



OFFICIAL GAZETTE

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EXTRAORDINARY

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GENERAL NOTICES

No. 885 of 2021

PUBLIC UTILITIES CORPORATION ACT

(Cap 196)

Public Utilities Corporation Board

Pursuant to section 4(1) of the Public Utilities Corporation (Amendment) Act, the President hereby appoints —

Mr. Leonard Alvis

as the member of the Public Utilities Corporation Board with effect from 1st November, 2021 for a period ending on 14th October, 2023.

Dated this 19th day of November, 2021.

WAVEL RAMKALAWAN
PRESIDENT

No. 886 of 2021

PUBLIC UTILITIES CORPORATION ACT*(Cap 196)***Public Utilities Corporation Board**

Pursuant to section 4(2) of the Public Utilities Corporation (Amendment) Act, 201, the President hereby appointed —

Mr. Leonard Alvis

as the Chairperson of the Public Utilities Corporation Board with effect from 1st November, 2021 for a period ending on 14th October, 2023.

Dated this 19th day of November, 2021.

**WAVEL RAMKALAWAN
PRESIDENT**

No. 887 of 2021

PUBLIC PROCUREMENT ACT*(Cap 305)***National Tender Board**

In exercise of the powers conferred by section 14(1) and (3) of the Public Procurement Act, the President hereby appoints the following persons as members of the National Tender Board for a period of 3 years, with effect from the 1st November, 2021 —

| | | |
|--------------------------------|---|--------------------|
| Mrs. Audrey Nanon | — | Chairperson |
| Ms. Astride Tamatave | — | Member |
| Mr. Denis Matatiken | — | Member |
| Mr. Christopher Nicette | — | Member |
| Mr. William Zarine | — | Member |
| Mr. Dilip Shah | — | Member |
| Ms. Alexandra Benoiton | — | Member |

Dated this 19th day of November, 2021.

**WAVEL RAMKALAWAN
PRESIDENT**

SEYCHELLES AGRICULTURAL AGENCY (REPEAL) ACT, 2021

(Act 52 of 2021)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Repeal of *Cap 309*
3. Continuation of employment
4. Assets, liabilities and contracts
5. Effect of repeal
6. Consequential Amendments of Act 4 of 2019

Schedule 1 - Consequential Amendments



SEYCHELLES AGRICULTURAL AGENCY (REPEAL) ACT, 2021

(Act 52 of 2021)



I assent

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

Wavel Ramkalawan
President

23rd November, 2021

AN ACT TO REPEAL THE SEYCHELLES AGRICULTURAL AGENCY ACT, 2009
CAP 309.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Seychelles Agricultural Agency (Repeal) Act, 2021.

Repeal of Cap 309

2. The Seychelles Agricultural Agency Act, *Cap 309* is hereby repealed.

Continuation of employment

3. Notwithstanding any law, a person employed with the Seychelles Agricultural Agency on the date of the repeal of the Act shall continue his or her employment with the Government on terms and conditions no less favourable than those subsisting immediately prior to the date of the repeal of the Act until these are amended, varied or repealed in accordance with any scheme of service applicable to employees of the Government.

Assets, liabilities and contracts

4. On the repeal of this Act —

- (a) all movable or immovable properties, assets, rights, interests and privileges acquired by, accrued to, or vested in, the Seychelles Agricultural Agency under the repealed Act shall stand transferred to and vested in the Government of Seychelles;
- (b) all liabilities and obligations incurred by the Seychelles Agricultural Agency prior to the date of this Act shall be deemed to have been incurred by the Government of Seychelles;
- (c) any contract or agreement executed by the Seychelles Agricultural Agency prior to the date of the repeal of the Act shall continue to have effect in accordance with its terms as if it was originally made and entered into by the Government of Seychelles; and
- (d) any right, privilege obligation or liability acquired or incurred by a person under the repealed Act shall not be affected by the repeal and any legal investigation, legal proceedings or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced by or against the Government of Seychelles.

Effect of repeal

5. The mention of the particular matters referred to in sections 3 and 4 shall not be held to prejudice or affect the general application of section 31 of the Interpretation and General Provisions Act (Cap 103) with regard to the effect of repeal.

Consequential Amendments of Act 4 of 2019 and Act 10 of 2014

6. The Control and Protection of Dogs Act, 2018, and the Animal and Plant Biosecurity Act, 2014 are amended to the extent specified in the Schedule to this Act.

SCHEDULE 1**CONSEQUENTIAL AMENDMENTS**

(Section 6)

Amendment of section 2 of the Control and Protection of Dogs Act, 2018

1. The Control and protection of Dogs Act, 2018 (Act 4 of 2019) is hereby amended in section 2 by repealing the definition of "Competent Authority" and substituting therefor the following —

““Competent Authority” means the Department of Agriculture;””.

Amendment of section 2 and 4(1) of the Animal and Plant Biosecurity Act, 2014

2. The Animal and Plant Biosecurity Act, 2014 is hereby amended as follows —

- (i) by repealing the definition of "Agency" and substituting therefor "Agency" means the Agency, Ministry, Department of Government or a public body as designated under section 4(1);" and

- (ii) by repealing section 4(1) and substituting therefor the following —

““4.(1) The Department of Agriculture shall be the Agency responsible for Biosecurity for the purposes of this Act;”.”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 9th November, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

**SEYCHELLES NATIONAL YOUTH COUNCIL (AMENDMENT)
ACT, 2021**

(Act 53 of 2021)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Substitution of section 6
3. Amendment of section 7
4. Repeal of section 8



**SEYCHELLES NATIONAL YOUTH COUNCIL (AMENDMENT)
ACT, 2021**

(Act 53 of 2021)



I assent

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Wavel Ramkalawan
President

23rd November, 2021

AN ACT TO AMEND THE SEYCHELLES NATIONAL YOUTH COUNCIL ACT, 1997
(CAP 319).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Seychelles National Youth Council
(Amendment) Act, 2021.

Substitution of Section 6

2. Section 6 of the Seychelles National Youth Council Act, 1997 (Cap 319) as last amended by the Seychelles National Youth Council (Amendment) Act, 2013 (hereinafter referred to as the “principal Act”) is hereby repealed and substituted by the following —

“Minister's responsibility

6. The Minister shall be responsible for approving all matters relating to the functions of the Council.”.

Amendment of section 7

3. Section 7 of the principal Act is amended —

- (a) in subsection (2), by repealing the word “Board” and substituting therefor the word “Minister”;
- (b) in subsection (3) by repealing the words “, a member of the Board”;
- (c) in subsection 5 (b) by repealing the word “Board” and substituting therefor the word “Minister”.

Repeal of section 8

4. Section 8 of the principal Act is repealed.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 10th November, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

**EMPLOYMENT (SUSPENSION OF THIRTEENTH MONTH PAY)
ACT, 2021**

(Act 54 of 2021)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Suspension of thirteenth month pay under Cap. 69



**EMPLOYMENT (SUSPENSION OF THIRTEENTH MONTH PAY)
ACT, 2021**

(Act 54 of 2021)



I assent

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

Wavel Ramkalawan
President

23rd November, 2021

AN ACT TO SUSPEND THE PAYMENT OF THE THIRTEENTH MONTH PAY PAYABLE TO WORKERS UNDER THE EMPLOYMENT ACT (CAP. 69) IN RESPECT OF THE YEAR 2021.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Employment (Suspension of Thirteenth Month Pay) Act, 2021.

Suspension of thirteenth month pay under Cap. 69

2.(1) The payment of the thirteenth month pay under section 46C of the Employment Act in respect of the period from 1st January 2021 to 31st December 2021, due on 31st December 2021 and payable on or before 31st January 2022, is hereby suspended.

(2) Notwithstanding subsection (1), if any employer pays the thirteenth month pay to his or her workers in respect of the year 2021, such payment shall be eligible for exemption under the Second Schedule to the Income and Non-Monetary Benefits Tax Act (Cap 273).

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 10th November, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

TERTIARY EDUCATION (AMENDMENT) BILL, 2021

(Bill No. 61 of 2021)

OBJECTS AND REASONS

The Tertiary Education Act, Act 12 of 2011 (the “Act”) was enacted to provide for the organisation and development of tertiary education in Seychelles, to establish the Tertiary Education Commission (hereinafter the “Commission”) and to provide for connected matters. The affairs of the Commission is administered by a Board of which its members are appointed by the President. The Chief Executive Officer appointed by the President is responsible for the implementation of the decisions of the Board and managing the overall operations of the Commission.

The President, in his address to the Nation on the 1 February, 2021, made announcement of restructuring of statutory and other parastatal bodies.

In order to give effect to the announcement made by the President, it is proposed to abolish the Commission and entrust its functions and responsibilities to the Ministry of Education and the Seychelles Qualifications Authority.

Accordingly, in view of the above, it is proposed to amend sections 2, 8, 11, 12, 13, 19, 21, 22, 27, 28, 29, 30, 33, 34, 37, 41, 42 and 44, and repeal sections 3, 4, 16, 17 of the Act.

The Bill seeks to achieve the above objectives.

Dated this 25th day of November, 2021.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

TERTIARY EDUCATION (AMENDMENT) BILL, 2021*(Bill No. 61 of 2021)***ARRANGEMENT OF SECTIONS****SECTIONS**

1. Short title and amendment of Act 12 of 2011
2. Commencement
3. Amendment of section 2
4. Amendment of Part 2 head note
5. Repeal of sections 3 and 4
6. Amendment of section 8
7. Amendment of section 11
8. Amendment of section 12
9. Amendment of section 13
10. Repeal of sections 16 and 17
11. Amendment of section 19
12. Amendment of section 21
13. Amendment of section 22
14. Amendment of section 27
15. Amendment of section 28
16. Amendment of section 29
17. Amendment of section 30
18. Amendment of section 33
19. Amendment of section 34
20. Amendment of section 37
21. Amendment of section 41
22. Amendment of section 42
23. Amendment of section 44
24. Repeal of Schedule
25. Continuation of employment
26. Transitional

TERTIARY EDUCATION (AMENDMENT) BILL, 2021

(Bill No. 61 of 2021)



A BILL

FOR

AN ACT TO AMEND THE TERTIARY EDUCATION ACT (ACT 12 OF 2011).

ENACTED by the President and the National Assembly.

Short title and amendment Act 12 of 2011

1. This Act may be cited as the Tertiary Education (Amendment) Act, 2021, and shall be read and construed as one with the Tertiary Education Act, Act 12 of 2011, which is hereinafter referred to as the “principal Act”.

Commencement

2. The principal Act shall come into operation on such date as the Minister may, by Notice publish in the *Gazette*, appoint.

Amendment of section 2

3. Section 2 of the principal Act is amended as follows —

(a) by repealing —

(i) the definition of “entities”;

(ii) the definition of “National Qualification Framework” and substituting therefor the following —

“National Qualifications Framework” means a comprehensive system approved by the Minister for the development, classification, registration, publication, evaluation and articulation of quality-assured qualifications;”

(iii) the definition of “qualification” and substituting therefor the following —

“qualification” means a registered national qualification;”

(iv) in the definition of “Professional Centre” the words “set out in Part II of the Schedule”;

(v) in the definition of “tertiary education institution” the words “specified in the Schedule”;

(vi) in the definition of “University” the words “set out in Part I of the Schedule”;

(b) by inserting in the alphabetical order the following definitions —

““board” means a body appointed in accordance with the provisions of the Act, Charter or statutes that govern a professional centre or faculty of a university;

“Council” means a body appointed in accordance with the provisions of the Act, Charter or statutes that govern a university;

“recognised authority” means any governmental authority or other organization, local or foreign, recognized by the government as having a regulatory role in a particular sector;”

Amendment of Part 2 head note

4. The principal Act is amended, in the head note of Part 2, by repealing the words “TERTIARY EDUCATION COMMISSION”.

Repeal of sections 3 to 4

5. The principal Act is amended by repealing sections 3 and 4.

Amendment of section 8

6. Section 8 of the principal Act is amended as follows —

(a) by repealing subsection (2) and substituting therefor the following —

“(2) The charter of a Government tertiary education institution shall be approved and granted by the Minister on the recommendation of the Board or Council of the Tertiary Education Institution and may be amended in the manner set out in the Charter.”

(b) in subsection (3), by repealing the words “Tertiary Education Commission” and substituting therefor the words “Board or Council of the Tertiary Education Institution”;

- (c) in subsection (4), by repealing the words “subject to the approval of the Tertiary Education Commission”.

Amendment of Section 11

7. Section 11 of the principal Act is amended in subsection (2) (a) by repealing the words “the Tertiary Education Commission” and substituting the words “recognized authorities”.

Amendment of Section 12

8. Section 12 of the principal Act is amended in subsection (1) by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 13

9. Section 13 of the principal Act is amended by repealing the words “Tertiary Education Commission” wherever they appear, and substituting therefor the word “Minister”.

Repeal of section 16 and 17

10. The principal Act is amended by repealing sections 16 and 17.

Amendment of section 19

11. Section 19 of the principal Act is amended —

- (a) in subsection (1), by repealing the word “shall” and substituting therefor the word “may”.
- (b) in subsection (2), by repealing the words “on the recommendation of the Tertiary Education Commission and”.

Amendment of Section 21

12. Section 21 of the principal Act is amended in subsection (5), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of section 22

13. Section 22 of the principal Act is amended in subsection (3) (g), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 27

14. Section 27 of the principal Act is amended in subsection (5), by repealing the words “in accordance with the recommendations of the Tertiary Education Commission” and substituting therefor the words “by the University Council”.

Amendment of Section 28

15. Section 28 of the principal Act is amended by repealing subsection (1) and substituting therefor the following —

“(1) Public Professional Centres shall be established by the Minister.

(2) Private Professional Centres shall be established by its owners.”

Amendment of Section 29

16. Section 29 of the principal Act is amended as follows —

(a) by repealing subsection (1) and (2) and substituting therefor the following —

“(1) The Board of a Professional Centre shall be appointed by the Minister under the administration of which the Professional Centre operates in accordance with the provisions of this Act and procedures in its charter.

(2) (a) The composition of the Board of a Professional Centre shall be as prescribed by its charter.

(b) Notwithstanding paragraph (a), in constituting the Board, consideration shall be given to the academic staff, representatives of learners and representatives of the service area or industry related to the operations of the Professional Centre.”

- (b) in subsection (5) (b) by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.
- (c) in subsection (5) (f) by —
 - (i) repealing the word “approve” and substituting therefor the word “endorse”;
 - (ii) repealing the word “and the Tertiary Education Commission”.
- (d) in subsection (6) (l) by repealing the word “Ministry” and substituting therefor the word “Government”.

Amendment of Section 30

17. Section 30 of the principal Act is amended in subsection (3) (g), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 33

18. Section 33 of the principal Act is amended in subsection (4), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 34

19. Section 34 of the principal Act is amended in subsection (3), by repealing the words “on the advice of the Tertiary Education Commission”.

Amendment of Section 37

20. Section 37 of the principal Act is amended in subsection (2), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 41

21. Section 41 of the principal Act is amended in subsection (2), by repealing the words “according to criteria recommended by the Tertiary Education Commission and shall be determined”.

Amendment of Section 42

22. Section 42 of the principal Act is amended in subsection (1), by repealing the words “to the Tertiary Education Commission for review, and for its recommendation”.

Amendment of Section 44

23. Section 44 of the principal Act is amended in subsection (1), by repealing the words “in consultation with the Tertiary Education Commission”.

Repeal of Schedule

24. The principal Act is amended by repealing the Schedule.

Continuation of employment

25. On the commencement of this Act —

- (a) the members of the Board, established by section 3(2) of the Tertiary Education Act, 2011, shall cease to be members as such and shall vacate their office; and
- (b) such members shall not be entitled to claim any compensation for the premature termination of the term of their office or of any contract of service.

- (c) all persons employed by the Tertiary Education Commission under section 3(6) of the Tertiary Education Act, 2011, prior to the commencement of this Act shall continue his or her employment with the Government of Seychelles in its Ministry of Education on terms and conditions no less favourable than those subsisting immediately prior to the commencement of this Act until these are amended, varied or repealed in accordance with any scheme of service applicable to employees of the Government.

Transitional

26. On the commencement of this Act —

- (a) all movable or immovable properties, assets, rights, interests and privileges acquired, accrued by, or vested in, the Tertiary Education Commission shall stand transferred to and vested in the Government of Seychelles;
- (b) all liabilities and obligations incurred by the Tertiary Education Commission prior to the date of the commencement of this Act shall be deemed to have been incurred by the Government of Seychelles;
- (c) any contract or agreement executed by the Tertiary Education Commission prior to the date of the commencement of this Act shall continue to have effect in accordance with its terms as if it was originally made and entered into by the Government of Seychelles; and
- (d) any right, privilege obligation or liability acquired or incurred by a person in respect of the Tertiary education Commission shall not be affected by the repeal and any legal investigation, legal proceedings or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced by or against the Government of Seychelles.

SEYCHELLES AGRICULTURAL AGENCY (REPEAL) ACT, 2021

(Act 52 of 2021)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Repeal of *Cap 309*
3. Continuation of employment
4. Assets, liabilities and contracts
5. Effect of repeal
6. Consequential Amendments of Act 4 of 2019

Schedule 1 - Consequential Amendments



SEYCHELLES AGRICULTURAL AGENCY (REPEAL) ACT, 2021

(Act 52 of 2021)



I assent

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Wavel Ramkalawan
President

23rd November, 2021

AN ACT TO REPEAL THE SEYCHELLES AGRICULTURAL AGENCY ACT, 2009
CAP 309.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Seychelles Agricultural Agency (Repeal) Act, 2021.

Repeal of Cap 309

2. The Seychelles Agricultural Agency Act, *Cap 309* is hereby repealed.

Continuation of employment

3. Notwithstanding any law, a person employed with the Seychelles Agricultural Agency on the date of the repeal of the Act shall continue his or her employment with the Government on terms and conditions no less favourable than those subsisting immediately prior to the date of the repeal of the Act until these are amended, varied or repealed in accordance with any scheme of service applicable to employees of the Government.

Assets, liabilities and contracts

4. On the repeal of this Act —

- (a) all movable or immovable properties, assets, rights, interests and privileges acquired by, accrued to, or vested in, the Seychelles Agricultural Agency under the repealed Act shall stand transferred to and vested in the Government of Seychelles;
- (b) all liabilities and obligations incurred by the Seychelles Agricultural Agency prior to the date of this Act shall be deemed to have been incurred by the Government of Seychelles;
- (c) any contract or agreement executed by the Seychelles Agricultural Agency prior to the date of the repeal of the Act shall continue to have effect in accordance with its terms as if it was originally made and entered into by the Government of Seychelles; and
- (d) any right, privilege obligation or liability acquired or incurred by a person under the repealed Act shall not be affected by the repeal and any legal investigation, legal proceedings or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced by or against the Government of Seychelles.

Effect of repeal

5. The mention of the particular matters referred to in sections 3 and 4 shall not be held to prejudice or affect the general application of section 31 of the Interpretation and General Provisions Act (Cap 103) with regard to the effect of repeal.

Consequential Amendments of Act 4 of 2019 and Act 10 of 2014

6. The Control and Protection of Dogs Act, 2018, and the Animal and Plant Biosecurity Act, 2014 are amended to the extent specified in the Schedule to this Act.

SCHEDULE 1**CONSEQUENTIAL AMENDMENTS**

(Section 6)

Amendment of section 2 of the Control and Protection of Dogs Act, 2018

1. The Control and protection of Dogs Act, 2018 (Act 4 of 2019) is hereby amended in section 2 by repealing the definition of "Competent Authority" and substituting therefor the following —

““Competent Authority” means the Department of Agriculture;””.

Amendment of section 2 and 4(1) of the Animal and Plant Biosecurity Act, 2014

2. The Animal and Plant Biosecurity Act, 2014 is hereby amended as follows —

- (i) by repealing the definition of "Agency" and substituting therefor "Agency" means the Agency, Ministry, Department of Government or a public body as designated under section 4(1);" and

- (ii) by repealing section 4(1) and substituting therefor the following —

““4.(1) The Department of Agriculture shall be the Agency responsible for Biosecurity for the purposes of this Act;”.”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 9th November, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

**SEYCHELLES NATIONAL YOUTH COUNCIL (AMENDMENT)
ACT, 2021**

(Act 53 of 2021)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Substitution of section 6
3. Amendment of section 7
4. Repeal of section 8



**SEYCHELLES NATIONAL YOUTH COUNCIL (AMENDMENT)
ACT, 2021**

(Act 53 of 2021)



I assent

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Wavel Ramkalawan
President

23rd November, 2021

AN ACT TO AMEND THE SEYCHELLES NATIONAL YOUTH COUNCIL ACT, 1997
(CAP 319).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Seychelles National Youth Council
(Amendment) Act, 2021.

Substitution of Section 6

2. Section 6 of the Seychelles National Youth Council Act, 1997 (Cap 319) as last amended by the Seychelles National Youth Council (Amendment) Act, 2013 (hereinafter referred to as the “principal Act”) is hereby repealed and substituted by the following —

“Minister's responsibility

6. The Minister shall be responsible for approving all matters relating to the functions of the Council.”.

Amendment of section 7

3. Section 7 of the principal Act is amended —

- (a) in subsection (2), by repealing the word “Board” and substituting therefor the word “Minister”;
- (b) in subsection (3) by repealing the words “, a member of the Board”;
- (c) in subsection 5 (b) by repealing the word “Board” and substituting therefor the word “Minister”.

Repeal of section 8

4. Section 8 of the principal Act is repealed.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 10th November, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

**EMPLOYMENT (SUSPENSION OF THIRTEENTH MONTH PAY)
ACT, 2021**

(Act 54 of 2021)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Suspension of thirteenth month pay under Cap. 69



**EMPLOYMENT (SUSPENSION OF THIRTEENTH MONTH PAY)
ACT, 2021**

(Act 54 of 2021)



I assent

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

Wavel Ramkalawan
President

23rd November, 2021

AN ACT TO SUSPEND THE PAYMENT OF THE THIRTEENTH MONTH PAY PAYABLE TO WORKERS UNDER THE EMPLOYMENT ACT (CAP. 69) IN RESPECT OF THE YEAR 2021.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Employment (Suspension of Thirteenth Month Pay) Act, 2021.

Suspension of thirteenth month pay under Cap. 69

2.(1) The payment of the thirteenth month pay under section 46C of the Employment Act in respect of the period from 1st January 2021 to 31st December 2021, due on 31st December 2021 and payable on or before 31st January 2022, is hereby suspended.

(2) Notwithstanding subsection (1), if any employer pays the thirteenth month pay to his or her workers in respect of the year 2021, such payment shall be eligible for exemption under the Second Schedule to the Income and Non-Monetary Benefits Tax Act (Cap 273).

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 10th November, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly

TERTIARY EDUCATION (AMENDMENT) BILL, 2021

(Bill No. 61 of 2021)

OBJECTS AND REASONS

The Tertiary Education Act, Act 12 of 2011 (the “Act”) was enacted to provide for the organisation and development of tertiary education in Seychelles, to establish the Tertiary Education Commission (hereinafter the “Commission”) and to provide for connected matters. The affairs of the Commission is administered by a Board of which its members are appointed by the President. The Chief Executive Officer appointed by the President is responsible for the implementation of the decisions of the Board and managing the overall operations of the Commission.

The President, in his address to the Nation on the 1 February, 2021, made announcement of restructuring of statutory and other parastatal bodies.

In order to give effect to the announcement made by the President, it is proposed to abolish the Commission and entrust its functions and responsibilities to the Ministry of Education and the Seychelles Qualifications Authority.

Accordingly, in view of the above, it is proposed to amend sections 2, 8, 11, 12, 13, 19, 21, 22, 27, 28, 29, 30, 33, 34, 37, 41, 42 and 44, and repeal sections 3, 4, 16, 17 of the Act.

The Bill seeks to achieve the above objectives.

Dated this 25th day of November, 2021.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

TERTIARY EDUCATION (AMENDMENT) BILL, 2021*(Bill No. 61 of 2021)***ARRANGEMENT OF SECTIONS****SECTIONS**

1. Short title and amendment of Act 12 of 2011
2. Commencement
3. Amendment of section 2
4. Amendment of Part 2 head note
5. Repeal of sections 3 and 4
6. Amendment of section 8
7. Amendment of section 11
8. Amendment of section 12
9. Amendment of section 13
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12. Amendment of section 21
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15. Amendment of section 28
16. Amendment of section 29
17. Amendment of section 30
18. Amendment of section 33
19. Amendment of section 34
20. Amendment of section 37
21. Amendment of section 41
22. Amendment of section 42
23. Amendment of section 44
24. Repeal of Schedule
25. Continuation of employment
26. Transitional

TERTIARY EDUCATION (AMENDMENT) BILL, 2021

(Bill No. 61 of 2021)



A BILL

FOR

AN ACT TO AMEND THE TERTIARY EDUCATION ACT (ACT 12 OF 2011).

ENACTED by the President and the National Assembly.

Short title and amendment Act 12 of 2011

1. This Act may be cited as the Tertiary Education (Amendment) Act, 2021, and shall be read and construed as one with the Tertiary Education Act, Act 12 of 2011, which is hereinafter referred to as the “principal Act”.

Commencement

2. The principal Act shall come into operation on such date as the Minister may, by Notice publish in the *Gazette*, appoint.

Amendment of section 2

3. Section 2 of the principal Act is amended as follows —

(a) by repealing —

(i) the definition of “entities”;

(ii) the definition of “National Qualification Framework” and substituting therefor the following —

“National Qualifications Framework” means a comprehensive system approved by the Minister for the development, classification, registration, publication, evaluation and articulation of quality-assured qualifications;”

(iii) the definition of “qualification” and substituting therefor the following —

“qualification” means a registered national qualification;”

(iv) in the definition of “Professional Centre” the words “set out in Part II of the Schedule”;

(v) in the definition of “tertiary education institution” the words “specified in the Schedule”;

(vi) in the definition of “University” the words “set out in Part I of the Schedule”;

(b) by inserting in the alphabetical order the following definitions —

““board” means a body appointed in accordance with the provisions of the Act, Charter or statutes that govern a professional centre or faculty of a university;

“Council” means a body appointed in accordance with the provisions of the Act, Charter or statutes that govern a university;

“recognised authority” means any governmental authority or other organization, local or foreign, recognized by the government as having a regulatory role in a particular sector;”

Amendment of Part 2 head note

4. The principal Act is amended, in the head note of Part 2, by repealing the words “TERTIARY EDUCATION COMMISSION”.

Repeal of sections 3 to 4

5. The principal Act is amended by repealing sections 3 and 4.

Amendment of section 8

6. Section 8 of the principal Act is amended as follows —

(a) by repealing subsection (2) and substituting therefor the following —

“(2) The charter of a Government tertiary education institution shall be approved and granted by the Minister on the recommendation of the Board or Council of the Tertiary Education Institution and may be amended in the manner set out in the Charter.”

(b) in subsection (3), by repealing the words “Tertiary Education Commission” and substituting therefor the words “Board or Council of the Tertiary Education Institution”;

- (c) in subsection (4), by repealing the words “subject to the approval of the Tertiary Education Commission”.

Amendment of Section 11

7. Section 11 of the principal Act is amended in subsection (2) (a) by repealing the words “the Tertiary Education Commission” and substituting the words “recognized authorities”.

Amendment of Section 12

8. Section 12 of the principal Act is amended in subsection (1) by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 13

9. Section 13 of the principal Act is amended by repealing the words “Tertiary Education Commission” wherever they appear, and substituting therefor the word “Minister”.

Repeal of section 16 and 17

10. The principal Act is amended by repealing sections 16 and 17.

Amendment of section 19

11. Section 19 of the principal Act is amended —

- (a) in subsection (1), by repealing the word “shall” and substituting therefor the word “may”.
- (b) in subsection (2), by repealing the words “on the recommendation of the Tertiary Education Commission and”.

Amendment of Section 21

12. Section 21 of the principal Act is amended in subsection (5), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of section 22

13. Section 22 of the principal Act is amended in subsection (3) (g), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 27

14. Section 27 of the principal Act is amended in subsection (5), by repealing the words “in accordance with the recommendations of the Tertiary Education Commission” and substituting therefor the words “by the University Council”.

Amendment of Section 28

15. Section 28 of the principal Act is amended by repealing subsection (1) and substituting therefor the following —

“(1) Public Professional Centres shall be established by the Minister.

(2) Private Professional Centres shall be established by its owners.”

Amendment of Section 29

16. Section 29 of the principal Act is amended as follows —

(a) by repealing subsection (1) and (2) and substituting therefor the following —

“(1) The Board of a Professional Centre shall be appointed by the Minister under the administration of which the Professional Centre operates in accordance with the provisions of this Act and procedures in its charter.

(2) (a) The composition of the Board of a Professional Centre shall be as prescribed by its charter.

(b) Notwithstanding paragraph (a), in constituting the Board, consideration shall be given to the academic staff, representatives of learners and representatives of the service area or industry related to the operations of the Professional Centre.”

- (b) in subsection (5) (b) by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.
- (c) in subsection (5) (f) by —
 - (i) repealing the word “approve” and substituting therefor the word “endorse”;
 - (ii) repealing the word “and the Tertiary Education Commission”.
- (d) in subsection (6) (l) by repealing the word “Ministry” and substituting therefor the word “Government”.

Amendment of Section 30

17. Section 30 of the principal Act is amended in subsection (3) (g), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 33

18. Section 33 of the principal Act is amended in subsection (4), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 34

19. Section 34 of the principal Act is amended in subsection (3), by repealing the words “on the advice of the Tertiary Education Commission”.

Amendment of Section 37

20. Section 37 of the principal Act is amended in subsection (2), by repealing the words “Tertiary Education Commission” and substituting therefor the word “Minister”.

Amendment of Section 41

21. Section 41 of the principal Act is amended in subsection (2), by repealing the words “according to criteria recommended by the Tertiary Education Commission and shall be determined”.

Amendment of Section 42

22. Section 42 of the principal Act is amended in subsection (1), by repealing the words “to the Tertiary Education Commission for review, and for its recommendation”.

Amendment of Section 44

23. Section 44 of the principal Act is amended in subsection (1), by repealing the words “in consultation with the Tertiary Education Commission”.

Repeal of Schedule

24. The principal Act is amended by repealing the Schedule.

Continuation of employment

25. On the commencement of this Act —

- (a) the members of the Board, established by section 3(2) of the Tertiary Education Act, 2011, shall cease to be members as such and shall vacate their office; and
- (b) such members shall not be entitled to claim any compensation for the premature termination of the term of their office or of any contract of service.

- (c) all persons employed by the Tertiary Education Commission under section 3(6) of the Tertiary Education Act, 2011, prior to the commencement of this Act shall continue his or her employment with the Government of Seychelles in its Ministry of Education on terms and conditions no less favourable than those subsisting immediately prior to the commencement of this Act until these are amended, varied or repealed in accordance with any scheme of service applicable to employees of the Government.

Transitional

26. On the commencement of this Act —

- (a) all movable or immovable properties, assets, rights, interests and privileges acquired, accrued by, or vested in, the Tertiary Education Commission shall stand transferred to and vested in the Government of Seychelles;
- (b) all liabilities and obligations incurred by the Tertiary Education Commission prior to the date of the commencement of this Act shall be deemed to have been incurred by the Government of Seychelles;
- (c) any contract or agreement executed by the Tertiary Education Commission prior to the date of the commencement of this Act shall continue to have effect in accordance with its terms as if it was originally made and entered into by the Government of Seychelles; and
- (d) any right, privilege obligation or liability acquired or incurred by a person in respect of the Tertiary education Commission shall not be affected by the repeal and any legal investigation, legal proceedings or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced by or against the Government of Seychelles.