

THE REPUBLIC OF SEYCHELLES

IN THE SUPREME COURT OF SEYCHELLES HOLDEN AT VICTORIA

CIVIL SIDE NO. 24 OF 2011

Ex Parte Savita Monia Andoise ===== Applicant

Applicant is unrepresented

RULING

Egonda-Ntende, CJ

1. The applicant is the mother of two baby girls who were born on the 17 September 2010 at Victoria Hospital, Mahe. The applicant states that she is a national and resident of Seychelles. Following the birth of the children she states that she was depressed and without any help to care of the children. As a result she failed to register the birth of the children within one month as provided by the law.
2. The applicant would like now to declare the children and have them registered. She has attached the birth notification tickets issued by Victoria Hospital in respect of the said births and her own national identity card.
3. She further states that the father of the said children is Lenny Nassib who, she asserts, wishes the children to be declared in his name to which the applicant consents. She has not provided any written proof of such wishes.

4. Section 35 of the Civil Status Act, hereinafter referred to as the Act, forbids the mention of the name of father 'unless the father consents to such mention, either by appearing and signing or marking the act, either personally or by agent appointed under an authentic deed to sign for him'. There is no such evidence produced on this application. I can give no directions in this regard given the absence of such consent. It may not be too late however. The father can present the application directly to the Chief Officer of Civil Status or appear in person during registration.

5. I am satisfied that the applicant has provided sufficient explanation as to why she delayed in registering the birth of infants. Delivery of twins without any assistance in terms of care is bound to be unsettling. Nevertheless in terms of Section 31(3) of the Act, the applicant may be liable to pay a fine unless it is reduced or remitted by the President. Section 31(3) states,

'If the birth to be registered be that of a person more than 3 months old, no such order shall be given by the judge, except on payment of a fine not exceeding five hundred rupees: Provided that it shall be lawful for the President to remit or reduce such fine upon sufficient cause being shown.'

6. The infants in this case were born on the 17 September 2010. This application was lodged before this court on 8 February 2011. Three clear months had elapsed between the date of birth and the date of lodgement of this application. In the result the applicant is liable to pay a fine under Section 31(3) of the Act.

7. I fix the fine to be paid by the applicant, prior to the lodgement of an application for registration, on account of late registration in excess of the 3 month period from the date of the birth of the child to the lodgement of an application, provided for under

Section 31(3) of the Act, in this regard at SR100.00 (One hundred Rupees) only. On payment of this fine, the Chief Officer of Civil Status, may proceed to register the birth of these 2 infants.

8. Should the applicant be unable to pay the fine, she is notified that she may apply to the President, who may reduce or waive the fine in accordance with Section 31 (3) of Act.

Signed, dated and delivered at Victoria this 3rd day of May 2011

FMS Egonda-Ntende
Chief Justice