the principal Act is amended by repealing the words “imprisonment for any term not exceeding two years” and substituting therefor the words “a fine of level 3 on the standard scale or to imprisonment not exceeding 2 years, or both a fine and a term of imprisonment”.

**Amendment of section 116**

16. Section 116 of the principal Act is amended —

- (a) by repealing the words “section 36” and substituting therefor the words “section 38”;
- (b) by repealing the words “a fine not exceeding two hundred rupees” and substituting therefor the words “a fine of level 1 on the standard scale”.

**Amendment of section 117**

17. The principal Act is amended by repealing section 117.

**Amendment of section 120**

18. The principal Act is amended by repealing section 120.

**Repeal of sections 157 to 161**

19. The principal Act is amended by repealing sections 157, 158, 159, 160 and 161.

**Consequential amendment**

20. The Social Security Act, Cap. 225, is amended by repealing Form 5 of the Schedule to the Social Security (Medical Certificates) Regulations, 2010.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 13<sup>th</sup> October, 2021.



Mrs. Tania Isaac  
Clerk to the National Assembly

## **INQUEST INTO DEATH ACT, 2021**

*(Act 47 of 2021)*

### **ARRANGEMENT OF SECTIONS**

#### **PART 1 PRELIMINARY**

##### **SECTIONS**

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2. Interpretation
3. Authority to conduct an inquest
4. Appointment of forensic pathologist

#### **PART 2 REPORTING OF DEATHS**

5. Obligation to report death
6. Reporting of death occurring in official custody
7. Body not to be removed

#### **PART 3 INVESTIGATIONS INTO DEATHS**

8. Police investigation into deaths
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#### **PART 4 POST-MORTEM EXAMINATION AND POWERS OF MAGISTRATE TO ORDER BURIAL, CREMATION OR EXHUMATION**

12. When post-mortem examination is necessary
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**PART 5****CIRCUMSTANCES UNDER WHICH AN INQUEST MAY BE HELD**

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20. Purpose of inquest
21. Law of evidence not applicable
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23. Inquests to be made public
24. Adjournment of inquest when criminal proceedings are commenced
25. Adjournment of inquest when Commission is appointed under the Commissions Inquiry Act or any other written law
26. Magistrate's certificate
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**PART 7****MISCELLANEOUS**

28. Change of Magistrate
29. Exemption
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31. Consequential amendments and transitional provision

**SCHEDULE 1: Deaths Qualifying for Inquest**

**SCHEDULE 2: Deaths for which Inquests shall be held**

**SCHEDULE 3: Persons who may be appointed to hold an Inquest**



## INQUEST INTO DEATH ACT, 2021

*(Act 47 of 2021)*



*I assent*

A handwritten signature in black ink, appearing to read 'Wavel'.

Wavel Ramkalawan  
President

*8th November, 2021*

**AN ACT** TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH AN INQUEST INTO DEATH MAY BE HELD; TO SET OUT THE PURPOSES OF AN INQUEST; TO IDENTIFY THE CIRCUMSTANCES UNDER WHICH A POST-MORTEM EXAMINATION MAY BE CONDUCTED AND TO PROVIDE FOR POWERS OF FORENSIC PATHOLOGISTS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

**ENACTED** by the President and the National Assembly.

### **PART 1 PRELIMINARY**

#### **Short title and commencement**

- 1.(1) This Act may be cited as the Inquest into Death Act, 2021.
- (2) This Act comes into operation on such date as the Minister may, by notice published in the Gazette, appoint.

## Interpretation

2.(1) In this Act, unless the context otherwise requires —

“**body**” means a dead person, and includes any part of a person, whether or not the identity of the person concerned is known when the body part is discovered or is later determined, —

(a) without which no person can live; or

(b) discovered in such circumstances or such state that it is probable that the person is dead,

but does not include a stillborn child within the meaning of the Civil Status Act, Cap 34;

“**cause of death**” includes not only the apparent cause of death as ascertainable by inspection or examination of the body, but all matters necessary to enable an opinion to be formed as to the manner in which the deceased person came by that person's death;

“**Chief Officer**” means the person appointed as Chief Officer of Civil Status under section 5 of the Civil Status Act, Cap. 34, and, when the context permits, includes a civil status officer;

“**death**” means the permanent disappearance of all evidence of life in a person at any time after the person's birth;

“**death qualifying for an inquest**” means any death the circumstances of which are set out in Schedule 1;

“**forensic pathologist**” means a pathologist appointed under section 4 as a forensic pathologist;

“**inquest**” means a hearing held under Part 6 of this Act by a person specified in section 3;

“**investigation**” or a variation thereof means an investigation into a death conducted by a police officer, forensic pathologist,



Magistrate or any person empowered to hold an inquest, and includes any post-mortem examination;

**“Magistrate”** means a Senior Magistrate or Magistrate and shall be construed as including a person appointed under section 3(2) or 3(4) to hold an inquest into a person's death;

**“medical practitioner”** means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act, Cap. 126;

**“medical treatment or care”** includes any operation or any surgical, diagnostic or therapeutic procedure;

**“Minister”** means Minister responsible for legal affairs;

**“pathologist”** means a medical practitioner who has specialised training, experience or academic qualifications in the field of pathology;

**“place of custody”** means any place in which any person may lawfully be held, confined, detained, imprisoned or committed;

**“Public Health Commissioner”** means Public Health Commissioner appointed under the Public Health Authority Act, 2013;

**“video link”** means a technological arrangement whereby a witness, without being physically present in the place where the proceedings are conducted, is able to see and hear and be seen and be heard by the Magistrate and any other person who may be required to assist the Magistrate in the conduct of the inquest.

(2) For the purposes of this Act, a person is in official custody while the person is —

(a) held, confined, detained, imprisoned or committed under any written law in any place of custody;

- (b) proceeding to or from any such place of custody under the supervision of a police officer or any public authority charged with the person's custody; or
- (c) being taken into or escaping from such custody.

### **Authority to conduct an inquest**

3.(1) Any Magistrate shall be empowered to hold an inquest into a person's death.

(2) The President may, in consultation with the Chief Justice, appoint a person specified in Schedule 3 to hold an inquest and such person shall have all the powers, privileges, rights and jurisdiction of a Magistrate.

(3) A person appointed under subsection (2) shall, before the person holds an inquest, take and subscribe to the judicial oath set out in the Official Oaths Act, Cap. 153.

(4) Where the Chief Justice deems it necessary, a Judge may hold an inquest into a person's death instead of a Magistrate.

### **Appointment of forensic pathologist**

4.(1) The Minister responsible for health may appoint a pathologist or suitably qualified medical practitioner as a forensic pathologist.

(2) All appointments made under subsection (1) shall be published in the Gazette.

## **PART 2 REPORTING OF DEATHS**

### **Obligation to report death**

5.(1) Any person who becomes aware of a death which is, or appears to be, a death qualifying for an inquest shall, as soon as reasonably practicable, report the death to the police.

(2) Any person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine of

level 2 on the standard scale or to imprisonment for a term not exceeding 1 year or to both.

(3) Nothing in this section or section 6 shall derogate from any other obligation to report a death under any other written law.

### **Reporting of death occurring in official custody**

6. If a person die —

- (a) in the course of being arrested or detained by any person in the exercise, or purported exercise, of any power of arrest or detention under any law; or
- (b) while the person is in official custody,

it shall be the duty of —

- (i) the person exercising the power of arrest or detention;
- (ii) the person in charge of the place of custody where the deceased person died; or
- (iii) the person in whose official custody the deceased person was at the time of death, where the deceased person was outside the place of custody at the time of death,

as the case may be, to prepare and submit to the Commissioner of Police a report of the death within 24 hours upon the person becoming aware of that death.

### **Body not to be removed**

7.(1) In the case of a death qualifying for an inquest, no person shall remove, or in any manner alter the position of, a body unless the removal or moving of the body is —

- (a) authorized by a police officer, pathologist, forensic pathologist or medical practitioner;

- (b) necessary for the purpose of preventing any destruction or damage to the body.

(2) Any person who, without reasonable excuse the burden of proving which shall be on the accused person in a prosecution, contravenes subsection (1), commits an offence and is liable on conviction to a fine of level 2 on the standard scale or to imprisonment for a term not exceeding 1 year or to both.

### **PART 3 INVESTIGATIONS INTO DEATH**

#### **Police investigation into deaths**

**8.** A police officer who comes across or receives any information about any death which is, or appears to be, a death qualifying for an inquest shall —

- (a) if the body is in Seychelles, proceed immediately to the location where the body is lying or the death is believed to have occurred;
- (b) if the body is found, cause the body to be examined by a medical practitioner, pathologist or forensic pathologist;
- (c) use the police officer's best endeavours and powers to investigate the death and the circumstances connected with the death of the deceased person.

#### **Police officer to provide report to the Attorney General and Magistrate**

**9.(1)** After a police officer has started investigations into a death, the police officer shall, as soon as reasonably practicable, submit a copy of the police report together with a medical report pursuant to section 83(3) of the Civil Status Act, Cap 34, to the Attorney General and a Magistrate.

- (2) The police officer investigating into the death shall —
  - (a) from time to time, provide the Attorney General and the Magistrate with such further information concerning the

death as may subsequently come to the officer's knowledge, including the name of any person who has been arrested or charged in connection with the death;

- (b) comply with such directions as the Magistrate may give concerning the investigation.

### **Attorney General or Magistrate may direct forensic pathologist to conduct an investigation**

**10.(1)** When the Attorney General or a Magistrate receives information about the death of any person, the Attorney General or the Magistrate may direct —

- (a) a forensic pathologist to investigate the cause of and circumstances connected with the death; and
- (b) that a copy of all medical records, health-care records and such other documents as may be relevant to the case be provided to the forensic pathologist by —
- (i) the person in charge of a hospital or medical facility;
- (ii) the person in charge of the place of custody; or
- (iii) any other person in possession thereof.

(2) The forensic pathologist shall regularly inform the police investigating the death, the Attorney General and the Magistrate about the progress of the forensic pathologist's investigations and findings.

### **Powers of forensic pathologist**

**11.(1)** A forensic pathologist making an investigation under section 10 may —

- (a) view the body at the place where the body is lying or order the body to be removed to some more convenient place and view the body at that place;
- (b) require any medical practitioner to provide, within such time as the forensic pathologist may specify, —

- (i) a detailed report on the medical treatment or care provided to the deceased person before that person's death;
  - (ii) such medical records or health-care records pertaining to the medical treatment or care of the deceased person as the forensic pathologist may require;
  - (iii) any other information, substance or thing pertaining to the medical treatment or care of the deceased person in the possession of the medical practitioner which the forensic pathologist considers necessary for the purposes of the investigation;
- (c) request a public officer, person or body corporate to provide such information pertaining to the medical history, treatment or care of the deceased person in the possession of the public officer, person or body corporate as the forensic pathologist considers necessary for the purposes of the investigation;
- (d) request the Magistrate to direct the police to provide such assistance as the forensic pathologist may require to investigate the cause of, and circumstances connected with, the death.

(2) A medical practitioner, public officer, person or body corporate shall comply with a request under subsection (1)(b) or (1)(c) to provide information to the forensic pathologist, notwithstanding any restriction on the disclosure of information imposed by any written law and the medical practitioner or public officer shall not by so doing be treated as acting in contravention of any written law.

#### **PART 4**

### **POST-MORTEM EXAMINATION AND POWERS OF MAGISTRATE TO ORDER BURIAL, CREMATION OR EXHUMATION**

#### **When post-mortem examination is necessary**

**12.(1)** In a case of death reported to a Magistrate under section 9, the Magistrate may, after consulting a forensic pathologist, pathologist or an

approved medical practitioner, order a post-mortem examination to be conducted if the Magistrate is of the opinion that a post-mortem examination is necessary in the circumstances to establish the manner and cause of death.

(2) Notwithstanding subsection (1), a Magistrate shall order a post-mortem examination to be conducted if the Attorney General makes an application for an inquest to be held.

### **Conduct of post-mortem examination**

**13.(1)** A post-mortem examination shall be performed by —

- (a) a pathologist;
- (b) a forensic pathologist;
- (c) a medical practitioner under the supervision of a pathologist or forensic pathologist; or
- (d) an approved medical practitioner.

(2) A pathologist, forensic pathologist or an approved medical practitioner who conducts a post-mortem examination may —

- (a) perform or cause to be performed any operation on the body that the pathologist or approved medical practitioner thinks necessary, including causing any part or contents of the body or any other substance or thing to be retained for the purpose of determining the manner or cause of death;
- (b) where necessary, appoint any person who in the pathologist's, forensic pathologist's or approved medical practitioner's opinion is qualified to make a special examination by way of an analysis, test or otherwise of any part or contents of the body or of any other substance or thing, and send such part, contents substance or thing to that person for special examination.

### **Post-mortem examination report and special examination report**

**14.(1)** A pathologist, forensic pathologist or an approved medical practitioner who conducts a post-mortem examination shall —

- (a) draw up, or cause to be drawn up, a report of the findings of the post-mortem examination and of the conclusions which shall be drawn from the report;
- (b) certify the medical cause of death; and
- (c) date and sign the report and send the report to the Magistrate who ordered the post-mortem examination.

(2) Where a person has been appointed under section 13(2)(b), that person shall draw up a report of the findings of the special examination, date and sign the report and send it to the Magistrate who ordered the post-mortem examination.

(3) The post-mortem examination report made under subsection (1) and any special examination report made under subsection (2) shall be admissible as evidence, and shall be prima facie evidence of the facts stated therein, at any inquest under this Act.

(4) A pathologist, forensic pathologist or an approved medical practitioner who conducted a post-mortem examination or any person appointed under section 13(2)(b), if summoned by a Magistrate as a witness in an inquest, may be asked to give expert evidence upon any matter arising out of the examination conducted and cause of death of the deceased person.

### **Power of Magistrate to order exhumation**

**15.** A Magistrate may, after consulting the Public Health Commissioner or if the Attorney General makes an application under section 19(2), order the exhumation of a body, or the remains of a body, for the purpose of discharging any of the Magistrate's duties, or exercising any of the Magistrate's powers under this Part.

### **Power of Magistrate to order release of body for burial or cremation**

**16.(1)** Where a death which is, or appears to be, a death qualifying for an inquest has been reported to a Magistrate and the body is in Seychelles, the Magistrate shall have control of the body until such time as the Magistrate issues an order to release the body under subsection (4).



(2) Notwithstanding subsection (1), the body of the deceased person shall be examined by a medical practitioner, pathologist or forensic pathologist, and the medical practitioner, pathologist or forensic pathologist may submit a medical report to the Commissioner of Police.

(3) If a post-mortem examination has been ordered on the body, the Magistrate shall issue the order to release the body under subsection (4) only after the post-mortem examination has been concluded.

(4) The Magistrate may, whether or not the Magistrate considers that an inquest is necessary, order the release of a body subject to such directions from the Public Health Commissioner —

- (a) for burial or cremation;
- (b) for the body to be transported out of Seychelles; or
- (c) for retention of the body for use in any manner in accordance with law,

and if the Magistrate so orders, shall issue a certificate of an order of release of the body.

(5) A Magistrate shall issue a certificate of an order of release of the body where the Public Health Commissioner determines that it is in the interest of public safety to do so.

(6) A person who is issued a certificate of an order of release of the body shall make any relevant application to the Public Health Commissioner pursuant to Civil Status Act or the Public Health Act.

## **PART 5**

### **CIRCUMSTANCES UNDER WHICH AN INQUEST MAY BE HELD**

#### **Jurisdiction of Magistrate to hold an inquest**

17.(1) A Magistrate shall have jurisdiction to hold an inquest to determine the cause of death of any person where —

- (a) the body of the person is found in Seychelles;

- (b) the death occurred in Seychelles;
- (c) the cause of the death occurred in Seychelles;
- (d) the death occurred on board, or as a result of an occurrence on board, a Seychelles-registered aircraft or Seychelles-registered vessel;
- (e) the death occurred outside Seychelles on or from an aircraft or a vessel, other than an aircraft or a vessel referred to in paragraph (d), provided that the Attorney General has authorised the Magistrate to conduct an inquest into the death.

(2) The Magistrate shall have jurisdiction under subsection (1)(b), (c), (d) or (e) notwithstanding the absence of a body.

#### **Duty of Magistrate to hold an inquest**

**18.(1)** A Magistrate shall hold an inquest into any death which occurred in Seychelles where —

- (a) a person dies while in official custody;
- (b) the Attorney General makes an application pursuant to section 19; or
- (c) the death occurred in any of the circumstances set out in Schedule 2, unless the Magistrate is satisfied that the death was due to natural causes.

(2) A Magistrate may decide not to hold an inquest if the Magistrate is satisfied that —

- (a) the death was due to natural causes and it is unnecessary to do so;
- (b) in the circumstances, that it is not in the public interest, or in the interest of public health or national security to do so.

(3) In deciding whether or not to hold an inquest, a Magistrate may have regard to the following matters —

- (a) in the case of a death that appears to have been unnatural or violent, whether or not it appears to have been due to the action or inaction of any other person;
- (b) the extent to which the drawing of attention to the circumstances of the death may be likely to reduce the chances of the occurrence of other deaths in similar circumstances;
- (c) the desire of any member of the immediate family of the deceased person that an inquest should be conducted;
- (d) whether or not the death occurred outside Seychelles or was caused by matters arising outside Seychelles;
- (e) whether or not an inquest or investigation into the death has been or will be conducted by a Magistrate or a corresponding authority of a foreign country;
- (f) any other matter the Magistrate thinks fit.

(4) A Magistrate who decides not to hold an inquest into a death under subsection (2) shall report the facts to the Attorney General with the Magistrate's reasons for not holding an inquest.

**Attorney General may make an application for the Magistrate to hold an inquest**

19.(1) The Attorney General may, in any case where a Magistrate has jurisdiction and the Attorney General is satisfied that an inquest is necessary or desirable, make an application to a Magistrate for the Magistrate to hold an inquest into the death of any person.

(2) The Attorney General may, on the approval of the Public Health Commissioner, make an application to a Magistrate for an order to have a body exhumed if the Attorney General is of the opinion that it is necessary to do so for the purposes of the inquest.

(3) Notwithstanding that proceedings at any inquest may have been concluded by a Magistrate, where it appears to the Attorney General that

further investigations are necessary, the Attorney General may make an application to a Magistrate for that Magistrate to re-open the inquest and make further investigations, and the Magistrate shall thereafter proceed in the same manner as if the proceedings at the inquest had not been concluded.

## **PART 6**

### **INQUEST INTO DEATH**

#### **Purpose of inquest**

**20.(1)** The purpose of an inquest into the death of a person is to inquire into the cause of and circumstances connected with the death and, for that purpose, the proceedings and evidence at the inquest shall be directed to ascertaining the following matters in so far as they may be ascertained —

- (a) the identity of the deceased person; and
- (b) how, when and where the deceased person came by that person's death; and
- (c) the cause of the death; and
- (d) the circumstances of the death.

(2) A Magistrate at an inquest shall not frame a finding in such a way as to determine any question of criminal, civil or disciplinary liability but shall not be inhibited in the discharge of the Magistrate's functions by any likelihood of liability being inferred from facts that the Magistrates determines or recommendations that the Magistrate makes.

(3) At the conclusion of the inquest, the Magistrate shall record the Magistrate's findings as to the matters referred to in paragraphs (a) to (d) of subsection(1).

#### **Law of evidence not applicable**

**21.** A Magistrate holding an inquest is not bound by the law of evidence and may conduct an inquest in any manner that the Magistrate reasonably thinks fit.

### **Questioning of witnesses**

22.(1) Any interested person, and any other person who has the permission of the Magistrate to do so, may examine a witness in person or by an Attorney-at-Law.

(2) Where at any inquest a report drawn up pursuant to section 14 is received in evidence, any person referred to in subsection (1) who desires to examine the maker of that report may require the Magistrate to summon that person as a witness, and the Magistrate may do so.

(3) Where the Magistrate considers it appropriate, the Magistrate may direct that a witness gives evidence by means of a video link.

### **Inquests to be made public**

23. The proceedings of an inquest shall be open to the public, unless the Magistrate is of the opinion that it is in the interests of justice, public order, public security or there is other sufficient reason, that the public or certain members of the public be excluded from the inquest or any part of the inquest.

### **Adjournment of inquest when criminal proceedings are commenced**

24.(1) If, before the conclusion of an inquest by a Magistrate, any person is charged with any offence under —

- (a) Chapter XIX or Chapter XXI of the Penal Code, Cap. 158;
- (b) section 25 of the Road Transport Act, Cap. 206,

in relation to an act which caused or could have caused the death which is the subject of the inquest, the Magistrate shall adjourn the inquest until after the conclusion of the criminal proceedings.

(2) The President may by Order published in the Gazette amend subsection (1) to add or remove an offence under any written law that would cause a Magistrate to adjourn an inquest until after the conclusion of the criminal proceedings in that matter.

(3) Where a Magistrate resumes an inquest after the conclusion of the

criminal proceedings referred to in subsection (1), the Magistrate shall continue with the inquest from the stage at which the inquest was adjourned, provided that at the resumed inquest no finding shall be made which is inconsistent with the result of those criminal proceedings.

(4) If, having regard to the result of the criminal proceedings referred to in subsection (1), there has been a finding in those proceedings as to the cause of and circumstances connected with the death, and the Magistrate decides not to resume the inquest, the Magistrate shall —

- (a) sign the Magistrate's record of the proceedings of inquest and sign the certificate required section 26 accordingly; and
- (b) send to the Attorney General, Chief Officer, the Principal Secretary for the Ministry of Health and Public Health Commissioner each a copy of the certificate referred to in section 26.

(5) Where an inquest is adjourned under subsection (1), it shall be the duty of the Attorney General to inform the Magistrate responsible for holding the inquest of the result of the criminal proceedings in relation to the subject of the inquest.

(6) In this section “criminal proceedings” means proceedings before —

- (a) a Magistrate at any preliminary inquiry;
- (b) any court by which a person is tried; or
- (c) any court before which an appeal from the decision or judgment of the court referred to in paragraph (b) is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course of them.

### **Adjournment of inquest when Commission is appointed under the Commissions of Inquiry Act or any other written law**

25.(1) If, before the conclusion of an inquest by a Magistrate, a commission is appointed under the Commissions of Inquiry Act, Cap. 39, or a

committee or body is appointed under any other written law to inquire into any matter relating to the cause of or circumstances connected with the death which is the subject of the Magistrate's inquest, the Magistrate shall adjourn the Magistrate's inquest until after the conclusion of the inquiry by that commission, committee or body.

(2) Where a Magistrate resumes the Magistrate's inquest after the conclusion of the inquiry by the commission, committee or body referred to in subsection (1), the Magistrate shall continue with the inquest from the stage at which the inquest was adjourned, and may have regard to any report or finding by the commission, committee or body which the Magistrate considers relevant to the Magistrate's inquest.

(3) If, having regard to the report of the inquiry by the commission, committee or body referred to in subsection (1), there has been a finding in that inquiry as to the cause of and circumstances connected with the death, and the Magistrate decides not to resume the Magistrate's inquest, the Magistrate shall —

- (a) sign the Magistrate's record and the certificate required section 26 accordingly; and
- (b) send to the Attorney General, Chief Officer, the Principal Secretary for the Ministry of Health and Public Health Commissioner each a copy of the certificate referred to in section 26.

### **Magistrate's certificate**

26.(1) Where a Magistrate holds an inquest into the death of any person, the Magistrate shall complete and sign a certificate setting out the cause of death as determined at the inquest.

(2) The Magistrate shall, within 48 hours after the conclusion of the inquest, forward a copy of the certificate to —

- (a) the Chief Officer, together with such other particulars as are required by the Chief Officer for the purpose of registering the cause of death under the Civil Status Act, Cap. 34;

- (b) the Attorney General, the Principal Secretary for the Ministry of Health and Public Health Commissioner.

(3) If any case where a death qualifying for an inquest has occurred in Seychelles and the Magistrate has decided not to hold an inquest into the death under section 18(2), the Magistrate shall, after considering the results of the investigations into the death —

- (a) complete and sign a certificate setting out the cause of death based on the evidence at the proceedings; and
- (b) within 48 hours after signing the certificate, send a copy thereof to the Chief Officer, Attorney General, the Principal Secretary for the Ministry of Health and Public Health Commissioner.

(4) For the avoidance of doubt, a Magistrate may issue a certificate under this section in the absence of a body.

### **Admissibility of evidence in subsequent judicial proceedings**

27. No evidence admitted by a Magistrate in the course of an inquest shall be admissible in any subsequent judicial or disciplinary proceedings as evidence other than any proceedings for an offence of perjury.

## **PART 7 MISCELLANEOUS**

### **Change of Magistrate**

28. If a Magistrate —

- (a) who has authorised the release of the body is unable to hold the inquest;
- (b) is at any time unable to complete the inquest;
- (c) is unable to re-open an inquest previously concluded by that Magistrate pursuant to section pursuant to section 19,



another Magistrate may hold, continue or re-open the inquest, as the case may be, and may proceed with any evidence recorded by the previous Magistrate.

### **Exemption**

**29.** The President may, by order published in the Gazette specifying reasons therefor, exempt any person or class of persons from being subject to an inquest under this Act.

### **Power to make Regulations**

**30.(1)** The Minister, in consultation with the Chief Justice, may make regulations generally for carrying out or giving effect to the purposes and provisions of this Act, including regulations to amend any Schedule.

(2) Without prejudice to the generality of subsection (1), the Minister, in consultation with the Chief Justice, may make regulations for all or any of the following matters —

- (a) the procedure or practice for the conduct of any inquest under this Act, including provisions relating to the mode of taking or recording evidence during an inquest;
- (b) the prescribing of anything required or permitted to be prescribed under this Act.

### **Consequential amendments and transitional provisions**

**31.(1)** The Criminal Procedure Code, Cap. 54, is amended by repealing sections 346, 347, 348, 349, 350, 351 and Form No. XXI in the Fifth Schedule.

(2) The Peace Officers (Inner Islands and Outlying Islands) Act, Cap. 157, is amended by repealing sections 4(7) and 12.

(3) Any inquest started prior to the commencement of this Act pursuant to the provisions specified in subsections (1) and (2) shall continue in accordance with the Criminal Procedure Code or the Peace Officers (Inner Islands and Outlying Islands) Act, as the case may be.

**SCHEDULE 1***(section 2)***DEATHS QUALIFYING FOR INQUEST**

1. Death in Seychelles of a person whose identity is not known.
2. Any death in Seychelles that was unnatural or violent.
3. Any death in Seychelles that resulted or is suspected to have resulted, directly or indirectly, from an accident.
4. Any death in Seychelles that occurred, directly or indirectly, as a result of any medical treatment or care.
5. Death in Seychelles of a person where the person was, before the person's death, in official custody and where the death was related, or suspected to be related, to that custody.
6. Any death in Seychelles occurring apparently or possibly as a consequence of any law enforcement operation.
7. Any death in Seychelles involving a public vehicle, commercial transport vehicle or other mode of public transport.
8. Any death of a person in possession of an immigration permit.
9. Any death on board a Seychelles-registered vessel or a Seychelles-registered aircraft.
10. Upon the authority of the Attorney General to hold an inquest, a death occurring outside Seychelles on or from an aircraft or a vessel, not being a Seychelles-registered vessel or a Seychelles-registered aircraft.
11. Any death in Seychelles that was caused or suspected to have been caused by an unlawful act or omission.
12. Any death in Seychelles the manner or cause of which is unknown.
13. Any death in Seychelles that occurred under suspicious circumstances.

**SCHEDULE 2**

*[section 18(1)(c)]*

**DEATHS FOR WHICH INQUESTS SHALL BE HELD**

1. Death in Seychelles of a person whose identity is not known.
2. Death in Seychelles of a person where the person was, before the person's death, in official custody and where the death was related, or suspected to be related, to that custody.
3. Any death in Seychelles occurring apparently or possibly as a consequence of any law enforcement operation.
4. Any death in Seychelles that was caused or suspected to have been caused by an unlawful act or omission.
5. Any death in Seychelles the manner or cause of which is unknown.
6. Any death in Seychelles that occurred under suspicious circumstances.

**SCHEDULE 3**

*[section 3(2)]*

**PERSONS WHO MAY BE APPOINTED TO HOLD AN INQUEST**

1. An Attorney-at-Law with at least 3 years standing;
2. An expert who conducts inquests in another country.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 13<sup>th</sup> October, 2021.



Mrs. Tania Isaac  
Clerk to the National Assembly



**UNEMPLOYMENT RELIEF SCHEME (REPEAL) ACT, 2021**

*(Act 46 of 2021)*



*I assent*

A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan  
President

*4th November, 2021*

**AN ACT** TO PROVIDE FOR THE REPEAL OF THE UNEMPLOYMENT RELIEF SCHEME ACT, CAP 243.

**ENACTED** by the President and the National Assembly.

**Short title**

**1.** This Act may be cited as the Unemployment Relief Scheme (Repeal) Act, 2021.

**Repeal of Cap 243**

2. The Unemployment Relief Scheme Act (Cap 243) is hereby repealed and the Unemployment Relief Scheme established under section 3 of the Act shall stand dissolved.

**Transfer of funds**

3. On the repeal of the Act, any moneys in the Unemployment Relief Fund, established under section 6 of the Act, shall be transferred into the Consolidated Fund.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 20<sup>th</sup> October, 2021.



Mrs. Tania Isaac  
Clerk to the National Assembly