



# OFFICIAL GAZETTE

## REPUBLIC OF SEYCHELLES

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Gazette Supplements of 2022 are published by Order.

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**S.I. 91 of 2022****PUBLIC FINANCE MANAGEMENT ACT****Public Finance Management (Covid 19 Relief Fund Bank Account) Regulations, 2022**

In exercise of the powers conferred by section 36 (d) of the Public Finance Management Act, 2012 the Minister responsible for finance hereby makes the following regulations —

**Citation and commencement**

1. These Regulations may be cited as the Public Finance Management (Covid 19 Relief Fund Bank Account) Regulations, 2022 and shall be deemed to have come into operation on the 7<sup>th</sup> April, 2020.

**Special account**

2.(1) The Minister shall open and operate the special account whose particulars are specified in the Schedule.

(2) The special account shall receive financial support and process payments relating to Covid-19, and be used for such other purposes as the Minister may determine.

(3) The authorised signatories to the special account shall be —

- (a) Secretary of State - Ministry of Finance, National Planning and Trade;
- (b) Principal Secretary - Finance;
- (c) Comptroller General;
- (d) Deputy Comptroller General; and
- (e) Director of Public Budget Management.

(4) A payment out of the special account shall require at least two authorised signatories.

**Audit of account**

3. The special account shall be audited by the office of the Auditor General.

**SCHEDULE**

*[Regulation 2(1)]*

**PARTICULARS OF ACCOUNT**

Account Name: COVID-19 Relief Funds

Bank Name: Central Bank of Seychelles

Account Number: 14166

Account Currency: SCR (Seychelles Rupees)

IBAN: SC24SSCB1101000000000014166SC

**MADE this 25<sup>th</sup> day of August, 2022.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
NATIONAL PLANNING AND TRADE**

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**S.I. 90 of 2022****ANTI-CORRUPTION ACT*****(Act 2 of 2016)*****Anti-Corruption (Salary and Allowances of Commissioner, Chairperson and Members of Advisory Council) Regulations, 2022**

In exercise of the powers conferred by section 85 read with sections 6 (5) and 10 (4) of the Anti-Corruption Act, 2016, the President being the Minister responsible for Public Administration hereby makes the following regulations —

**Citation**

1. These Regulations may be cited as the Anti-Corruption (Salary and Allowances of Commissioner, Chairperson and Members of the Advisory Council) Regulations, 2022.

**Salary and allowances of Commissioner**

2.(1) The monthly salary of the Commissioner shall be the sum specified at Step 7 of the Salary Band 17 of the Public Service Salary Table under the Public Service Salary Act, 2013 (Act 25 of 2013).

(2) The Commissioner shall be paid —

- (a) an inducement allowance of SCR5,600 per month;
- (b) a gratuity of 15% of the total salary paid during every calendar year; and
- (c) housing allowance not exceeding SCR25, 000 per month.

**Allowances of Chairperson and Members of Advisory Council**

3.(1) The Chairperson of the Advisory Council shall be paid a monthly allowance of SCR4,573.

(2) The Members of the Advisory Council shall be paid a monthly allowance of SCR3,800.

**Other terms and conditions**

4. The terms and conditions of employees provided in the Public Service Order shall be applicable to the Commissioner, Chairperson and Members of the Advisory Council.

**Repeal of S.I. 58 of 2017**

5. The Anti-Corruption (Term of Office, Salary and Allowances of Chairperson, Vice-Chairperson, Commissioners and Chief Executive Officer) Regulations, 2017 is repealed.

**MADE this 24<sup>th</sup> day of August, 2022.**

**PRESIDENT  
WAVEL RAMKALAWAN**

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**S.I. 89 of 2022**

CHILDREN ACT, 1982

*(Cap 28)*

**Children's Care Homes (Minimum Standards of Care)  
Regulations, 2022**

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**S.I. 89 of 2022**

## CHILDREN ACT, 1982

*(Cap 28)***Children's Care Homes (Minimum Standards of Care)  
Regulations, 2022**

In exercise of the powers conferred by section 107 (o) of the Children Act, the Minister responsible for children affairs, makes the following regulations —

**Citation**

1. These Regulations may be cited as the Children's Care Homes (Minimum Standards of Care) Regulations, 2022.

**Interpretation —**

2. In these Regulations —

“Act” means the Children Act, 1982, (Cap.28);

“child” means a person under 18 years of age and includes a young person;

“Director” means Director as defined under section 2 of the Act;

“home” means a children's care home for the long-term care of children who are orphaned or abandoned, or taken into care by the Director under Part III or Part VII of the Act;

“home manager” means the person having the overall responsibility of staffs and the management of a particular home;

“Monitoring and Compliance Unit” means the unit or section within the Social Services Division, under the purview of the

Director, assigned with the monitoring of the standards and inspection of the homes to ensure proper implementation of and adherence to the standards in the homes;

“staff” means any staff being employed in a Home who has the responsibility to provide care to the children and other support services, such as recreational, educational and sporting activities;

“social services” means the Division responsible for children affairs in the Ministry or department responsible for children affairs;

“social worker” means social worker as defined under section 2 of the Social Worker's Council Act (Cap. 226);

“young person” means a young person as defined under section 2 of the Act.

### **Minimum standards of care in homes**

**3.** The stipulations provided in the Schedule to these Regulations are standards adopted nationally on homes which shall apply to all homes recognised under the Act.

### **Monitoring and inspection of the standards**

**4.(1)** The Director shall have the responsibility to monitor the implementation and maintenance of the standards and inspect the homes to ensure adherence to the standards.

(2) In exercising the responsibility under subregulation (1) the Director shall cause each home to be inspected in accordance with the Inspection Framework under regulation 5 (1).

### **Monitoring and Inspection Framework**

**5.(1)** The Director shall devise a Framework constituting a set of principles applicable to the monitoring and inspections of the standards.



(2) The Framework under subregulation (1) may be subjected to revision.

(3) The Director shall publish the Framework and any revised Framework in such manner as he or she considers appropriate.

### **Violations of the standards**

6.(1) Where on inspection it is determined that a home is not in compliance with a standard or standards, the inspector shall report the violations to the home manager in writing and shall make reasonable attempt to discuss each violation.

(2) Upon completion of the inspection, the designated officer shall issue the home manager with a notice stipulating the time frame within which the corrective measures for any violation shall be completed.

(3) Notwithstanding subregulation (2) where the violation relates to an imminent threat or harm to the children, the Director in consultation with the Monitoring and Compliance Unit shall take all legal action necessary to immediately close the home until such time as the imminent threat to the health and safety of the children is corrected.

(4) Where the violation is of direct harm to a child, the Director in consultation with the Monitoring and Compliance Unit shall refer the specific case to the Police for appropriate action.

## **SCHEDULE**

*(Regulation 3)*

### **Minimum Standards of Care in Homes**

#### **1. The child's wishes and feelings**

- (a) Children's views, wishes and feelings shall be taken into consideration acted upon in the day-to-day running of a home and important decisions or changes in the child's life, unless they are contrary to their interests;

- (b) Children shall be made to understand how their views have been taken into account, and where significant wishes or concerns are not acted upon, they shall be helped to understand why;
- (c) All children shall be encouraged to communicate their views on all aspects of their care and support;
- (d) Children shall have access to independent advice and support from adults whom they can contact directly and in private about problems or concerns, which is appropriate to their age and understanding;
- (e) Children shall be encouraged to take up issues in the most appropriate way with support and without fear that it will result in any adverse consequences;
- (f) Children shall receive prompt feedback on any concerns or complaints raised and are kept informed of progress;
- (g) The views, wishes and feelings of children and those significant to them shall be taken into account in monitoring members of staff and in developing the home.

**2. Promoting a positive identity and potential through individualised care**

- (a) Children shall receive personalised care that promotes all aspects of their individual identity and each shall be treated as an individual rather than as a member of a group;
- (b) Staff shall support the children's social and emotional development and enable the children to develop emotional resilience and self-esteem;
- (c) Staff shall meet the children's individual needs as set out in the child's care plan, taking into account where appropriate their relationship with the wider group of children;

- (d) Children shall be allowed to exercise choice in the food that they eat and are able to prepare their own meals and snacks, within the limits that a reasonable parent would set;
- (e) Children shall be allowed to exercise choice and independence in the clothes and personal belongings that they buy and have their needs met, within the limits that a reasonable parent would set;
- (f) Children shall be encouraged to develop skills and emotional resilience that will prepare them for independent living;
- (g) Children shall receive a personal allowance appropriate to their age and understanding that is consistent with their care plan.

### **3. Promoting positive behaviour and relationships**

- (a) The home shall endeavour to meet expectations of all children and staff;
- (b) There shall be an environment and culture to promote models and support positive behaviour that all staff understand and implement;
- (c) The home shall keep a clear written policy on managing behaviour, such as supporting positive behaviour, de-escalation of conflicts, discipline, control and restraint, which all staff may understand and apply at all times;
- (d) All staff shall endeavour to understand, share and implement the home's ethos, philosophy and approach to caring for children;
- (e) Children shall be trained to develop and practice skills to build and maintain positive relationships, be assertive and resolve conflicts positively;

- (f) Children shall be encouraged to take responsibility for their behaviour, in a way that is appropriate to their age and abilities;
- (g) Each home shall meet the children's emotional and behavioural needs;
- (h) Sanctions and rewards for behaviour shall be clear, reasonable and fair and easy to understand by all staff and the children;
- (i) Staff shall be trained to understand and manage their own feelings and responses to the emotions and behaviours presented by the children, and understand how past experiences and present emotions are communicated through behaviour;
- (j) Staff shall be supported to manage their responses and feelings arising from working with children, particularly where the children display challenging behaviour or have difficult emotional issues, and staff shall be trained to understand how children's previous experiences can manifest in challenging behaviour;
- (k) Children do not identify bullying as a problem at the home, however staff and children shall be informed that bullying is unacceptable and the staff working in the home shall be made aware of their role in helping to prevent and counter bullying by any adult or child living or working in the home;
- (l) Staff in the home shall be trained to recognise and deal with any indications or incidents of bullying, to act proactively and intervene positively, engaging with those who bully as well as those who are bullied;
- (m) Physical restraint shall be exercised only in exceptional circumstances, to prevent injury to any person including the child who is being restrained, or to prevent serious damage to the property of any person including the child who is being restrained;

- (n) Restraint shall not be used as a punishment, nor to force compliance with instructions where significant harm or serious damage to property are not otherwise likely, however, use of restraint is set out in the home's behaviour management policy;
- (o) Where children's homes opt to use restraint, staff shall be trained periodically in the use of physical restraint techniques that are appropriate and not excessive, and only use the home's agreed techniques and all children and staff shall be given an opportunity to discuss incidents of restraint they have been involved in, witnessed or been affected by, with a relevant adult;
- (p) Where any sanctions, disciplinary measures or restraint are used, children shall be encouraged to have their views recorded in the records kept by the home;
- (q) Each home shall carry out searches of a child, their room or their possessions in accordance with the home's guidelines in the matter;
- (r) Each home shall regularly review incidents of challenging behaviour, examine trends or issues emerging from this, to enable staff to reflect and learn to inform future practice;
- (s) The home shall ensure minimum involvement of police in dealing with challenging behaviour of children and shall avoid criminalising children in any way.

#### **4. Promoting good health and wellbeing**

- (a) Children's physical, emotional and social development needs shall be promoted;
- (b) Children shall be trained to understand their health needs, maintain a healthy lifestyle and to make informed decisions about their own health;

- (c) Children shall be encouraged to participate in a range of positive activities that contribute to their physical and emotional health;
- (d) Children shall have prompt access to doctors and other health professionals, including specialist services, when they need those services;
- (e) Children's health shall be promoted in accordance with their care plan, and staff are clear about what responsibilities and decisions are delegated to them, and where consent for medical treatment needs to be obtained;
- (f) Children's wishes and feelings shall be sought and taken into account in their health care, according to their understanding, and staff advocate on behalf of children;
- (g) Sufficient training on health, hygiene issues and First Aid, with particular emphasis on health promotion shall be given to the staff of homes;
- (h) Necessary guidance and training shall be given to staff for providing appropriate care in looking after children with complex health needs;
- (i) The home shall maintain good links with health agencies, including specialist services, such as mental health services and reproductive health services;
- (j) Staff involved in delivering therapeutic interventions shall have appropriate training and expertise and access to regular supervision;
- (k) Specific therapies need to be used —
  - (i) where there is a clear and widely accepted theoretical or evidence base underpinning its effectiveness; and

- (ii) with the existing written consent of the child's responsible authority (e.g. social services) or a person with parental responsibility, and of the child concerned where the child is of sufficient understanding about the specific therapies administered to it;
- (l) Each child's wishes and feelings shall be sought and taken into account in their health care;
- (m) Medicines kept in the home shall be stored safely and accessible only by those for whom they are intended;
- (n) Prescribed medication shall be given only to the child for whom it was prescribed, and in accordance with the prescription, and children who are able and wish to keep and take their own medication may be permitted to do so under the supervision of a staff;
- (o) There shall be a written record of all medication, treatment and First Aid given to children during their placement;
- (p) The home shall have physical adaptations or equipment needed to provide appropriate care for children.

## **5. Children Missing from Care Homes**

- (a) The care and support provided to children shall be sufficient to minimise any risk and prevent the chances of children going missing and reduces the risk of harm in any case a child goes missing;
- (b) Staff working within the home shall be aware and conversant to implement the home's policy in relation to children going missing and their role and responsibility in implementing that policy;
- (c) Staff shall be made aware of the current legislation and

government guidance on the measures they can take to prevent a child leaving without permission;

- (d) Staff shall actively search for children who are missing, including working with police where appropriate;
- (e) If a child is missing from a home and his/her whereabouts are not known, the home's procedures set out for the purposes shall be compatible with protocols and procedures maintained and managed by the police for the area where the home is located;
- (f) Children shall be helped to understand the dangers and risks of leaving the home without permission and they shall be made aware of where they can access help if they consider running away.

## **6. Safeguarding children**

- (a) The homes shall promote children's safety and welfare in the homes and children shall be protected from abuse and other forms of significant harm;
- (b) Staff shall actively promote the welfare of children living in the home;
- (c) Staff shall keep positive relationships with children in the home, generate a culture of openness and trust and shall be aware of, and alert to any signs or symptoms that might indicate that a child is at risk of harm;
- (d) Staff shall encourage children to take appropriate risks as a normal part of growing up and they shall be helped to understand how to keep themselves safe, including outside the home and when using the internet or social media;
- (e) The home shall implement a proportionate approach to any risk assessment;



- (f) Staff shall be trained in appropriate safe-care practices, including skills to care for children who have been abused and in the case of providers who offer placements to disabled children, specific training shall be given on issues affecting disabled children;
- (g) The home manager and staff shall work effectively in partnership with other agencies who are concerned with child protection like social services, schools, hospitals and the police;
- (h) Unchecked visitors shall adequately chaperoned when on the home's premises;
- (i) Visitation procedures of homes as mandated by social services shall be strictly adhered to;
- (j) Staff shall take all reasonable steps to ensure that children are not treated as a 'commodity' in the vetting and matching process for adoption, and that all adoption policies and procedures set by social services shall be strictly adhered to.

## **7. Promoting educational achievement and leisure activities**

- (a) Children, including pre-school and older children, shall have a home which promotes a learning environment and supports their development;
- (b) Children shall have access to a range of educational resources to support their learning, and be provided with opportunities beyond the school day to engage in activities which promote learning;
- (c) Children shall be supported to attend school or alternative institutions regularly;
- (d) Children shall be helped by staff to achieve their educational or training goals, such as providing support, facilities and

opportunities as needed and staff shall work with a child's education provider to maximise each child's achievement and to minimise any under achievement;

- (e) Each home shall be working in a way to fully promote and value children's education;
- (f) The home shall maintain regular contact with each child's school, and other education settings, with staff attending all parents' meetings as appropriate in line with the care plan and staff shall advocate for the child where it is appropriate and required;
- (g) Staff shall engage and work with schools, other organisations, and social services to support children's education, help to overcome any problems the child may be experiencing in their educational setting, and shall have up-to-date information about each child's educational progress and school attendance record;
- (h) Children who have been suspended or excluded from school shall have access to appropriate education and training, so that they are supported and enabled to resume full-time education;
- (i) Children shall be encouraged to develop their emotional, intellectual, social, creative and physical skills through the accessible and stimulating environment created by the home, and shall be supported to take part in school-based and out-of-school activities;
- (j) Children shall be encouraged to pursue individual interests and hobbies, to take part in a range of activities, including leisure activities and trips;
- (k) Staff shall be trained to understand what is in the child's care plan and shall have clarity about decisions they can make about the day-to-day arrangements for the child, such as education,

leisure activities, overnight stays, holidays, and personal issues such as haircuts;

- (l) Staff shall be supported to make reasonable and appropriate decisions within the authority delegated to them, without having to seek consent unnecessarily;
- (m) Children shall be encouraged to take part in age-appropriate peer activities as agreed by the home's staff in a way similar to how a reasonable parent might reach agreement with their children, taking into account the framework of the care plan, decision making and assessment of risk to the child;
- (n) Children shall be encouraged and enabled to make and sustain friendships with children outside the home, which may involve friends visiting the home.

## **8. Promoting and supporting contact**

- (a) Children shall be supported and encouraged to maintain and develop family contacts and friendships, subject to any limitations or provisions set out in their care plan or any court order, and appropriate forms of contact shall be promoted and facilitated for each child, including where appropriate; visits to the child in the home, visits by the child to relatives or friends, meetings with relatives or friends, letters, exchange of photographs and electronic forms of contact;
- (b) Staff shall have appropriate training, supervision and support if they are required to supervise and facilitate contact;
- (c) Emergency restrictions on contact shall be made to protect the child from significant risk to their safety or welfare;
- (d) Ongoing restriction on communication by the child shall be agreed by the child's social worker, and the child's wishes and feelings shall be taken into account;

- (e) The home shall provide feedback to social services on any significant reactions a child has to contact arrangements or visits with any person;
- (f) Staff shall be trained to understand what decisions about contact are delegated to them, in line with the child's care plan, and to make such decisions in the best interests of the child.

**9. Providing a suitable physical environment for the child**

- (a) Each home shall be situated in a location that supports its aims and objectives and the proposed models of care for children and young people such as children being able to access external services, recreational activities and to maintain and develop relationships with family and friends;
- (b) The home's location and design shall be conducive to promote children's health, safety and wellbeing, and to avoid factors such as excessive isolation and areas that present significant risks to children;
- (c) The home shall provide a comfortable and homely environment and shall be well maintained and decorated;
- (d) Physical restrictions on normal movement within or from the home shall not be imposed unless it is necessary to safeguard children and promote their welfare and development;
- (e) Staff preparation and training shall cover health and safety issues and staff shall be provided with written guidelines on their health and safety responsibilities and where homes offer placements for disabled children, the accommodation provided shall be suitable to the particular needs of the disabled children living in the home, which may include suitable aids, adaptations and other suitable equipment;
- (f) Risk assessments of the whole children's home environment shall be carried out, to identify any potential sources of harm to

the children and the same shall be recorded in writing and regularly reviewed;

- (g) There shall be clear emergency evacuation procedures that all staff and children are familiar with and have practiced to enable them know what to do in an emergency;
- (h) Bedrooms shall not be shared unless each child freely agrees to the arrangement, and are not shared by children of different genders, or children of significantly different ages (other than siblings where this is appropriate) and the choice of whether a child has to be provided with a separate room or share, is made only after careful consideration of all available facts, including the risk of bullying or abuse;
- (i) A request by a child to change bedrooms shall be given urgent consideration and agreed to, if feasible;
- (j) Bedrooms shall not be shared between children and staff.

#### **10. Preparation for placement**

- (a) Each home shall have (and implement) clear procedures for introducing children to the home, the staff and the other children living there, which shall also cover emergency and immediate placements and enable the children to understand what to expect from living in the home;
- (b) The children's home only provides admission to children whose assessed needs can reasonably be met;
- (c) Unless an emergency placement makes it impossible, children shall be given information before arrival about the home and any other information they need or reasonably request about the placement, in a format appropriate to their age and understanding which shall include photographs, where appropriate and wherever possible, children shall be able to visit the home prior to a placement decision being made, and

children shall be permitted to bring their favourite possessions into the home;

- (d) The home shall not operate in a way which increases the risk of separation of siblings;
- (e) Every child shall remain in the home until moving on is in their best interests (considering their wishes and feelings), unless this is impracticable or is against the welfare of others;
- (f) A review shall be made in consultation before a child is moved to another placement, except in an emergency where social services would be informed and involved;

(g) Where children are leaving the home, they shall be helped to understand the reasons why they are leaving and shall be supported during the transition to their new placement, independent living or to their parental home.

## **11. Promoting independence and moves to adulthood and leaving care**

- (a) Children shall be encouraged and supported to —
  - (i) establish positive and appropriate social relationships;
  - (ii) develop positive attitudes and self-esteem;
  - (iii) prepare for the world of work and further or higher education;
  - (iv) prepare for moving into their own accommodation;
  - (v) develop practical skills, including shopping, buying, cooking and keeping food, washing clothes, personal self-care and understanding and taking responsibility for personal healthcare;
  - (vi) develop financial capability, knowledge and skills;

- (vii) know about entitlements to financial and other support after leaving care, including benefits and support from social care services;
- (b) The home shall contribute to a regular process of review and works collaboratively with the young person's social worker in implementing the child's care plan;
- (c) Social services and the home shall jointly discuss the progress of the child's readiness to move to any future accommodation where they would expect to take on greater responsibility and personal independence.

## **12. Statement of purpose and children's guide**

- (a) The home shall have a clear statement of purpose which is made available to and understood by the staff and children and reflected in the policies, procedures and guidance, and shall be made available to social services, parents or persons with parental responsibility;
- (b) The aims and objectives of the statement of purpose shall be child-focused and show how the service (educational, health, safety etc.) will meet outcomes (wellbeing) for children;
- (c) Subject to the child's age and understanding, the home shall ensure that the child receives the children's guide at the time of placement and that the contents of the children's guide is explained to the child in a way that is legible;
- (d) The guide shall include a summary of what the home sets out to do for the children, and how they can find out their rights;
- (e) Where a child requires it, the guide shall be available through suitable alternative methods of communication such as sign language, pictures, tape recording, and translation into another language;

**13. Suitability to work with children**

- (a) All people working in or for the home shall be interviewed as part of the selection process and the references relating to them shall be checked to assess suitability before admitting them to take on responsibilities;
- (b) The home manager shall demonstrate, including from written and electronic records, that the home consistently follows good recruitment practices, and all applicable current statutory requirements and guidance, in staff recruitment which includes any police checks undertaken on prospective staff members, and ensure that all personnel responsible for recruitment and selection of staff are trained in, understand and operate those good practices;
- (c) The home shall keep the records of the recruitment and vetting checks which have been carried out on those working, including as volunteers for the home which includes —
  - (i) identity checks;
  - (ii) police checks;
  - (iii) checks to confirm qualifications which are a requirement and those that are considered by the home to be relevant; and
  - (iv) at least two references, preferably one from the current employer if working and, where possible, a statement from each referee as to their opinion of the person's suitability to work with children;
- (d) The records shall show the date on which each check was completed and who carried out the check and the Police check information shall be kept in secure conditions and be destroyed by secure means as soon as it is no longer needed;
- (e) The home manager's system for recruiting staff and others shall include an effective system for reaching decisions as to who is



to be appointed, as well as the circumstances in which an application should be refused in the light of any criminal convictions or other concerns about suitability that are declared or discovered through the recruitment process;

- (f) Staff members and others, subject to the above checks, shall not normally start work at the home until all the checks required are completed;
- (g) Where practicable, children shall be involved in the recruitment of staff in the home;
- (h) Where a person is suspected to be a threat to the wellbeing of children by a home or by social services, he or she shall not be considered suitable to work in the homes, and the home manager shall keep and demonstrate evidence of such cases, and notify social services when relevant.

#### **14. The child's right to privacy**

- (a) Children's privacy and confidentiality shall be appropriately protected;
- (b) The homes shall recognise and respect a child's privacy, and foster an environment where children have the space and time to think, feel, act and do in a manner that is private and meaningful to them, where appropriate;
- (c) The homes and social services shall provide staff training that explores a child's right to privacy, and fosters working environments where children are encouraged to have appropriate and private moments where they do not feel as if their space is being invaded;
- (d) The homes shall ensure that all staff members and service users comply with media policies regarding the display of children's faces on television, social media, news publications and other media outlets.

**15. Sufficient staffing of the home**

- (a) The overall number, competence and deployment of staff, both as a staff group and on individual shifts, shall meet the individual needs of all the children residing in the home;
- (b) Adequate staffing ratios of one staff member to three children shall be maintained for children aged 0 - 12 years;
- (c) Adequate staffing ratios of one staff member to five children shall be maintained for children and young people aged 12 - 17 years;
- (d) Where a child presents complex additional needs, a staffing ratio of one staff member to that one specific child shall be maintained and shall be supported by a detailed individual risk assessment for the child;
- (e) Records of staff working in the home shall demonstrate the staffing level;
- (f) Contingency plans shall be put in place in the event of a shortfall in staffing levels;
- (g) There shall be clear arrangements for staff to depute or substitute in the case of absence of the home manager and that staff who is deputed to act as the home manager shall have sufficient level of relevant supervisory experience;
- (h) Staff members who are placed in charge of the home and other staff at particular times (e.g. as leaders of staff shifts) shall have substantial relevant experience of working in the home and have successfully completed their induction and probationary periods;
- (i) Staff rotas shall have time scheduled to ensure handovers at appropriate schedules including the planning for spending time with individual children;

- (j) The home manager shall keep records of staff disciplinary procedure and the procedure shall separate staff disciplinary processes from child protection enquiries and criminal proceedings, and be known made to staff;
- (k) The home manager shall make every effort to achieve continuity of staffing so that children's attachments are not overly disrupted;
- (l) Where only one member of staff is on duty at any time, a risk assessment shall be carried out and recorded in writing, identifying any likely risks to children, staff and members of the public;
- (m) The staff group who are in day-to-day contact with children shall include staff of both genders whenever possible and staffing arrangements shall take into consideration children's ethnic and cultural backgrounds, and any disabilities they may have;
- (n) The home shall have sufficient arrangements in place to ensure that night time supervision of rooms, communal areas and the site is undertaken, where necessary;
- (o) All care staff shall be of at least 21 years old, and staff who are given sole responsibility for children or a management role shall at least be 25 years old and no person shall be allowed to work in a home unless they are at least four years older than the oldest child accommodated in that home;
- (p) Staff and residents shall be informed of the persons who are sleeping in the home every night.

## **16. Training, development and qualification of staff**

- (a) There shall be a good quality learning and development programme which staff and volunteers are supported to undertake and it shall include induction and in-service training

to enhance individual skills and to keep staff up-to-date with professional and legal developments, and the staff shall be equipped with the skills required to meet the needs of the children and purpose of the setting, and training, to keep them up-to-date with professional, legal and practice developments, as well as reflecting the policies and legal obligations of the home;

- (b) The learning and development programme shall be evaluated for effectiveness at least annually and if necessary shall be updated;
- (c) New staff into a home shall made to undertake an organisational induction, covering core areas of training required to work with residents within 7 working days of starting their employment;
- (d) All social workers and other specialists like medical professionals, educationalists, psychologists, therapists shall be professionally qualified and, where applicable, registered with the appropriate professional bodies and shall be appropriately trained to work with children and their families, and be of a good understanding of child care and policies and purpose of the home.

### **17. Staff support and supervision**

- (a) The proprietor of a home shall be fair and competent, and shall follow sound employment practices and provide good support to the staff and volunteers;
- (b) All staff, volunteers and the home manager shall be properly supervised, supported and made aware as to whom they are accountable;
- (c) Staff shall be provided with good support and advice, and supervised regularly by qualified and experienced staff;

- (d) A written or electronic record shall be kept by the home, containing the details of the time, date and length of each supervision held for each member of staff, and shall be signed by the supervisor and the member of staff at the end of the supervision;
- (e) All staff shall have their performance individually and formally appraised at least annually, and the appraisal shall take into account the views of children to whom the service is provided;
- (f) Staff and volunteers shall be provided with easy access to advice needed for providing a comprehensive service to children and young persons.

### **18. Handling allegations and suspicions of harm**

- (a) All staff and volunteers shall be informed what they shall do if they receive an allegation, or have suspicions that a person may have —
  - (i) behaved in a way that has, or may have, harmed a child;
  - (ii) possibly committed a criminal offence against or related to a child; or
  - (iii) behaved towards a child in a way that indicates he or she is unsuitable to work with children;
- (b) The home shall ensure that the required action is taken, or have been taken, in any relevant situation of which it is aware;
- (c) The home child protection procedures shall be in line with Government guidance and requirements, including the duty to refer information to statutory bodies and made known to staff, volunteers and children;
- (d) The details of home child protection procedures and how staff will be supported should there be an allegation shall be made

available to staff and volunteers and the Manager of the home shall take into account any comments made by the staff on these procedures;

- (e) The home child protection procedures shall be submitted for consideration and comments to the social services or other senior officers responsible for child protection matters in that department, and any conflict between locally agreed procedures and those of other responsible authorities shall be discussed and resolved as far as possible;
- (f) The home shall have a designated person, who shall be a senior manager and responsible for managing allegations, who shall liaise with social services and keep the subject of the allegation informed of progress during and after the investigation;
- (g) All allegations including those which may appear insignificant against persons who work with children shall be reported to the social services by the designated person;
- (h) A clear and comprehensive summary of any allegations made against a particular member of staff, including details of how the allegation was followed up and resolved, the record of any action taken and the decisions reached, shall be kept on the person's confidential file and a copy provided to the person as soon as the investigation is concluded and the information shall be retained in the confidential file, even after the person leaves the home;
- (i) Investigations into allegations or suspicions of harm shall be handled fairly, quickly, and consistently in a way that provides effective protection for the child, and at the same time supports the person against whom allegations are made.

## **19. Effective and efficient management and monitoring of home**

- (a) There shall be clear and effective procedures for monitoring and controlling serious incidents, allegations, complaints about the quality of any facilities in the home and shall regularly

apply monitoring activities of the home, and the views and concerns, if any, shall be seriously taken into account in improving the efficiency of the activities;

- (b) The manager shall monitor all records kept by the home to ensure compliance with the home's policies, to identify any concerns about specific incidents and their patterns and trends and immediate action shall be taken to address any issues noticed;
- (c) The Manager of the home shall ensure that all staff's work is consistent with the home's policies and procedures;
- (d) Where there is any change in the management personnel either on any given day or temporarily or permanently it shall be communicated in writing to social services at the earliest;
- (e) Where the home's designated persons lead point of contact with social services is not at work for any reason, it shall be notified to social services and the relevant designated member of staff shall be identified to contact in the absence of the designated person;
- (f) Managers and staff shall be clearly appraised about their roles and responsibilities, and the level of delegation and responsibility of the manager and staff, and the lines of accountability, shall be clearly defined;
- (g) Clear arrangements shall be made to ensure appropriate management of the home when the home manager is absent.

## **20. Maintaining records**

- (a) The home shall have a written policy that clarifies the purpose, format and content of information to be kept on the registered person's files and information to be kept on the child's files and the staff shall be made aware of the nature of records maintained, and directed to follow the home's policy for the

keeping and retention of files, managing confidential information, and access to files, including files removed from the premises, and take action when needed;

- (b) There shall be a system in place to monitor the quality and adequacy of record keeping;
- (c) Children and their parents shall be informed of the nature of records maintained and how to access them;
- (d) Information about individual children shall be kept confidential and shared only with those who have a legitimate need to know the information and, before sharing this information a request shall be approved by social services;
- (e) Information about other children involved in an event shall be kept confidential and be reflected in all records kept, taking note of the events;
- (f) Entries in records shall be legible, clearly expressed, and non-stigmatising and shall distinguish as far as possible between fact, opinion and third party information;
- (g) Information about the child shall be recorded clearly and in a way which will be helpful to the child when the child accesses the files and children shall be encouraged to read their files other than confidential or third party information and to correct errors and add personal statements;
- (h) Staff shall provide support and encourage the children to reflect on and understand their history, according to their age and understanding, and to keep appropriate memorabilia of their time in the home, and the staff shall record and help children to make a record of, subject to their age and understanding, significant life events;
- (i) The home manager shall work with social services to ensure effective sharing of information held in the home's records about the child and copies of the records and documents in



relation to children shall be furnished to the social services immediately on receipt of a written or electronic request from social services.

## **21. Notification of significant events**

- (a) The home manager shall have a system in place to notify social services within 7 days of the occurrence of a significant event, and there shall be guidelines on what to do, and what actions are to be taken if a notifiable event arises;
- (b) A written record shall be made containing the details of action taken, and the outcome of any action or investigation following a notifiable event;
- (c) The home manager shall notify the responsible authorities of any serious concerns about the emotional or mental health of a child;
- (d) Following such an incident, the home shall contact social services to discuss any further action that may need to be taken.

## **22. Care plan and review**

- (a) Children shall be informed of the purpose and content of the care plan and the reasoning behind any decisions taken on the plan;
- (b) Each child's care plan shall be monitored by a specified worker within the home who shall ensure that the requirements of the plan are implemented in the day-to-day care of that child;
- (c) The home shall contribute effectively to review each child's care plan;
- (d) The home shall assist children to put forward their views, wishes and feelings in each review process, and help to ensure that these are fully taken into account;

- (e) The home ensures that if a child is not visited by their social worker at the frequency expected, or within a reasonable time following a request for a visit originated by the child, the matter shall be raised at the child's next review and the home shall communicate it to social services in a timely manner;
- (f) The result of all statutory reviews shall recorded on the child's file, and individuals responsible for pursuing actions at the home arising from reviews shall be identified.

**MADE this 22<sup>nd</sup> day of August, 2022.**

**PATRICIA FRANCOUR  
MINISTER OF EMPLOYMENT  
AND SOCIAL AFFAIRS**

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## **CONSTRUCTION PROFESSIONALS (REGISTRATION AND REGULATION) BILL, 2022**

*(Bill No. 18 of 2022)*

### **EXPLANATORY STATEMENT**

The object of this Bill is to establish the “Seychelles Council of Registered Professionals in Construction”, which will, amongst other things —

- (a) maintain a register of persons and businesses that can provide architectural services, engineering services, quantity surveying services, building surveying services and other related services in Seychelles;
- (b) regulate the qualifications and practice of Construction Professionals;
- (c) impose disciplinary measures and penalties on Construction Professionals found guilty of negligence or other malpractices. The Council will have the power to immediately suspend or prohibit a Construction Professional from providing services to the public where it is necessary for safeguarding of life, public health or property;
- (d) require that Construction Professionals are covered by indemnity insurance to cover any loss or damage to the equipment needed to complete the provision of services offered to the public; cover any accidental death, dismemberment or permanent disability resulting bodily injury incurred in connection with the provision of the services.

The Government is acutely aware of the threats to the public from the provision of engineering services, architectural services, quantity and building surveying services and other related services by unqualified or incompetent persons. Poor or deficient services may result in threats to public health, damage to property and threats to public and occupational safety. Unqualified persons providing construction services will only contribute to increased construction costs, delays and additional costs to the public in the form of

building rectification and repairs, and as such, there is a need to ensure that only suitably qualified persons provide these services so as to improve the public confidence in the construction industry.

Under this Bill, Construction Professionals are classified into 4 classes, namely: professional members; graduate members; associate members; and corporate members. The Professional Members will be considered experts in the specified construction-related discipline. The Graduate Members and Associate Members can only provide construction-related services under the employment and supervision or control of a registered Professional Member.

Moreover, the Corporate Members will include any firm, company, body, group, partnership or juridical person that provides construction services. Corporate membership will only be granted if at least 1 of the directors, managers, partner, employee or persons in control of the firm of construction professionals is registered as a Professional Member. Further, a Corporate Member will only be allowed to provide construction services that professional members of the company or partnership is authorized to provide by the Council. Finally, where a Corporate Member is suspended or removed from the register of Construction Professionals, the Professional Member will be suspended or have his or her name removed from the register but the Corporate Member will be responsible any financial penalty imposed by the Council.

The Minister is given, amongst other things, powers to regulate all matters in relation to project managers and architectural draughtspersons or technicians.

Finally, before a person can be registered as a construction professional, that person will need to comply with the requirements under the immigration laws if the person is not a citizen of Seychelles.

**Dated this 25<sup>th</sup> day of August, 2022.**

**BILLY RANGASAMY  
MINISTER**

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**CONSTRUCTION PROFESSIONALS (REGISTRATION AND  
REGULATION) BILL, 2022**

*(Bill No. 18 of 2022)*

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## **CONSTRUCTION PROFESSIONALS (REGISTRATION AND REGULATION) BILL, 2022**

*(Bill No. 18 of 2022)*



### **A BILL FOR**

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SEYCHELLES COUNCIL OF REGISTERED PROFESSIONALS IN CONSTRUCTION; TO PROVIDE FOR THE REGISTRATION OF CONSTRUCTION PROFESSIONALS; TO REGULATE THE QUALIFICATION AND CONDUCT OF PERSONS WHO CARRY OUT CONSTRUCTION RELATED SERVICES; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.**

**ENACTED** by the President and the National Assembly.

#### **PART 1 PRELIMINARY**

##### **Short title and commencement**

1.(1) This Act may be cited as the Construction Professionals (Registration and Regulation) Act, 2022.

(2) This Act comes into operation on such date as the Minister may, by notice published in the Gazette, appoint.



## **Interpretation**

2.(1) In this Act, unless the context otherwise requires —

**“Appeals Board”** means the Appeals Board established under section 43;

**“architect”** means a person who sells or supplies for gain or reward any architectural plan, drawing, tracing or any similar item for use in the construction, enlargement or alteration of any building or part thereof, but does not include an architectural draughtsperson or technician and such other persons that the Minister may specify by notice published in the Gazette;

**“associate member”** means a person registered as an associate member under section 18;

**“building maintenance”** means work undertaken to provide a report, an opinion or an assessment of work needed in order to keep, restore or improve a facility or a part of a building, its service and surroundings to an acceptable standard and to sustain the utility and value of the facility and includes inspection, testing, servicing, classification to serviceability, repair, refurbishment, rebuilding, rehabilitation, reclamation, preparation of maintenance schedules, planning, budgeting and management of maintenance works;

**“building surveying services”** means the range of services in the construction industry which comprises, amongst other thing, providing reports, opinions or assessments about a design, building work, building maintenance or a building through investigation, consultation and evaluation;

**“certificate of registration”** means a valid certificate of registration issued under section 26 to a registered construction professional;

**“construction professional”** means a person or a firm of construction professionals who is registered or eligible to be registered in the register under this Act;

**“construction service”** means the giving of an undertaking, with or without consideration, to engage in or perform a professional service or work

of an architect, an engineer, a surveyor or any other profession regulated under this Act;

**“corporate member”** means a firm of constructional professionals registered as a construction profession under section 19;

**“Council”** means the Seychelles Council of Registered Professionals in Construction established under section 4 and includes any committee established by the Council;

**“Disciplinary Committee”** means the committee established under section 36;

**“engineer”** means a person providing any professional service, consultation, investigation, evaluation, planning, design in connection with any public or privately owned utilities, buildings, machines, equipment, processes, works or projects wherein public interest and welfare, or the safeguarding of life, public health or property is concerned or involved, and that requires the application of engineering principles and data in any of the following branches of engineering —

- (a) civil engineering;
- (b) mechanical engineering;
- (c) structural engineering;
- (d) such other branches of engineering as may be prescribed by the Minister;

**“Fair Trading Commission”** means the Fair Trading Commission established under the Fair Trading Act, 2022;

**“firm of construction professionals”** means any company, commercial partnership or other juridical person that provides construction services;

**“graduate member”** means a person registered as a graduate member under section 17;

**“Insurance” or “professional indemnity insurance”** means the insurance that is required under section 33;

**“Interim Council”** means the Interim Council established under section 10;

**“licence”** means a valid licence issued to a construction professional in accordance with the Licences Act, Cap. 113, or any other written law;

**“Licensing Authority”** means the Authority established under the Licences Act;

**“Minister”** means the Minister responsible for infrastructure development;

**“Planning Authority”** means the Planning Authority established under the Physical Planning Act, 2021;

**“professional member”** means a person registered as a professional member under section 16;

**“professional misconduct”** has the same definition assigned to it under section 32;

**“quantity surveying services”** means the range of services in the construction industry consisting of, amongst other thing, financial viability analyses, estimates of construction costs, cost planning, cost control, cost management, value management, advice on procurement methods, preparation of bidding documents, bid evaluations, interim valuations, final account settlements, claims formulation and assessment, contractual advice, replacement cost for the purposes of insurance, mediation, arbitration or adjudication;

**“Registrar”** means the Registrar of the Seychelles Council of Registered Professionals in Construction appointed under section 8;

**“register”** means the Construction Professionals Register established under section 12;

**“Seychelles Qualification Authority”** means the Authority established under the Seychelles Qualifications Authority Act, 2021;

“**surveyor**” means a person who offers either —

- (a) quantity surveying services;
- (b) building surveying services.

### **Application of this Act**

3. This Act shall apply to all construction professionals in Seychelles.

## **PART 2**

### **SEYCHELLES COUNCIL OF REGISTERED PROFESSIONALS IN CONSTRUCTION**

#### **Establishment of Council**

4.(1) There is established a Council, to be known as the “Seychelles Council of Registered Professionals in Construction”, which shall be a body corporate and discharge the responsibilities assigned to the Council under this Act.

(2) Subject to subsection (3), the Council shall comprise —

- (a) 1 representative of the Planning Authority; and
- (b) 6 registered professional members —
  - (i) to be elected by registered construction professionals; or
  - (ii) failing such election, to be appointed by the Minister under subsection (5).

(3) The Council shall not comprise more than 2 professional members from the same construction-related discipline, to be members of the Council at the same time.

(4) The Chairperson of the Council shall be elected by its members.

(5) If elections held for the purposes of subsection 2(b)(i) result in less than 6 professional members being elected as members of the Council

thereunder, the Minister may appoint such number, as the Minister thinks fit, of professional members, except that the number of professional members so appointed and the number of members elected under subsection 2(b)(i) shall not exceed 6 in the aggregate.

### **Tenure of members of the Council**

5.(1) A member of the Council shall hold office for 4 years and shall be eligible for reappointment.

(2) Any vacancy in the membership of the Council shall be filled by a member, who shall be elected or appointed in accordance with section 4(2)(b), and that member shall hold the office for the remainder of the period of the vacancy.

(3) A member, other than the Chairperson, may at any time resign from office by notice addressed to the Minister and transmitted through the Chairperson.

(4) The Chairperson may at any time resign his office by notice addressed to the Minister.

(5) The Council may remove from office any member of the Council who fails, without good and justifiable reasons, to attend 3 consecutive meetings of the Council of which the member had notice or where a member becomes in any manner disqualified for office within the meaning of section 6.

### **Disqualifications for membership of the Council**

6. A person shall not be qualified to be a member of the Council if that person is —

- (a) neither a citizen nor a permanent resident of Seychelles;
- (b) not registered as a construction professional;
- (c) declared bankrupted by the court;
- (d) convicted of any offence involving fraud, dishonesty or of

any other offence implying a defect in character which makes the person unfit to be a member of the Council;

- (e) interdicted in accordance with the Civil Code of Seychelles Act, 2020, or declared by a court to be physically or mentally incapacitated by reason of unsoundness of mind; or
- (f) found by the Disciplinary Committee to have committed professional misconduct.

### **Meeting of the Council**

7.(1) The Council shall hold meetings at such places and times as may be necessary or expedient for the purpose of fulfilling its functions and such meetings shall take place not less than 4 times in each calendar year.

(2) A quorum of any meeting of the Council shall be 5 members.

(3) The decisions of the Council shall be by a majority of votes and in addition to the original vote, the Chairperson, or any member presiding at a meeting, shall have a second and casting vote in any case in which the voting is equal.

(4) Subject to this Act, the Council may regulate its own proceedings.

(5) The Chairperson shall give each member reasonable notice of a meeting of the Council, stating therein the agenda for the meeting.

### **Registrar and other staff**

8.(1) The Council shall appoint a Registrar who shall hold office for a period of 4 years and shall perform the functions assigned to the Registrar under this Act.

(2) The Registrar shall provide the Council with such other staff and services and other facilities as are necessary or expedient for the performance of the functions of the Council.

## **Functions of the Council**

**9.** (1) In addition to any other functions conferred on the Council under this Act or any other written law, the functions of the Council shall be to —

- (a) keep and maintain every register established under section 12;
- (b) assess the qualifications and experience of an applicant for registration as a construction professional;
- (c) assess and place applicants in categories or classes based on their qualifications and experience;
- (d) conduct or arrange for the conduct of an examination or interview, where appropriate, for the purpose of assessing the professional ability of any person applying for registration as a construction professional;
- (e) register construction professionals and to issue certificates of registration;
- (f) regulate the activities of construction professionals and may set class or grade limits of projects to be undertaken by construction professionals;
- (g) safeguard against illegal, improper or unethical construction-related practices, and to develop a Code of Conduct for construction professionals;
- (h) exercise disciplinary control over construction professionals by the appointment of a disciplinary committee;
- (i) facilitate the mutual recognition of the qualifications and standards regarding the practice of construction-related services with other countries;
- (j) advise the Minister on proposed amendments to this Act and carry out such other functions as the Minister may direct; and

- (k) generally undertake all acts, matters and things that are necessary to be carried out under this Act and ensure the efficiency of the Council.
- (2) The Seychelles Qualification Authority may —
  - (a) advise the Council regarding qualifications of an applicant;
  - (b) assist the Council with establishing standards for the different applicants; and
  - (c) assist the Council in devising examinations for registration and continuing education programmes for applicants.

### **Interim Council**

**10.**(1) Pending the election of the first Council under this Act, the duties and functions of the Council shall be carried out by an Interim Council appointed by the Minister in accordance with the Act.

- (2) The Interim Council shall comprise —
  - (a) 1 representative of the Planning Authority;
  - (b) 6 persons who are eligible to be registered as professional members.

(3) The tenure of the Interim Council shall end within 18 months from the date of appointment.

(4) The members of the Interim Council constituted under this section shall vacate office in favour of the Council elected or appointed under section 4 on the last day of the month in which the election of the members of the Council is held.

(5) Nothing in this section prevents a member of the Interim Council from being elected or appointed under section 4.

### **Committees of the Council**

**11.** The Council may



- (a) appoint committees comprising members of the Council and construction professionals for the purpose of carrying out the functions of the Council;
- (b) delegate to the committees any functions as it considers necessary.

### PART 3

#### REGISTRATION AND CLASSIFICATION OF CONSTRUCTION PROFESSIONALS

##### **Register of Construction Professionals**

12.(1) The Council shall cause the Registrar to keep a register, to be known as “the Construction Professionals Register”, which shall contain the following particulars of each person registered under this Act —

- (a) the name of the person;
- (b) address and contact information of the person;
- (c) the date of registration in the register;
- (d) duration of registration;
- (e) the registration number;
- (f) the construction service that the person can provide;
- (g) the class, category or grade of the person in the construction service;
- (h) the qualifications of the person;
- (i) in case of a corporate member —
  - (i) the name of the director, manager or partners of the corporate member; and
  - (ii) the name of the professional member employed by the corporate member;
- (j) such other particulars as the Council may consider necessary.

(2) The register shall be in the custody and under the control of the Registrar and shall be kept in any form at the office of the Council or any other place that the Council may direct.

(3) The Registrar shall keep a separate register of professional members who are deemed by the Council to be a specialist in any particular construction-related discipline and the details of the speciality shall be recorded in the register.

(4) The registers shall be open to inspection by any member of the public at the office of the Registrar during working hours.

### **Application for registration**

13.(1) A person wishing to be registered in the register shall make an application for registration to the Council in such manner or form as may be prescribed.

(2) An application under subsection (1) shall be accompanied by the prescribed fee.

(3) A person making an application under subsection (1) shall —

- (a) agree to have the Council conduct a background check on the person's qualifications and professional experience;
- (b) agree to attend an interview with the Council to determine the competence of the person, if necessary;
- (c) comply with the requirements under the immigration laws if the person is not a citizen of Seychelles; and
- (d) any other such information or direction that the Council may prescribe.

### **Categories of Construction Professionals**

14.(1) A person may be registered as a construction professional providing construction services as —

- (a) an architect;

- (b) an engineer; or
- (c) a surveyor.

(2) The Minister may by order, published in the Gazette, add or remove a construction-related discipline set out in subsection (1).

### **Classification of Construction Professionals**

**15.** A person may be registered in the register under the following classes of construction professionals —

- (a) a professional member;
- (b) a graduate member;
- (c) an associate member;
- (d) a corporate member; or
- (e) any other class as determined by the Minister, in consultation with the Council, by Order published in the Gazette.

### **Registration as a professional member**

**16.(1)** A person shall be eligible for registration as a 'Professional Member' if that person —

- (a) has a graduate degree from a recognized university in the construction-related discipline and at least 2 years proven work experience in a specified construction service; or
- (b) has an undergraduate degree from a recognized university in the construction-related discipline and at least 4 years proven relevant work experience in a specified construction service; or
- (c) passed an examination set by the Council or recognized by the Council as an equivalent examination set by another authority and the person has demonstrated to the satisfaction of the Council that the person is proficient in a specified

construction service and has at least 10 years working experience in the specified construction service.

(2) A person registered as a professional member is deemed to be an expert in the specified construction-related discipline but the work that the professional member can undertake may be limited by the grade of construction service that the person can provide, or such other conditions imposed by the Council.

(3) The Council may recognize as a specialty in a specified construction-related discipline any qualifications or distinction awarded to a person registered as a professional member.

### **Registration as a graduate member**

17.(1) A person shall be eligible for registration as a 'Graduate Member' if that person —

- (a) is the holder of a graduate degree from a recognized university in a construction-related discipline;
- (b) does not have the practical experience that may qualify the person to be registered as a professional member; and
- (c) has complied with any requirement as may be specified by the Council.

(2) A person registered under this section shall be entitled to practice in a specified construction service under the employment, supervision and control of a registered professional member, the Government or public body until the graduate member is registered a professional member.

(3) A graduate member may be eligible to register as a professional member on completion of a period of 2 years under the employment, supervision and control of a professional member, the Government or a public body, but the Council may extend the period of supervision.

### **Registration as an associate member**

18.(1) A person shall be eligible for registration as an 'Associate Member' if that person —

- (a) has an undergraduate degree from a recognized university in the construction-related discipline and less than 4 years proven relevant work experience in a specified construction service; or
- (b) has a diploma or an associate degree (or equivalent) from a recognized institution in the construction-related discipline and less than 7 years proven relevant work experience in a specified construction service; or
- (c) passed an examination set by the Council or recognized by the Council as an equivalent examination set by another authority and the person has demonstrated to the satisfaction of the Council that the person is proficient in the construction-related discipline and less than 10 years working experience in a specified construction service.

(2) A person registered under this section shall be entitled to practice in a specified construction service under the employment, supervision and control of a registered professional member, the Government or a public authority until the associate member is registered a professional member.

### **Registration as a corporate member**

19.(1) No firm of construction professionals shall provide construction services in Seychelles unless the firm of construction professionals is registered as a “Corporate Member” and employs a professional member.

(2) A firm of construction professionals is eligible for registration as a corporate member if at least 1 of the directors, managers, partners, employees or persons in control of the firm of construction professionals is registered as a professional member.

(3) A firm of construction professionals shall only provide construction services that any professional member specified in subsection (2) is authorized to provide pursuant to this Act.

(4) The Registrar shall register the name of any professional member specified in subsection (2) next to the name of the corporate member and the

professional member shall acknowledge in writing the liabilities that may be imposed on that professional member under section 37(3) or 39(4) if the firm of construction professionals is found to have committed a professional misconduct.

(5) Where a professional member specified in subsection (4) is no longer employed by the corporate member, the professional member shall immediately request that the Registrar removes the name of the professional member that was inserted next to the name of the corporate member in the register.

### **Registration of persons who lack qualifications as a professional member**

**20.(1)** Notwithstanding any provision under this Act, any person who does not possess the qualifications required under section 16, but who on an application made to the Council within 1 year of the commencement of this Act, satisfies the Council that —

- (a) the person has had, before the commencement of this Act, at least 10 years' experience in the practice of construction services; and
- (b) the person is a fit and proper person to be registered as a professional member,

is entitled to be registered as a professional member.

(2) In determining whether a person satisfies the requirements in subsection (1), the Council may conduct an investigation relating to the experience of that person as a construction professional, as it considers necessary and may require that person to undergo an examination.

### **Acknowledgment of receipt of an application**

**21.(1)** The Council shall acknowledge the receipt of an application for registration as a construction professional as soon as possible and in any case not later than 30 working days from the date of the receipt of the application and if the applicant does not submit all the documentation, the Council shall inform the applicant accordingly.

(2) The Council shall give its reasoned decision in relation to an application for registration as a construction professional within 90 working days after the date on which the complete application is received, but the Council may extend this period by 30 working days, provided that the applicant is notified prior to the expiration of the original period established in this subsection.

(3) In the event that the Council does not give its decision within the period established in subsection (2), this shall not imply tacit approval of the application.

(4) The acknowledgement referred to in subsection (1) shall specify —

- (a) the time period within which the application shall be processed;
- (b) the available means of redress for an applicant whose application was rejected; and
- (c) a statement that in the absence of a response within the specified time period, the approval shall not be deemed to have been granted.

### **Provisional registration as a graduate member or as associate member**

**22.**(1) Notwithstanding section 21, the Council may on the application of a Seychellois, who is enrolled in the final year of that person's studies at a recognized institution but who has not obtained an academic degree or a diploma (or equivalent) from that recognized institution, cause the Seychellois to be registered in a register to be known as the “provisional registration register” for a period not exceeding 6 months.

(2) Sections 26 and 27 shall apply *mutatis mutandis* in respect of a registration under this section.

### **Additional qualifications**

**23.** Every person registered under this Act who, subsequent to that person's registration, obtains any qualification or other designation relevant to that person's practice as a member, shall be entitled, on payment of the

prescribed fee, to have such qualification or other designation inserted in the register in substitution for or in addition to those previously entered.

### **Correction of register**

**24.** It shall be the duty of the Registrar to —

- (a) remove from the register any entry which the Council directs the Registrar to remove;
- (b) restore to the register any entry which the Council directs the Registrar to restore;
- (c) correct any entry, omission, misdescription or error in the register which the Council directs the Registrar to correct;
- (d) remove from the register, with the approval of the Council, the name of any person who has died or who has for a period of at least one year ceased to be resident in Seychelles or who, in accordance with this Act, ceases to be a registered member.

### **Redress for reject applicants**

**25.** An applicant aggrieved by the refusal of the Council to register the applicant as a construction professional may within 3 months of such refusal, appeal to the Appeals Board.

### **Certificate of registration**

**26.(1)** Where the requirements for registration have been satisfied, the Council shall on receipt of the prescribed fee from the applicant, issue to the applicant a certificate of registration.

(2) A certificate of registration is valid for 12 months and shall be in such form as the Council may determine.

(3) A certificate of registration may be subject to such conditions as the Council may determine.

(4) A certified copy of a certificate of registration made by the Registrar shall be prima facie evidence that the person, to whom the certificate relates, is a registered construction professional.



(5) A letter signed by the Registrar stating that a person is not a registered construction professional, shall be prima facie evidence of that fact.

(6) The holder of a certificate of registration shall display it in a prominent position at the holder's office.

(7) Where a certificate of registration has been lost, destroyed or damaged, it may be replaced by the Council by the issue of a copy thereof on the application of the holder thereof, and on the payment of the prescribed fee.

(8) Where the Council refuses an application for registration as a registered construction professional, the Council shall provide reasons for such refusal.

### **Certificate of registration and valid licence as prerequisite to practice**

27.(1) Save where this Act otherwise provides, a person shall not engage in any construction services in Seychelles unless that person possesses both a certificate of registration and a licence at the date of commencing construction services.

(2) A person who engages in any construction services in contravention of subsection (1) commits an offence.

(3) A licence shall be obtained from the Licensing Authority in accordance with the Licences Act or any other written law.

(4) Notwithstanding subsection (1), a registered professional member, graduate member or associate member who —

(a) is a public officer; or

(b) is employed by a corporate member,

is not required to obtain a licence to engage in construction services provided by the Government or corporate member, as the case may be.

(5) For the avoidance of doubt —

- (a) a corporate member shall obtain a licence to engage in construction services;
- (b) a registered construction professional, employed under a contract of employment by a registered professional member who owns a business other than a firm of construction professionals, is not required to obtain a licence.

(6) For the purposes of enforcing compliance under this Act, the Council and the Licensing Authority shall share information on all construction professionals who have obtained a licence or a certificate of registration in accordance with this Act.

#### PART 4

#### RIGHTS AND PRIVILEGES OF CONSTRUCTION PROFESSIONALS

#### **Illegal practice**

**28.(1)** Subject to this Act, a person shall not, in Seychelles, —

- (a) draw or prepare any architectural plan, drawing, tracing, design, specification or other document intended to govern the construction, enlargement or alteration of any building or part of a building;
- (b) engage in any of the prescribed branches of engineering work, or draw or prepare any plan, sketch, drawing, design, specification or other document relating to any of the prescribed branches of engineering work; or
- (c) supply or provide prescribed survey services, unless the person has a certificate of registration.

(2) Any document that is signed in contravention of subsection (2) shall be invalid.

(3) Subject to this Act, no person shall —

- (a) use or cause or permit to be used any written words, titles or

initials or any abbreviation thereof, such as “engineer”, “Er.”, “Engr.”, “architect”, or “surveyor”, which are be intended to cause or may reasonably cause any person to believe that the person using them is authorized to supply construction services in Seychelles; or

- (b) advertise or conduct one's self in any way or by any means as a person authorized to supply construction services in Seychelles, unless at the time of so doing the person is a professional member.

(4) A graduate member may use the words “graduate engineer”, “graduate architect”, “graduate surveyor” or similar title or description that does not mislead in believing that the graduate member is a professional member.

(5) An associate member may use the words “associate engineer”, “associate architect”, “associate surveyor” or similar title or description that does not mislead in believing that the associate member is a professional member.

(6) A registered graduate member or register associate member who possesses a licence shall perform construction services under the employment, authority, direction, supervision and control of a registered professional member.

(7) A person who contravenes this section shall be liable on conviction to a fine of level 1 on the standard scale and if the person is a repeat offender, to a fine of level 2 on the standard scale or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

### **Employment of unregistered construction professionals**

**29.(1)** Subject to this Act, a person shall not employ as a construction professional, —

- (a) in case of a corporate member or a professional member, a construction professional who does not possess a certificate of registration;

- (b) in case of any other person, a construction professional who does not possess both a certificate of registration and a valid licence.

(2) A person who contravenes this section shall be liable on conviction to fine of level 2 on the standard scale unless the person can prove that the person had a reasonable cause to believe that the person employed as a construction professional was compliant with section 27.

### **Entitlement to recover fees**

30.(1) Notwithstanding any other law, a construction professional who breaches section 27 is not entitled to recover in any proceedings any fee, charge, gratuity, remuneration or other reward under an agreement for construction services.

(2) A person, who has made any payment to a construction professional who was not compliant with section 27 at the time of carrying out construction services, may recover the payment in a court of competent jurisdiction if the person did not know or had reason to believe, when making payment, that the construction professional breached section 27.

(3) Nothing in subsection (1) shall prevent any a person from taking action mentioned in that subsection in respect of anything lawfully done while such person was compliant with section 27.

### **Minor construction services**

31. Nothing in this Act shall be construed to prohibit or prevent any person not registered under this Act from carrying out work in respect of the construction of or repairs to any building or part thereof in any case which plans are not required by any written law to be submitted to the Planning Authority.

## **PART 5 DISCIPLINE**

### **Professional misconduct**

32.(1) For the purposes of this Act, “professional misconduct” means, in relation to a construction professional, —

- (a) negligence;
- (b) failure to make reasonable provisions for the safeguarding of life, health or property of a person who may be affected by the construction service or any work for which the construction professional is responsible;
- (c) failure to correct or report a situation that the construction professional believes may endanger the safety or welfare of the public;
- (d) failure to make responsible provision for complying with applicable laws, standards and codes in connection with construction services or any work being undertaken by or under the construction professional;
- (e) undertaking construction services or any work which the construction professional is not competent to perform by virtue of the construction professional's training or expertise;
- (f) conduct or an act relevant to the practice of construction professionals which, having regard to the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional;
- (g) failure to abide by the terms or conditions of the certificate of registration issued to the construction professional;
- (h) permitting, counselling or assisting a person who is not registered under this Act to engage in the practice of construction services except as provided for in this Act;
- (i) procuring registration by a statement which is false in a material particular;
- (j) the repeated performance of defective construction services to which adequate checks have not been applied;
- (k) making any report in connection with the performance of construction services containing any information which the

construction professional knows to be erroneous in any material particular; or

- (l) unjustified refusal to remunerate the services of any person contracted by the construction professional to carry out work on that professional member's behalf;
- (m) failure to maintain full professional indemnity insurance as specified in section 33 or to provide information in relation to the professional indemnity insurance as specified under section 34.

(2) In this section, “negligence” means an act or omission in the carrying out of construction services which constitutes a failure to maintain the standards which a reasonable and prudent construction professional would maintain in the circumstances.

### **Professional indemnity insurance**

**33.(1)** The Minister may by Order published in the Gazette direct that a class, category or grade of registered construction professional shall maintain full professional indemnity insurance at all times during which the construction professional holds a licence to practise.

- (2) The professional indemnity insurance policy shall cover —
  - (a) loss or damage to the construction professional's equipment employed in the provision of the construction services;
  - (b) civil liability for damage caused to third parties arising out of the provision of the construction services;
  - (c) accidental death, dismemberment or permanent disability resulting from bodily injury incurred in connection with the provision of the construction services; and
  - (d) any other matter specified in the Order under subsection (1).
- (3) The Council, on the approval of the Minister responsible for

finance, may establish, administer, maintain or operate a professional insurance liability scheme for construction professionals for the purpose of subsection (2) and in respect of such scheme may —

- (a) determine classes of membership for insurance;
- (b) determine the insurance fee or contribution for members in each class;
- (c) determine the deductibles that apply in certain circumstances;
- (d) provide for payment of insurance fees by instalment or in advance; and
- (e) provide for specific types or values of transaction which require additional insurance fees or contributions to be paid.

### **Proof of insurance**

**34.** The Council may at any time require a registered construction professional who holds a licence to practise to provide proof of —

- (a) the professional indemnity insurance;
- (b) the current status of the insurance policy including, proof of regular and up to date payment of premiums in respect of the insurance policy.

### **Complaints of professional misconduct**

**35.(1)** A complaint that a construction professional has committed professional misconduct may be made to the Council by any person in such form as the Council may determine.

(2) If the Council is of the opinion that any complaint so made might, if established, call for the exercise of any of a disciplinary powers conferred by section 37, the Council shall appoint a disciplinary committee and shall refer the complaint to it.

## **Disciplinary Committee**

**36.(1)** A Disciplinary Committee shall comprise 3 or more professional members who shall be appointed by the Council.

(2) In the conduct of the hearing of any complaint, the Disciplinary Committee shall commence a formal inquiry into any complaint and may require any person —

- (a) to attend at a specified time and place and give evidence before the Disciplinary Committee; and
- (b) to produce all books, documents and papers in the custody of such person or under the person's control which may be related to or be connected with the subject-matter of the formal inquiry.

(3) The Disciplinary Committee —

- (a) shall not be bound by the Evidence Act, Cap. 74, or by any other written law relating to evidence;
- (b) may administer an oath or affirmation to any person giving evidence before it; and
- (c) may regulate its own procedure for a formal inquiry.

(4) On an application made by the Disciplinary Committee to the Registrar of the Supreme, the Registrar of the Supreme Court may issue a summons for a person to appear before the Disciplinary Committee to give evidence where the person has failed to appear before the Disciplinary Committee on a previous occasion after given notice to do so.

(5) A Disciplinary Committee shall complete its inquiry not later than 6 months from the date of its appointment, unless the Council, on application of the Disciplinary Committee, allows otherwise.

(6) The decision of the Disciplinary Committee shall be by a majority of votes and shall be submitted in writing to the Council.



### **Disciplinary Powers of the Council**

37.1) On the hearing of a complaint, the Disciplinary Committee shall make its recommendations to the Council and the Council may either dismiss the complaint or make such order of a disciplinary nature as it thinks fit, and such order may, in particular, provide for any of the following matters in relation to the person complained against, that is to say —

- (a) removal of the construction professional's name from the register;
- (b) suspension of the construction professional's registration for a period not exceeding one year;
- (c) payment, by the construction professional, of a penalty to the council not exceeding SCR 100, 000;
- (d) payment, by the construction professional, of costs or of such sum as the Council may consider to be reasonable contribution towards the costs incurred in connection with the hearing.

(2) Any payment ordered to be made by any person under paragraph (c) or (d) of subsection (1) may be enforced by the Council by ordering the construction professional's registration to be suspended until payment is made.

(3) Notwithstanding any written law, where an order under subsection (1)(a) or (b) is made against a corporate member, the Disciplinary Committee shall order that —

- (a) the name of the professional member identified under section 19 be removed from the register;
- (b) the professional member identified under section 19 be suspended.

### **Order of the Council**

38.(1) Every order made by the Council under section 37 shall be prefaced by a statement of the Disciplinary Committee's findings on the

facts of the case and shall be signed by the Chairperson of the Disciplinary Committee.

(2) Every such order shall be filed with the Registrar and shall take effect where —

- (a) no appeal under section 44 is brought against the order within the time limited for the appeal;
- (b) an appeal is brought and is withdrawn or struck out, on the withdrawal or striking out of the appeal;
- (c) an appeal is brought and is not withdrawn or struck out, if and when the appeal is dismissed and not otherwise.

(3) The Registrar shall cause a note of the effect of every order filed with the Registrar pursuant to subsection (2) to be entered in the register against the name of the person to whom the order relates and, except in the case of an order making provision only for costs, shall forthwith on the taking effect of the order cause a notice stating the effect of the order to be published in the Gazette.

### **Power to order immediate suspension**

**39.(1)** Notwithstanding section 38(2), the Council may make an order for removal or an order for suspension in respect of any construction profession if the Council is satisfied that to do so is necessary for the protection of members of the public or would be in the best interest of the construction professional.

(2) Where an order under subsection (1) is made in respect of a construction professional, the construction professional's registration shall be suspended or removed forthwith when the order is made.

(3) In this section “order for removal” means an order under section 37(1)(a) for the removal of a construction professional's name from the register and “order for suspension” means an order under that section 37(1)(b) for the suspension of a person's registration in the register.

(4) Notwithstanding any written law, where an order for removal or an order for suspension is made against a corporate member, the

professional member identified under section 19 shall be suspended or the name of that professional member shall be removed from the register, as the case maybe.

### **Removal of name from register**

**40.(1)** The Registrar shall remove particulars of a construction professional from the register on the —

- (a) application of the construction professional; or
- (b) taking effect of an order of the Council under section 39(2) or (4), in relation to that construction professional:

Provided that where a complaint has been made against any construction professional under section 35(1) the person's name shall not be removed under paragraph (b) of this subsection until the complaint, or any appeal in relation thereto, has been finally disposed of under this Act.

(2) Where the name of any construction professional has been removed from the register or the construction professional's registration has been suspended, any certificate of registration or licence issued to the construction professional shall cease to have effect for as long as that construction professional's name remain off the register or, as the case may be, suspension continues in force.

(3) The Registrar shall cause the name of any construction professional whose name has been removed from the register or who has been suspended to be published in the Gazette.

(4) Where the name of any construction professional has been removed from the register, the Council shall, in writing, require that construction professional to return to the Registrar any certificate of registration issued to the person.

(5) Any person who fails without reasonable excuse to return the certificate of registration issued to the person, as required by subsection (4), commits an offence and is liable to pay to the Council a fine of SCR 1, 000 and to a further fine of SCR 50 for each day during which the offence continues.

### **Restoration of name to the register**

41.(1) The Council may at any time, on application being made by a construction professional whose name has been removed from the register or whose registration has been suspended determine if the Council thinks fit, that such person's name shall be restored to the register or, as the case may be, that the person's suspension shall cease with effect from such date as the Council may appoint shall forthwith give notice of any such determination to the Registrar.

(2) On receipt of the notice of a determination made by the Council under subsection (1) in relation to any person, the Registrar shall forthwith cause the name of that person to be restored to the register or, as the case may be, cause a note of the cessation of the suspension to be entered therein, and in either such case —

- (a) shall cause notice of the determination of the Council to be published in Gazette; and
- (b) shall cause the certificate of registration returned under section 40(3) to be reissued to that person.

### **Appeal of Orders**

42. Any person dissatisfied with any order or decision of the Council, made under this Part, shall first appeal to the Appeals Board within 3 months from the date of receipt of the order or decision.

#### PART 6 APPEALS

### **Establishment of Appeals Board**

43.(1) There is established an Appeals Board appointed by the Minister.

(2) Subject to subsection (3), the Appeals Board shall comprise a representative of —

- (a) the Attorney General;
- (b) the Fair Trading Commission;

- (c) a non-governmental organization that represents the interests of the private sector.

(3) Where a representative of the Fair Trading Commission or non-governmental organization is unavailable to sit on the Appeals Board for any reason, the representative may be substituted by an additional representative of the Attorney General or by such other suitable person that the Minister may appoint.

(4) A decision of a majority of the members of the Appeals Board is the decision of the Appeals Board.

(5) The Appeals Board shall regulate its own proceedings.

### **Grounds of appeal**

44.(1) A person directly affected by a decision of the Council, including a decision in relation to an application for registration or a decision of the Council based on a report made by a committee, may within 3 months of such decision, appeal the decision to the Appeals Board on the following grounds that —

- (a) the Council failed to comply with the provisions of this Act or any regulations or rules made under this Act and that the failure amounted to a significant breach of such procedures;
- (b) the decision of the Council is based on information that is substantially incorrect or is of insufficient weight to support the decision; or
- (c) the decision of the Council is arbitrary or unreasonable, or inconsistent with or unsupported by the policies of the Council.

### **Powers of the Appeals Board**

45.(1) At the hearing of an appeal, the Appeals Board may —

- (a) confirm the decision of the Council;
- (b) set aside the decision of the Council; or

- (c) set aside the decision of the Council and substitute any other decision that the Council has authority to take as the Appeals Board specifies.

(2) At the hearing of an appeal, the Appeal Board may seek the opinion of an expert in any relevant construction-relation discipline.

## PART 7 GENERAL PROVISIONS

### General offences

46. A person who —

- (a) fraudulently makes, causes or permits to be made, any false or incorrect entry in the register or any copy of it;
- (b) fraudulently procures or attempts to procure the entry on the register of any name or other particulars whether on the person's own behalf or on behalf of any other person;
- (c) fraudulently procures or attempts to procure a certificate of registration or a licence;
- (d) knowingly being unqualified to conduct any construction services;
- (e) knowingly makes any statement which is false in a material particular or misleading, with a view to gaining any advantage under this Act;
- (f) forges or submits any document purporting to be an academic qualification;
- (g) impersonates any person registered under this Act;
- (h) refuses or fails without good excuse to appear, having been duly summoned to appear, at a hearing of the Disciplinary Committee;
- (i) obstructs or hinders a member of the Council or a Committee of the Council in the exercise of the person's

powers or the performance of the person's functions under this Act,

commits an offence and is liable on conviction to a fine of level 4 on the standard scale.

### **Funds and resources of the Council**

**47.(1)** The funds and resources of the Council shall consist of —

- (a) monies received by the Council in connection with the performance of its functions;
- (b) special grants or other funds as may from time to time be provided by the government or any other entity or agency, whether national or international;
- (c) such amounts as may be appropriated by the National Assembly; and
- (d) all other property and assets duly acquired by the Council.

(2) The funds of the Council shall be applied in defraying the following expenditure —

- (a) the emoluments, remuneration, fees or allowances of the Council, staff of the Council, members of committees and the Appeals Board established by the Council;
- (b) the capital and operating expenses, including maintenance and insurance, of the property of the Council;
- (c) the making and maintenance of investments of the Council; and
- (d) any other expenditure authorised by the Council in the discharge of its functions.

### **Accounts of the Council**

**48.(1)** The Council shall keep proper accounts and records of the funds of the Council and shall prepare for each financial year a statement of accounts.

(2) The accounts of the Council shall be audited annually by the Auditor General or by an auditor authorised by the Auditor General.

(3) As soon as the accounts and statements of accounts of the Council have been audited under subsection (2), the Council shall send to the Minister a copy of the statement of accounts together with a copy of any report made by the auditor on the statement or on the accounts of the Council.

### **Protection of action taken in good faith**

49. A member of the Council, the Registrar or any person acting under the authority of the Council under this Act shall not be liable to any loss, damage, claim or be subjected to any legal action for any function performed in good faith.

### **Law inconsistent with this Act**

50. Where any provision of any law is in conflict or inconsistent with any provision of this Act, the provision of this Act shall prevail.

### **Powers to make Regulations**

51. The Minister may, in consultation with the Council, make regulations —

- (a) prescribing the form of and the method of keeping the Construction Professional Register;
- (b) prescribing the particulars which the Construction Professional Register shall contain;
- (c) prescribing the form of any application, certificate of registration or other document required for the purposes of this Act;
- (d) prescribing the form of any application, certificate of registration or other document required for the purposes of this Act;
- (e) prescribing the fees payable in respect of the registration of applicants, the issue, renewal and replacement of



certificates of registration, and any alterations or additions to the Construction Professional Register;

- (f) regulating any matters in relation to the grade, class or category of construction professional;
- (g) regulating the proceedings of the Council and any other matter necessary for the efficient discharge of its functions;
- (h) for establishing criteria for the registration of the construction professionals;
- (i) prescribing general standards of conduct for construction professionals;
- (j) regulating all matters in relation to architectural draughtsperson or technician;
- (k) regulating all matters in relation to project managers;
- (l) for any other matter for the better carrying out of the purposes of this Act which may be or is required to be prescribed under this Act.

### **Transitional provision**

**52.** A person who is practising as a construction professional in Seychelles may continue to do so, without being registered or without holding a certificate of registration or licence issued under this Act —

- (a) for a period of 10 months from the date of commencement of this Act; and
- (b) if before the expiration of the period specified in paragraph (a) the person applies for registration under this Act, until the person is registered and a certificate of registration, as the case may be, is issued or until such application is refused or withdrawn.