

PUBLIC OFFICERS PROTECTION (AMENDMENT) BILL, 2017

(Bill No. 4 of 2017)

OBJECTS AND REASONS

Section 3 of the Public Officers (Protection) Act limits the bringing of actions to enforce claims in respect of acts or omissions by public officers in the execution of their duties to not later than six months after the claims arose. This is a throwback to the colonial period when many public officers were British citizens working in Seychelles on fixed-term contracts.

In its interpretation of the said section the Court has held that any claim against the Government based on the act or omission of a public officer is protected by the Act and that it has no discretion under the Act to extend the time limit in the interests of justice.

In a number of cases the Court has dismissed actions brought outside the aforesaid time limit, and as a result deprived litigants of rights of redress which they otherwise would have.

It is felt that six months is not a reasonable and sufficient time for prospective claimants to take appropriate steps to preserve their rights in respect of an act or omission of a public officer. Such cases normally involve substantial delays, the causes of which are often beyond the control of prospective litigants. In light of the foregoing it is considered unfair to put litigants out of cause on a limitation period of just six months.

This Bill seeks to amend section 3 of the Public Officers (Protection) Act in order to extend the time limit therein from 6 months to five years. This is in response to a generally felt need for this law to be amended in order to correct injustice. Further, it will make our laws consistent with the Constitution (article 27) which guarantees equal protection of the law, and article 2227 of the Civil Code of Seychelles which provides for the Republic to be bound by the same rules of prescription as private individuals.

Dated this 3rd day of December, 2016.

Bernard Georges
Member of National Assembly

I hereby certify that the Bill is a true copy of the full text of the Bill proposed by Honourable Bernard Georges Member of National Assembly.

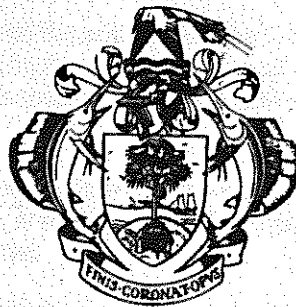
Dated this 3rd day of December, 2016.

Jutta Alexis
Acting Clerk National Assembly

Bernard Georges
Member of National Assembly

**PUBLIC OFFICERS PROTECTION (AMENDMENT)
BILL, 2017**

(Bill No. 4 of 2017)



A BILL

OF

**AN ACT to provide for the amendment of the Public
Officers (Protection) Act. (Cap 192)**

ENACTED by the President and National Assembly.

1. This Act may be cited as the Public Officers (Protection) (Amendment) Act, 2017. Short title

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Jutta Alexis
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