



Official Gazette

No. 43

XLV

No. 43

Published by Authority

Monday 20th April 2020

GOVERNMENT NOTICES

The following Government Notices are published by Order of the President.

No. 275 of 2020

GAZETTE SUPPLEMENTS

The following Bill and Order are published as Legal Supplements to this number of the Official Gazette.

Gazette	Description	Price
43	Defence (Amendment) Bill, 2020. (Bill No. 16 of 2020)	10.50
	Defence (Seychelles People's Defence Force Call Out of Reserve Forces) (COVID 19) Order, 020. (S.I. 64 of 2020)	1.60

No. 276 of 2020

PUBLIC HEALTH ACT, 2015

(Act 13 of 2015)

PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS

ORDERS

Infectious Disease (Prohibition of Outdoor Movement)(No. 2) Order, 2020

Infectious Disease (Prohibition of Outdoor Movement)(No. 3) Order, 2020

Infectious Disease (Prohibition of Public Assemblies) (Restriction on opening closing of Offices, establishments, and shops) (No. 2) Order, 2020

Infectious Disease (Restriction on travel by vehicles and vessels to, or leaving, any part of Seychelles) (No. 2) Order, 2020

Infectious Disease (Restriction on entry to, exit from and return to Seychelles) (No. 2) Order, 2020

RECOGNISING that the Coronavirus Disease 2019 (COVID-19) has spread across the world;

AND, RECALLING that the Public Health Commissioner published a Notice in the Gazette on 20th March, 2020 declaring a Public Health Emergency in Seychelles under

section 25(5) of the Public Health Act, 2015, and directed all persons to comply with the directions and orders therein, and cooperate with the Public Health Commissioner, the Public Health Authority and other relevant authorities in preventing, controlling and suppressing the spread of COVID-19 in Seychelles;

AND, FURTHER RECALLING that under the **Infectious Disease (Prohibition of Public Assemblies) Order, 2020**, of 21st March, 2020, which was published in the Gazette, Seychelles Nation Newspaper and on the website of the Department of Health, the Public Health Commissioner prohibited all public assemblies and all indoor public assemblies in order to prevent, control and suppress the spread of COVID-19 in Seychelles;

AND, FURTHER RECALLING that under the **Infectious Disease (Prohibition of Public Assemblies) (No. 2) Order, 2020**, of 30th March, 2020, which was published in the Gazette, Seychelles Nation Newspaper and on the website of the Department of Health, the Public Health Commissioner restricted the opening hours of retail outlets and retail food outlets, and gave directions to the owner, manager, or any person in control of the said outlets in respect of social or physical distancing and hygiene to be observed by the workers, occupiers and consumers so as to remove the risk of infection or spread of COVID-19;

AND WHEREAS, by **Infectious Disease (Prohibition of Outdoor Movement) Order, 2020**, of 8th April, 2020, which was published in the Gazette, Seychelles Nation Newspaper and on the website of the Department of Health, the Public Health Commissioner considered it necessary and expedient to confine every person in Seychelles to the person's place of residence, inclusive of the person's yard space, for a period of twenty-one (21) days starting from 12:00 AM of 8th April, 2020 and ending at 12 AM of the night of 29th April, 2020, and 30th April, 2020, in order to effectively prevent, control and suppress the spread of COVID-19 subject to such exceptions and exemptions set out in the said Order. The exemptions and exceptions provided, amongst other things, that: —

- (a) workers of essential services or such other person or class of persons, authorized by the Commissioner of Police, may leave their place of residence to perform their official or employment related duties;
- (b) persons can leave the confines of their place of residence to access essential services such as health services and retail outlets selling food items, groceries and pharmaceutical products;

AND, BEING CONSCIOUS that an eleventh person was found to be infected by COVID-19 in Seychelles and that the Public Health Commissioner considers that there can be transmission of COVID-19 in local communities if further restrictions are not immediately imposed on the movement of persons outside the confines of the place of their residence;

AND, WHEREAS, the Public Health Commissioner considers it necessary and expedient to impose further restrictions on the movement of persons outside the confines of the place of their residence in order to effectively prevent, control and suppress the spread of COVID-19;

NOW, THEREFORE, in exercise of the powers conferred by regulation 7A, 7C, 8, 9 and 13A of the Public Health (Infectious Diseases) Regulations (S.I. 8 of 1960), the Public Health Commissioner hereby makes the following orders:—

**A. Infectious Disease (Prohibition of Outdoor Movement) (No. 2)
Order, 2020**

(Regulation 13A read 7C)

1. In accordance with regulation 13A read with regulation 7C of the **Public Health (Infectious Disease) Regulations, 1960**, the Public Health Commissioner hereby orders that —

- 1.1 In furtherance of the **Infectious Disease (Prohibition of Outdoor Movement) Order, 2020**, of 8th April, 2020, starting from 7:00 PM on Friday 17th April, 2020, and ending at 6:00 AM of 30th April, 2020, no person shall be in a vehicle, vessel or public place, outside of the person's place of residence between 7:00 PM and 6:00 AM of the following day, except:—
 - 1.1.1 a person authorised to provide a service under Part 1 of Schedule 1; or
 - 1.1.2 a person seeking access to a service under Part 2 of Schedule 1.
- 1.2 For avoidance of doubt, every person shall remain in the confines of the person's place of residence, inclusive of their yard space.
- 1.3 The establishments, institutions, businesses, organisations and offices listed as a critical service under Part 1 of Schedule 1 shall observe and practice social or physical distancing according to directions issued by the Public Health Commissioner in respect of their workers and the persons accessing the critical service.
- 1.4 The establishments, institutions, businesses, organisations and offices listed as a critical service under Part 1 of Schedule 1 shall make travel arrangements for their workers to carry out their duties.
- 1.5 A person who is outside the confines of the person's place of residence between 7:00 PM and 6:00 AM of the following day shall on request of a police officer answer any questions to enable the police officer to ascertain who the person is and whether the person is allowed to be outside the confines of the person's place of residence pursuant to Schedule 1, and where the person does not satisfy the police officer that the person is allowed to be outside the confines of the person's place of residence pursuant to Schedule 1, the police officer may —
 - 1.5.1 direct the person to go immediately to the person's place of residence;
 - 1.5.2 detain and convey the person to the person's place of residence; or
 - 1.5.3 arrest and detain the person.

B. Infectious Disease (Prohibition of Outdoor Movement) (No. 3)
Order, 2020

(Regulation 13A read 7C)

2. In accordance with regulation 13A read with regulation 7C of the **Public Health (Infectious Disease) Regulations, 1960**, the Public Health Commissioner hereby orders that —
 - 2.1 In furtherance of the **Infectious Disease (Prohibition of Outdoor Movement) Order, 2020**, of 8th April, 2020, starting from 6:00 AM on Saturday 18th April, 2020, and ending at 7:00 PM of 29th April, 2020, no person shall be in a vehicle, vessel or public place, outside of the person's place of residence between 6:00 AM and 6:59 PM, except:—
 - 2.1.1 the owner, manager, a worker or an authorised person of an establishment, institution, business, organisation or office listed as an essential service, set out in Part 1 of Schedule 2 and Schedule 3, who is carrying out their official or employment related duties;
 - 2.1.2 a person seeking access to an essential service set out in Part 2 of Schedule 2;

- 2.1.3 a person that has been authorised by the Commissioner of Police to leave the person's place of residence.
- 2.2 For avoidance of doubt, every person shall remain in the confines of the person's place of residence, inclusive of their yard space.
- 2.3 The establishments, institutions, businesses, organisations and offices listed as essential services set out in Part 1 of Schedule 2 and Schedule 3 shall at all times observe and practice social or physical distancing according to directions issued by the Public Health Commissioner in respect of their workers and customers. In promoting, observing and practicing of social or physical distancing, the owners or managers of the said establishments, institutions, businesses, organisations and offices may issue guidelines in respect of opening hours and restrict the number of persons on the premises, at any one time.
- 2.4 All persons in a vehicle or vessel shall at all times observe and practice social or physical distancing according to directions issued by the Public Health Commissioner.
- 2.5 Public transportation operated under the authority of the Seychelles Public Transport Corporation Decree, Cap 221, shall operate and function. However, the said public transportation service shall be reduced to the level necessary to provide transportation of workers in essential services and persons who require access to essential services. Social or physical distancing according to directions issued by the Public Health Commissioner shall be observed by all passengers, at all times, whilst waiting for, entering, commuting in, and exiting, the bus. The Seychelles Public Transport Corporation shall issue guidelines, in consultation with the Public Health Commissioner, as to the maximum number of persons in a public bus and the seating arrangement during transportation, and any other relevant matters.
- 2.6 No person shall visit another person's place of residence unless the person is authorised by law, the Public Health Commissioner or the Commissioner of Police to do so.
- 2.7 No person shall perform any works of construction, apart from the construction of essential Government infrastructure or urgent home plumbing, electrical or roof repairs that is approved by the relevant authorities in consultation with the Public Health Commissioner.
- 2.8 Construction contractors who provide common accommodation for their workers shall:—
- 2.8.1 ensure that their workers comply with the orders of the Public Health Commissioner and that the workers remain in their living quarters at all times except when seeking to access a critical service set out in Part 2 of Schedule 1 or an essential service set out in Part 2 of Schedule 2;
- 2.8.2 where possible and practical, make appropriate arrangements for the provision of food and water, and banking services, for the said workers in order to limit the movement of their workers outside the confines of their workers' living quarters.
- 2.8.3 direct and instruct their workers to comply with, and observe, the directions issued by the Public Health Commissioner in respect of social and physical distancing when accessing a critical or an essential service and while in their living quarters, inclusive of their yard space.
- 2.9 The use of jetskis, pleasure crafts or similar vessels is prohibited unless approved by the Commissioner of Police.

- 2.10 In furtherance of order 2.9, no person shall offer for hire or seek to travel on —
- 2.10.1 a boat, yacht, ship or marine vessel, except for transport of freight approved by the relevant authorities in consultation with the Public Health Commissioner;
 - 2.10.2 private commercial sea transport that is non-essential.
- 2.11 A person who is outside the confines of the person's place of residence between 6:00 AM and 6:59 PM shall on request of a police officer answer any questions to enable the police officer to ascertain who the person is and whether the person is allowed to be outside the confines of the person's place of residence pursuant to Schedules 2 and 3, and where the person does not satisfy the police officer that the person is allowed to be outside the confines of the person's place of residence pursuant to Schedules 2 and 3, the police officer may —
- 2.11.1 direct the person to go immediately to the person's place of residence;
 - 2.11.2 detain and convey the person to the person's place of residence; or
 - 2.11.3 arrest and detain the person.

C. Infectious Disease (Prohibition of Public Assemblies) (Restriction on opening closing of offices, establishments, and shops) (No. 2) Order, 2020

(Regulation 8 read with 9(2))

3. In accordance with regulation 8 read with regulation 9(2) of the **Public Health (Infectious Disease) Regulations, 1960**, the Public Health Commissioner hereby order that starting from 6:30 PM on Friday 17th April, 2020, until 6:00 AM of 30th April, 2020 —
- 3.1 All shops or retail outlets except shops or retail outlets that sell food items, groceries, essential baby products, pharmaceutical products and medical equipment shall remain closed.
 - 3.2 The shops or retail outlets that sell food items, groceries, essential baby products, pharmaceutical products and medical equipment shall close during the period 6:00 PM until 6:30 AM of the following day.
 - 3.3 No person shall conduct the business of restaurant, take-away food outlet or other food outlet, unless the said business prepares food at its premises, and offer and provide the delivery of the food to customers in bulk. A food outlet that is not authorised or licensed to prepare food at its premises shall not provide any service of delivery of food to customers in bulk.
 - 3.4 Banks and credit unions shall open from 8:30 AM to 2:30 PM from Monday to Friday. Entities that provide insurance services shall open from 8:30 AM to 2 PM. Banks, credit unions and insurers should encourage their clients to use electronic banking and any other service that they offer that can reduce physical contact with their clients.
 - 3.5 The establishments, institutions, businesses, organisations and offices listed as essential services in the Schedules shall at all times observe and practice good and consistent hand hygiene and social or physical distancing according to directions issued by the Public Health Commissioner in respect of their workers and customers and should employ persons to ensure practice and observance thereof.

- 3.6 This Order prevails over the **Infectious Disease (Prohibition of Public Assemblies) (No. 2) Order, 2020**, of 30th March, 2020, wherever there are inconsistencies.

D. Infectious Disease (Restriction on travel by vessels to, or leaving, any part of Seychelles) (No. 2) Order, 2020
(Regulation 7C)

4. In accordance with regulation 7C of the **Public Health (Infectious Disease) Regulations, 1960**, the Public Health Commissioner hereby orders that starting from 7:00 PM on Friday 17th April, 2020, until 6:00 AM of 30th April, 2020 —
- 4.1 No vehicle or vessel shall travel from any place to another place in Seychelles except for the purpose of carrying out a critical or an essential service or to transport workers of a provider of a critical or an essential service;
- 4.2 Big game fishing, snorkeling and any other related recreational activities are prohibited.
- 4.3 This Order is subject to the Infectious Disease (Prohibition of Outdoor Movement) (No.2) & (No.3) Orders, 2020, of 16th April, 2020, made under regulation 13A read 7C of the Public Health (Infectious Disease) Regulations, 1960, and supersedes any previous order made in respect of such prohibition or restriction.

E. Infectious Disease (Restriction on entry to, exit from and return to Seychelles) (No. 2) Order, 2020
(Regulation 7A and 7B)

5. In accordance with regulation 7C of the **Public Health (Infectious Disease) Regulations, 1960**, the Public Health Commissioner hereby orders that starting from 7:00 PM on Friday 17th April, 2020, and ending at 16:00 AM of 30th April, 2020 —
- 5.1 No person or class of persons shall enter into or exit from Seychelles except with the written authorisation of the relevant authorities.
- 5.2 A person who is not a citizen of Seychelles who exits Seychelles during a period of 30 days from 16th April, 2020, shall undertake not to return to Seychelles for a period of 3 months from the date of exit from Seychelles and the person's return to Seychelles shall be subject to such further approval from the relevant authorities.
- 5.3 Any person seeking an exemption from the operation of Orders 5.1 or 5.2 shall make an application to the Minister responsible for Health and the Minister may, on the recommendation of the relevant authorities, grant or refuse the application.
- 5.4 Any person entering Seychelles after the publication of this Order shall be required to undergo medical examination, medical surveillance, isolation or quarantine, as the case may be.
- 5.5 Any person who is not a citizen of Seychelles and who refuses to undergo the necessary requirements under Order 5.4 shall be prohibited from entering Seychelles, and the owner, agent or person in charge of an aircraft or vessel that transported the person to Seychelles shall, upon being required to remove such person from Seychelles, be responsible for such removal as soon as practicable and the provisions of section 6 of the Immigration Decree shall apply.
-

F. Miscellaneous Orders

6. The following orders shall apply to Orders A, B, C, D and E above:—
 - 6.1 The owner, manager or operator of a public place providing an essential service shall restrict the number of customers or persons inside the public place at any one time so that each customer or person is able to distance himself or herself at least 2 metres from any other person, except healthcare facilities;
 - 6.2 Each person in a public place shall at all times maintain a distance of at least 2 metres from another person as part of the observance and promotion of social or physical distancing;
 - 6.3 The exemption, exceptions or restrictions made under Orders A, B, C, D and E above, supersede the Infectious Disease (Prohibition of Outdoor Movement) Order, 2020, made by the Commissioner on 8th April, 2020;
 - 6.4 Necessary action may be taken against any person who fails to comply with any of these orders;
 - 6.5 Any person who contravenes an order without reasonable excuse commits an offence and is liable on conviction to a fine not exceeding SCR 20, 000 or imprisonment for a period not exceeding two years or to both;
 - 6.6 During the operation of orders A, B, C, D or E —
 - 6.6.1 No group of three or more persons (unless they are part of the same household) shall assemble spontaneously whilst making use or accessing an essential service. Any such spontaneous assembly shall disperse and any member of such group who fails to depart when instructed by a police officer to do so, may be arrested without warrant and is liable, on conviction, to a fine not exceeding SCR 20,000 or to imprisonment not exceeding 2 years;
 - 6.6.2 All sporting activities, games (including the playing of dominoes and cards) and any similar activities outside the confines of the person's place of residence are prohibited.

G. Commencement of Operation and expiration of these Orders

7. Unless otherwise specifically stated in any of the above Orders, the above Orders shall come into operation at 7:00 PM on Friday 17th April, 2020, and shall expire at 6:00 AM of 30th April, 2020, unless extended for a further period as the Public Health Commissioner may specify by notice published on any official Government website or official means of communication and, as soon as possible thereafter, in the Gazette.

SCHEDULE 1

Critical Services

Part 1

1. **Authorised workers or contractors of the provider of the following services or of the specified entity.**
 - 1.1 Hospital, medical or health services;
 - 1.2 Service relating to the generation, supply or distribution of electricity;
 - 1.3 Service relating to the supply or distribution of water;

- 1.4 Breakdown service relating to the management of sewage;
- 1.5 Police services
- 1.6 Defence Forces;
- 1.7 Fire and rescue services;
- 1.8 Air traffic control;
- 1.9 Port and marine services including loading and unloading of cargo vessel and service of ship;
- 1.10 Wireless, telephone, internet, television and cable communication services;
- 1.11 Forecasters of the meteorological service;
- 1.12 Indian Ocean Tuna Limited canning factory;
- 1.13 Waste collection service;
- 1.14 Breakdown and safety services of the Seychelles Petroleum Company Limited;
- 1.15 Security services of premises;
- 1.16 Disaster management and emergency services; and
- 1.17 print, audio and visual media or broadcasting services.

Part 2

2. Critical services that the public may access: —

- 2.1 Hospital, medical or health services; and
- 2.2 Police Services.

SCHEDULE 2

Essential services

Part 1

1. Owner and manager, and authorised workers or contractors, of the provider of the following services or specified entity

- 1.1 Hospital, medical or health services;
- 1.2 Service relating to the generation, supply or distribution of electricity;
- 1.3 Service relating to the supply or distribution of water;
- 1.4 Service relating to the management of sewage;
- 1.5 Airport and port and marine services including civil aviation, customs, immigration, airline catering and loading, unloading and service of ships or aircrafts;
- 1.6 Fire and rescue services;
- 1.7 Service relating to retail or distribution of pharmaceutical products and medical equipment;
- 1.8 Wireless, telephone, internet, television and cable communication services;
- 1.9 Meteorological service;
- 1.10 Banking and insurances services;
- 1.11 Service relating to retail, wholesale, distribution and supplies of, food, water and essential baby products;
- 1.12 Service of manufacturing of essential commodities;
- 1.13 Agricultural and food production, including licensed artisanal fishermen;
- 1.14 Service of cargo and public transportation including inter-island air and sea transportation;
- 1.15 Waste collection, disposal and management service;
- 1.16 Petroleum and gas retail services;
- 1.17 Storage, supply and distribution of petroleum and gas services;
- 1.18 Security services of premises;
- 1.19 Disaster management and emergency services;
- 1.20 Print, audio and visual media or broadcasting services;
- 1.21 Persons who provide care to other persons with disability, the elderly or who are otherwise vulnerable persons at public building or private residences;
- 1.22 Veterinary services;

- 1.23 Food catering services in bulk; and
- 1.24 Funeral services.

Part 2

2. Essential services that the public may access: —

- 2.1 Hospital, medical or health services;
- 2.2 Judicial services;
- 2.3 Customer care and payment services of electricity, water and sewage;
- 2.4 Cargo services at airport and ports;
- 2.5 Service relating to retail or distribution of pharmaceutical products and medical equipment;
- 2.6 Customer care and payment services of telephone, internet, television and cable communication services;
- 2.7 Service relating to retail, wholesale, distribution and supplies of food, water and essential baby products;
- 2.8 renewal of driving license and road fund licenses for vehicles services of the Seychelles Licensing Authority;
- 2.9 payment services of social benefits;
- 2.10 Petroleum and gas retail services;
- 2.11 supply and distribution of petroleum and gas services;
- 2.12 Food catering services in bulk;
- 2.13 Funeral services; and
- 2.14 Police services.

Judicial officers and legal practitioners shall in respect of such minimum judicial services or to visit clients in detention at Police stations may be outdoors for the sole purpose of leaving their place of residence to the courts or their offices or any police station and leaving the said places to their place of residence.

SCHEDULE 3

Important Ministries, Departments, Divisions and agencies of Government and organs of State

- 1. President's Private Office;
- 2. Cabinet Office and Private Office of the Vice-President, Designated Minister and Ministers;
- 3. The National Assembly for any urgent sittings and meetings of the Assembly or any committees thereof;
- 4. The Judiciary for any urgent sittings or hearings;
- 5. Police Force of Seychelles;
- 6. Prison Service;
- 7. Department of Environment (forestry, anti-poaching and wildlife conservation);
- 8. Department of Information and Communication Technology;
- 9. Ministry for Family Affairs;
- 10. Ministry of Finance including Government's treasury;
- 11. Central Bank of Seychelles;
- 12. Department of Risk and Disaster Management;
- 13. Seychelles People's Defence Forces;
- 14. Department of Local Government including district administration service;
- 15. Seychelles Maritime Safety Authority;
- 16. Department of Health;
- 17. Agency for Social Protection;
- 18. Seychelles Licensing Authority (traffic officers and inspectors)
- 19. Regional Coordination and Operation Centre;
- 20. Seychelles Port Authority; and
- 21. Seychelles Civil Aviation Authority.

Authorised officers from the said Ministries, Departments and agencies of Government and members and officers of organs of State shall carry out their official or employment related duties.

MADE ON THIS THURSDAY 16TH APRIL 2020.

JUDE GEDEON
PUBLIC HEALTH COMMISSIONER

No. 277 of 2020

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 Arianh Ezra Charlette to Arianh Louisa Payet 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 Cownrey Payet
Foret Noire
Mahe

DEFENCE (AMENDMENT) BILL, 2020*(Bill No. 16 of 2020)***OBJECTS AND REASONS**

The primary object of the Defence (Amendment) Bill, 2020, is to provide a legislative framework to govern the activities of the Seychelles Coast Guard. Further, the Bill seeks to repeal both the Seychelles People's Navy and the Seychelles People's Militia.

The Bill seeks to give the Seychelles Coast Guard those powers, duties, authorities and immunities that coast guards in other countries have. For instance, the coast guards will have the same powers of arrest in the maritime zones as the police, and the coast guards will be able to make arrests and gather evidence on land, in particular the outer islands, in connection with an offence committed in the maritime zones. Indubitably, these powers are essential to enable the coast guards to fight criminal activity, and to protect the environmental and economic interests of Seychelles, in the maritime zones. The Bill also consolidates some of existing powers that the coast guards have under the laws of Seychelles, namely: the Fisheries Act, 2014; the Maritimes Zones Act, Cap 122; and the Penal Code, Cap 158.

Many of the duties that are included in this Bill are already performed by the Seychelles Coast Guard but the Bill seeks to further promote administrative arrangements, resource-sharing and operational coordination amongst the Seychelles Coast Guard and any relevant authority.

Further, the Bill seeks to repeal both the Seychelles People's Navy and the Seychelles People's Militia, which were two branches of the Seychelles People's Defence Force that once existed from 1981 to the early 1990's; these two branches no longer exists in the Seychelles People's Defence Force.

Dated this 16th day of April, 2020.

**FRANK D. R. ALLY
ATTORNEY GENERAL**

DEFENCE (AMENDMENT) BILL, 2020

(Bill No. 16 of 2020)



A BILL

FOR

AN ACT to amend the Defence Act, Cap 58; to provide a legislative framework for the Seychelles Coast Guard; to repeal both the Seychelles People's Navy and the Seychelles People's Militia; and for matters incidental thereto.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Defence (Amendment) Act, 2020.

Short title

Amendment of
Cap 58 as last
amended by
Act 13 of 2006

2. The Defence Act is amended as follows —

- (a) by repealing the word “Navy”, wherever it appears in the Act, and substituting therefor with the words “Coast Guard”;
- (b) in section 2 —
 - (i) by inserting in the proper alphabetical order the following definition —

““Coast Guard” means Seychelles Coast Guard;”
 - (ii) in the definition of “enrolled” by deleting the words “or Militia”;
 - (iii) by repealing the definition of “Militia”;
 - (iv) by repealing the definition of “Navy”;
- (c) in section 3 —
 - (i) in paragraph (b) by repealing the words “The Seychelles People's Navy” and substituting therefor with the words “The Seychelles Coast Guard”;
 - (ii) by repealing paragraph (d);
- (d) in section 4 by repealing the words “, Air Force and Militia” and substituting therefor with the words “and Air Force”;
- (e) in section 5 in paragraph (b) by repealing the words “in section 30 and 32” and substituting therefor with the words “in sections 30, 32 and 35B.”
- (f) in section 16 in subsection (3) by repealing the words “or to the Militia”;

- (g) by repealing section 19;
- (h) in section 25 in subsection (2) by repealing the words “or Militia”;
- (i) in section 28 by repealing the words “or of the Militia”;
- (j) in section 29 in subsection (1) by repealing the words “or the Militia”;
- (k) in section 31 by inserting immediately after the words “under section 30” the words “, 35B. or 35C.”;
- (l) by inserting immediately after section 35 the following new Part —

“PART VIA - THE SEYCHELLES COAST GUARD

Interpretation **35A.(1)** In this Part unless the context otherwise requires —

“hot pursuit” means hot pursuit as defined under Article 111 of the United Nations Convention on the Law of the Sea, 1982;

“innocent passage” means innocent passage as defined under the Maritime Zones Act, Cap 122;

“maritime zones” means the internal waters, the territorial sea, the exclusive economic zone, the contiguous zone, the archipelagic waters and the continental shelf of the Republic within the meaning of the Maritime Zones Act;

“narcotic drugs” shall be construed as meaning a controlled drug as defined by the Misuse of Drugs Act, 2016;

“piracy” means piracy as defined under the Penal Code Cap, 158;

“ship” means every description of vessel used in navigation, whether self-propelled or not, and it includes barges, jet skis, seaplanes and any other craft and similar vessels;

“trafficking in person” means trafficking in person as defined under the Prohibition of Trafficking in Persons Act, 2014.

Duties of
Coast
Guard

35B.(1) The Coast Guard shall, subject to the provisions of this Act, primarily be employed as a military service organization of the Defence Force for the defence of Seychelles and protection of its sovereignty and territorial integrity and rights in relation to the maritime zones of Seychelles.

(2) The Coast Guard and each member of the Defence Force thereof shall, without derogating from the investigatory or law enforcement powers of the police or any other authority, exercise and have —

- (a) all the powers, authorities, privileges and immunities of the police, under the Police Act, Cap 172, and any other law, and when acting as such shall be deemed to be acting as police for the purposes of the Police Act and any other law;

(b) the powers of arrest, apprehension and detention conferred on authorized persons under section 23 of the Maritime Zones Act; and

(c) the powers of arrest, investigation, inspection and detention conferred on an authorized fisheries officer, under the Fisheries Act, 2014, and when acting as such shall be deemed to be an authorized fisheries officer for the purposes of the Fisheries Act.

(3) The powers conferred by subsections (1) and (2) shall be for the purpose of the enforcement of Seychelles' maritime laws, maritime security, maritime safety and marine resource protection in relation to the maritime zones of Seychelles, and in particular the enforcement, or assistance in the enforcement of the provisions of any law relating to —

(a) customs and revenue collection;

(b) immigration and nationality;

(c) quarantine;

(d) ports and harbours;

(e) fisheries protection;

- (f) marine resources and environmental protection;
- (g) safety of navigation;
- (h) marine pollution;
- (i) search and rescue;
- (j) port security and safety;
- (k) recreational boating safety;
- (l) Port State Control;
- (m) piracy, maritime crime and violence;
- (n) trafficking of narcotic drugs;
- (o) arms or ammunition trafficking;
- (p) trafficking in person;
- (q) transnational criminal activity;
- (r) maritime terrorism;
- (s) maintaining territorial integrity and sovereignty of Seychelles maritime zones;
- (t) defence of Seychelles;
- (u) protecting archaeological or history objects or sites;

(v) enforcement of all maritime conventions or agreements that the Republic is party to, including but not limited to those such as or, as the case may be, relating to the following —

(i) Safety of Life at Sea (SOLAS);

(ii) Maritime Pollution (MARPOL);

(iii) Oil Spill Prevention Response and Cooperation (OPRC);

(iv) the International Load Lines Convention (ILA);

(v) United Nations Convention on the Law of the Sea (UNCLOS);

(vi) the Tonnage Convention.

(w) to perform any other function that may be conferred by this Act or any other written law.

(4) In performing its functions under subsection (3) in relation to any matter, where the Coast Guard is not the authority with responsibility for that matter, the Coast Guard and its members shall act in consultation and coordination with the responsible Ministry, Department or

Agency, except in a case of emergency, as determined by the Commandant or other member of the Defence Force who at the time is in command of the Coast Guard.

(5) The Coast Guard shall cooperate with and assist any other public authority during emergencies or disasters or in the execution of a public authority's mandates in the maritime zones.

Powers of
Coast
Guard

35C.(1) The Coast Guard shall have the power to undertake all the actions necessary for the performance of its duties under this Act or any other written law.

(2) Notwithstanding the generality of subsection (1), the Coast Guard shall have the powers, consistent with international law, within the maritime zones, to —

- (a) receive and consider any report of the commission of an offence;
- (b) stop, enter, board, inspect or search any structure, place, ship or aircraft engaged in or suspected to be engaged in any unlawful activity;
- (c) seize or detain any ship or aircraft engaged in or suspected to be engaged in any unlawful activity;
- (d) demand the production of

any licence, permit, record or any other relevant document and to examine such licence, permit, record or document or make copies or take extracts from such licence, permit, record or document;

- (e) investigate any offence which it has reason to believe is being committed, is about to be committed or has been committed;
- (f) exercise the right of hot pursuit;
- (g) dispose of any fish, article, device, goods, ship, aircraft or any other item that is connected to the commission of an offence, subject to the provisions of this Act or any other written law;
- (h) arrest any person, in the maritime zones or on land, who it has reason to believe has committed an offence in the maritime zones, and secure or preserve evidence, whether in the maritime zones or on land, relating to the offence for which the person is under arrest:

provided that the arrested person and any

evidence preserved shall be handed over to a member of the Police Force as soon as practicable;

- (i) conduct research, study or any training necessary for the performance of its functions;
- (j) record statements or make inquiries, inspections or examinations as may be necessary under this Act or any other written law;
- (k) assist in environmental protection and anti-poaching; and
- (l) expel any ship or aircraft whose presence in the maritime zones is detrimental to the national interests of Seychelles, or is likely to endanger order and safety in the maritime zones.

(3) Subsection (2) shall be without prejudice to the performance by any authority of similar duties under any enactment enabling it to do so.

Innocent
passage

35D. The Coast Guard shall not stop, enter, board, search, inspect or detain a ship or aircraft in the maritime zones if the passage of the ship or aircraft in the maritime zones is innocent passage.

Immunity of
members of the
Defence Force

35E. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Defence Force in respect of any act done in good faith in pursuance or execution of the member's duties or powers under this Act.”;

- (m) in section 36 by repealing the words “and Militia”.

S.I. 64 of 2020**DEFENCE ACT***(Cap 58)***Defence (Seychelles People's Defence Force Call Out of Reserve Forces) (COVID 19) Order, 2020**

In exercise of the powers conferred by sections 29 and 32 of the Defence Act, the Commander-in-Chief makes the following order —

1. This order may be cited as the Defence (Seychelles People's Defence Force Call Out of Reserve Forces) (COVID 19) Order, 2020.

Citation

2.(1) The Commander-in-Chief directs the members of each Reserve Force to give assistance to the civil power in relation to all matters relevant to COVID 19.

Call Out of
Reserve Forces

(2) For the purposes of paragraph 1, “COVID 19” means the coronavirus (2019-nCov) or (SARS-CoV-2) which is an infectious disease caused by a virus, and declared a pandemic by the World Health Organization on 11th March, 2020.

3. For the purposes of section 26 of the Act, a member of a Reserve Force may be discharged by the Chief of Staff on the following grounds —

Termination of
service

- (a) disobedience of orders, neglect of duty, misconduct or any contravention of the Defence Force (Offences) Act, Cap 59;
- (b) any other misconduct including conviction by a court of an offence against any law which in the opinion of the Chief of Staff renders it

undesirable for the member to continue serving as a member of a Reserve Force;

(c) being medically unfit for service;

(d) compassionate grounds;

(e) a determination by the Chief of Staff that services of a member are not, or no longer, required for any reason.

Duration of
order

4. This order shall remain in force until revoked or varied by the Commander in Chief, or it shall expire at the end of 31 December, 2020, whichever is earlier.

MADE this 14th day of April 2020.

**DANNY FAURE
PRESIDENT**
