

OFFICIAL GAZETTE

REPUBLIC OF SEYCHELLES

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GENERAL NOTICES

No. 1111 of 2023

OVERSEAS TREATMENT ACT

(Act 5 of 2018)

Overseas Diagnosis and Treatment Board

In exercise of the powers conferred by section 5(2) and (5) of the Overseas Treatment Act, 2018, the Minister responsible for health hereby appoints the following persons to the Overseas Diagnosis and Treatment Board —

Dr. Henry Telemaque	—	Chairperson
Dr. Xavier Rose	—	Vice-Chairperson
Dr. Susan Fock Tave	—	Member
Dr. Robert Michel	—	Member
Dr. Roland Barbe	—	Member
Dr. Ashwin Sakharia	—	Member
Mrs. Marie-Claire Betsy	—	Member

for a period of 5 years with effective from 1st September, 2023.

Dated this 9th day of October, 2023.

PEGGY VIDOT
MINISTER OF HEALTH

No. 1112 of 2023

OVERSEAS TREATMENT ACT*(Act 5 of 2018)***Appeals Committee**

In exercise of the powers conferred by section 9 of the Overseas Treatment Act, 2018, the Minister responsible for health hereby appoints the following persons Appeals Committee —

Dr. Mickey Noel**Dr. Daniella Malulu****Dr. Erna Athanasius**

for a period of 5 years with effect from 1st September, 2023.

Dated this 9th day of October, 2023.

**PEGGY VIDOT
MINISTER OF HEALTH**

No. 1113 of 2023

Curatelle Act

(Section 23)

Notice of Appointment of Executrix

Notice is hereby given that on the 22nd day of September 2023, the Curator appointed Micah Danielle Banda Ernesta of Mont Buxton, Mahe, Seychelles NIN: 999-0042-5-0-86, as the executrix of the succession of the deceased Gerare Antonie Ernesta also known as Gerard Ernesta and Gerane Anthonie Ernesta, under section 23 of the Curatelle Act.

Dated this 22nd day of September, 2023.

CURATOR

No. 1114 of 2023

Curatelle Act

(Section 23)

Notice of Appointment of Executor

Notice is hereby given that on the 22nd day of September 2023, the Curator appointed Ziggy Steven Leandre Adam of Anse Gaulette, Baie Lazare, Mahe, Seychelles NIN: 991-0394-1-1-14, as the executor of the succession of the deceased Michel Adam, under section 23 of the Curatelle Act.

Dated this 22nd day of September, 2023.

CURATOR

No. 1115 of 2022

Corrigendum

The International Business Company Aliemo Ltd No. 198848 as published in notice No. 826 of 2023, in the Official Gazette No. 42 dated 31st July, 2023 is deleted.

No. 1116 of 2023

FOUNDATIONS ACT**Section 99(1)**

Notice is hereby given pursuant to Section 99(1) of the Foundations Act, 2009 that the names of the below foundations will be struck off the register unless payment of annual fees and all penalty fees are paid within 90 days from **9th October, 2023**.

Foundation Name	Reg. No.
PH3 Foundation	451
Thornton Fairfax Foundation	730
New Age Foundation	1045
LunaFi Foundation	1049

Financial Services Authority

No. 1117 of 2023

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Sections 272(1)(b)(ii) and 272(2)(b)**

Notice is hereby given in accordance with section 272(2)(b) of the International Business Companies Act, 2016 (the Act) that the following companies will be struck off the register at the expiration of 60 days from the date of this publication, pursuant to section 272(1)(b)(ii) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
DH3 SOLUTIONS LIMITED	225274
Samberd Limited	208121
Lambis Investment Ltd.	84122
Lasura Vine Corporation	225383
Dravida Ventures Ltd	226585
ART AND RHYTHM LIMITED	193436
DSL RESOURCES LTD.	112682
ORIDEN HOLDINGS LTD	221386
DUROME HOLDINGS INC.	125741
TEMPO SERVICES LTD.	134483
Familiale Moreau, Ltd.	133303
Rodwell International Limited	234381
Worldwide Consulting Services Ltd	192036
Mad Extra Terra Futura Limited	207624

Financial Services Authority

No. 1118 of 2023

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Section 272(4)**

Notice is hereby given pursuant to Section 272(4) of the International Business Companies Act, 2016 that the following companies have been struck off the register with effect from **29th September, 2023**.

<u>Company Name</u>	<u>IBC No.</u>
Sheng Jie International Ltd	199772
Westpine Management Inc	192713
Alilak Investments Limited	214971

GLOBAL OUTSOURCING SERVICES LIMITED	32299
RIVELLINO GLOBAL LTD.	66233
JONGO INVESTMENT HOLDINGS INC.	103704
INVEST PARAMOR Ltd	134681
JONGO LIMITED	115945
MAD HOSPITALITY Limited	190391
Octopus Investments Limited	161982
PAN AFRICA HOLDINGS LIMITED	144089
Quantum Consultancy Ltd	206621
Sagittarius Civilcon AG	189057
SANOF S.A.	99727
Satpura Ltd	188512
SEVEN FORTY FIVE LTD	103840
South East Asia Capital Ltd	128789
SSR Ltd	47216
Water Investment and Management Solutions Ltd	97452
JONES ASSOCIATES S.A.	82644
CELLA MANAGEMENT INC.	187803
Lanara Ltd.	53903
Alphabet Ltd	205871
ARNETT GLOBAL INC.	84110
BRIMEX GROUP LIMITED	134262
ACTE IT Services Ltd	191493
AK Investments Limited	125727
BOGS, INC	198862
Brilliance Star Group Limited	222508
DINTEC PROAXIVE LTD	191955
Enterprise Power Ltd	162378
International Networks Limited	127210
INVERSIONES EXPOSICION LTD	201644
Highmoor Limited	80838
LEISURE & HOLIDAYS INTERNATIONAL INC.	70814
LineFord Company Inc.	102953
Leading Edge Incorporated	81111
DUNSANDEL S.A.	87779
LEROY VENTURES S.A.	82643

Financial Services Authority

No. 1119 of 2023

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Section 272(4)

Notice is hereby given pursuant to Section 272(4) of the International Business Companies Act, 2016 that the following companies have been struck off the register with effect from **2nd October, 2023.**

<u>Company Name</u>	<u>IBC No.</u>
PKKT Limited	229469
Inverse Square Holdings Limited	212841

Financial Services Authority

No. 1120 of 2023

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Section 272(4)

Notice is hereby given pursuant to Section 272(4) of the International Business Companies

Act, 2016 that the following companies have been struck off the register with effect from **6th October, 2023.**

<u>Company Name</u>	<u>IBC No.</u>
CHARGER PERFORMANCE LIMITED	102125
SDG PERFORMANCE LIMITED	102127
GAS HOLDINGS LIMITED	102735
ROAMIN HOLIDAY LIMITED	102809
B and H INVESTMENTS, Ltd.	103222
STANDARD NATIONAL RESOURCES, Ltd.	103279
ELP PERFORMANCE, Ltd.	103547
S+R INVESTMENT GROUP, Ltd.	103602
RAD, Ltd.	103431
SDMD INVESTMENTS, Ltd.	105900
BASILIO LIMITED	105058
RIVERTON ELKO LIMITED	104854
AUTO PLACE PRODUCT COMPANY, Ltd.	104524
SPRING CREEK 45 LIMITED	103929
LAUREL PERFORMANCE, Ltd.	103844
REDWOOD REHON LIMITED	103829
PREFERRED PLUS, Ltd.	103828
EXCELLENCE PLUS LIMITED	103827
FLYING W II PERFORMANCE, Ltd.	103769
RDH AUTOMOTIVE, Ltd.	105902
White and COMPANY LIMITED	106343
FF CONCORD LIMITED	106500
GX5 LIMITED	107206
RCMG FLORIDA LIMITED	107293
RCMT PERFORMANCE LIMITED	107297
JULIO G. ROCHA, Ltd.	107393
PULLMAN PERFORMANCE LIMITED	107463
SIFI LIMITED	108922
WATERS AUTO PARTNERS, Ltd.	111980
kmc performance, Ltd.	111986
NEW MAKY LIMITED	112058
NEW MONRY LIMITED	112059
OLIVIA PERFORMANCE COMPANY, Ltd.	112537
DO-DAD3 LIMITED	112538
KYLIE COMPANY LIMITED	112539
RM PERFORMANCE LIMITED	112892
VALLEY AUTO MANAGEMENT, Ltd.	112978
KAPP PERFORMANCE LIMITED	113007
MARU PERFORMANCE GROUP LIMITED	113063
FASHION JACKET PRODUCT, Ltd.	113358
PRAIRIE SUNSET INVESTMENT PRODUCT CO., Ltd.	113457
DIGHERO-YANEZ, Ltd.	113826
GEOFF JANET LIMITED	113827
MATT ONE PERFORMANCE, Ltd.	113964
ROBERT COPPLE PRODUCT CO., Ltd.	114243
BLUE MONKEY PARTNERS, Ltd.	114365
RAJEN PRODUCT CO., Ltd.	114367
McGRATH'S PRODUCT CO., Ltd.	108923
H&M CAPITAL MANAGEMENT, Ltd.	109230
GR-II LIMITED	110840
MOSS IS BOSS LIMITED	110856
P.D.S. ENTERPRISES, Ltd.	110857
MONTANA VALLEY LIMITED	111085
SALADO II RE, Ltd.	111979
RBS PRODUCT CO., Ltd.	116817
MIDWAY PRODUCT CO., Ltd.	116814

BEARDMORE PRODUCT CO., Ltd.	116812
TDR PRODUCT CO., Ltd.	116363
PATRICE RECHARDSON MD PRODUCT CO., Ltd.	116362
MKR PRODUCT CO., Ltd.	116361
NEW ORLEANS PRODUCT CO., Ltd.	115592
NGP DIVERSIFIED, Ltd.	115283
BAKER PERFORMANCE INVESTMENTS, Ltd.	114745
AMMC PRODUCT CO., Ltd.	116998
SKR PRODUCT CO., Ltd.	117000
TWELVETHREE ASHELF PERFORMANCE, Ltd.	117054
Jennifer Leigh Wallis Product Co., Ltd.	117128
Jessica Renea Wallis Product Co., Ltd.	117129
Jeffrey Russell Wallis Product Co., Ltd.	117130
RONBOCO LIMITED	118256
MHC PERFORMANCE LIMITED	118161
DOOLEY PRODUCT CO., Ltd.	117869
ROTTER LIMITED	117762
MORGAN CANYON INVESTMENTS, Ltd.	117759
LAMFROM PERFORMANCE LIMITED	117755
KEBOGS LIMITED	117754
CATHEDRAL CITY, Ltd.	117751
CAJON INVESTMENTS, Ltd.	117750
MOTO PERFORMANCE LIMITED	117760
RYMAN LIMITED	118259
3 CHEESES LIMITED	119046
VALERIAN PRODUCT CO., Ltd.	119338
EXCEL JEFFERSON LIMITED	119395
OMENA PERFORMANCE LIMITED	119396
PANC PERFORMANCE COMPANY, Ltd.	119509
NORAK PRODUCT CO., Ltd.	119619
4 LATERON PRODUCT CO., Ltd.	119688
BOBCLAIREJACK PRODUCT CO., Ltd.	119849
MALYNNE CANDRA PRODUCT CO., Ltd.	119974
BOND NETWORK LTD	233531
Taunt Network Ltd	232620
TRAVDEN LTD	231712
MUP GLOBAL LIMITED	233817
Huntingdon Smyth Limited	229889
NPS Developers LTD	230045
SWITCH GLOBAL LIMITED	231023
EMARKETING PROS LTD	230538
RPLAY Network Ltd	233280
Intelligent Trading Protocol LTD	234741
La Plume Plus Ltd	228407
Luminous Dew Ltd.	228280
Ainoa Kukka Corporation Ltd	228281
FINANCIAL RESOURCES A.G.	7399

Financial Services Authority

No. 1121 of 2023

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Section 272(4)

Notice is hereby given pursuant to Section 272(4) of the International Business Companies Act, 2016 that the following companies have been struck off the register with effect from **10th October, 2023.**

<u>Company Name</u>	<u>IBC No.</u>
Western Lakeside Co Ltd	219131
AUTHENTIC SINO LIMITED	183931
RADIANT GROUP LIMITED	175522
FOCUS DILIGENCE LIMITED	217353
ULTIMATE ENERGY LIMITED	235303

Financial Services Authority

No. 1122 of 2023

JUDICIAL SALE

WARNING is hereby given that on the 30th November 2023 at 9am shall take place the sale and final adjudication before the Supreme Court of Seychelles the following immovable property situated at Eden Island, Mahe, Seychelles, belonging to Michael Kevin Johnson known as Parcel V16136, with all the buildings and plantations situated on it.

The sale is at the request of Absa Bank (Seychelles) Limited of Victoria, Mahe, Seychelles.

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

Dated at Victoria, Mahe, Seychelles, this 12th October, 2023.

KIERAN B. SHAH
Of Royal Street, Victoria
Attorney in charge of the sale

No. 1123 of 2023

NOTICE

Notice is hereby given in pursuance of Section 96 of the Civil Status Act (Cap. 34) that the Chief Officer of the Civil Status has granted the under noted applications made under section 94 of Cap. 34.

Ms. Sheila Merenda Uzice authorized to change her name from Sheila Merenda Uzice to Sheila Merenda Fardial.

C. Roselie
For: Chief Officer of the Civil Status

No. 1124 of 2023

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Sanofer Kamal Abdul Nazar to Nilofer Kamal Abdul Nazar 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. Nilofer Kamal Abdul Nazar
London
United Kingdom

No. 1125 of 2023

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 Fabio Kael Julie to Fabio Kael Florentine 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.

Mr. Nicholas Brian Julie
Pointe Larue
Mahe
Seychelles

No. 1126 of 2023

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Georgette, Leoncia Duan to Duane, Georgette Leoncia Philoe 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 Duane Georgette Leoncia Philoe
A5/3 Chateau Vallon Condominium
Union Vale
English River
Victoria
Mahe

No. 1127 of 2023

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 Ronnia Rukaia Lea Nauris to Ronnia Rukaia Lea Lespoir 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.

Miss Rea Lespoir
Talbot
Cascade
Mahe
Seychelles

No. 1128 of 2023

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Abdel Rahman Chami to Kai Joubert 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.

Mr. Abdel Rahman Chami
C/o Jeannette Violette
La Louise
Mahe

No. 1129 of 2023

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 Isral Istral to Myra Estrale 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.

Mr. Andre Istral
La Gogue
Mahe
Seychelles

No. 1130 of 2023

NOTICE OF INTENTION TO APPLY FOR
CITIZENSHIP OF SEYCHELLES

Notice is hereby given that I, James King Webb of WF2 A11 Eden View Village, Roche Caiman whose further particulars appear below, being a person eligible to apply for citizenship under *Article 10/12 of the Constitution / Section 5(2)/5A/5B/5C and 6 of the Citizenship Act (Cap 30) have applied for *Registration/Naturalisation as a citizen of Seychelles and any person who knows any lawful reasons why the application should not be granted may forward a written and signed statement of the reasons within 28 days of the last publication of this notice to the Citizenship Officer, Immigration Division, Independence House, Victoria.

Further particulars:

- a) I am also known as James King Webb.
 - b) My present nationality is USA.
 - c) The date of my first entry into Seychelles is December 1967.
 - d) The date of my last entry into Seychelles before the present application is November 2022.
 - e) I am gainfully retired.
 - f) The special circumstance which qualifies me to make this application is I am married to a Seychelloise.
-

No. 1131 of 2023

NOTICE OF INTENTION TO APPLY FOR
CITIZENSHIP OF SEYCHELLES

Notice is hereby given that I, René Frattini of Hulebâcksvâgew 19B 43535 Môlnlycke whose further particulars appear below, being a person eligible to apply for citizenship under *Article 10/12 of the Constitution / Section 5(2)/5A/5B/5C and 6 of the Citizenship Act (Cap 30) have applied for *Registration/Naturalisation as a citizen of Seychelles and any person who knows any lawful reasons why the application should not be granted may forward a written and signed statement of the reasons within 28 days of the last publication of this notice to the Citizenship Officer, Immigration Division, Independence House, Victoria.

Further particulars:

- a) I am also known as René.
 - b) My present nationality is Swedish.
 - c) The date of my first entry into Seychelles is December 1981.
 - d) The date of my last entry into Seychelles before the present application is 2017.
 - e) I am gainfully employed as engineer in Sweden.
 - f) The special circumstance which qualifies me to make this application is mother Seychelloise.
-

No. 1132 of 2023

NOTICE OF INTENTION TO APPLY FOR
CITIZENSHIP OF SEYCHELLES

Notice is hereby given that I, Anziza Gonthier of Anse Etoile, Mahe, Seychelles whose further particulars appear below, being a person eligible to apply for citizenship under *Article 10/12 of the Constitution / Section 5(2)/5A/5B/5C and 6 of the Citizenship Act (Cap 30) have applied for *Registration/Naturalisation as a citizen of Seychelles and any person who knows any lawful reasons why the application should not be granted may forward a written and signed statement of the reasons within 28 days of the last publication of this notice to the Citizenship Officer, Immigration Division, Independence House, Victoria.

Further particulars:

- a) I am also known as Anziza.
 - b) My present nationality is Malgache / Malagasy.
 - c) The date of my first entry into Seychelles is 21/01/08.
 - d) The date of my last entry into Seychelles before the present application is 18/08/22.
 - e) The special circumstance which qualifies me to make this application is children.
-

DECLASSIFICATION AS DOMAINE PUBLIC (PROVIDENCE LAGOON) ACT, 2023

(Act 17 of 2023)

ARRANGEMENT OF SECTIONS

Sections

1. Short title and commencement
2. Interpretation
3. Purpose of the Act
4. Declassification of the specified area as *domaine public*
5. Declaration of the specified area as a protected area
6. Exclusive rights agreement
7. Offences and penalties
8. Regulations

SCHEDULES



DECLASSIFICATION AS DOMAINE PUBLIC (PROVIDENCE LAGOON) ACT, 2023

(Act 17 of 2023)



I assent

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

Wavel Ramkalawan
President

12th October, 2023

AN ACT TO DECLASSIFY AN AREA THAT IS CURRENTLY *DOMAINE PUBLIC*, TO DECLARE THE DECLASSIFIED AREA AS A PROTECTED AREA, TO ALLOW THE MINISTER TO ENTER INTO AGREEMENTS WITH PERSONS OR ENTITIES, OR PUBLIC BODIES, TO ALLOW THE EXCLUSIVE RIGHT OF USE OF THE DECLASSIFIED AREA, AND TO PROVIDE FOR OTHER RELATED MATTERS.

ENACTED by the President and the National Assembly.

Short title and commencement

1. This Act may be cited as the Declassification of Domaine Public (Providence Lagoon) Act, 2023 and shall come into operation on such date as the Minister may, by notice published in the Gazette appoint.

Interpretation

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

“Minister” means the Minister responsible for the environment;

“protected area” means an area in respect of which it is necessary or expedient in the public interest to put in place special restrictions to prevent the entry of unauthorised persons; and

“specified area” means the area of the water and the seabed delineated by the coordinates set out in the First Schedule, and specified in the Second Schedule.

Purpose of the Act

3. The purpose of this Act is —

- (a) to declassify the specified area as *domaine public*;
- (b) to declare the specified area as a protected area; and
- (c) to make provision for the entering into by the Minister of an exclusive rights agreement in relation to the specified area.

Declassification of the specified area as *domaine public*

4. The specified area shall cease to be part of the *domaine public*.

Declaration of the specified area as a protected area

5.(1) The specified area shall be a protected area.

(2) Except for those persons authorised in writing by the Minister, no person shall enter the specified area without the permission of the Minister, or of the prescribed authority.

(3) Any person who is granted permission to be in the specified area pursuant to subsection (2) shall, while acting under such permission, comply

with such directions for regulating his or her conduct as may be given by the Minister or the prescribed authority.

(4) Where a person is granted permission to be in the specified area by the prescribed authority, that person shall, while acting under such permission, comply with such directions for regulating his or her conduct as may be given by the prescribed authority.

(5) For the purposes of this section, “prescribed authority” under this Act means the Minister or the person, entity or public body that is in possession, custody and control of the specified area under the exclusive rights agreement.

Exclusive rights agreement

6.(1) The Minister may enter into an exclusive rights agreement in relation to the specified area.

(2) The exclusive rights agreement entered into under subsection (1) shall provide exclusive rights of use in favour of any person, entity or public body over the specified area for the period of time specified in the agreement and in respect of any of the activities specified in the agreement.

Offences and penalties

7.(1) A person who is in the specified area contrary to the provisions of section 5 or fails to comply with any regulations made in relation to this act, commits an offence and shall on conviction be liable to a fine of level 2 on the standard scale or to imprisonment not exceeding two years or both.

(2) Any person who wilfully and unlawfully removes, destroys, damages, alters or defaces a warning notice erected at or near the site of the specified area commits an offence and shall on conviction be liable to a fine of level 1 on the standard scale or to imprisonment not exceeding one year or both.

(3) An offence under this Act shall be a cognizable offence within the meaning and for the purposes of the Criminal Procedure Code (Cap. 54)

Regulations

8. The Minister may make regulations —
- (a) to prescribe all matters which are required by this Act to be prescribed, or which are necessary or expedient to be prescribed for giving effect to this Act; and
 - (b) to amend the Schedules.

SCHEDULES

FIRST SCHEDULE

(Section 2)

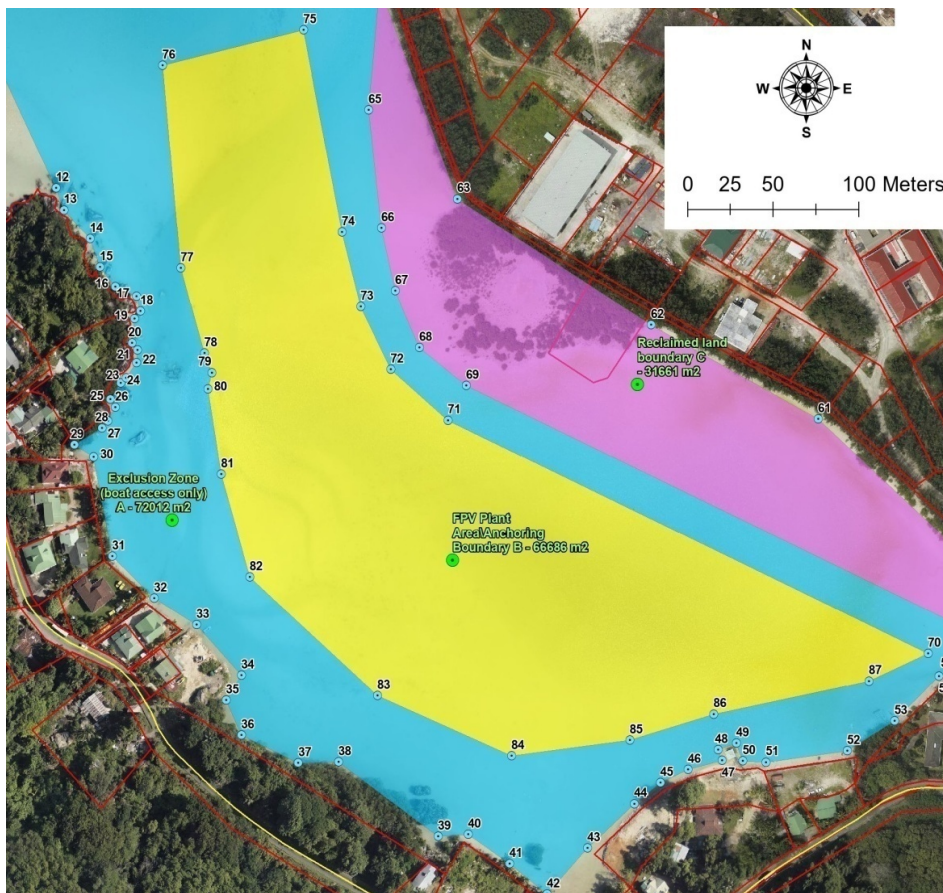
Specified area

The specified area is the area of water and seabed with the following coordinates

Geographic Coordinate System: World Geodetic System 1984 (WGS 84) Datum: WGS 84 All Coordinates in Decimal Degrees			GCS_WGS_1984 D
POINT	LONGITUDE	LATITUDE	
70	55.48520745620	-4.65546337743	
71	55.48268078120	-4.65425963038	
72	55.48237949570	-4.65399784762	
73	55.48222268180	-4.65367315819	
74	55.48212492550	-4.65329073408	
75	55.48192469060	-4.65225157015	
76	55.48118161490	-4.65243121963	
77	55.48127642600	-4.65347314627	
78	55.48139848290	-4.65391172225	
79	55.48143933100	-4.65401193280	
80	55.48141660960	-4.65409769395	
81	55.48148676390	-4.65453392270	
82	55.48163532740	-4.65506264493	
83	55.48230752930	-4.65567342309	
84	55.48301195740	-4.65598588174	
85	55.48363570380	-4.65590649769	
86	55.48407619000	-4.65577287192	
87	55.48489456220	-4.65560524818	

SECOND SCHEDULE

(Section 2)



I certify that this is a correct copy of the Bill which was passed by the National Assembly on 4th October, 2023.

Mrs. Tania Isaac
Clerk to the National Assembly

ROAD TRANSPORT (AMENDMENT) ACT, 2023*(Act 14 of 2023)***ARRANGEMENT OF SECTIONS****Sections**

1. Short title
2. Substitution of term “Road Transport Commissioner”
3. Amendment of section 2
4. Amendment of section 5
5. Insertion of section 7A
6. Amendment of section 8
7. Insertion of section 9A
8. Amendment of section 24
9. Insertion of sections 27A-27F
10. Amendment of section 28



ROAD TRANSPORT (AMENDMENT) ACT, 2023

(Act 14 of 2023)



I assent

A handwritten signature in black ink, appearing to read "Wavel", followed by a horizontal line.

Wavel Ramkalawan
President

10th October, 2023

AN ACT TO AMEND THE ROAD TRANSPORT ACT, (CAP 206).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Road Transport (Amendment) Act 2023.

Substitution of term “Road transport Commissioner”

2. The Road Transport Act (Cap 206), in this Act referred to as “the principal Act” is amended by repealing the terms “Road Transport Commissioner” or “Transport Commissioner” wherever they occur and substituting them with the term “Director General of Land Transport”.

Amendment of section 2

3. Section 2 of the principal Act is amended —

- (a) by inserting, after the definition of “commercial vehicle”, the following —

“Director General of Land Transport” means the Director General of Land Transport appointed in accordance with section 11;”

“Driving licence” means a licence issued by the Seychelles Licensing Authority

- (b) by inserting, after the definition of “licensing authority”, the following —

“Minister” means the Minister responsible for land transport;”

“Notice” means a written notification, issued by the Director General of Land Transport, in the form and manner as may be prescribed by regulations;”

- (c) by repealing the definition of “Transport Commissioner”.

Amendment of section 5

4. Section 5 of the principal Act is amended by inserting after sub section (3), the following subsections —

“(3A) Notwithstanding subsections (1), (2), and (3) any person importing a new vehicle into Seychelles must ensure such vehicle undergo vehicle testing upon entry into the country.

(3B) Save for any category of vehicle prescribed by the Minister in regulations, a vehicle tested in terms of subsection (3A) shall be issued with a vehicle licence valid for three years, for which the licence fee may be paid for in full or annually.

(3C) After the expiry of the three year vehicle licence, the vehicle shall be tested every year and the licence issued shall be valid for one year.

Insertion of section 7A

5. The principal Act is amended by inserting after section 7, the following section —

“Prohibition on importation and use of vehicle with specified particulars

7A.(1) Notwithstanding the provisions of sections 3 and 5, no vehicle may be imported into Seychelles or used on any road in Seychelles if the vehicle's front windscreen, or any front window —

- (a) is fitted with glass or such other transparent material, which is tinted or darkened in any way; or
- (b) is tinted, treated or darkened in any way including being affixed with any device or material so as to obscure the view of the interior of the vehicle from the outside,

unless permitted by the Commissioner of Police.

- (c) Permission granted under paragraphs (a) and (b) shall accompany an application for an import permit.

(2) The Minister may by regulations —

- (a) prescribe the conditions for, and manner of the grant of, any exemption from the application of subsection (1);
- (b) prescribe offences;
- (c) prescribe the revocation of approval of any grant of permission under regulations made under this Act;
- (d) regulate the seizure and impounding of vehicles contravening subsection (1);
- (e) prescribe a fixed penalty for offences committed under subsection (1); and
- (f) prescribe any other matter that may be necessary to be prescribed for the purpose of enforcing the provisions of subsection (1).

Amendment of section 8

6. Section 8 of the principal Act is amended by inserting after subsection (4), the following subsections —

“(5) No person shall transport any vehicle to La Digue that has not been permitted for use on La Digue under this section.

(6) Any person who contravenes subsection (5) commits an offence and shall be liable to a fine not exceeding level 2 on the Standard Scale.”

Insertion of new section 9A

7. The principal Act is amended by inserting after section 9, the following section —

Register of vehicles and register of driving permits

9A.(1) The licensing authority shall establish and maintain

a register of vehicles in which the licensing authority shall keep records of all vehicles registered under this Act.

(2) The register maintained under subsection (1) shall contain in respect of every vehicle —

- (a) the name, address, national identity number or such other identity details of the owner as may be prescribed;
- (b) where the owner is a body corporate, the name, address of the registered or principal place of business of the owner and any number of registration or incorporation of the body corporate;
- (c) where the owner is a partnership, the details of every partner set out under paragraph (a) or (b);
- (d) where a person trades under a business name, in addition to the details contained in paragraph (a), (b) or (c), the business name and the business name registration number;
- (e) where the owner is a minor or an interdicted person or a person subject to supervision, the details of the minor or interdicted person or the person subject to supervision and his or her guardian as provided under paragraph (a);
- (f) where the owner is deceased and an executor to his or her estate has been appointed in accordance with the Curatelle Act, 2021, (Act 23 of 2021) or the Civil Code Act of Seychelles, 2020 (Act 1 of 2021) the details of the executor as provided under paragraph (a) and the details of the appointment of the executor;

- (g) the make, model, body type, colour and year of manufacture of the vehicle;
- (h) the engine and chassis numbers of the vehicle; and
- (i) any other information required by the licensing authority.

(3) For the avoidance of doubt, no vehicle shall be registered only under the business name of a person registered under the Registration of Business Names Act.

(4) The licensing authority shall establish and maintain a register of driving licences in which it shall register all driving licences issued indicating the name, address, national identity number of the holder, the date of issue, the class of vehicles authorised and a record of any suspension or revocation of the driving licence of the licence holder.

(5) The register referred to in subsections (1) and (2) shall be kept in such manner as the licensing authority considers appropriate including, either wholly or partly, by means of a device or facility —

- (a) that records or stores information electronically or by other means; and
- (b) that permits the information so recorded or stored to be readily inspected or reproduced in any form the licensing authority deems appropriate.

(6) The records maintained under subsections (1) and (2) may be —

- (a) shared with law enforcement authorities for the purposes of prevention or detection of

traffic offences or crimes, the enforcement of law or in the public interest or for the protection of national security; and

- (b) shared with a public authority upon request for the purpose of administration of Government or for the enforcement of law;
- (c) open for inspection by the public only with regard to the name and identification particulars of the owner of the vehicle in question.

(7) For the purpose of subsection (6), “public authority” means a Ministry, department, division or agency of the Government or any other body which is carrying out a governmental function or service.

Amendment of section 24

8. Section 24 of the principal Act is amended in subsection (2) —

- (a) by repealing, after the words “period not exceeding”, the number “2” and substituting it with the number “3”;
- (b) by repealing, after the words “fine not exceeding”, the sum “R10,000” and substituting it with the expression “level 3 on the Standard Scale”.

Insertion of sections 27A-27F

9. The principal Act is amended by inserting after section 27 the following sections —

“Interpretation in section

27A.(1) For the purpose of this section —

“Authority” means the authority established or designated under the merit points regulations;

“Registrar” means the Registrar of the Supreme Court and includes a Deputy Registrar, Assistant Registrar or any other officer of the Registry of the Supreme Court or Magistrates' Court;

“merit points” means points referred to in section 27B; and

“merit points regulations” means regulations made by the Minister under this Act on the subject of merit points and its system.

Merit points system

27B.(1) There is established a merit points system set out in terms of this section.

(2) The merit points system referred to in subsection (1) shall come into operation in accordance with the provisions of the merit points regulations made under this Act.

(3) The merit point system referred to in subsection (1) is a system of merit points —

- (a) that are awarded to a holder of a driving licence —
 - (i) on the first time issuance of a driving licence;
 - (ii) on renewal of a person's driving licence as carried forward from a previous licence; or
 - (iii) subsequent to the reinstatement of a driving licence as a result of a suspension under this Act; and
- (b) which may, upon conviction of an offence by the licence holder under this Act, any ny other

regulations, or any other enactment in relation to the use of road transport, be deducted in accordance with prescribed regulations;

(4) The Minister may, in accordance with section 28 establish or designate an authority that shall —

- (a) prescribe such offences;
- (b) prescribe the penalty, expressed as a single unit or multiple units accorded a monetary value, which shall be deducted for each infringement under this section;
- (c) prescribe the merit points which are deducted for each offence or infringement under this section; and
- (d) prescribe courses on road safety and the issue of certificates.

(5) The Director General of Land Transport shall open a Register of Merit Points in which he or she shall record all information pertaining to drivers' licenses on the issue of merit points or suspension or cancellation of any driving licence.

(6) In any proceedings, a certificate, issued by the Authority that purports to be signed by or on behalf of the Authority stating the merit points lost by a person, is sufficient evidence of the facts stated unless the contrary is proved.

Operation of merit points

27C.(1) The merit points system shall apply to any person —

- (a) holding a driving licence; or
- (b) being issued a driving licence by the licensing authority; or

- (c) renewing his or her driving licence, and such person shall be awarded such number of merit points by the Director General of Land Transport as the Minister may prescribe.

(2) Where a holder of a driving licence, having been awarded merit points in terms of section 27B (4), commits an offence warranting the loss of merit points in terms of the merit points regulations, the Authority shall —

- (a) deduct the appropriate merit points from the driving licence of the holder in accordance with the prescribed regulations; and
- (b) record such deduction against the holder's driving licence as well as in the register of driving licences.

(3) The holder of a driving licence, whose licence has had a specified number of merit points deducted in accordance with the merit points regulations shall be notified of that fact by notice issued by the Authority.

Suspension of licence

27D.(1) Where all merit points have been deducted from a licence, the Authority may, on the recommendation of the Director General of Land Transport, suspend the licence holder's driving licence for a term prescribed by the merit points regulations, which shall be not less than 12 months.

(2) A driving licence suspended under subsection (1) shall not be reinstated until the expiry of the period for which the licence is suspended.

(3) Subject to the provisions in subsection (1), a person whose licence is suspended by the Authority for the first time subsequent to being deprived of all his or her merit points, may,

during the subsistence of the suspension, apply to the Authority, in such manner and with such supporting information and fees as may be prescribed, for the variation of the term of the suspension.

(4) A person whose licence is suspended under this section —

- (a) shall hand in any driving licence card in the prescribed manner to the issuing authority for retention by such issuing authority during the suspension period;
- (b) shall produce any driving licence contained in an identity document to such issuing authority for endorsement as suspended and deal with it in the prescribed manner; and
- (c) may not apply for a driving licence during the suspension period.

(5) Any person who fails to comply with the provisions of subsection 4 (a) or who drives a vehicle during the suspension period commits an offence.

(6) A person guilty of an offence under subsection (4) shall be liable —

- (a) in the case of a first conviction, to a fine not exceeding level 2 on the Standard Scale or imprisonment for a period not exceeding 1 year or to both;
- (b) in the case of a second or subsequent conviction for the same offence that was committed within a period of 1 year of the date of the commission of the offence for the first conviction, or subsequent conviction, to a fine not exceeding level 3 on the Standard Scale or imprisonment for a period not exceeding 2 years or to both.

(7) Upon expiry of his or her suspension period, a person referred to in subsection (1) may apply in the prescribed manner to the issuing authority to return his or her driving licence card.

(8) Where a person is convicted by a Court for an offence for which his or her licence is not suspended but which warrants the deduction of merit points, the Registrar shall inform the Authority of the conviction, and the Authority shall, in accordance with the merit points regulations, deduct from the licence such number of merit points as are prescribed in the merit points regulations.

(9) Subject to subsection (10), a person who has served the period of his or her licence suspension, shall have the licence reinstated.

(10) Notwithstanding subsection (9), a person whose licence is suspended by the Authority more than once shall, at the end of the last suspension period, satisfy the Authority that he or she has obtained such certificate as may be prescribed, issued by the Director General of Land Transport, and has met the requirements that may be prescribed, which may include the passing of a driving examination.

(11) A person aggrieved by a decision of suspension of his or her driving licence or by a decision taken with regard to the deduction of merit points, may, in such manner as may be prescribed, appeal the to the Appeals Board constituted under section 27F.

(12) The Appeals Board shall, within 21 days from the date of receipt of the appeal, dispose of the appeal.

Revocation of licence

27E.(1) The Authority shall revoke a licence which has been suspended five times from the commencement of the merit points regulations.

(2) Where a person commits more than one offence at a time, each warranting the forfeiture of merit points, the Director General of Land Transport shall record the number of merit points deducted for each offence.

(3) The Director General of Land Transport may, after the period for which a record of forfeited merit points expires, reinstate merit points forfeited in such manner as may be prescribed.

(4) This section shall not apply to a person who is convicted of an offence under this Act and whose licence is suspended under section 27.

Appeals Board

27F.(1) There shall be constituted, for the purpose of sections 27A-27F, an Appeals Board.

(2) The Appeals Board shall consist of three members —

- (a) a chairperson having qualifications and experience in law;
- (b) an officer from the Department of Land Transport; and
- (c) a police officer.

(3) The President shall, in consultation with the Minister, appoint the chairperson and members of the Appeals Board on such terms and conditions as the President determines and shall cause their appointments to be published in the Gazette.

(4) The chairperson and other members of the Appeals Board shall hold office for three years and shall be eligible for reappointment.

(5) A member shall not hold office for more than two terms.

(6) A member may resign from office upon giving three months written notice to the President.

(7) The President may at any time remove a member from office on the grounds of the member's —

- (a) misconduct, default or breach of trust in the discharge of his or her functions; or
- (b) conviction of an offence and being sentenced to a term of imprisonment of three months or more; or
- (c) mental or physical incapacity to carry out his or her function under this Act; or
- (d) undischarged insolvency or bankruptcy.

Amendment of section 28

10. Section 28 of the principal Act is amended by inserting after subsection (1)(gg), the following paragraphs —

- “(hh) all matters pertaining to merit points required to be prescribed under this Act;
- (ii) the manner of making appeals to the Appeals Board and any other matter required to be prescribed to ensure the efficient functioning of the Appeals Board;
- (jj) the importation of vehicles and spare parts;
- (kk) the powers of the police, the Director General Land Transport, the traffic warden or any delegated officer of a

designated authority, against any person who is found in contravention of this Act;

- (II) authorising a designated authority to immobilize, tow and impound vehicles that are the subject of an offence prescribed by the Minister and for the charging of fees for the impounding and removal, and all matters pertaining to such powers.”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 26th September, 2023.



Mrs. Tania Isaac
Clerk to the National Assembly

PUBLIC UTILITIES CORPORATION (AMENDMENT) ACT, 2023

(Act 16 of 2023)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Repeal of section 4
3. Repeal of section 8



PUBLIC UTILITIES CORPORATION (AMENDMENT) ACT, 2023

(Act 16 of 2023)



I assent

Wavel Ramkalawan
President

12th October, 2023

AN ACT TO AMEND THE PUBLIC UTILITIES CORPORATION ACT (CAP.196) TO PROVIDE FOR AN INCREASE IN THE NUMBER OF MEMBERS ON THE BOARD OF THE PUBLIC UTILITIES CORPORATION AND THE QUORUM FOR MEETINGS OF THE BOARD.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Public Utilities Corporation (Amendment) Act, 2023.

Repeal of section 4

2. Section 4 of the Public Utilities Corporation Act, Cap. 196 (hereinafter referred to as the “principal Act”) is repealed and substituted with the following new section —

“Board of the Corporation

4. Part XI of the Public Enterprise Act, 2023 shall apply to governance of the Corporation.”

Repeal of section 8

3. 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 4th October, 2023.



Mrs. Tania Isaac
Clerk to the National Assembly

NATIONAL PAYMENT SYSTEM (AMENDMENT) ACT, 2023*(Act 15 of 2023)***ARRANGEMENT OF SECTIONS****Sections**

1. Short title
2. Amendment of section 2
3. Amendment of section 3
4. Amendment of section 4
5. Amendment of section 7
6. Amendment of section 8
7. Insertion of new Part IIIA
8. Amendment of section 9
9. Amendment of section 11
10. Amendment of section 12
11. Amendment to section 13
12. Amendment of section 15
13. Amendment of section 16
14. Amendment of section 17
15. Amendment of section 18
16. Amendment of section 19
17. Amendment of section 24
18. Amendment of section 25
19. Amendment of section 26
20. Insertion of new section 26A
21. Amendment of section 27
22. Amendment of section 28
23. Amendment of section 29
24. Amendment of section 30
25. Amendment of section 33
26. Amendment of section 35
27. Amendment of section 37
28. Amendment of section 39
29. Transitional provisions



NATIONAL PAYMENT SYSTEM (AMENDMENT) ACT, 2023

(Act 15 of 2023)



I assent

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

Wavel Ramkalawan
President

10th October, 2023

AN ACT TO AMEND THE NATIONAL PAYMENT SYSTEM ACT, CAP. 298.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the National Payment System (Amendment) Act, 2023.

Amendment of section 2

2. Section 2 of the National Payment System Act, (hereinafter referred to as the “principal Act”) is amended by —

- (a) inserting the following definition after the definition of “bank” —

“business day” means any day other than Saturday, Sunday or public holiday;

- (b) inserting the following definition after the definition of “credit union” —

“customer funds” means sums received from, or for the benefit of, a payment system user for the execution of a payment transaction”

Amendment of section 3

3. Section 3 of the principal Act is amended —

- (a) in subsection (1) by inserting after the words “effective operation” the words “so as to promote the stability of the country's financial system”;
- (b) in subsection (2)(a) by inserting the word “oversight” after the word “system”;
- (c) in subsection (2)(c) by deleting the words authorised entity and substituting therefore the words “licensed, authorised or designated entity or systems”
- (d) by inserting a new subsection (4) as follows —

“(4) The Central Bank may —

- (a) determine the use or acceptance of any form of payment instruments;

- (b) impose a limit on the value of transactions permitted for a payment instrument;
- (c) pronounce on the amount which shall be deemed as 'high value transactions' and also specify in which systems or payment stream such transactions shall be processed, cleared and settled.”

Amendment of section 4

4. The principal Act is amended in section 4(2) by inserting a new paragraph (g) as follows —

- “(g) act as a custodian or a settlement agent, or both, for a clearing house.”.

Amendment of section 7

5. The principal Act is amended in section 7 —

- (a) in subsection (1) by inserting after the words “the Central Bank” the words “or is an agent of a licensed payment service provider”;
- (b) inserting a new subsection (7A) as follows —

“(7A) A payment service provider shall give written notice to the Central Bank at least thirty business days prior to its intention to extend its product or service offerings.”.

Amendment of section 8

6. The principal Act is amended in section 8(1) by inserting, after the words “or other modification” the words “in such manner as may be prescribed”.

Insertion of new Part IIIA

7. The principal Act is amended by the insertion of a new Part after Part III as follows —

“Part IIIA

Designation

Designation of a Systemically Important Financial Market Infrastructure

8A.(1) The Central Bank may, by notice published in the *Gazette*, designate a financial market infrastructure as being Systemically Important if it determines that —

- (a) the financial market infrastructure poses systemic risk;
- (b) such designation is in the interest of maintaining the integrity of the national payment system and financial stability; and
- (c) such designation is necessary to protect the public interest.

(2) The notice of designation published under subsection (1) shall specify, at a minimum —

- (a) the financial market infrastructure that is the subject of the designation;
- (b) the operator of the financial market infrastructure that is the subject of the designation; and
- (c) any terms and conditions to which the designation may be subject.

(3) The Central Bank shall give a written notice of designation to the operator of the financial market infrastructure that is the subject of designation.

Variation or Revocation of Designation

8B.(1) The Central Bank may vary or revoke a designation made by —

- (a) varying or revoking any condition to which the designation may be subject; or
- (b) making the designation subject to new conditions.

(2) In determining whether to vary or revoke a designation, the Central Bank shall have regard to any or all of the following —

- (a) failure by the designated financial market infrastructure to comply with any condition to which the designation may be subject;
- (b) whether or not the designated financial market infrastructure has ceased to operate;
- (c) whether or not the designated financial market infrastructure operator has knowingly furnished information or documents which are false or misleading in any material respect to the Central Bank in connection with the designation;
- (d) whether or not it is in the public interest to revoke the designation; and
- (e) any other matter that the Central Bank may deem appropriate.

(3) The variation of the conditions to which a designation is subject or the revocation of a designation shall not —

- (a) have retroactive effect; and
- (b) affect the validity or enforceability of the rules of the designated financial market infrastructure, nor shall it affect any payment to or out of the account of a system participant or netting or settlement that took place prior to the coming into effect of such variation or revocation.

(4) Variation of conditions or revocation of designation of a designated financial market infrastructure shall be by notice in the *Gazette*, and immediate notification thereof shall be given in writing to the designated financial market infrastructure operator.

Obligations of Designated System Operator and Participants

8C.(1) An operator or participant of a designated financial market infrastructure shall notify the Central Bank as soon as is practicable after the occurrence of any of the following events —

- (a) an intention to make a material change to the operational rules, clearing or settlement procedures or activities of the designated financial market infrastructure;
- (b) an event or irregularity that impedes or prevents access to, or impairs the usual operations of the designated financial market infrastructure, and

the operator or participant shall provide the Central Bank with any information it may require.

(2) Any person who refuses or fails to provide the information contemplated in subsection (1) shall be guilty of an offence and liable upon conviction to imprisonment for a period not exceeding six months or a fine not exceeding level 3 or both such fine and such imprisonment.”

Amendment of section 9

8. The principal Act is amended in section 9 —

- (a) in subsection (1) by inserting, after the words “settlement is final,” the words “participant default,”;
- (b) by inserting a new subsection (2A) as follows —

“(2A) The rules established under subsection (1) may where relevant and subject to Central Bank approval, be disclosed to the public in such manner as may be determined by the Central Bank.”

- (c) by repealing subsection (4) and substituting it with —

(4) An operator of a payment, clearing or settlement system shall not cause any change in the payment, clearing or settlement system which would affect the structure, operation or administration thereof without consulting with and giving notice of not less than thirty business days to the Central Bank and participants of the payment, clearing and settlement system.

- (d) by inserting new subsections (4A) and (4B) as follows —

“(4A) For the purposes of subsection 4, the Central Bank may determine that such notification shall be accompanied with necessary documentation including —

- (a) information related to changes in the design of the system;
- (b) information on changes to the risk management framework applicable to the system;
- (c) information on changes to contingency arrangements;

- (d) information on changes to disclosure procedures for risk control measures; and
- (e) information on all changes to the legal, organisational, and technical arrangements with service providers.

(4B) The Central Bank may request any supporting documentation or information in respect of the new changes to systems.”

- (e) by repealing subsection (5) and substituting it with —

“(5) Notwithstanding subsection (4), the Central Bank may —

- (a) as operator of a payment, clearing or settlement system, make a change to the rules of its system; and
- (b) in the interests of monetary policy, or financial stability, or in the public interest, permit an operator to make any changes to a payment, clearing or settlement system without giving notice to the participants thereof under subsection (4) or for requiring the operator to give notice for a period longer than thirty business days.”

- (f) by the insertion of a new subsection (6) as follows —

“(6) Any changes made to the rules by the Central Bank in terms of subsection (5) shall be binding on and valid to the operators and participants of a payment, clearing or settlement system and any person not in compliance with such rules shall be liable to an administrative penalty which may be enforced by the operator or the Central Bank as the case may be.”

Amendment of section 11

9. The principal Act is amended in section 11 by inserting a new subsection (5) as follows —

“(5) A payment service provider or an operator shall advise the Central Bank without undue delay of any change regarding the use of entities to which activities are being outsourced in terms of subsection (1).”

Amendment of section 12

10. The principal Act is amended by repealing section 12 and substituting it with —

12.(1) A person who has access to the books, accounts, records, financial statements or other documents, whether electronically or otherwise in his or her capacity as —

- (a) director, officer, employee, agent or service provider of an operator, participant or payment service provider; or
- (b) member of the audit committee or liquidator of an operator or payment service provider;

shall not during or after his or her relationship with the operator, participant or payment service provider disclose to any person or governmental authority any information relating to the affairs of any customer of a participant or payment service provider, except —

- (i) with the written authorisation of the customer or his or her personal representative;
- (ii) for the purpose of the performance of his or her duties within the scope of employment or appointment in compliance with this Act;

- (iii) as directed in writing by the Central Bank; or
- (iv) when required to do so by law or any court of competent jurisdiction in Seychelles.

(2) Subject to any express requirement of this Act, every director, officer, employee, agent or service provider of an operator, participant or payment service provider shall preserve and aid in preserving confidentiality with regard to all matters relating to the affairs of the operator, participant or payment service provider and their customers that may come to his or her knowledge in the performance of his or her duties.”

Amendment of section 13

11. The principal Act is amended by repealing section 13.

Amendment of section 15

12. The principal Act is amended in section 15(1) by repealing the words “Anti-Money Laundering Act 2006” and substituting it with the words “Anti-Money Laundering and Countering the Financing of Terrorism Act 2020”.

Amendment of section 16

13. The principal Act is amended in section 16 —

- (a) by inserting after subsection (2) a new subsection (3) as follows —

“(3) Records may be kept in electronic form to the extent that adequate data recovery systems and procedures are in place.”;

- (b) by inserting a new subsection (4) as follows —

(4) Every payment service provider, operator or participant and any other third-party service provider shall

include binding contractual arrangements for record keeping and archiving of records within their service level agreements or any other operational manuals or rule books.

Amendment of section 17

14. The principal Act is amended by repealing section 17 and substituting it with —

17.(1) Every payment service provider, operator and participant shall furnish such report, return, books, accounts or other information relating to the provision of payment services or the operation of a payment, clearing or settlement system, as the case may be, at such time and in such manner and form as may be determined by the Central Bank.

(2) Every payment service provider, operator and participant shall participate or become a member of any system or closed user group specified by the Central Bank for automatic collection of payment and/or securities processing or clearing or settlement- related data or statistics.

(3) The Central Bank may publish, in whole or in part, and at such times as it may decide, the information or data furnished under this section.

(4) Where any payment service provider, operator or participant —

- (a) fails to comply with a requirement under this section;
- (b) for the purposes of this section —
 - (i) knowingly furnishes information which is false or misleading in any material particular; or

(ii) wilfully or recklessly withholds any material information,

the service provider, operator or participant shall be guilty of an offence and liable on conviction to a fine not exceeding level 3 of the Standard Scale.

Amendment of section 18

15. The principal Act is amended by repealing section 18 and substituting it with —

“18.(1) The Central Bank may, for the purposes of carrying out its functions under this Act, conduct periodic inspections and audits of a payment service provider, an operator,

a participant of a system or a designated financial market infrastructure —

(a) as determined by its relevant framework; or

(b) when issues arise that are of regulatory concern.

(2) The Central Bank may conduct audits or commission independent auditors or any other persons to conduct an audit of the accounts, books, documents and other records of a payment service provider, a system operator, a designated financial market infrastructure and its participants.

(3) If independent auditors or any other person are commissioned, the cost shall be borne by the payment service provider, system operator, a designated market infrastructure or its participants subject to the audit.

(4) An inspection may include officers or employees of another local authority that is charged with the regulation or

supervision of activities of payment service providers, operators and participants and designated financial market infrastructure.

(5) The Central Bank and any person authorised under this section to inspect or audit a payment service provider, system operator, designated market infrastructure or its participants shall be subject to section 11 of the Central Bank of Seychelles Act in respect of information acquired in the course of performing functions under this section and may —

- (a) require any administrator, officer, employee or agent of a payment service provider, system operator or participant to furnish such information as may be necessary for the purpose of the inspection; and
- (b) require any such administrator, officer, employee or agent to produce for inspection any books, records or other documents in his or her possession containing or likely to contain any such information.

Amendment of section 19

16. The principal Act is amended in section 19 —

- (a) in subsection (2) by inserting a new subsection 2(d) after subsection 2(c) as follows —
 - “(d) submitted to it under section 17 in statistical or aggregated form if it does not disclose confidential information of a payment service provider, operator or participant.”
- (b) by inserting a new subsection (2A) after subsection (2) as follows —

“(2A) Notwithstanding subsection (2)(d), the Central Bank may decide not to disclose information if —

- (a) the purpose for which the data or information will be used is insufficiently specified;
- (b) the confidential nature of the data or information is not adequately guaranteed; or
- (c) it is not sufficiently guaranteed that the data or information will not be used for a purpose other than for which it is supplied.”

Amendment of section 24

17. The principal Act is amended in section 24 by inserting a new subsection (4) as follows —

“(4) A settlement account of any participant shall not be liable to attachment, garnishee proceedings or seizure.”

Amendment of section 25

18. The principal Act is amended in section 25 by inserting a new subsection (4) as follows —

“(4) An operator shall issue rules that include failure-to-settle arrangements that provide —

- (a) for adequate assets as collateral; and
- (b) how the effect of settlement failure is to be mitigated in the event of failure to settle payment obligations by one or more of the participants in the system.”

Amendment of section 26

19. The principal Act is amended in section 26 by inserting a new

subsection (2) (the existing provision becoming subsection (1)) to read as follows —

“(2) The collateral pledged by participants to operators of payment, clearing or settlement systems referred to in subsection (1) shall be for the sole purpose of providing security for the performance of obligations in a payment, clearing or settlement system.”.

Insertion of new section 26A

20. The principal Act is amended by inserting after section 26 a new section 26A as follows —

“Netting

26A.(1) A netting arrangement shall be valid and enforceable and an operator or participant of a payment, clearing or settlement system shall do whatever is permitted or required under the netting arrangement in order to give effect to the netting arrangement.

(2) Any payment or settlement obligation owed to an operator or participant of a payment system under the netting arrangement that has not been discharged —

(a) is provable in insolvency proceedings; and

(b) may be recovered for the benefit of the creditors.

(3) Any payment instruction or settlement that is final and irrevocable and any netting arrangement that is valid and enforceable shall be given effect to notwithstanding anything to the contrary contained in any other law.

(4) Notwithstanding any other law, a court shall not recognise or give effect to an order of a court exercising

jurisdiction under a law of insolvency outside Seychelles in so far as the making of that order would be inconsistent with, or contrary to the provisions of this section.”.

Amendment of section 27

- 21.** The principal Act is amended by repealing section 27 and substituting it with —

“**27.(1)** Where an operator —

- (a) is insolvent or is likely to become insolvent;
- (b) has become or is likely to become unable to meet any or all of its obligations; or
- (c) has suspended payments or compounded with its creditors,

such operator shall immediately notify the Central Bank and the participants of the payment, clearing or settlement system.

(2) Where a participant of a payment, clearing or settlement system —

- (a) is insolvent or is likely to become insolvent;
- (b) has become or is likely to become unable to meet any or all of its obligations; or
- (c) has suspended payments or compounded with its creditors,

such participant shall immediately notify the operator who shall notify the Central Bank and other participants of the payment, clearing or settlement system.

(3) Where a payment service provider —

- (a) is insolvent or is likely to become insolvent; or
- (b) has become or is likely to become unable to meet any or all of its obligations,

such payment service provider shall immediately cease to operate and notify the Central Bank and its customers that it has ceased operations.

(4) Notwithstanding any other law, no operator or participant in a payment, clearing or settlement system or payment service provider shall be wound up or placed into receivership except after prior approval of the Central Bank.

(5) Where an operator, participant of a payment, clearing or settlement system or payment service provider is being wound up, a copy of —

- (a) the application for winding up when it is made; and
- (b) the subsequent winding up order which shall record the minute, hour and day that such order is made; or
- (c) the winding up resolution in the case of a voluntary winding up,

shall be lodged by the applicant with the Central Bank on the same business day, and in any case, no later than the start of the next business day, and served on any other settlement agent that requires notification, and the Central Bank shall immediately notify all relevant domestic and foreign system operators of the winding up proceedings, as applicable.

(6) The relevant operator or participant of payment clearing or settlement system or payment service provider shall enforce the winding up order or resolution immediately upon receiving the approval of the Central Bank of the order or resolution lodged with it under subsection (5).

(7) Where an operator or participant of a payment, clearing or settlement system is voluntarily wound up, with the approval of the Central Bank, that operator or participant, as the case may be, shall inform all other participants of the winding up resolution within twenty-four hours of the winding up order taking effect.

(8) The Central Bank shall notify relevant domestic and foreign system operators and participants of the voluntary winding up of a participant or operator on the same business day and in any case, no later than the start of the next business day of the winding up resolution taking effect.”

Amendment of section 28

22. The principal Act is amended in subsection 28 by inserting new subsections (the existing provision becoming subsection (1)) as follows —

“(2) An operator or a participant against whom a winding up application or scheme of administration has been lodged or decision for voluntary dissolution is made, is prohibited from operating or participating in any payment, clearing or settlement system other than for purposes of discharging payment or settlement obligations in accordance with the rules of the payment, clearing or settlement system or clearing, netting and settlement agreements to which that participant is a party, or any rules and practices applicable to the participant in relation to such agreements.”

(3) A payment service provider shall be prohibited from providing its services to members of the public once an order for

compulsory winding up, or resolution for voluntary winding up has been lodged with the Central Bank.

(4) Notwithstanding any other law, in the event of the insolvency of a payment service provider, its customer funds shall be used solely for the payment of claims of payment service users.”.

Amendment of section 29

23. The principal Act is amended in section 29 by inserting —

- (a) after the words “of administration of” the words “an operator”;
- (b) after the words “the Central Bank” the words “in accordance with section 27”.

Amendment of section 30

24. The principal Act is amended in section 30 by the insertion of a new subsection (3) as follows —

“(3) The liquidator or administrator shall have authority to credit and debit the settlement accounts of a participant or

operator subsequent to a winding up or scheme of administration order for the purposes of —

- (a) discharging outstanding payments or settlement obligations; or
- (b) realising collateral provided, in order to enable settlement in accordance with the rules of the clearing, netting and settlement agreements to which that participant or operator was a party.”

Amendment of section 33

25. The principal Act is amended in section 33 —

- (a) by repealing subsection (1) and substituting it with —

“(1) Notwithstanding the Bills of Exchange Act (Cap 15) a bank or a credit union may present a cheque for payment to the bank or credit union on whom it is drawn by notifying the latter of its essential features by electronic means or otherwise, instead of by physical presentation of the cheque.”

- (b) by repealing subsection (2) and substituting it as follows —

“(2) Notwithstanding the Bills of Exchange Act (Cap 15), where a cheque is presented for payment under this section, presentment need not be made at the proper place or at a reasonable hour on a business day.”

Amendment of section 35

26. The principal Act is amended in section 35 by repealing and substituting paragraph (e) with —

- “(e) clearing and settlement mechanisms shall facilitate provision of final settlement not more than one business day after a payment instruction has been initiated in the banking system;”.

Amendment of section 37

27. The principal Act is amended in section 37 by repealing subsection (1) and by renumbering the remaining subsections accordingly.

Amendment of section 39

28. The principal Act is amended in section 39 —

- (a) by inserting, after the words “or employee, the words “or person appointed by”;
- (b) by the deletion of the word “of” before “the Central Bank”.

Transitional provisions

29. Any person who is a payment service provider or operating a payment, clearing or settlement system, as the case may be shall be granted six months from the date of publication of this Act to comply with its provisions.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 27th September, 2023.



Mrs. Tania Isaac

Clerk to the National Assembly