



Official Gazette

No. 58

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Published by Authority

Monday 15th June 2020

GOVERNMENT NOTICES

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

No. 411 of 2020

GAZETTE SUPPLEMENT

The following Act is published as a Legal Supplement to this number of the Official Gazette.

Gazette	Description	Price
58	Domestic Violence Act, 2020. (Act 21 of 2020)	28.00

No. 412 of 2020

FISHERIES MANAGEMENT

Sea cucumber Fishery

Pursuant to the management plan for Sea cucumber fishery, the Minister of Fisheries and Agriculture has extended the 2019/2020 Sea Cucumber harvesting season by a further one (1) month. The 2019/2020 Sea cucumber harvesting season shall therefore be from 1st October 2019 to 30th June 2020 for a duration of nine (9) consecutive months.

Dated this 1st day of June, 2020.

**MR. CHARLES BASTIENNE
MINISTER OF FISHERIES AND AGRICULTURE**

No. 413 of 2020

POLICE DEPARTMENT

Office of the Commissioner of Police

Announcement

This is an announcement pursuant to section 152(1)(c) of the Criminal Procedure Code (Cap 54). The Property described herein namely USD912 (United States Dollars Nine Hundred and Twelve only) comprising of 4 (four) notes of USD 100,8 (eight) notes of USD 50,5 (five notes of USD20,2 (two) notes of USD 1 and 1 (one) of USD were seized as part of a search conducted on 5 Nigerian Nationals who had disembarked on Kenya Airways KQ250 at the Seychelles International Airport on the 12th of February, 2020.

The Financial Crime Investigation Unit of the Seychelles Police hereby invites the rightful owner of the said property to make a claim within seven days from the date of this publication failing which the Commissioner of Police will dispose of the said property.

The claim should be made in writing to the Commissioner of Police, Mr. Kishnan Labonte at the Police Headquarters, Seychelles

Dated this 10th day of June, 2020.

**KISHNAN LABONTE
COMMISSIONER OF POLICE**

No. 414 of 2020

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>
Soren Assets Limited	185370
TERRAFFIC LIMITED	117001
APOLLONIA HOLDINGS GMBH	65046
SGM Advertising Ltd	215797

Financial Services Authority

No. 415 of 2020

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Section 217(5)(c)

Notice is hereby given pursuant to Section 217(5)(c) of the International Business Companies Act, 2016 that **CLOUDLANE LIMITED, No. 16005** has been struck off the register owing to continuation in another jurisdiction, with effect from 28th May, 2020.

Financial Services Authority

No. 416 of 2020

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that **UNICORN RECREATION PRODUCTS CO. LIMITED, No. 139864** has been struck off the register owing to dissolution, with effect from 29th May, 2020 in accordance with Section 297(3)(a) of the Act.

Financial Services Authority

No. 417 of 2020

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Sections 297(3)(a) and 297(5)**

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) the following companies have been struck off the register owing to dissolution, with effect from 1st June, 2020 in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
World Trade Mauritius Ltd	163605
L'shi Cobalt Ltd	193887
Oban Advisors Ltd.	151390
ALTON VENTURES LIMITED	35513
Seismic Innovations Limited	210588
BSW Ltd	202906

Financial Services Authority

No. 418 of 2020

**NOTICE OF LIQUIDATOR APPOINTMENT AND OF
COMMENCEMENT OF WINDING UP**

Section 286 of the International Business Companies Act 2016 (the "Act")

of

**CO-HORIZON INTELLECTUAL PROPERTY INC.
Company No.: 135170**

**Relating to CO-HORIZON INTELLECTUAL PROPERTY INC. (the "Company"),
incorporated under the Act with IBC Registration No. 135170.**

I, LEE, YU-TSAI 李有財 of NO. 200-1, ZHONG SHAN ROAD, DONG HE LI, RUEIFANG TOWNSHI, TAIPEI COUNTY, TAIWAN, hereby give notice that I have been appointed to act for as the Liquidator of the Company, hereby give notice in accordance with section 286 of the Act that the voluntary winding up of the Company under Sub-Part II of Part XVII of the Act has been commenced.

Dated this day of

**LEE, YU-TSAI 李有財
LIQUIDATOR**

No. 419 of 2020

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Rita Agnes Erica Derjacques to Rita Agnes Derjacques-Inacio 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 Erica Derjacques
Sea View Estate
Glacis / Anse Etoile
Mahe

No. 420 of 2020

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Amoosavaly Carolus nee Naiken to Amoosavaly Sarah Carolus nee Naiken 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.

Mrs Amoosavaly Carolus nee Naiken
Anse Royale
Mahe
Seychelles

No. 421 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 Julienne Ernesta to Julianne Ernesta 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.

Mrs Joan Khan
Rochon
Mahe

No. 422 of 2020

NOTICE OF INTENTION TO APPLY FOR
CITIZENSHIP OF SEYCHELLES

Notice is hereby given that I, Masgonty Danièle Augusta of L'Ilot, Glacis whose further particulars appear below, being a person eligible to apply for citizenship under Article 10/12 of the Constitution / Sections 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 Danièle Augusta Masgonty (née Raynal).
 - b) My present nationality is Française.
 - c) The date of my first entry into Seychelles is 2008 Août.
 - d) The date of my last entry into Seychelles before the present application is 3 Octobre 2019.
 - e) I am gainfully Retraite.
 - f) The special circumstance which qualifies me to make this application is J'habite les Seychelles depuis 2008 et mon mari habite ici depuis 1990. On a notre maison à L'Ilot, Glacis, Machabée.
-

No. 423 of 2020



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P.O. Box 18
 The Creole Spirit
 Quincy Street, Mahé
 Victoria, Seychelles

THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS

Report on the audit of the Financial Statements

Opinion

We have audited the financial statements of **THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED** set out on pages 5 to 62 which comprise the Statement of Financial Position as at December 31, 2019, the Statement of Profit or Loss and Other Comprehensive Income, Statement of Changes in Equity and the Statement of Cash Flows for the year then ended and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements give a true and fair view of the financial position of the Bank as at December 31, 2019 and of its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards and comply with the Seychelles Companies Act, 1972.

Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Bank in accordance with the International Ethics Standards Board for Accountants' *Code of Ethics for Professional Accountants (IESBA Code)* together with the ethical requirements that are relevant to our audit of the financial statements in Seychelles, and we have fulfilled our other ethical responsibilities in accordance with these requirements and the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Emphasis of Matter

(i) Effects of COVID-19 pandemic

We draw attention to note 31 of the financial statements which describes a material uncertainty regarding the Coronavirus pandemic which is affecting Seychelles severely. Actions adopted by countries such as closing borders, grounding flights and discouraging people from travelling abroad are impacting heavily on all industries thereby raising a significant uncertainty on going concern of the Bank.

The Directors of the Bank together with Management are confident that they will continue to have the financial and otherwise support from their Shareholders and are therefore of the opinion that the going concern basis of preparation of these financial statements remains appropriate in the foreseeable future.

(ii) Compliance with the Financial Institutions-Credit Classification and Provisioning Regulations 2010, as amended 2011

The Financial Institutions - Credit Classification and Provisioning Regulations 2010 as amended in 2011, are still broadly based on the requirements of IAS 39 and are in the process of being updated for those of IFRS 9. As such, in adopting IFRS 9 - "Financial Instruments" and as reported in the monthly returns to the Central Bank of Seychelles, the Bank is adhering to IFRS 9 in lieu of the provisions of the Financial Institutions - Credit Classification and Provisioning Regulations 2010 as amended in 2011.



THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS

Emphasis of Matter (Cont'd)

Our opinion is not qualified in respect of the above matters.

Key Audit Matters

Key audit matters are those matters that, in our professional judgment, were of most significance in our audit of the financial statements of the current period. These matters were addressed in the context of our audit of the financial statements as a whole, and in forming our opinion thereon, and we do not provide a separate opinion on these matters.

(i) Adoption of IFRS 16 - Leases

The Bank adopted IFRS 16 Leases effective January 1, 2019 which modifies the classification and measurement of leases, with the recognition on the Statement of Financial Position of a right-of-use asset and a lease liability. The right-of-use asset and liability are unwound over the term of the lease, giving rise to an amortisation charge and interest expense respectively.

In order to compute the transition impact of IFRS 16, a significant data extraction exercise was undertaken by Management to summarise all the leased assets of the Bank such that the respective inputs could be uploaded into the IFRS 16 model. Since the implicit rates of interest in the leases were not readily available, the Bank upon first time implementation of IFRS 16 adopted the modified retrospective transitional approach as permitted by the standard. This approach mandates that the right-of-use asset is recognised at the date of initial application at an amount equal to the lease liability using the Bank's prevailing incremental borrowing rate as at the date of initial application, adjusted for any prepaid or accrued payments relating to that lease that were previously recognised in the Statement of Financial Position immediately before the date of initial application.

The following were the key audit matters identified under IFRS 16;

<ul style="list-style-type: none"> ▪ Determination of all the leasing arrangements to ensure that they fall within the scope of IFRS 16 and whether they were appropriately included in the computation at transition date;
<ul style="list-style-type: none"> ▪ To ensure the appropriateness of assumptions used to determine the present value using the relevant discount rates for each lease;
<ul style="list-style-type: none"> ▪ To ensure completeness and accuracy of the underlying available data and information for each lease used to calculate the transitional impact; and
<ul style="list-style-type: none"> ▪ To ensure completeness of disclosures with respect to IFRS 16 and relevant corresponding standards in the financial statements.

Response to Key Audit Matters

<ul style="list-style-type: none"> ✓ Assessed the design and implementation of key controls pertaining to the determination IFRS 16 transition impact disclosures;
<ul style="list-style-type: none"> ✓ Assessed the appropriateness of the discount rates applied in determining the present value of lease liabilities with input from our technical department;



THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS

Key Audit Matters (Cont'd)

(i) Adoption of IFRS 16 - Leases (Cont'd)

Response to Key Audit Matters (Cont'd)

<p>✓ Verified the accuracy of the underlying lease data by agreeing a representative sample of leases to original contract or other supporting information, and checked the integrity and accuracy of the IFRS 16 calculations for each lease sampled through recalculation of the expected IFRS 16 adjustments;</p>
<p>✓ Reviewed the journal entries with respect to the impact of implementation of the right-of-use assets and lease liabilities; and</p>
<p>✓ Assessed whether the disclosures within the financial statements are appropriate and sufficient.</p>

(ii) Computation of Expected Credit losses per IFRS 9 - Financial instruments

The Bank adopted the accounting standard IFRS 9 'Financial instruments' effective January 1, 2018. The standard introduced new requirements around two main aspects of how financial instruments are treated - measurement and classification and impairment.

This standard also introduced new impairment rules which prescribed a new, forward looking, expected credit loss ('ECL') impairment model which takes into account reasonable and supportable forward looking information, which will generally result in the earlier recognition of impairment provisions.

The following were the key audit matters identified under IFRS 9;

<ul style="list-style-type: none"> ▪ There are a number of significant management determined judgements including: <ul style="list-style-type: none"> - the reclassification of financial assets in accordance with the Bank's business model; - determining the criteria for a significant increase in credit risk; - techniques used to determine probability of default (PDs) and loss given default (LGD); and factoring forward looking assumptions.
<ul style="list-style-type: none"> ▪ IFRS 9 implementation requires complex technical modelling based on subjective data and assumptions. Consequently, the inherent credit risk embedded in the data assumptions is high.

Response to Key Audit Matters

<p>✓ We reviewed for any changes in the Bank's key processes comprising granting, booking, monitoring and provisioning and tested the operating effectiveness of key controls over these processes;</p>
<p>✓ We reviewed for any changes in the Bank's provisioning methodology, assessed the reasonableness of the underlying assumptions and the sufficiency of the data used by the Management.</p>



THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS

Key Audit Matters (Cont'd)

(ii) *Computation of Expected Credit losses per IFRS 9 - Financial instruments (Cont'd)*

Response to Key Audit Matters (Cont'd)

<p>✓ <i>With respect to classification and measurement of financial assets and financial liabilities, our audit procedures comprised the following;</i> We reviewed the Bank's IFRS 9 classification and measurement of financial assets and financial liabilities policies for the year under review for any changes and compared them with the requirements of IFRS 9; and Reconfirmed and checked the Bank's business model assessment and the test on the contractual cash flows, which give rises to cash flows that are 'solely payments of principal and interest [SPPI test].</p>
<p>✓ <i>With respect to impairment methodology, our audit procedures comprised the following;</i> We obtained an understanding of the Bank's internal rating models for loans and advances and reviewed the rating validation report prepared by the Bank's Management to gain comfort that the discrimination and calibration of the rating model is appropriate.</p>
<p>✓ We checked the appropriateness of the Bank's determination of significant increase in credit risk and the resultant basis for classification of exposures into various stages.</p>
<p>✓ For a sample of exposures, we checked the appropriateness of the Bank's staging.</p>
<p>✓ We checked and understood the key data sources and assumptions for data used in the Expected Credit Loss (ECL) models used by the Bank's to determine impairment provisions.</p>
<p>✓ For forward looking assumptions used by the Bank's management in its Probability of Default (PD) calculations, we held discussions with Management and corroborated the assumptions where publicly available information was used.</p>
<p>✓ We checked the calculation of the PD and LGD used by the Bank in the ECL calculations, including the appropriateness of the use of collateral and the resultant arithmetical calculations.</p>
<p>✓ We checked the completeness of loans and advances, off Statement of Financial Position (SOFP) items, investment securities, placements and other financial assets included in the ECL calculations as of 31 December 2019.</p>
<p>✓ We checked consistency of various inputs and assumptions used by the Bank's management to determine impairment provisions; and</p>
<p>As a result of the above audit procedures, no material differences were noted.</p>



THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS (CONT'D)

Responsibilities of Directors and Those Charged with Governance for the Financial Statements

The Directors are responsible for the preparation and fair presentation of the financial statements in accordance with International Financial Reporting Standards and in compliance with the Companies Act, 1972, the Financial Institutions Act 2004, as amended and the Regulations and Directives of the Central Bank of Seychelles, and for such internal control as the directors determine is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Directors are responsible for assessing the Bank's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the Bank or to cease operations, or have no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Bank's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Bank's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by Directors.
- Conclude on the appropriateness of Directors' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Bank's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Bank to cease to continue as a going concern.



THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS (CONT'D)

Auditor's Responsibilities for the Audit of the Financial Statements (Cont'd)

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Report on Other Legal Regulatory Requirements

Companies Act, 1972

We have no relationship with, or interests in, the Bank, other than in our capacity as auditors and dealings in the ordinary course of business. We have obtained all information and explanations we have required.

Financial Institutions Act 2004, as amended and Regulations and Directives of the Central Bank of Seychelles

The Financial Institutions Act 2004, as amended and Regulations and Directives of the Central Bank of Seychelles requires that in carrying out our audit, we consider and report to you the following matters. We confirm that:

- In our opinion, the financial statements have been prepared on a basis consistent with that of the preceding year and are complete, fair and properly drawn up and comply with the Financial Institutions Act 2004, as amended and Regulations and Directives of the Central Bank of Seychelles *except as discussed under the Emphasis of Matter paragraph.*
- The explanations or information called for or given to us by management and employees of the Bank were satisfactory.
- The Bank did not carry out any fiduciary duties during the year under review.

Other Matters

- (a) This report is made solely to the members of **THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED** (hereafter referred to as the "Bank"), as a body, in terms of the International Financial Reporting Standards and comply with the Seychelles Companies Act, 1972. Our audit work has been undertaken so that we might state to the Bank's members those matters which we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Bank or the Bank's members as a body, for our audit work, for this report, or for the opinions we have formed.
- (b) The financial statements of the Bank for the year ended December 31, 2018 were audited by another auditor who expressed an unmodified opinion on March 25, 2019.

Dated: 28 APR 2020
Victoria, Seychelles

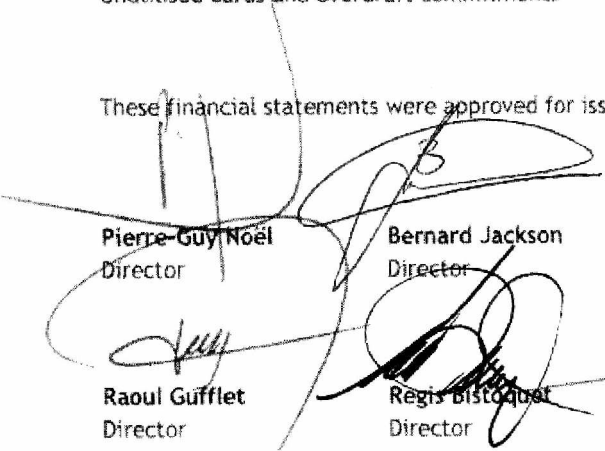
BDO Associates
BDO ASSOCIATES
Chartered Accountants

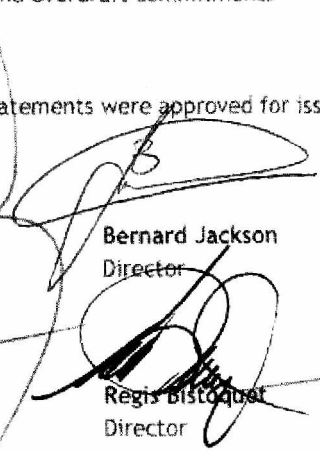
THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED

STATEMENT OF FINANCIAL POSITION AS AT DECEMBER 31, 2019

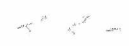
	Notes	2019 SR	2018 SR
ASSETS			
Cash and bank balances	5	1,577,442,048	1,123,569,700
Loans and advances	6	2,614,927,651	2,189,892,166
Investment in financial assets	7	1,543,509,824	1,558,140,557
Right-of-use assets	8(a)	119,682,171	-
Property and equipment	9	75,724,015	77,532,579
Intangible assets	10	30,524,251	39,575,640
Deferred tax assets	11(b)	24,496,190	23,058,002
Other assets	12	49,525,031	48,300,845
Total Assets		6,035,831,181	5,060,069,489
LIABILITIES AND SHAREHOLDERS' EQUITY			
LIABILITIES			
Deposits from banks and customers	13	5,342,586,751	4,567,288,180
Retirement benefit obligation	14	12,349,251	11,075,916
Current tax liabilities	15(a)	24,758,161	9,811,197
Other liabilities	16	169,611,706	44,157,939
Total Liabilities		5,549,305,869	4,632,333,232
EQUITY			
Share capital	17	20,000,000	20,000,000
Statutory reserve	18	20,000,000	20,000,000
Other reserves		33,614,669	21,096,381
Retained earnings		412,910,643	366,639,876
Total Equity		486,525,312	427,736,257
Total Liabilities and equity		6,035,831,181	5,060,069,489
CONTINGENT LIABILITIES			
Acceptances, letters of credit and guarantees		241,115,722	331,322,358
Loan commitments		235,020,140	166,574,922
Unutilised cards and overdraft commitments		258,964,688	172,469,389
		735,100,550	670,366,669


These financial statements were approved for issue by the Board of Directors on: 28 APR 2020

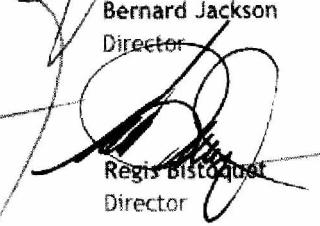

Pierre-Guy Noël
Director

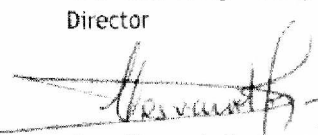

Bernard Jackson
Director


Jean Michel Ng Tseung
Director


Gilbert Gnany
Director


Raoul Gufflet
Director


Régis Bistoquet
Director


Jean-François Desvaux de Marigny
Director

THE MAURITIUS COMMERCIAL BANK (SEYCHELLES) LIMITED

STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME FOR THE YEAR ENDED DECEMBER 31, 2019

	Notes	2019 SR	2018 SR
Interest income	19	273,787,401	230,658,357
Interest expense	20	(74,554,240)	(46,249,872)
Net interest income		<u>199,233,161</u>	<u>184,408,485</u>
Fee and commission income	21	108,737,514	98,886,010
Fee and commission expense	22	(75,248,075)	(67,125,636)
Net fee and commission income		<u>33,489,439</u>	<u>31,760,374</u>
Other income			
Profit arising from dealing in foreign currencies		77,430,656	75,456,803
Other operating income	23	97,684	6,095
Total operating income		<u>77,528,340</u>	<u>75,462,898</u>
Net operating income		<u>310,250,940</u>	<u>291,631,757</u>
Non-interest expenses			
Depreciation of right-of-use	8(b)	(4,851,869)	-
Depreciation of property and equipment	9	(12,612,609)	(12,240,353)
Amortisation of intangibles	10	(13,001,225)	(11,314,992)
Staff costs	24	(51,928,940)	(50,086,229)
Other operating expenses	25	(79,737,116)	(81,317,512)
Total operating expenses		<u>(162,131,759)</u>	<u>(154,959,086)</u>
Operating profit before impairment		148,119,181	136,672,671
Expected credit loss expense	26	2,732,566	(3,349,000)
Profit before taxation		<u>150,851,747</u>	<u>133,323,671</u>
Taxation	15	(62,580,980)	(48,186,551)
Profit for the year		<u>88,270,767</u>	<u>85,137,120</u>
Other Comprehensive Income			
<i>Items that will not be reclassified subsequently to the Statement of Profit or Loss:</i>			
Net change in fair value of financial assets at FVTOCI and Total			
Other Comprehensive Income for the year	7(a)(ii)	12,518,288	4,536,826
Total comprehensive income for the year		<u>100,789,055</u>	<u>89,673,946</u>

DOMESTIC VIOLENCE ACT, 2020*(Act 21 of 2020)***ARRANGEMENT OF SECTIONS****SECTIONS****PART 1 - PRELIMINARY**

1. Short title
2. Interpretation
3. Definition of domestic violence
4. Definition of domestic relationship

PART II - COMPLAINTS AND DUTIES OF POLICE OFFICERS

5. Duty to assist aggrieved persons
6. Information to police officer
7. Police officer to act promptly
8. Filing of complaint with police officer.
9. Procedure after receipt of complaint by police
10. Arrest by police officer.
11. Withdrawal of complaints of domestic violence by aggrieved persons.

PART III - PROTECTION ORDERS

12. Application for protection order
13. Interim protection order
14. Conduct of proceedings
15. Matters to be taken into consideration in application for protection order
16. Issue of protection order
17. Court in criminal proceedings may issue protection order
18. Contravention of protection order
19. Variation or revocation of protection order
20. Proceedings for protection order not to affect other proceedings
21. Costs

PART IV - SERVICES

22. Services to aggrieved persons and other persons offering support
23. Counselling services and programmes

24. Training programmes for police officers
25. Specialised training for judicial officers
26. Enforcement of Act

PART V - OFFENCES AND PENALTIES

27. Domestic violence offences
28. Giving false information
29. Disclosure of records and information on domestic violence

PART VI - MISCELLANEOUS

30. Publication of information on proceedings under Act.
31. Rules of Court
32. Regulations
33. Repeal, savings and transitional provisions.

SCHEDULE



DOMESTIC VIOLENCE ACT, 2020

(Act 21 of 2020)

I assent



A handwritten signature in blue ink, appearing to read "Danny Faure".

Danny Faure
President

9th June, 2020

AN ACT to prohibit acts of violence in the domestic context, to provide protection of aggrieved persons, to provide penalties therefor and to make provision for services for aggrieved persons and perpetrators of domestic violence and for matters connected therewith and related thereto.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Domestic Violence Act, 2019 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Short title

Interpretation

- 2.** In this Act, unless the context otherwise requires —
- “aggrieved person” means a person who alleges to have been subjected to an act of domestic violence;
- “coerce” means to compel a person by force or threat to do, or refrain from doing, something;
- “Court” means a Magistrates' Court as defined in the Courts Act (Cap 52);
- “Director of Social Services” means the person for the time being acting in the capacity, or performing the functions, of head of the division responsible for Social Affairs in the Ministry or department responsible for Family Affairs and includes such other officers authorised by the director;
- “domestic violence” has the meaning given to it in section 3;
- “domestic violence offence” means an offence specified under section 27;
- “domestic relationship” has the meaning given to it in section 4;
- “economic abuse” includes —
- (a) unreasonably depriving a person of any economic or financial resources to which that person, or a family member or dependent of that person, is entitled under any law, or requires out of necessity or has a reasonable expectation of use, including household necessities and repayment of housing loans secured by any form of security or rent payments in respect of a shared residence;

- (b) unreasonably disposing of moveable or immovable property including household effects, in which a person, or a family member or dependent of that person, has an interest or a reasonable expectation of use;
- (c) destroying or damaging property in which a person, or a family member or a dependent of that person, has an interest or a reasonable expectation of use; or
- (d) hiding or hindering the use of property in which a person, or a family member or dependent of that person, has an interest or a reasonable expectation of use;
- (e) preventing a person in domestic relationship, by reason of obsessive possessiveness or jealousy, from engaging or undertaking in meaningful economic activities;

“emotional, verbal or psychological abuse” —

- (a) means conduct towards a person that —
 - (i) torments, frightens, intimidates, harasses, degrades, humiliates or is offensive to the person, or a family member or dependent of that person;
 - (ii) makes the person, or a family member or dependent of that person, feel constantly unhappy, miserable, ridiculed, depressed, inadequate or worthless;
 - (iii) deprives the person, or a family member or dependent of that person, of privacy, liberty, integrity or security; and

- (b) includes —
- (i) verbal abuse, insults, ridicule or name calling;
 - (ii) threats to cause emotional pain so as to torment, intimidate or frighten the person to whom the threat is directed;
 - (iii) exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the liberty, integrity or security of that person or a family member or dependent of that person;

“engaged” means engaged to be married and includes an engagement or betrothal under cultural or religious tradition;

“harassment” means —

- (a) repeatedly following, pursuing or accosting a person, a family member or dependent of that person and includes watching, or loitering outside or near such person's residence, school, workplace, place of business or other place where such person happens to be;
- (b) making persistent unwelcome communication with a person, a family member or dependent of that person and includes —
 - (i) repeatedly making telephone calls or inducing another person to make telephone calls to the person, whether or not conversation ensues;
 - (ii) repeatedly sending, delivering or causing to be sent or delivered any

letter, telegram, package, facsimile, electronic mail, social media message or post, or other object or message to the person's residence, school, workplace or place of business or any other place;

(c) engaging in any other menacing behaviour;

“interim protection order” means an interim protection order made under section 13, pending the final determination of an application for a protection order;

“institution” means a Government institution or private sector institution or a civil society organisation;

“intimidation” means intentionally inducing fear in a person by —

- (a) engaging or threatening to engage in conduct that harms or is likely to cause harm to the safety, health or wellbeing of that person, or a family member or dependent of that person;
- (b) threatening to harm oneself;
- (c) causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the person to whom the threat is directed;
- (d) threatening to damage, destroy or dispose of property belonging to the person, or a family member or dependent of that person, or in which that person or another person has a material interest;
- (e) exhibiting a weapon before the person; or

- (f) engaging in any other menacing behaviour, including sending, delivering or causing to be sent or delivered an item which implies menacing behaviour;

“Minister” means the Minister responsible for Family Affairs;

“physical abuse” means physical assault or use of physical force against a person whether such assault or the use of such force results in physical injury or not, and includes —

- (a) the forcible confinement or detention of a person;
- (b) the deprivation of a person of access to adequate food, water, clothing, shelter or rest;
- (c) subjecting a person to torture or other cruel, inhuman or degrading treatment or punishment;

“prescribed” means prescribed by regulations made under this Act;

“protection order” means a protection order made by the Tribunal under section 16 or by a Court under section 17;

“respondent” means a person against whom a protection order is sought or is in force;

“school” includes an educational institution or other institution or place where a person studies or undergoes vocational training or apprenticeship;

“Secretary of the Tribunal” means the Secretary of the Tribunal appointed under section 78(6) of the Children Act (Cap 28);

“Social Services” means a department in the Ministry responsible for Family Affairs;

“sexual abuse” means conduct towards a person that abuses, humiliates, degrades or otherwise violates the sexual integrity of that person, whether or not the person is married to the person engaging in such conduct, and includes —

- (a) engaging in any such conduct with a person or with another person with whom that person has emotional ties;
- (b) coercing or forcing a person or another person with whom that person has emotional ties to engage in any sexual contact;
- (c) exposing a person to sexual material which humiliates, degrades or violates that person's sexual integrity;

“sexual harassment” means repeatedly making unwanted sexual advances towards a person;

“Tribunal” means the Family Tribunal established by section 77 of the Children Act (Cap 28);

“unauthorised surveillance” of a person, means the unreasonable monitoring or tracking of that person's movements, activities or interpersonal associations without that person's consent, including by using technology.

3.(1) For the purposes of this Act, domestic violence, within the context of a domestic relationship, means engaging in any of the following acts or courses of conduct —

Definition
of domestic
violence

- (a) emotional, verbal or psychological abuse;

- (b) physical abuse;
- (c) sexual abuse;
- (d) economic abuse;
- (e) intimidation;
- (f) harassment;
- (g) unauthorised surveillance;
- (h) entering the residence or property of a person without his or her express or implied consent, where the parties do not share the same residence;
- (i) coercive or other conduct which, in any way —
 - (i) harms or may harm another person;
 - (ii) reasonably causes a person to fear for, or to be apprehensive about, or endangers, the safety, health or wellbeing of that person;
 - (iii) undermines a person's privacy, integrity or security; or
 - (iv) detracts or is likely to detract from the person's dignity or worth as a human being; or
- (j) procuring or counseling a third person to engage in conduct specified in paragraphs (a) to (i).

(2) A number of acts that form a pattern of behaviour may amount to domestic violence even though some or all of the acts when viewed in isolation may appear minor or trivial.

4.(1) For the purposes of section 3, a person is in a domestic relationship with another person if —

Definition of domestic relationship

- (a) they were married to each other in accordance with the Civil Status Act (Cap 34) or any equivalent legislation in force in any country other than Seychelles or in accordance with any custom or religion;
- (b) they cohabit as *de facto* husband and wife including an *en ménage* relationship;
- (c) they are or were in an engagement, dating, including an actual or perceived romantic, intimate or sexual relationship, and whether they are living in the same residence or not;
- (d) the persons were or are the parents of, or foster parents to, a common child, or are expecting a child together;
- (e) the persons are or were family members related by blood, by marriage or by adoption, or stand in the place of such family members by virtue of foster arrangements;
- (f) they share the same residence or were or are co-tenants;
- (g) a relationship is determined by the Tribunal or the Court, as appropriate, to be a domestic relationship.

(2) The Tribunal or a Court shall, in determining whether a relationship qualifies to be a domestic relationship under subsection (1) (g), have regard to any or all of the following —

- (a) the amount of time the persons spend together;

- (b) the place where that time is ordinarily spent;
 - (c) the manner in which that time is spent; and
 - (d) the duration of the relationship.
- (3) Without prejudice to subsection (1) —
- (a) where a perpetrator of domestic violence is, or has been in a domestic relationship with the aggrieved person, and the perpetrator seeks to engage in domestic violence against the aggrieved person, anyone who is providing refuge to the aggrieved person is deemed to be in a domestic relationship with the perpetrator;
 - (b) where the perpetrator is or has been in a domestic relationship with an aggrieved person, anyone who incites the perpetrator to engage in act amounting to domestic violence, is deemed to be in a domestic relationship with the aggrieved person.

PART II - COMPLAINTS AND DUTIES OF POLICE OFFICERS

Duty to assist
aggrieved
persons

5.(1) Any person or institution with information concerning the commission of an act of domestic violence shall —

- (a) advise the aggrieved person on the remedies available to him or her under this Act, such as filing a complaint with the Police against the perpetrator, or filing an application for a protection order with the Tribunal, and any basic support which may be available to assist the aggrieved person;
- (b) advise the aggrieved person how to obtain shelter, medical treatment, legal services,

counselling or other service that may be required in the circumstances; or

- (c) advise the aggrieved person of his or her right to lodge a complaint against the respondent including remedies available to aggrieved persons under this Act.

(2) Where the person referred to in subsection (1) is a police officer, the officer shall, in addition to the assistance given, as far as practicable, take, or cause the aggrieved person to be taken to a shelter for aggrieved persons, if the circumstances of the situation require that the aggrieved person be immediately removed from the scene of the domestic violence.

6.(1) A person who has reason to believe that an act of domestic violence has been or is being, or is likely to be, committed, may give information about it to the nearest police officer.

Information to Police officer

(2) No liability, civil or criminal, shall be incurred by any person for giving in good faith an information for the purpose of subsection (1).

7. A police officer shall respond promptly to a request by any person for assistance from domestic violence and shall offer such protection as the circumstances of the case or the person who made the report require, even when the person reporting is not the aggrieved person.

Police officer to act promptly

8.(1) An aggrieved person may file a complaint about an incident of domestic violence with any Police Officer on duty.

Filing of complaint with police

(2) Notwithstanding subsection (1), a complaint of domestic violence may be filed by any other person or institution with information about the domestic violence where the intervention is in the interest of the aggrieved person.

(3) A child or person with a physical or mental disability may be assisted by the Director of Social Services or any other person or institution in the interests of the child or person with a physical or mental disability to file a complaint of domestic violence with the Police.

Procedure
after receipt
of complaint
by police

9.(1) Where a complaint is filed with the Police under section 8, a police officer shall —

- (a) interview the parties and witnesses to the domestic violence;
- (b) record the complaint in detail;
- (c) provide the aggrieved person with an extract of the complaint or a copy of the statement recorded from the aggrieved person and a copy of the statement recorded from a witness, upon request, in a language the aggrieved person understands;
- (d) refer the aggrieved person to a medical facility to obtain medical treatment, where necessary;
- (e) assist the aggrieved person to a shelter for aggrieved persons or any other place of safety as the circumstances of the case or as the aggrieved person require where the person expresses concern about the person's safety;
- (f) protect the aggrieved person to enable the person to retrieve personal belongings, where applicable;
- (g) assist and advise the aggrieved person to preserve evidence; and
- (h) advise the aggrieved person to apply to the Tribunal for a protection order.

(2) Where one of the parties or witnesses to an act of domestic violence, a complaint of which has been made under this section, is a child, the police officer who receives the complaint shall interview the child in the presence of the parent or guardian of the child, or in the presence of Director of Social Services, if the parent or guardian is the perpetrator.

(3) Family mediation, intervention or promotion of reconciliation shall not be a bar to the investigation or prosecution of a complaint of domestic violence.

(4) Nothing in this section shall be construed in any manner as to relieve a police officer from his or her duty to proceed to cause the perpetrator to be charged with a domestic violence offence or any other criminal offence where the information received discloses the commission of such offence.

10. A police officer may, without a warrant, arrest a person where the police officer has reasonable grounds to believe that the person —

Arrest by
police
officer

- (a) is committing, or has committed, a domestic violence offence under this Act;
- (b) is about to commit a domestic violence offence and there is no other way to prevent the commission of the offence;
- (c) unless arrested, will escape or cause an unreasonable delay, trouble or expense in being made answerable to justice, or interfere with witnesses, or tamper with, or destroy, relevant evidence or material;
- (d) is wilfully obstructing the police officer in the execution of police duties; or
- (e) has contravened or is contravening an order issued under this Act.

Withdrawal of complaints of domestic violence by aggrieved persons

11.(1) Where —

- (a) an aggrieved person who has filed a complaint, or on whose behalf a complaint of domestic violence has been filed with the police, requests to withdraw the complaint from investigation and prosecution;
- (b) an aggrieved person requests the Court to withdraw the complaint and discontinue proceedings in which the perpetrator has been charged with an offence under this Act; or
- (c) on the request of an aggrieved person, the Attorney General, at any time before judgment is pronounced, discontinues proceedings in which the perpetrator has been charged with an offence under this Act,

the police, the Court or the Attorney General, as the case may be, being satisfied that there are sufficient grounds permitting the withdrawal or discontinuance of proceedings, shall, upon granting the request for withdrawal or discontinuance, refer the matter to Director of Social Services for further action.

(2) The Director of Social Services shall, in addition to any other action that he or she may take, inquire from the aggrieved person the reasons for the withdrawal of the complaint, and take such further action as circumstances of the matter requires.

PART III - PROTECTION ORDERS

Application for protection order

12.(1) An aggrieved person may, in the prescribed manner, apply to the Tribunal for a protection order to prevent a respondent from carrying out a threat of domestic violence against the aggrieved person, or to prevent the respondent from further committing acts which constitute domestic violence against the aggrieved person.

(2) If the aggrieved person is not represented by a legal representative, the Secretary to the Tribunal shall inform the aggrieved person of the remedies available to him or her under this Act, and of the procedure for lodging an application for a protection order.

(3) Notwithstanding subsection (1) and any other law, and subject to subsections (4) and (5), where an aggrieved person is for any reason unable to apply for a protection order personally, any other person with information about the domestic violence may assist the aggrieved person to apply for a protection order.

(4) Where the domestic violence involves a child, or a person with a physical or mental disability, the application may be made by —

- (a) a parent, guardian, custodian, caregiver or close relative of the child or of the person with a physical or mental disability, or a person with whom the child or person with a physical or mental disability normally resides;
- (b) the Director of Social Services;
- (c) a police officer;
- (d) an institution dealing with protection of rights of children or rights of persons with mental disability; or
- (e) an institution with information about the domestic violence.

(5) A person who applies for a protection order on behalf of an aggrieved person *shall* obtain the prior written consent of the aggrieved person, except where the aggrieved person —

- (a) is a child;

- (b) has a mental disability;
- (c) is unconscious; or
- (d) is a person who the Tribunal is satisfied is unable to provide the required consent.

(6) Where the consent in writing of an aggrieved person cannot be obtained due to the limitations specified under subsection (5), the applicant shall seek the leave of the Tribunal to make an application without the consent of the aggrieved person.

(7) Where an application for a protection order is filed, the Tribunal shall fix a date, time and place for hearing of the application and shall cause a notice of the application to be served on the respondent, and summon the respondent to appear before the Tribunal on the date and time, and at the place fixed for hearing of the application to show cause why the protection order should not be made.

(8) Where, on the day specified in the summons served under subsection (7) for the respondent to appear before the Tribunal, the respondent fails to appear and the Tribunal is satisfied that the summons has been served on the respondent, the Tribunal may proceed to hear the application in the absence of the respondent.

(9) Where the Tribunal makes a protection order in the absence of the respondent, the protection order shall, unless the Tribunal orders otherwise, be served on the respondent personally and shall not be binding until it is so served.

(10) An application for a protection order shall, in any case, be heard and determined by the Tribunal not later than 14 working days after the filing of the application.

(11) In any proceedings, other than criminal proceedings, before the Tribunal under this Act, the Tribunal

may, of its own motion, call as a witness any person whose evidence may, in its opinion, be of assistance to the Tribunal.

(12) The power conferred by subsection (11) includes, without limitation, power to call as a witness —

- (a) the aggrieved person or the respondent;
- (b) the spouse or partner of the aggrieved person or the respondent;
- (c) a specific person.

(13) If the Tribunal calls a witness under this section, the witness may be examined and re-examined —

- (a) by the Tribunal;
- (b) by or on behalf of any party to the proceedings;
- (c) by any legal practitioner or representative of a party to the proceedings.

(14) Every question of fact arising in any proceedings, other than criminal proceedings, for a protection order shall be decided on a balance of probabilities.

(15) The Chief Justice may make rules for the purpose of regulating the practice and procedure of the Tribunal in proceedings under this Act, providing for such matters as are necessary for giving full effect to this Act and for its administration.

13.(1) Where upon the filing of an application for a protection order, the Tribunal is satisfied that there is a serious risk of harm being caused to the applicant or to any person for whose benefit the order is sought, before the respondent may be summoned and heard, and it is appropriate to do so, the

Interim
protection
order

Tribunal may make an interim protection order and the order shall, unless the Tribunal determines otherwise, remain in force until the determination of the application.

(2) Where the Tribunal makes an interim protection order under subsection (1) it may apply the provisions of section 16 (3), (4), (5) and (6).

(3) The interim protection order shall be served on the respondent personally and it is not binding until it is served, unless the Tribunal orders otherwise.

Conduct of
proceedings

14.(1) No person may be present during the hearing of any proceedings, other than criminal proceedings, under this Act, except the following persons —

- (a) officers of the Tribunal;
- (b) the parties to the proceedings;
- (c) the Director of Social Services;
- (d) any legal practitioner or person representing any party to the proceedings;
- (e) any other person whom the Tribunal permits to be present.

(2) For the purposes of any proceedings to which this section applies, any party to the proceedings, being an applicant for a protection order, may nominate a reasonable number of persons, being members of the party's family or any other person, to attend any hearing of those proceedings for the purpose of providing support to that party.

(3) An aggrieved person who is also a necessary witness in any proceedings may, in the circumstances of the case, or as assessed by a counselor, be provided with assistance, which may include the following —

- (a) his or her evidence to be taken in camera or through a video link from a safe location;
- (b) professional support by a counselor or psychologist during the proceedings ;
- (c) protection from answering certain questions that tend to scandalise or bring the aggrieved person to public ridicule, shame or disrepute.

15. In considering an application for a protection order and the terms of the protection order, the Tribunal shall have regard to —

Matters to be taken into consideration in application for protection order

- (a) the need to ensure that the applicant or other person for whose benefit the protection order is sought are protected against violence;
- (b) the welfare of any child affected or likely to be affected by the conduct of the respondent;
- (c) the accommodation needs of the applicant or other person for whose benefit the protection order is sought;
- (d) any other legal proceedings between the respondent and the applicant or other person for whose benefit the application is sought; or
- (e) any other matter that the Tribunal may consider relevant, including the nature of the order sought by the application.

16.(1) The Tribunal may, subject to subsection (2), after hearing an application for a protection order, if it is satisfied on a balance of probabilities that the person for whose benefit the protection order is sought, has been or is likely to be subjected to domestic violence by the respondent, grant the application and make a protection order against the respondent.

Issue of protection order

(2) A protection order may impose such restraints on the respondent as may be necessary or desirable to prevent the respondent from engaging in any conduct which may constitute domestic violence, and it may apply for the benefit of —

- (a) the applicant or other person on whose behalf or for whose benefit the order is sought; or
- (b) any other person specified in the order including a child or dependent of the applicant.

(3) Without limiting the effect of subsection (2), a protection order may —

- (a) prohibit the respondent from —
 - (i) being on premises at which any person for whose benefit the order applies resides, works, is studying or is undergoing vocational training or an apprenticeship;
 - (ii) being on premises specified in the order, frequented by any person for whose benefit the order applies;
 - (iii) being in a locality specified in the order;
 - (iv) approaching within a distance specified in the order, of any person for whose benefit the order applies;
 - (v) contacting, harassing, threatening or intimidating any person for whose benefit the order applies, or any other person at a place where the person for whose benefit the order applies resides, works, is studying or is undergoing vocational training or an apprenticeship;

- (vi) damaging property of the person for whose benefit the order applies or property, including furniture and household effects, used by that person;
 - (vii) taking possession or disposing of movable or immovable property, or any interest in such property, including furniture and household effects, used by any person for whose benefit the order applies;
 - (viii) causing or allowing another person to engage in any conduct referred to in paragraph (a)(i) to (viii);
- (b) direct the respondent to return any movable property specified in the order to any person for whose benefit the order applies or to allow that person to recover or have access to or make use of movable property specified in the order;
- (c) direct the respondent to allow any person for whose benefit the order applies to have access to or make use of any immovable property specified in the order;
- (d) direct the respondent to attend such counselling or rehabilitation programmes as may be specified in the order;
- (e) specify conditions subject to which a respondent may —
 - (i) be on or in a locality specified in the order;
 - (ii) approach or contact any person for whose benefit the order applies or any

other person at a place where the person for whose benefit the order applies works, resides, is studying or is undergoing vocational training or an apprenticeship;

- (f) contain any other condition which the Tribunal considers necessary in the circumstances.

(4) A protection order may be made against a respondent in relation to premises or property even though the respondent has a legal or equitable interest in the premises or property.

(5) Where the Tribunal makes an order which prohibits the respondent from being on, or limits the access of the respondent to, rental premises or premises in respect of which the respondent and any person for whose benefit the protection order applies, are repaying any instalments in respect of a loan secured by a mortgage or a charge the Tribunal may, when making the order also order the respondent to pay the rent or instalments during the validity of the order.

(6) A protection order made under this section —

- (a) shall be valid for the period specified in the order;
- (b) shall not, in any event, be valid for a period of more than 24 months.

Court in
criminal
proceeding
may issue
protection
order

17.(1) A Court —

- (a) before which criminal proceedings in relation to a domestic violence offence under section 27 is pending may, on its own motion or on an application by the aggrieved person or any other person applying on behalf of the

aggrieved person, considering the circumstances of the case, make a protection order against the defendant for the benefit of the aggrieved person or his or her children or dependents or any other person named in the order;

- (b) which convicts a person of a domestic violence offence may make a protection order against that person.

(2) An application for a protection order under subsection (1)(a) shall be made in a prescribed manner.

(3) Where a Court makes a protection order under this section, sections 15 and 16 shall apply to the making of such order with such modifications as are necessary.

(4) Where criminal proceedings in relation to domestic violence are pending before a Court, an application for a protection order in respect of conduct which forms the basis of such proceedings, made after the proceedings were instituted in Court, shall be made to that Court.

(5) Where an application for a protection order was made to the Tribunal before the institution of criminal proceedings before the Court, the Tribunal shall deal with the matter and inform the Court of its determination.

(6) Where the Tribunal deals with an application under subsection (5), it shall send the file to the relevant Court, and any subsequent application for variation or revocation of a protection order shall be made to the Court, not the Tribunal.

18. A respondent who has been served with a copy of a protection order or an interim protection order who contravenes the order in any respect, commits an offence and is liable on conviction —

Contravention
of protection
order

- (a) in the case of a first offence, to a fine not exceeding SCR30,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment;
- (b) in the case of a second or subsequent offence, to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

Variation or
revocation
of protection
order

19.(1) Where a protection order is in force, the respondent, the applicant or other person for whose benefit the order applies may apply to the Court or the Tribunal which made the order for a variation or revocation of the order.

(2) The person applying for the variation or revocation of a protection order shall cause a copy of the application to be served on the other party and the Court or the Tribunal, as the case may be, shall, before varying or revoking the order, allow all the parties affected by the order a reasonable opportunity to be heard and shall have regard to the matters to be considered before issuing a protection order specified in section 15.

Proceedings
for
protection
order not to
affect other
proceedings

20.(1) Proceedings in respect of a protection order or an interim protection order under this Act shall not affect —

- (a) criminal proceedings for a domestic violence offence against the respondent arising out of the same conduct under this or any other Act;
- (b) civil proceedings including proceedings for divorce, judicial separation or compensation, to which the person concerned in the application is a party, are pending; or
- (c) any civil liability of the respondent.

(2) The fact that a protection order was made may be introduced as a material fact in subsequent civil proceedings or criminal proceedings for an offence under this Act.

21.(1) Notwithstanding any other written law but subject to subsection (2), no costs shall be allowed in proceedings under this Part.

Costs

(2) The Tribunal may, where it is satisfied that an application for a protection order was made in bad faith, on the application of a respondent, order the applicant to pay costs to the respondent.

PART IV - SERVICES

22.(1) The Minister shall ensure that constant access and intake to services are provided to an aggrieved person and other persons who are affected by domestic violence, including members of their families and their dependents.

Services to aggrieved persons and other persons offering support

(2) The services referred to in subsection (1) include —

- (a) crisis intervention services;
- (b) immediate transportation from the aggrieved person's home to a medical centre or shelter for aggrieved persons or any other safe place;
- (c) immediate medical attention;
- (d) counselling and referrals for aggrieved persons; and
- (e) crisis counselling to provide support and assurance of safety for aggrieved persons and other persons who are affected by domestic violence.

(3) The Minister shall ensure that services are offered to persons dealing with or offering support to aggrieved persons, which services shall include —

- (a) training on confidential handling of all contacts with aggrieved persons and their families;

- (b) training on the delivery of services to assist in the long-term rehabilitation of aggrieved persons through counselling, job training and referrals;
- (c) training on the delivery of services to assist in the long-term rehabilitation of perpetrators of domestic violence through counselling;
- (d) programmes for domestic violence which are administered independently of welfare assistance programmes;
- (e) counselling services and programmes to support police officers, judicial officers and any other officers dealing with cases of domestic violence.

(4) Services referred to in subsection (1) may be delivered by the Republic or by the Republic in collaboration with persons and organisations in the private sector or by an institution.

(5) The Minister shall issue guidelines for the provision of services referred to in this section and for the coordination of the delivery of such services.

Counselling
services and
programmes

23. The Minister shall ensure that counselling services and programmes provided for under this Act are of an approved standard and are provided by qualified persons or at an approved institution registered or licensed in accordance with any written law and as prescribed by Regulations.

Training
Programme
for police
officers

24.(1) The Ministry responsible for Family Affairs, in consultation with the Commissioner of Police, shall establish and maintain regular education and training programmes for police officers to generally acquaint them with handling matters of domestic violence.

(2) The Ministry responsible for Family Affairs, in consultation with the Commissioner of Police, shall establish special units within the police force and police officers within these units shall receive intensive and specialised training to handle complex cases of domestic violence in accordance with established procedures and guidelines.

25. The Minister in consultation with the Chief Justice shall ensure that judicial officers dealing with domestic violence offences receive specialised training in handling such cases.

Specialised
training for
judicial
officers

26. The Minister shall take all measures necessary to ensure that —

Enforcement
of Act

- (a) the provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;
- (b) there is effective co-ordination between the services provided by Ministries and Departments dealing with domestic violence matters;
- (c) mechanisms are put in place for effective coordination between Government and institutions providing services and support to aggrieved persons.

PART V - OFFENCES AND PENALTIES

27.(1) A person who does an act of domestic violence as defined in section 3 of this Act commits an offence and is liable —

Domestic
violence
offences

- (a) on a first conviction, to a fine not exceeding SCR30,000 or to imprisonment for a term not exceeding one year;

- (b) on a second conviction, to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 2 years or both such fine and imprisonment;

(2) The offences listed in the Schedule are domestic violence offences when they are committed or alleged to have been committed against a person with whom the person charged with any of the offences has a domestic relationship.

(3) Any person found guilty of a domestic violence offence under subsection (2) is liable on conviction to the penalties ordinarily applicable to the offence in question.

(4) Notwithstanding any other law, it shall not be a defence to a prosecution for a domestic violence offence —

- (a) that the aggrieved person consented to the act constituting the offence alleged to have been committed;
- (b) that at the time of the commission of the offence the perpetrator was married to, or cohabiting as *de facto* husband or wife including in an *en ménage* relationship with the aggrieved person;
- (c) that the act constituting the offence alleged to have been committed was a cultural or religious practice; or
- (d) that the perpetrator committed the act constituting the alleged offence as a result of provocation caused by the infidelity of the aggrieved person.

(5) The Court shall, in sentencing a person convicted of a domestic violence offence, consider whether aggravated circumstances exist.

(6) Before sentencing a person convicted of a domestic violence offence, the Court may direct the Director of Social Services to submit a social services report with respect to the matter before the Court and, in sentencing the person, give due consideration to such report.

(7) The Court may, where it convicts a person of a domestic violence offence, in addition to any penalty provided for that offence —

- (a) make a protection order against that person in accordance with section 16(1)(b);
- (b) order the person to follow an approved counselling or rehabilitation programme provided by a qualified person or at an approved institution, registered or licensed in accordance with any written law;
- (c) order the person to pay such compensation to the aggrieved person as the Court may determine.

28. A person who intentionally gives false information with respect to conduct constituting domestic violence to a police officer commits an offence and is liable on conviction to a fine not exceeding SCR30,000 or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

Giving of false information

29.(1) A person shall not disclose or publish or cause to be published records and information on cases of domestic violence which are recorded or kept by any person in the performance of their functions, where this reveals or might reveal the identity of an aggrieved person or an immediate member of the family of an aggrieved person, without the consent of such person or family member.

Disclosure of records and information on domestic violence

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding

SCR30,000 or to imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

PART VI - MISCELLANEOUS

Publication of
information on
proceedings
under Act

30.(1) A person shall not, except with the authorisation of the Tribunal and subject to such conditions as the Tribunal considers appropriate, publish any information concerning proceedings in the Tribunal in relation to application for a protection order.

(2) Sections 58A to 58C of the Criminal Procedure Code shall apply with respect to publishing information concerning criminal proceedings in respect to a domestic violence offence.

Rules of
Court

31. The Chief Justice may, for the purpose of an application under this Act, make rules of court concerning *inter alia* —

- (a) the form and manner in which it shall commence;
- (b) the giving of notice to persons affected by an application under this Act;
- (c) the discharge of an order issued pursuant to this Act; and
- (d) the forms necessary for the purposes of this Act.

Regulations

32.(1) The Minister may make regulations for carrying out the purposes and provisions of this Act and for prescribing anything that is required to be prescribed under this Act.

(2) Without limiting the generality of subsection (1), regulations made under subsection (1) may provide for —

- (a) the education rehabilitation and counselling of aggrieved persons and perpetrators of domestic violence;
- (b) places of shelter for aggrieved persons and rules for the establishment and operation of such shelters;
- (c) the enhancement of social welfare services for aggrieved persons;
- (d) the modalities for the provision of free medical treatment for aggrieved persons; and
- (e) any matter for the effective implementation of this Act.

33.(1) The Family Violence (Protection of Victims) Act is hereby repealed.

Repeal,
Transitional
Provisions
and Savings

(2) Notwithstanding the repeal under subsection (1), an application for a protection order made under the repealed Act —

- (a) that is wholly or partly heard anytime before the commencement of this Act comes into force is to be continued and dealt with as if this Act had not come into operation;
- (b) that has not been wholly or partly heard at the time that this Act comes into force is to be taken to be an application made under this Act and this Act is to apply accordingly.

(3) A protection order made under the repealed Act, that was in force immediately before the commencement of this Act shall have effect as if granted under this Act.

(4) An investigation of an act committed under the repealed Act that constitutes domestic violence or a domestic

violence offence under this Act may be continued, dealt with and prosecuted as a domestic violence offence or as domestic violence under this Act.

SCHEDULE

Section 27(2)

1. Threatening violence
2. Common nuisance
3. Acts intended to cause grievous bodily harm
4. Grievous harm
5. Administering poison
6. Wounding
7. Common assault
8. Indecent assault
9. Assaults occasioning bodily harm
10. Sexual assault
11. Sexual interference
12. Criminal trespass
13. Any attempt to commit any of the above offences

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 26th May, 2020.



Mrs. Tania Isaac
Deputy Clerk to the National Assembly