

SUPREME COURT OF SEYCHELLES

Reportable
[2022] SCSC 99
MA 328/2021

In the matter of:

The Government of Seychelles
(rep by Attorney General of National House, Mahe Seychelles)

Applicant

And

1. Nichol Jean Russel Gabriel & Ors
2. Natasha Chang-Tave
3. Steve Chang-Tave

Respondents

Neutral Citation: *Government of Seychelles and Gabriel Russel Nichol, Chang-Tave Natasha & Chang-Tave Steve* (MA 328/2021 [2022] SCSC 99 (9 February 2022))

Before: Andre J

Summary: Receivership Order under Section of 8 of Proceeds of (Crime Civil Confiscation) Act 2008 (as amended) (POCCCA)-no opposition to the application

Heard: 8 February 2022

Delivered: 9 February 2022

ORDER

The following orders are made:

- (i) That Inspector Terrence Roseline is appointed as the new Receiver replacing the then Superintendent Hein Prinsloo as Receiver over all or part of the property, namely Seychelles rupees Four Million Five Hundred and Ninety One (SCR 4,591.000.00/- constituted by the following (a) Parcel Number: S6399 which is the land comprised of 1031 square meters and a dwelling house situated in Cadastral district of Serbet at Anse-Aux-Pins, Mahe, valued at SCR 4,000,000 (Four Million); (b) part deposit in the sum of Seychelles Rupees 295,500.00 for Cyan splash bitone Toyota CHR which was paid to Speed Pty Ltd by the 2nd and 3rd Respondents; and (c) part deposit in the sum of Seychelles Rupees Two Hundred and Ninety Five and Five Hundred

(295,500.00/-) for Graphite Black Lexus NX300H which was also paid to Auto Speed Pty Ltd by the 2nd and 3rd Respondents, to manage keep possession or dispose of as per Order of the Court of the 8February 2022, or otherwise deal with any other property of which he is appointed in accordance with the Court's direction, pursuant to section 8 of the POCCCA (s mended).

- (ii) I further order that notices be issued on the 1st, 2nd and 3rd Respondents, ABSA Bank Seychelles, Registrar of Lands, the Seychelles Licensing Authority and any persons involved with the disposal of the property in line with Order of this Court in MA 264 OF 2021 with immediate effect.

RULING

ANDRE J

Introduction

- [1] This is an application by the Government of Seychelles herein represented by the Attorney General of National House, Mahe (*applicant*), for an Order appointing inspector Terrence Roseline of the Financial Investigation Unit (FCIU) as Receiver of the specified property as detailed in the table attached to the application namely, Seychelles rupees Four Million Five Hundred and Ninety One (SCR 4,591.000.00/- constituted by the following (a) Parcel Number: S6399 which is the land comprised of 1031 square meters and a dwelling house situated in Cadastral district of Serbet at Anse-Aux-Pins, Mahe, valued at SCR 4,000,000 (Four Million); (b) part deposit in the sum of Seychelles Rupees 295,500.00 for Cyan splash bitone Toyota CHR which was paid to Speed Pty Ltd by the 2nd and 3rd Respondents; and (c) part deposit in the sum of Seychelles Rupees Two Hundred and Ninety Five and Five Hundred (295,500.00/-) for Graphite Black Lexus NX300H which was also paid to Auto Speed Pty Ltd by the 2nd and 3rd Respondents and as to such further or other Orders as the Court shall deem just and proper.

[2] It is to be noted that this application is considered in line with the Order delivered by this very Court of the 8 January 2022 in MA264/2021 being a Disposal Order under section 5 of the POCCCA with respect to the specified property.

[3] To note further that there has been no opposition to this application.

Grounds for the application

[4] The grounds on which the application is based are in a gist as follows.

[5] That Superintendent Hein Prinsloo's employment contract ended in April 2021.

[6] That Superintendent Hein Prinsloo has left Seychelles after the end of his employment contract.

[7] That the Applicant might be prejudiced is a new Receiver namely Inspector Terrence Roseline is not appointed. It is to be noted at this juncture that the Order of the then Chief Justice M Twomey of the 27 July 2020 ordered that Superintendent Hein Prinsloo is appointed as Receiver over all of the specified property in the table attached to the Application, to keep and take possession of or dispose of or otherwise dealing with any of the property in respect of the then application pursuant to section 8 of the POCCCA.

[8] With regards to this application, the Court has scrutinised the Motion and the attached affidavit in support of Inspector Terrence Roseline of the 9 December 2021 and finds the same in line with the application as filed.

Findings

[9] This court is satisfied based on the grounds for the application as duly supported by the affidavit and oral evidence of inspector Terrence Roseline (*supra*), that there is a Receivership Order of the 27 July 2020 in favour of Superintendent Hein Prinsloo (as he then was) as Receiver over all the specified property, to keep and to take possession of or dispose of or otherwise dealing with nay of the property in respect of this application pursuant to section 8 of the POCCCA.

- [10] This Court is further satisfied that there is also a Disposal Order of this Court of the 8 February 2022 ordering the disposal of the specified property (Paragraph 1] refers
- [11] This Court is further satisfied that based on the evidence before the court, is highly unlikely that Superintendent Hein Prinsloo will be returning to the Seychelles and that since Inspector Terrence Roseline assisted with the FCIU investigation of this matter, he is a fit and proper person to replace Superintendent Hein Prinsloo as the new Receiver of the specified property.
- [12] It follows thus, that this Court based on the foregoing findings, is satisfied that an Order of replacement of Receivership in the person of Inspector Terrence Roseline is fit and proper in all the circumstances of this case and especially noting the nature of the specified property and additionally for the enforcement of the Disposal Order of this Court of the 8 February 2022. (supra).

Conclusion

It follows that this court orders as follows:

- (iii) That Inspector Terrence Roseline is appointed as the new Receiver replacing the then Superintendent Hein Prinsloo as Receiver over all or part of the specified property, namely Seychelles rupees Four Million Five Hundred and Ninety One (SCR 4,591.000.00/- constituted by the following (a) Parcel Number: S6399 which is the land comprised of 1031 square meters and a dwelling house situated in Cadastral district of Serbet at Anse-Aux-Pins, Mahe, valued at SCR 4,000,000 (Four Million); (b) part deposit in the sum of Seychelles Rupees 295,500.00 for Cyan splash bitone Toyota CHR which was paid to Speed Pty Ltd by the 2nd and 3rd Respondents; and (c) part deposit in the sum of Seychelles Rupees Two Hundred and Ninety Five and Five Hundred (295,500.00/-) for Graphite Black Lexus NX300H which was also paid to Auto Speed Pty Ltd by the 2nd and 3rd Respondents, to manage keep possession or dispose of as per Order of the Court of the 8 February 2022, or otherwise deal with any other property of which he is appointed in accordance with the Court's direction, pursuant to section 8 of the POCCCA (s mended).

- (iv) I further order that notices be issued on the 1st, 2nd and 3rd Respondents, ABSA Bank Seychelles, Registrar of Lands, the Seychelles Licensing Authority and any persons involved with the disposal of the specified property in line with the Disposal Order of this Court in MA 264 of 2021 with immediate effect.

Signed, dated, and delivered at Ile du Port on 9 February 2022.

ANDRE J

