

**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)
(NO. 2) ACT, 2022**

(Act 18 of 2022)

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**STATUTE LAW REVISION (MISCELLANEOUS AMENDMENTS)
(No. 2) ACT, 2022**

(Act 18 of 2022)



I assent

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

Wavel Ramkalawan
President

12th August, 2022

AN ACT TO MAKE AMENDMENTS TO CERTAIN ENACTMENTS; AND TO REPEAL THE COMPLAINTS BUREAU ACT, CAP. 41.

ENACTED by the President and the National Assembly.

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the Statute Law Revision (Miscellaneous Amendments) (No. 2) Act, 2022.

PART 2

ADJUDICATION OF TITLES DECREE

Revision of the Adjudication of Titles Decree

2. In this Part, the “principal Act” means the Adjudication of Titles Decree, Cap. 1.

Amendment of principal Act

3. The principal Act is amended by repealing the word “Decree”, wherever it appears, and substituting therefor the word “Act”.

Amendment of section 2

4. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definition —

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

Amendment of section 31

5. Section 31 of the principal Act is amended by inserting immediately after the words “this Act” the words “and may amend the Schedule”.

PART 3

LAND REGISTRATION ACT

Revision of the Land Registration Act

6. In this Part, the “principal Act” means the Land Registration Act, Cap. 107.

Amendment of the principal Act

7. The principal Act is amended —

- (a) by repealing the word “advocate”, wherever it appears, and substituting therefor the words “an Attorney-at-Law”.;
- (b) by repealing the words “Adjudication of Title Decrees”, wherever they appear, and substituting therefor the words “Adjudication of Titles Act”.

Amendment of section 2

8. Section 2 of the principal Act is amended —

- (a) in the definition of “prescribed” by inserting immediately after the word “rules” the words “or regulations”;
- (b) by repealing the definition of “transmission” and substituting therefor the following —

“transmission” or “transmit” means the vesting or passing of land, a lease, a charge or any interest in land by operation of law on death or insolvency or otherwise howsoever of a registered proprietor, and includes the compulsory acquisition of land under any written law;”

- (c) by inserting in the proper alphabetical order, the following definition —

““executor” means executor of a will or a deceased person's estate confirmed or appointed, as the case may be, under the Curatelle Act, 2021;

“Minister” means the Minister responsible for legal affairs;”

Amendment of section 4

9. Section 4 of the principal Act is amended by repealing the words “in which there shall be kept” and substituting therefor the words “and in which the Registrar shall keep the following registers, instruments, documents, records, maps and plans in such format as the Minister may direct”.

Amendment of section 6

10. Section 6 of the principal Act is amended —

- (a) by renumbering the existing section as subsection (1);
- (b) in subsection (1) —

- (i) in paragraph (e) by repealing the full stop and substituting therefore a semi-colon;
- (ii) by inserting immediately after paragraph (e) the following new paragraph —
 - “(f) He may require any person to produce any document that he deems necessary for the purposes of carrying out his functions including a copy of any document of identity, certificate or contract.”
- (c) by inserting immediately after subsection (1) the following as new subsection —
 - “(2) The Registrar in exercising the powers under subsection (1) may use any electronic medium —
 - (a) to send and receive any instrument or document;
 - (b) to facilitate a hearing or an investigation;
 - (c) to facilitate an inquiry where a person received a summon to appear and give any information or explanation to the Registrar in relation to land, a lease, or a charge, or any instrument, or other document or plan, and such person is not required to be in Seychelles;
 - (d) to administer oaths or take an affidavit pursuant to subsection (1)(d) where the person is located in Seychelles; or
 - (e) to facilitate any function of the Registrar under this Act.
 - (3) The Registrar may issue guidelines or administrative directions for the efficient administration of subsection (2).”

Insertion of new section 6A

11. The principal Act is amended by inserting immediately after section 6 the following as section 6A. —

“Registrar may refuse to register instrument

6A.(1) An instrument presented for, or requiring, registration that is incomplete, materially defective or not in compliance with this Act shall not be considered to be in proper order for registration and may be rejected by the Registrar.

(2) Where the Registrar rejects an instrument, the Registrar shall return the instrument and give written notice of the rejection and reasons for such rejection to the person presenting the instrument for registration.

(3) Where the Registrar rejects an instrument and gives notice of rejection under subsection (2), the instrument may be resubmitted with the necessary amendment.

(4) Any person who is aggrieved by the rejection may appeal the decision in accordance with section 96.”

Insertion of new section 51A

12. The principal Act is amended by inserting immediately after section 51 the following as section 51A. —

“Transfer of charged land

51A.(1) A transfer of land subject to a charge shall not be registered unless it is executed by the transferee and where in the instrument of charge a transfer of land is subject to the consent of the chargee, the consent thereto of the chargee shall be filed in the land registry or the consent given in the instrument of transfer.

(2) On registration of a transfer or transmission of land that is subject to a charge under subsection (1) or (3) —

(a) the charge shall be enforceable against the transferee as proprietor of the land;

- (b) the transferee shall be bound by the charge as a security and liable to —
- (i) pay any moneys on the charge;
 - (ii) perform any obligations under the charge;
 - (iii) comply with the terms and conditions of the charge; and
 - (iv) indemnify and keep harmless the person who granted the charge in respect of such moneys, obligations or terms and conditions.

(3) Subject to subsection (2) and section 84(5)(c), where a charge is not in compliance with these provisions, a transfer may be registered without the consent of the chargee.”

Insertion of new section 53A

13. The principal Act is amended by inserting immediately after section 53 the following as section 53A. —

“Easement for public use or arising by law

53A.(1) Notwithstanding any other law, a proprietor of land may, by instrument in the prescribed form, create a right of way on his land or subject his land to the burden of a restrictive agreement for the benefit and enjoyment of the public subject to any encumbrances on the land designated as a right of way.

(2) A right of way or restrictive agreement under this section may be subject to conditions.

(3) A right of way or restrictive agreement under this section shall be registered as an encumbrance in the land register.

(4) Notwithstanding section 25, the Registrar may register as an encumbrance in the land register an easement arising by law.”

Amendment of section 56

14. Section 56 of the principal Act is amended —

- (a) by renumbering the existing section as subsection (1);
- (b) by inserting immediately after subsection (1) the following new subsection —

“(2) Any order made by the court under subsection (1) shall specify the title number of each parcel of land subject to the partition and the person to whom each of the parcels of land is allotted.”

Insertion of new Part VIA

15. The principal Act is amended by inserting immediately after Part VI the following new Part as Part VIA. —

**“Part VIA
Fiduciary**

Recording of fiduciary

57A.(1) Where a person is appointed fiduciary of a co-ownership in land or a lease, the Registrar shall record the appointment of the fiduciary in the land register of the parcel of land with the addition of the words “(insert the name(s)) as fiduciary”.

(2) Where a person is appointed as fiduciary of a co-ownership in land or a lease, he shall hold the same subject to the terms of his appointment under the document of appointment or in accordance with his rights and obligations.

(3) A fiduciary is appointed in respect of a parcel of land or a lease that is subject to co-ownership.

(4) No fiduciary shall be appointed in respect of an undivided share in land or a lease.

(5) The provisions of subsection (1) shall *mutatis mutandis* apply to a resignation, or an order of dismissal, revocation or substitution, of a fiduciary.”

Amendment of section 59

16. Section 59 of the principal Act is amended by inserting immediately after subsection (2) the following new subsections —

“(3) An instrument shall in respect of a natural person who is a party to the transaction in the instrument contain the Seychelles identity number of that person or where the person is not a Seychellois citizen or resident in Seychelles, the identity information contained in his valid passport or any other document of identity.

(4) Where a natural person is unable to obtain any document of identity, the person shall —

- (a) make a declaration in the instrument to such effect providing the circumstances for this inability; and
- (b) provide such document as may be required by the Registrar in support of the declaration.

(5) The Registrar may request a copy of the document of identity of any person who is party to the transaction in an instrument under this section.

Amendment of section 60

17. Section 60 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by repealing the words “barrister, attorney,” and substituting therefor the words “attorney-at-law”;
 - (ii) by repealing the words “justice of the peace,”;

- (b) by inserting immediately after subsection (2) the following new subsection —

“(3) Notwithstanding subsection (2)(b) or any other law, an instrument executed in any country may be executed in the presence of a notary or an attorney-at-law licensed to practice in Seychelles.”

Amendment of section 61

- 18.** Section 61 of the principal Act is amended —

- (a) by renumbering the existing section as subsection (1);
- (b) by inserting immediately after subsection (1) the following new subsection —

“(2) For the purposes of subsection (1), “mark” includes affixing the party's thumbprint and where he does not have a thumb, the print of any other finger.”

Amendment of section 72

- 19.** Section 72 of the principal Act is amended —

- (a) by renumbering subsections (3) and (4) as subsections (11) and (12), respectively;
- (b) by repealing sections (1) and (2) substituting therefor the following —

“(1) When a proprietor dies, the Registrar on the application of the executor in the prescribed form accompanied by a certified copy of the appointment of executor shall, —

- (a) delete the name of the deceased proprietor from the register; and

- (b) register as the proprietor by transmission in the place of the deceased proprietor the executor with the words “(insert name/s of executor) as executor of the will/estate of (insert name, surname and alias of the deceased proprietor)”.

(2) Where the executor has been registered as the proprietor, no person claiming under the will or intestacy or otherwise shall be registered as proprietor thereof unless and until a transfer thereof under subsection 7(a) has been executed and registered.

(3) Notwithstanding subsection (1), the Registrar may at any time, upon the registration of an order of appointment of an executor or the publication in the Gazette of the appointment of the executor under section 23 of the Curatelle Act, 2021, or on the application of the Curator under section 38(4) of the Curatelle Act —

- (a) delete the name of the deceased proprietor from the register; and
- (b) register the executor as the proprietor by transmission in the place of the deceased proprietor with the words “(insert name/s of executor) as executor of the will/estate of (insert name, surname and alias of the deceased proprietor)”.

(4) Any fee payable for registration under subsection (2) shall be recovered in accordance with section 103.

(5) No person making a claim to the land, lease or charge under a will or intestacy or otherwise shall be registered as a proprietor thereof unless and until the transfer is made in accordance with subsection 7(a) and has been executed and registered.

(6) The provisions of this section shall apply to an order of dismissal, revocation or substitution of executor.

(7) Upon registration of an executor as the proprietor, the Registrar may register —

- (a) any transfer by the executor in pursuance of the will or by way of distribution under intestacy or in pursuance of an agreement between the persons entitled thereto or a contract entered into by the deceased proprietor;
- (b) any surrender of a lease of the deceased proprietor;
- (c) any discharge or cancellation of a charge of the deceased proprietor;
- (d) any other instrument by the executor pursuant to the executor's functions.

(8) An instrument under subsection 7(a) may be executed by the executor without the consent of heirs of the deceased proprietor or legatees under the will of the deceased proprietor and registered by the Registrar where the transfer is in accordance with the law of succession on intestacy or in accordance with the will of the deceased proprietor, as the case may be, on condition that the instrument contains a declaration in the prescribed form and subject to such request of the Registrar under section 6(1)(f) as maybe prescribed.

(9) Upon request from the Registrar, the executor shall provide the Registrar with proof of consent of the heirs of the deceased proprietor on intestacy or legatees under the will to the transfer or a copy of any agreement or an extract of the agreement relating to distribution or transfer.

(10) Subject to any restriction on his power to dispose of the land, lease or charge comprising the estate of the deceased proprietor that have been vested in the executor under this section, the executor shall hold the land, lease or charge subject to any liabilities, rights or interest which are unregistered but are nevertheless enforceable and subject to which the deceased proprietor held the same, but for the purpose of any dealing shall be deemed to have been registered as proprietor thereof with all the rights conferred by this Act on a proprietor who has acquired land, a lease or a charge, as the case may be, for valuable consideration.”

Amendment of section 75

20. Section 75 of the principal Act is amended —

- (a) by renumbering the existing section as subsection (1);
- (b) by inserting immediately after subsection (1) the following as new subsection —

“(2) Where the Curator is registered as proprietor under this Act by virtue of a vesting order under the Curatelle Act, the Registrar shall without deleting the name of the proprietor make an entry in the land register of the parcel of land with the addition of the words “*vested in the curator by order*”.

Amendment of section 84

21. Section 84 of the principal Act is amended —

- (a) by renumbering subsections (2) and (3) as subsections (3) and (4), respectively;
- (b) by inserting immediately after subsection (1) the following new subsection —

“(2) An application for a restriction that is applied for without the consent of the proprietor shall be supported by an affidavit.”

- (c) by repealing subsection (4) and substituting therefor the following —

“(4) Subject to this Act, a restriction expressed to endure for a particular period or until the occurrence of a particular event shall lapse on the expiration of the particular period or the occurrence of the particular event whereupon the Registrar shall remove the restriction.”

- (d) by inserting immediately after subsection (4) the following new subsections —

“(5) The Registrar shall make and enter a restriction in any case where —

- (a) it appears to the Registrar that the power of the proprietor to deal with the land, lease or charge is restricted;
- (b) a restriction is required to be registered by operation of law or under the Immovable Property (Judicial Sales) Act; or
- (c) the proprietor has by agreement in writing in an instrument or in an application to the Registrar in the prescribed form to restrict or stay registration of any instrument affecting the land or dealing therewith without the consent or permission of any person.

(6) An application under subsection (5)(c) may be made by the proprietor or a person with the consent or agreement of the proprietor.

(7) A restriction registered under subsection (5) may be removed on the application of the person in favour of whom the restriction is registered or pursuant to subsection (4).”

Amendment of section 85

22. Section 85 of the principal Act is amended by inserting immediately after subsection (2) the following new subsection —

“(3) Subsection (1) shall not apply to restrictions registered under section 84(5)(b) or (c).”

Amendment of section 86

23. Section 86 of the principal Act is amended by inserting immediately after subsection (2) the following new subsection —

“(3) The Registrar may, on application of any person interested in the land, lease or charge, extend the period for which a restriction is registered or register a second restriction.”

Amendment of section 100

24. Section 100 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “a fine not exceeding five thousand rupees” and substituting therefor the words “a fine of level 4 on the standard scale”;
- (b) in subsection (2) by repealing the words “a fine not exceeding ten thousand rupees” and substituting therefor the words “a fine of level 5 on the standard scale”.

Amendment of section 104

25. Section 104 of the principal Act is amended —

- (a) by inserting immediately after the words “The Minister may make rules” the words “or regulations”;
- (b) by inserting immediately after the words “which under this Act may be prescribed” the words “and to amend any Schedule”.

PART 4 LAND SURVEY ACT

Revision of the Land Survey Act

26. In this Part, the “principal Act” means the Land Survey Act, Cap. 109.

Amendment of section 2

27. Section 2 of the principal Act is amended —

- (a) by inserting in the proper alphabetical order, the following definition —

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

- (b) in the definition “outlying islands” by repealing the words “the First Schedule to the Peace Officers (Inner Islands and Outlying Islands) Act” and substituting therefor the words “a notice, published in the Gazette, by the Minister”;

- (c) in the definition “owner” by repealing the words “or Article 513”.

Amendment of section 5

28. Section 5 of the principal Act is amended by repealing the words “21 years” and substituting therefor the words “18 years”.

Amendment of section 11

29. Section 11 of the principal Act is amended by repealing the words “a fine not exceeding R 10, 000” and substituting therefor the words “a fine of level 2 on the standard scale”.

Amendment of section 29

30. Section 29(2) of the principal Act is amended by repealing the words “a fine not exceeding one thousand rupees” and substituting therefor the words “a fine of level 2 on the standard scale”.

PART 5

CONDOMINIUM PROPERTY ACT

Revision of the Condominium Property Act

31. In this Part, the “principal Act” means the Condominium Property Act, Cap. 41A.

Amendment of section 2

32. Section 2 of the principal Act is amended by inserting in the proper alphabetical order, the following definitions —

“**“Minister”** means the Minister responsible for condominium property;

“**Register of Condominium Property**” means the register established under section 6;”

Amendment of section 6

33. Section 6 of the principal Act is amended by repealing the words “which shall be in such form as may be prescribed” and substituting therefor the words “in such form and format as the Registrar may determine”.

PART 6

RIGHT OF ACCESS TO ISLANDS ACT

Amendment of section 2 of the Right of Access to Islands Act

34. Section 2 of the Right of Access to Islands Act, Cap. 204 is amended —

- (a) in the definition of “Government officer” by repealing the words “a justice of the peace,”;
- (b) by inserting in the proper alphabetical order, the following definition

“**“Minister”** means the Minister responsible for legal affairs;”

PART 7
GEOLOGICAL AND SOIL SURVEYS ACT

Revision of the Geological and Soil Surveys Act

35. In this Part, the “principal Act” means the Geological and Soil Surveys Act, Cap. 89.

Amendment of section 2

36. Section 2 of the principal Act is amended by inserting immediately after the words “the Minister” the words “responsible for land”.

Amendment of section 7

37. Section 7 of the principal Act is amended by repealing the words “a fine not exceeding one thousand rupees” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 10

38. Section 10 of the principal Act is amended by repealing subsection (2).

PART 8
DELINEATION AND CLASSIFICATION OF THE DOMAINE PUBLIC ACT

**Amendment of section 9 of the Delineation and Classification of the
Domaine Public Act**

39. Section 9 of the Delineation and Classification of the Domaine Public Act, Cap. 60 is repealed and substituted therefor the following —

“Definitions

9. In this Act —

“Minister” means Minister responsible for land;

“outlying island” means any of the outlying islands listed in a notice, published in the Gazette, by the Minister.”

PART 9

MORTGAGE AND REGISTRATION ACT

Revision of the Mortgage and Registration Act

40. In this Part, the “principal Act” means the Mortgage and Registration Act, Cap. 134.

Repeal and replacement of section 3

41. Section 3 of the principal Act is repealed and there is substituted therefor the following —

“Office hours

3. The Mortgage and Registration Office shall be open to the public at such times as the Registrar of Deeds may determine.”

Amendment of section 6

42. Section 6 of the principal Act is amended by inserting immediately after the words “Mortgage and Registration Office such” the words “principal registration officers and”.

Amendment of section 7

43. Section 7 of the principal Act is amended by inserting immediately after the words “The Assistant Registrar” the words “, principal registration officer”.

Amendment of section 8

44. Section 8 of the principal Act is amended by inserting immediately after the words “the Assistant Registrar” the words “, principal registration officer”.

Amendment of section 9

45. Section 9 of the principal Act is amended —

- (a) in subsection (1) by repealing the words “the senior clerk” and substituting therefor the words “the principal registration officer or senior clerk”;

- (b) in subsection (2) by repealing the words “and a senior clerk” and substituting therefor the words “a principal registration officer or a senior clerk”.

Repeal of section 16

46. Section 16 of the principal Act is repealed.

Amendment of section 23

47. Section 23(2) of the principal Act is amended —

- (a) by repealing the word “attorney” and substituting therefor the words “attorney-at-law”;
- (b) by repealing the words “five hundred rupees” and substituting therefor the words “a fine of level 1 on the standard scale”.

Amendment of section 25

48. Section 25 of the principal Act is amended by repealing the words “articles 2127 and 2128” and substituting therefor the words “article 2127”.

Amendment of section 37

49. Section 37 of the principal Act is amended in the definition of “prescribed” by inserting immediately after the words “made by the Minister” the words “responsible legal affairs”.

Amendment of section 39

50. Section 39(5) of the principal Act is amended by repealing the words “one hundred rupees” and substituting therefor the words “SCR 1, 000”.

Amendment of section 53

51. Section 53 of the principal Act is amended by inserting immediately after the words “The Minister” the words “responsible for legal affairs”.

Amendment of section 59

52. Section 59 of the principal Act is amended by repealing the words “R 1” and substituting therefor the words “SCR 25”.

Amendment of section 60

53. Section 60 of the principal Act is amended by repealing the words “attorneys” and substituting therefor the words “attorneys-at-law”.

Amendment of section 69

54. Section 69 of the principal Act is amended —

- (a) by repealing the words “attorneys”, wherever they appear, and substituting therefor the words “attorneys-at-law”;
- (b) in paragraph (a) by repealing the words “People's Assembly” and substituting therefor the words “National Assembly”;
- (c) in paragraph (u) by inserting immediately after the words “order made by the Minister” the words “responsible for legal affairs”.

Amendment of section 74

55. Section 74 of the principal Act is amended —

- (a) in subsection (1) by repealing the word “attorneys” and substituting therefor the words “attorneys-at-law”;
- (b) in subsection (2) by repealing the words “R 5” and substituting therefor the words “SCR 25”.

Amendment of section 76

56. Section 76 of the principal Act is amended —

- (a) in subsection (2) by repealing the word “R 3” and substituting therefor the words “SCR 25”;
- (b) in subsection (4) by repealing the words “twenty rupees” and substituting therefor the words “SCR 500”.

Amendment of section 77

57. Section 77(2) of the principal Act is amended by repealing the words “twenty rupees” and substituting therefor the words “SCR 500”.

Amendment of section 78

58. Section 78 of the principal Act is amended by repealing the words “R 20”, wherever they appear, and substituting therefor the words “SCR 500”.

Amendment of section 79

59. Section 79 of the principal Act is amended by repealing the words “R 10” and substituting therefor the words “SCR 100”.

Amendment of section 83

60. Section 83 of the principal Act is amended by repealing the words “R 5” and substituting therefor the words “SCR 50”.

Amendment of section 84

61. Section 84 of the principal Act is amended by repealing the words “a fine not exceeding R 2000” and substituting therefor the words “a fine of level 3 on the standard scale”.

Amendment of section 85

62. Section 85 of the principal Act is amended by repealing the words “R 50” and substituting therefor the words “SCR 1, 000”.

Amendment of section 86

63. Section 86 of the principal Act is amended —

- (a) by repealing the word “twenty rupees” and substituting therefor the words “SCR 500”;
- (b) by repealing the words “fifty rupees” and substituting therefor the words “SCR 1, 000”.

Amendment of section 90

64. Section 90 of the principal Act is amended by inserting immediately after the words “It shall be lawful for the Minister” the words “responsible for legal affairs”.

PART 10 NATIONAL SYMBOLS ACT

Revision of the National Symbols Act

65. In this Part, the “principal Act” means the National Symbols Act, Cap. 146.

Amendment of section 7

66. Section 7 of the principal Act is amended by repealing the words “a fine of R25, 000” and substituting therefor the words “a fine of level 5 on the standard scale”.

Amendment of section 8

67. Section 8 of the principal Act is amended in subsection (4) by repealing the words “a fine of R25, 000” and substituting therefor the words “a fine of level 5 on the standard scale”.

PART 11 DISTRICT EMBLEMS ACT

Amendment of section 5 of the District Emblems Act

68. Section 5 of the District Emblems Act, Cap. 261, is amended by repealing the words “a fine of R25, 000” and substituting therefor the words “a fine of level 5 on the standard scale”.

PART 12 COMPLAINTS BUREAU ACT

Repeal of the Complaints Bureau Act

69. The Complaints Bureau Act, Cap. 41 is repealed.

Effect of repeal

70. The officers of the Complaints Bureau are not entitled to claim any compensation for the premature termination of the term of their office or of any contract of service.

PART 13 PUBLIC HOLIDAYS ACT

Amendment of section 5 of the Public Holidays Act

71. Section 5 of the Public Holidays Act, Cap. 190, is amended —

- (a) by renumbering the existing section as subsection (1);
- (b) by inserting immediately after subsection (1) the following as new subsection —

“(2) The President may by Order published in Gazette amend the Schedule.”

PART 14 ANGLICAN CHURCH (CONSTITUTION OF ANGLICAN DIOCESE OF SEYCHELLES) ACT

Repeal of section 10 of the Anglican Church (Constitution of Anglican Diocese of Seychelles) Act

72. Section 10 of the Anglican Church (Constitution of Anglican Diocese of Seychelles) Act, Cap. 7, is repealed.

PART 15 SEYCHELLES NATIONAL INSTITUTE FOR CULTURE HERITAGE AND THE ARTS ACT

Amendment of section 69 of the Seychelles National Institute for Culture Heritage and the Arts Act

73. Section 69(1)(e) of the Seychelles National Institute for Culture Heritage and the Arts Act, 2021 is repealed and substituted therefor the following —

“(e) the National Monuments Act (Cap. 140);”.

PART 16 CURATELLE ACT

Revision of the Curatelle Act

74. In this Part, the “principal Act” means the Curatelle Act, 2021.

Amendment of section 3

75. Section 3 of the principal Act is amended by inserting immediately after subsection (11) the following new subsection —

“(12) The Attorney General shall cause a notice of an appointment made under this section to be published in the Gazette.”

Insertion of new section 4A

76. The principal Act is amended by inserting immediately after section 4 the following as section 4A. —

“Seal of the Curator

4A. The Curator shall have a seal and every document purporting to bear the imprint of such seal shall be received into evidence and, unless the contrary is shown, shall be deemed, without further proof, to have been issued by or under the direction of the Curator.”

Amendment of section 25

77. Section 25 of the principal Act is amended by inserting immediately after subsection (5) the following new subsection —

“(6) The Registrar shall as soon as possible after the revocation or dismissal of an executor —

- (a) give notice of the dismissal or revocation to the Curator;
- (b) cause an extract of the order of revocation or dismissal of the executor to be registered at the Mortgage and Registration Office; and

- (c) cause the publication in the Gazette, of a notice substantially in the form prescribed in Form 1A of the Second Schedule, of the revocation or dismissal of the executor.”

Amendment of section 38

78. Section 38 of the principal Act is amended —

- (a) by repealing subsection (4) and substituting therefor the following —

“(4) Where a person is appointed as executor of a succession that consists of land registered under the Land Registration Act (Cap 107), the land registrar shall on the written application of the Curator register the executor of the estate of the deceased proprietor as such in the land register of any parcel of land registered in the land register in the name of the deceased.”

- (b) by repealing subsection (6) and substituting therefor the following —

“(6) Where a person is appointed as fiduciary of a co-ownership in land that is registered under the Land Registration Act (Cap. 107), the land registrar shall on the written application of the Curator record the appointment of the fiduciary in the land register of the parcel of land specified in the document of appointment.”

Amendment of section 41

79. Section 41 of the principal Act is amended by inserting immediately after subsection (4) the following new subsections —

“(5) Notwithstanding section 24(1), an executor appointed before the 31 July 2022 shall fulfil the executor's functions pursuant to this Act and wind up the succession within 24 months from the 1 August 2022.

- (6) Section 24(2), (3) and (4) shall apply to subsection (5).”

Amendment of Second Schedule

80. The Second Schedule to the principal Act is amended by inserting immediately after Form 1 the following —

FORM 1A

[Section 25 (6)]

Curatelle Act

Notice of Revocation/Dismissal of Executor

Notice is hereby given that on the [the appointment date], a Judge of the Supreme Court of Seychelles revoked/dismissed [insert name] of [insert address] [insert identity number] as executor of the succession of [insert name of the deceased and any alias] under section 25(8) of the Curatelle Act/article 835(2) of the Civil Code of Seychelles.

Dated this day of, 20.....

Registrar of the Supreme Court

PART 17

CIVIL CODE OF SEYCHELLES ACT

Revision of the Civil Code of Seychelles Act

81. In this Part, the “Civil Code” means the Civil Code of Seychelles Act, 2020.

Amendment of article 686 of the Civil Code

82. Article 686 of the Civil Code is amended by inserting immediately after paragraph (2) the following new paragraph —

“(3) A permission granted by an owner of land to the State or a public body to develop a road or an access or any structure on his or her land for the benefit of the public or a person shall be deemed to be an easement created by law or arising by law.”

Repeal and replacement of article 835 of the Civil Code

83. Article 835 of the Civil Code is repealed and there is substituted therefor the following —

“(1) The Curator may, on application by an interested party or the Attorney General, make such orders relating to the appointment of a fiduciary or executor or to the management of a fiduciary or executor as the Curator thinks fit, notwithstanding any term to the contrary in the instrument of appointment of the fiduciary or executor.

(2) A Judge may, on application by an interested party, the Curator or the Attorney General, make such orders relating to the dismissal or revocation of appointment of a fiduciary or executor.”

PART 18

IMMOVABLE PROPERTY (TRANSFER RESTRICTION) ACT

Amendment of section 2 of the Immovable Property (Transfer Restriction) Act

84. Section 2 of the Immovable Property (Transfer Restriction) Act, Cap. 95 is amended in the definition of “non-Seychellois” as follows —

- (a) by renumbering paragraph (i) as paragraph (j);
- (b) by repealing the words “paragraph (i)”, wherever they appear, and substituting therefor the words “paragraph (j)”;
- (c) by inserting immediately after paragraph (h) the following new paragraph —
 - “(i) an association established under the laws of Seychelles —
 - (i) which is a foreign association;
 - (ii) of which its founder or any officer of its executive committee (excluding its auditor) or any of its members is a person referred to in paragraph (a) to (j);”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 2nd August, 2022.



Mrs. Tania Isaac

Clerk to the National Assembly