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TABLE OF CONTENTS

GAZETTE SUPPLEMENTS

Gazette Supplements of 2024 are published by Order.

GAZETTE SUPPLEMENTS

Gazette	Description	Price
44	Seychelles Airports Authority Act, 2024. (Act 8 of 2024)	140.00
	Seychelles Civil Aviation Authority Act, 2024. (Act 9 of 2024)	132.00
	Central Bank of Seychelles (Amendment) Act, 2024. (Act 10 of 2024)	148.00
	Wild Animals and Birds Protection (Amendment) Act, 2024. (Act 11 of 2024)	12.00
	Functional Capacity Assessment Board Act (Commencement) Notice, 2024. (S.I. 57 of 2024)	4.00

**WILD ANIMALS AND BIRDS PROTECTION (AMENDMENT)
ACT, 2024**

(Act 11 of 2024)

ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Amendment of section 3



**WILD ANIMALS AND BIRDS PROTECTION (AMENDMENT)
ACT, 2024**

(Act 11 of 2024)

I assent

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

Wavel Ramkalawan
President

9th August, 2024



AN ACT TO AMEND THE WILD ANIMALS AND BIRDS PROTECTION ACT, CAP 247.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Wild Animals and Birds Protection (Amendment) Act, 2024.

Amendment of section 3

2. The Wild Animals and Birds Protection Act, Cap 247, is amended by repealing subsection (1) of section 3 and substituting therefor with the following —

“(1) Any person guilty of an offence against any regulation made under this Act shall, on conviction, be liable to a penalty prescribed by regulation or, where no such penalty is prescribed, to a fine not less than SCR25,000 and not exceeding SCR1,000,000 or to imprisonment not exceeding seven years, or to both such fine and imprisonment.”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 31st July, 2024.



Mrs. Tania Isaac
Clerk to the National Assembly

CENTRAL BANK OF SEYCHELLES (AMENDMENT) ACT, 2024*(Act 10 of 2024)***ARRANGEMENT OF SECTIONS****Sections**

1. Short title
2. Amendment of section 2
3. Amendment of section 3
4. Amendment of section 4
5. Amendment of section 4A
6. Insertion of section 4B
7. Amendment of section 5
8. Amendment of section 6
9. Amendment of section 7
10. Insertion of section 7A
11. Amendment of section 8
12. Amendment of section 9
13. Insertion of section 9A
14. Amendment of section 10
15. Amendment of section 11
16. Amendment of section 14
17. Amendment of section 15
18. Amendment of section 16
19. Amendment of section 18
20. Amendment of section 20
21. Amendment of section 21
22. Amendment of section 23
23. Amendment of section 24
24. Insertion of section 24A
25. Amendment of section 29
26. Amendment of section 29A
27. Insertion of section 29B
28. Amendment of section 31
29. Amendment of section 32
30. Amendment of section 33
31. Amendment of section 40
32. Amendment of section 40A

33. Insertion of section 40B
34. Amendment of section 41
35. Amendment of section 44
36. Amendment of section 46
37. Insertion of Part XIVA
38. Amendment of section 50



CENTRAL BANK OF SEYCHELLES (AMENDMENT) ACT, 2024

(Act 10 of 2024)



I assent

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

Wavel Ramkalawan
President

9th August, 2024

AN ACT TO AMEND THE CENTRAL BANK OF SEYCHELLES ACT, (CAP 26).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Central Bank of Seychelles (Amendment) Act, 2024.

Amendment of section 2

2. Section 2 of the Central Bank of Seychelles Act, in this Act referred to as the principal Act is amended —

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

“non-executive director” means a member of the Board other than the Governor or Deputy Governors”.

- (b) by repealing the definition of “force majeure” and substituting it with the following new definition —

“force majeure” includes —

- (a) a catastrophic event posing a severe funding market disruption as determined by the Bank;
- (b) a disaster as defined in the Disaster Risk Management Act, 2014;
- (c) a state of emergency declared pursuant to the Constitution; or
- (d) a public health emergency declared under the Public Health Act, 2015,

which, in the opinion of the Bank, substantially and materially disrupts or is likely to substantially and materially disrupt the stability of the economy and financial system;

- (c) by repealing the definition of “marketable securities” and substituting it with the following new definition —

“marketable securities” means securities bearing interest at prevailing market rates and having the tenure of outstanding government securities;”

Amendment of section 3

3. Section 3 of the principal Act is amended by repealing subsections (2) and (3), and substituting them with the following —

“(2) The Bank shall, in pursuit of its objectives and discharge of its functions, act independently and shall not be under the direction or control of any person or authority.

(3) A person shall not improperly seek to influence the Board, its decision-making bodies, or any of the Bank's employees, in the discharge of their duties or otherwise interfere in their lawful activities.”

Amendment of section 4

4. Section 4 of the principal Act is amended by repealing subsection (2), and substituting it with the following —

“(2) Without prejudice to the primary objective of the Bank under subsection (1), the other objectives of the Bank are to promote financial stability and soundness of the financial system of Seychelles.”

Amendment of section 4A

5. The principal Act is amended, by repealing section 4A, and substituting it with the following section —

“Functions of the Bank

4A.(1) The functions of the Bank are to —

- (a) formulate and implement monetary policy with a view to promoting its primary objective;
- (b) determine the foreign exchange rate regime in accordance with section 25(5);

- (c) have macro-prudential oversight over Seychelles' financial system and co-ordinate activities involved in the safeguarding of financial stability in order to maintain and enhance a stable financial system;
- (d) license, regulate and supervise the activities of financial institutions and other entities under its regulatory purview;
- (e) issue currency notes and coins that are legal tender and regulate all matters relating to the domestic currency;
- (f) hold and manage all the official foreign reserves of Seychelles;
- (g) promote the establishment and oversight of a safe, secure, efficient and effective national payment system;
- (h) advise the Government on banking, monetary and financial matters, including the monetary implications of proposed fiscal, credit policies or operations of the Government;
- (i) act as banker and fiscal agent to the Government;
- (j) act as banker to banks;
- (k) act as the resolution authority for banks and other designated institutions;
- (l) establish facilities for the collection and consolidation of credit information or any other information which the Bank considers relevant in the discharge of its functions;

- (m) fairly, reasonably, and effectively handle financial consumer disputes within its regulatory purview; and
- (n) collect, compile, disseminate, on a timely basis, monetary and other financial statistics relevant to the Bank's objectives and functions.

(2) The Bank shall have all the necessary, incidental or ancillary powers to give effect to its objectives and carry out its functions.

Insertion of new section 4B

6. The principal Act is amended by inserting after section 4A, the following section —

“Laws relating to the Bank's objectives

4B.(1) Any law concerning matters relating to the objectives of the Bank shall be subject to consultation with the Bank before it is laid before the National Assembly.

(2) Where a provision of an enactment hampers the Bank's ability to achieve its objectives or carry out its related functions, this Act shall prevail.

(3) A provision of this Act shall not be amended or repealed without prior consultation with the Bank.”

Amendment of section 5

7. The principal Act is amended, by repealing section 5, and substituting it with the following section —

“The Board of Directors

5.(1) There shall be a Board of Directors, in which all the powers of the Bank shall be vested, which shall —

- (a) oversee the functioning of the Bank; and
- (b) be responsible for the policy and affairs of the Bank.

(2) Without derogating from the generality of subsection (1), the Board shall have power to —

- (a) approve the regulations, guidelines and instructions of general application to be issued by the Bank;
- (b) approve the budget of the Bank;
- (c) approve the annual report of the Bank;
- (d) make decisions regarding the establishment or abandonment of a branch of the Bank;
- (e) determine the strategic direction and policies applicable to the administration and operations of the Bank;
- (f) determine the accounting policies of the Bank and approve the Bank's financial statements;
- (g) approve the procedures of the Board, the Audit and Risk Committee and any other body of the Bank;
- (h) determine and establish an effective governance, risk and compliance structure within the Bank;
- (i) appoint the chairperson of the committees appointed under section 9 (9) of the Act;
- (j) appoint the secretary of the Board upon recommendation of the Governor;

- (k) approve the appointment and dismissal of the Head of Internal Audit;
 - (l) approve external assignments of the Governor, Deputy Governors and employees of the Bank; and
 - (m) do all such things as are necessary or incidental to the exercise and performance of other powers and functions granted by this Act or any other Act.
- (3) The Board shall consist of —
- (a) the Governor;
 - (b) the Deputy Governors; and
 - (c) six non-executive directors.

(4) The term of office of the Governor, Deputy Governors and non-executive directors of the Board shall be six years and they are eligible for re-appointment provided that a member shall not serve more than two terms in their respective office.

(5) Notwithstanding subsection (4), the members of the Board who are appointed for the first time upon the commencement date of the Central Bank of Seychelles (Amendment) Act, 2024, shall be appointed at different times for a period of six years to ensure continuity of the management of the Bank.

(6) The terms of office of the Board members performing the functions of office on the commencement date of this Act, shall be deemed to have commenced on the dates on which they were appointed.”

Amendment of section 6

8. The principal Act is amended, by repealing section 6, and substituting it with the following section —

“The Governor, Deputy Governors and members

6.(1) The Governor, Deputy Governors and non-executive directors shall be fit and proper persons who —

- (a) hold an advanced university degree in financial, banking affairs, or economics; and
- (b) have at least eight years of professional experience and have held a senior position for at least five years.

(2) Notwithstanding subsection (1)(a), non-executive members may alternatively hold an advanced degree in auditing, compliance, administration, human resources, risk management, information technology, accounting or law.

(3) The Governor and the Deputy Governors shall be appointed by the President in consultation with the non-executive directors of the Board.

(4) The non-executive directors shall be appointed by the President on the recommendation of the Governor, who shall consult the Nomination and Remuneration Committee prior to making such recommendation in accordance with section 9C(3)(a).

(5) The remuneration terms and conditions of the Governor, Deputy Governors and non-executive directors shall be determined by the President based on proposals made in accordance with sections 9B(3)(b) and 9C(3)(b) of the Act.

(6) The Governor or, in his or her absence, the First

Deputy Governor and in the absence of the Governor and the First Deputy Governor, the Second Deputy Governor shall —

- (a) preside at the meetings of the Board;
- (b) be the chief executive officer of the Bank responsible to the Board for the execution of its policy and the day-to-day management of the Bank;
- (c) appoint employees at such remuneration, terms and conditions in accordance with approved Board policies;
- (d) subject to the provisions of this Act, or any resolution of the Board, have the power to act, contract and sign instruments and documents on behalf of the Bank; and
- (e) have the power to delegate such powers to other employees of the Bank.”

(7) The remuneration and allowances of the Governor, Deputy Governors and the non-executive directors shall not be reduced during their term of office.”

Amendment of section 7

9. Section 7 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by repealing paragraph (g), and substituting it with the following paragraph —
 - “(g) being a non-executive director of the Board, he or she is also an employee of the Bank;”

- (ii) in paragraph (h), by deleting the full stop (“.”) and substituting it with “; or”;
- (iii) by inserting after paragraph (h), the following paragraph —
 - “(i) is a public officer, official or representative of a public body, not including an academic.”
- (b) by inserting after subsection (1), the following new subsection —
 - “(1A) Notwithstanding subsection (1), a member of the Board shall be allowed to be a member of —
 - (a) the Financial Stability Committee established under the Financial Stability Act, 2023; and
 - (b) a board of one public body as long as the public body does not have a banking or finance role.
- (c) in subsection (2), by inserting after the words “the President shall remove him or her from office” the words “in accordance with section 7A”.
- (d) by inserting after subsection (6), the following subsections —
 - “(7) A Board member shall not, for a period of six months following his or her exit from office, take employment, provide consultancy services or be appointed as a director of any institution under the regulatory jurisdiction of the Bank.
 - (8) Subsection (7) shall annul and substitute any cooling off period negotiated and provided for contractually or otherwise.”

Insertion of new section 7A

10. The principal Act is amended by inserting after section 7, the following section —

“Appointment of tribunal

7A.(1) In this section, “high judicial officer” means a person who has held or is qualified to hold the post of a judge of the Supreme Court or Justice of Appeal or such similar position.

(2) Whenever it appears to the President that a Governor, Deputy Governor or non-executive director of the Board no longer meets the requirements of his or her office in accordance with section 7 of the Act, the President shall appoint a tribunal to inquire into the matter.

(3) The tribunal shall —

- (a) consist of not less than three and not more than five persons, one of whom is a high judicial officer or is an attorney-at-law with more than seven years of experience; and
- (b) be presided over by the person who is the high judicial officer or the attorney-at-law referred to in paragraph (a).

(4) When conducting its inquiry, the tribunal shall provide the Board member concerned, an opportunity to be heard.

(5) The tribunal shall submit its findings and recommendations to the President for his determination within 30 days of its appointment.

(6) At the time of the appointment of the tribunal, the President may, if the member concerned is the Governor or a Deputy Governor, grant the member leave of absence, and in the

case of a non-executive director, suspend the director pending the investigation.

(7) Members of the tribunal shall be paid such fee as may be determined by the President and shall be an expense incurred by the Bank.”

Amendment of section 8

11. Section 8 of the principal Act is amended —

- (a) in subsection (1) by repealing the word “rules” and substituting it with the word “guidelines”;
- (b) by repealing subsection (3).

Amendment of section 9

12. Section 9 of the principal Act is amended —

- (a) by renumbering subsections (4), (5), (6), (7), (8) as subsections (7), (8), (9), (10), (11);
- (b) by repealing subsection (3) and substituting it with the following subsection —

“(3) A quorum for a meeting of the Board shall be two executive directors and four non-executive directors, entitled to vote, provided that any matter requiring urgent action may be determined by two executive directors and three non-executive directors.”

- (c) by inserting after subsection (3), the following new subsections —

“(4) Notwithstanding subsection (3), decisions made by the Board shall not be invalidated in the absence of a quorum, merely by reason of the existence of a vacancy or vacancies on the Board.

(5) Decisions made under subsection (4) shall be ratified by the Board as soon as the Board has quorum.

(6) The Board may make guidelines to provide for the holding of meetings of the Board and voting at such meetings by teleconferencing or by any other electronic means of communication.”

(d) in subsection (7), by repealing the words “, except for the Attorney General who shall have no voting rights,”.

Insertion of new sections 9A, 9B and 9C

13. The principal Act is amended by inserting after section 9, the following sections —

“Audit and Risk Committee

9A.(1) The Board shall establish an Audit and Risk Committee consisting of at least three non-executive directors —

- (a) who shall possess qualifications and experience in accounting, auditing, banking, economics, risk management, compliance, information technology or administration; and
- (b) of whom at least one member shall possess accounting or auditing expertise.

(2) The Audit and Risk Committee —

- (a) shall elect a chairperson from amongst its members;
- (b) shall meet not less than four times a year; and
- (c) may consult external and independent experts on any matter before them.

- (3) The Audit and Risk Committee shall be responsible for —
- (a) reviewing and endorsing policies pertaining to the audit, compliance, risk management and business continuity functions of the Bank;
 - (b) overseeing the work of the internal audit division and the divisions and units related to the governance of the Bank;
 - (c) overseeing the implementation of the recommendations of the internal and external auditors;
 - (d) reviewing and recommending the approval of the Bank's financial statements and accounting policies to the Board;
 - (e) reviewing and recommending the approval of the Bank's budget to the Board;
 - (f) recommending the appointment and dismissal of the Head of Internal Audit to the Board;
 - (g) reviewing the appointment, reappointment or termination of external auditors in consultation with the office of the Auditor General;
 - (h) endorsing the external auditor's review of the financial statements prior to the Board's approval;
 - (i) overseeing the Bank's internal controls; and
 - (j) any other function assigned by the Board.
- (4) The Audit and Risk Committee shall provide a report to the Board on the performance of its functions at least twice a year.

Human Resources Committee

9B.(1) The Board shall establish a Human Resources Committee consisting of at least three non-executive directors who shall possess qualifications and experience in financial or banking affairs, auditing, administration, human resource or information technology.

(2) The Human Resources Committee —

- (a) shall elect a chairperson from amongst its members;
- (b) shall meet not less than four times a year; and
- (c) may consult external and independent experts on any matter being considered by the Committee.

(3) The Human Resources Committee shall be responsible for —

- (a) monitoring the implementation and effectiveness of the human resource strategies and activities of the Bank;
- (b) submitting the proposed remuneration of the executive directors, as agreed by the non-executive directors, to the President; and
- (c) any other function assigned by the Board.

Nomination and Remuneration Committee

9C.(1) The Board shall establish the Nomination and Remuneration Committee consisting of three independent persons, who are of recognised standing and possess qualifications and experience in fields relevant to central banking, human resources management or corporate governance.

(2) The Nomination and Remuneration Committee shall elect a chairperson from amongst its members.

(3) The Nomination and Remuneration Committee shall be responsible for —

- (a) proposing appropriate individuals to fulfil the role of non-executive directors of the Board for the consideration of the Governor, who will submit names of the most appropriate candidates to the President for his determination; and
- (b) proposing appropriate remuneration of non-executive directors for the consideration of the Governor, who will submit the recommended remuneration to the President for his determination.

(4) Members of the Nomination and Remuneration Committee shall be paid such fee as may be determined by the Board and shall be an expense incurred by the Bank.

(5) A member of the Nomination and Remuneration Committee shall be dismissed by the Board if he or she has been convicted, whether in Seychelles or elsewhere, of a felony involving dishonesty, fraud or any other similar offence.

Amendment of section 10

14. Section 10 of the principal Act is amended, by repealing subsection (5) and substituting it with the following subsection —

“(5) Any person who contravenes any provision of this section commits an offence and is liable on conviction to a fine of Level 3 on the Standard Scale or to imprisonment for 6 months or both.”

Amendment of section 11

15. The principal Act is amended, by repealing section 11 and substituting it with the following section —

“Confidentiality

11.(1) A person who serves or has served as a member of the Board, the Nomination and Remuneration Committee, or as an employee of the Bank shall not disclose any confidential information acquired in the course of the performance of his or her duties under this Act or any other law, relating to the affairs of the Bank or any entity that falls under the Bank's supervision to any person except —

- (a) for purposes of the performance of his or her duties or the exercise of his or her powers under this Act or any other law;
- (b) when required to do so by a court of law or under any other law;
- (c) for the purposes of meeting the requirements of an agreement or understanding undertaken by the Bank with any other central bank, supervisory or resolution authority which are consistent with the objectives and functions of the Bank under this Act.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of Level 4 on the Standard Scale or to imprisonment for one year or both.”

Amendment of section 14

16. The principal Act is amended, by repealing section 14 and substituting it with the following section —

“Authorised capital of the Bank

14.(1) The authorised capital of the Bank shall be an amount equivalent to R550 million.

(2) Notwithstanding subsection (5), the Government shall build up the authorised capital of the Bank over a period of ten years starting as at 1 January 2024.

(3) All capital stock of the Bank as and when issued shall be for the sole account of the Government and shall not be transferable or subject to encumbrance.

(4) The authorised capital of the Bank —

- (a) may be increased by such amounts proposed by the Bank and approved by the Government;
- (b) shall be reviewed at least every ten years; and
- (c) shall not be reduced at any time.

(5) For the purposes of this Act, all authorised capital shall be deemed to be fully paid up.”

Amendment of section 15

17. Section 15 of the principal Act is amended —

- (a) by renumbering subsections (4) and (5) as subsections (7) and (8) respectively;
- (b) by repealing subsections (1) to (3) and substituting them with the following subsections —

“(1) The Bank shall establish and maintain a General Reserve to which distributable earnings referred to under section 16 shall be allocated at the end of each financial her

year, and the General Reserve together with authorised capital shall form the statutory capital of the Bank.

(2) The General Reserve under subsection (1) shall not accumulate a balance of less than zero.

(3) The Bank shall establish a revaluation reserve to account for unrealised gains and losses, owing to its positions with foreign currencies, gold, financial instruments, and other assets.”

(c) by inserting after subsection (3) the following new subsections —

“(4) Where according to the latest audited annual financial statements of the Bank, the General Reserve accumulates a balance of less than zero, the Bank shall, within a period of not more than 30 calendar days of publication of the annual accounts, assess the situation and prepare a report on the causes and extent of the shortfall.

(5) Where the Board approves the report prepared under subsection (4), the Bank shall request for a capital contribution from the Government to remedy the deficit with a prospect of restoring the General Reserve to at least zero.

(6) Upon receipt of the request made under subsection (5), the Government shall, within a period of no more than 90 calendar days, transfer to the Bank the necessary amount in currency or in negotiable debt instruments with a specified maturity issued at prevailing market interest rates.”

(d) In subsection (7) by repealing the words “subsection (3)” and substituting them with the words “subsection (6)”.

(e) In subsection (8) by repealing the words “subsection (4)” and substituting them with the words “subsection (7)”.

Amendment of section 16

18. Section 16 of the principal Act is amended —

- (a) by renumbering subsection (3) as subsection (4);
- (b) by repealing subsection (2) and substituting it with the following subsection —

“(2) Where the Bank has distributable earnings for any financial year, 100 per cent of those earnings shall be distributed to the General Reserve until the statutory capital reaches 10 percent of monetary liabilities.”

- (c) by inserting after subsection (2), the following subsection —

“(3) Any residual distributable earnings remaining after the distribution in subsection (2) shall be transferred to the Consolidated Fund.”

Amendment of section 18

19. Section 18 of the principal Act is amended, by repealing subsection (5) and substituting it with the following subsection —

“(5) For the purpose of this Act, a coin or note shall be deemed to have been illegally dealt with if it has been impaired, diminished or lightened otherwise than by fair wear or tear, has been defaced by any name, word, device or number being stamped or engraved on it, or has been marred, spoilt, torn, burnt or suffered any other form of deliberate and willful abuse whether or not the coin or note has been diminished or lightened.”

Amendment of section 20

20. The principal Act is amended, by repealing section 20 and substituting it with the following section —

“Issue of notes and coins**20.** The Bank —

- (a) shall arrange for the printing of notes and the minting of coins and for all other related matters, including the security of such notes and coins;
- (b) shall issue, reissue, withdraw and, at its discretion, exchange notes and coins including legal tender notes and coins issued before the commencement of this Act;
- (c) may issue currency in digital form;
- (d) shall arrange for the storage and safe custody of notes and coins; and
- (e) shall arrange for the destruction, disposal or recycling of currency notes and coins withdrawn from circulation or otherwise found by the Bank to be unfit for use.”

Amendment of section 21**21.** Section 21 of the principal Act is amended —

- (a) in subsection (1), by repealing the words “and design” and substituting them with the words “, material, design and other characteristics”;
- (b) in subsection (3), by inserting after the words “in the *Gazette*” the words “and in other media platforms likely to reach the public's attention”

Amendment of section 23**22.** Section 23 of the principal Act is amended —

- (a) by repealing subsection (3) and substituting it with the following —

“(3) The Bank may, by notice published in the *Gazette* and in a daily local newspaper, specify a period during which notes or coins which have ceased to be legal tender may be exchanged at the head office of the Bank or other designated place, after which those notes or coins shall no longer be exchanged.” and

- (b) by inserting after subsection (3), the following subsection —

“(4) The Bank may levy a handling charge, as it may determine, for the exchange of notes or coins in accordance with subsection (3).”

Amendment of section 24

23. The principal Act is amended, by repealing section 24 and substituting it with the following section —

“No right to recover value of lost, stolen or mutilated notes or coins

24.(1) A person shall not be entitled to recover from the Bank the value of any lost, stolen, mutilated or imperfect note or coin or of any note or coin which has been illegally dealt with.

- (2) The Bank may —

- (a) withdraw and confiscate without compensation any notes and coins that have been illegally dealt with or altered in their external appearance, including in particular, notes that have been written on, painted on, dye-stained, stamped or perforated, or to which adhesive matter has been applied; and

- (b) at its discretion, grant compensation in whole or in part if more than 50 per cent of a note or coin's surface has not been lost.”

Insertion of new section 24A

24. The principal Act is amended by inserting after section 24, the following section —

“Reproduction or use of images of notes and coins

24A.(1) A person shall not reproduce or use images of notes and coins issued by the Bank or create any objects that imitate any such note or coin without the prior authorisation of the Bank.

(2) The Bank shall determine the conditions for the reproduction of notes and coins.

(3) Any person who contravenes any provision of this section commits an offence and is liable upon conviction to a fine of Level 6 on the Standard Scale or to imprisonment for 1 year or both.”

Amendment of section 29

25. The principal Act is amended, by repealing section 29 and substituting it with the following section —

“Deposits with and lending by the Bank

29.(1) The Bank may, on such terms and conditions as the Board may determine, open accounts for, accept and remunerate deposits from banks and other institutions.

(2) The Bank may grant loans, advances and rediscounts to a solvent bank or credit union in Seychelles for monetary policy purposes and on a short term basis.

(3) The Bank shall determine the terms and conditions

when granting a loan, advance or rediscount in accordance with subsection (2) which shall include —

- (a) the interest rate chargeable, which shall not be lower than the monetary policy rate; and
- (b) the requirement for the bank or credit union to provide the Bank with adequate collateral for the liquidity provided.”

Amendment of section 29A

26. The principal Act is amended, by repealing section 29A and substituting it with the following section —

“**29A.(1)** Section 29A is repealed.

(2) Notwithstanding the repeal of this section, any loans, advances or rediscounts issued in accordance with section 29A immediately prior to the effective date of the Central Bank of Seychelles (Amendment) Act,2024, shall continue to be valid under the same terms and conditions.”

Insertion of new section 29B

27. The principal Act is amended by inserting after section 29A, the following section —

“Emergency liquidity assistance

29B.(1) To ensure financial stability, the Bank may provide short term emergency liquidity assistance to a bank or credit union in Seychelles which —

- (a) is temporarily illiquid but solvent and viable as determined by the Bank;
- (b) has adequate collateral as determined by the Bank; and

(c) has exhausted all alternative liquidity options.

(2) The Bank shall determine the terms and conditions when providing emergency liquidity assistance under this section, which shall include —

- (a) the maturity of the assistance, which shall be for a period not exceeding 2 weeks but may be rolled over for succeeding periods each of up to 2 weeks, for a total period not exceeding 6 months;
- (b) the collateral to be provided to the Bank, which in the opinion of the Bank shall be sufficient to cover all risks to the Bank associated with such assistance; and
- (c) the interest rate chargeable on the emergency liquidity assistance, which shall be higher than the interest rate applied to loans or advances made in accordance with section 29.

(3) Notwithstanding subsection (1), in order to ensure financial stability, the Bank may, with the agreement of the Minister responsible for finance and on such terms and conditions as the Board determines, provide liquidity support to a bank or credit union in accordance with subsection (2), —

- (a) in the event of uncertainty on the solvency of a temporarily illiquid bank or credit union;
- (b) in the event of uncertainty on the sufficiency of available collateral for emergency liquidity assistance; or
- (c) where necessary for the purposes of meeting resolution objectives.

(4) The Bank may provide liquidity support under subsection (3), only if —

- (a) the Bank is fully indemnified by the Government for any losses it may incur in relation to such assistance; and
- (b) the bank or credit union complies with measures prescribed by the Bank to ensure that the bank or credit union becomes solvent and viable in the context of a resolution or restructuring plan.”

Amendment of section 31

28. Section 31 of the principal Act is amended —

(a) by repealing subsection (1) and substituting it with the following subsection —

“(1) The Bank may, by written notice to each bank or credit union, require —

- (a) the maintenance of such reserves against deposits and other similar liabilities; and
- (b) the submission of reports of the bank or credit union's deposit liabilities and any other relevant information to the Bank as may be specified in the notice.”

(b) in subsection (4) —

(i) by repealing paragraph (a) and substituting it with the following paragraph —

“(a) the Bank shall not, unless the market conditions so require, require banks and

credit unions to hold a total amount of reserves in excess of 40 per cent of the total deposit and other similar liabilities to which reserve ratios are applicable;”

- (ii) by repealing paragraph (d) and substituting it with the following paragraph —

“(d) the required reserve ratios shall be uniform for each class of bank and credit union in Seychelles.”

- (c) by repealing subsection (5) and substituting it with the following subsection —

“(5) A bank or credit union which fails to comply with any requirement of the Bank under subsection (1)(a) shall be liable to pay a financial penalty in accordance with such formula as may be prescribed by regulations.”

- (d) by repealing subsection (6) and substituting it with the following subsection —

“(6) A bank or credit union required to provide information according to subsection (1)(b) which —

- (a) fails, refuses, neglects or unreasonably delays to supply information as required by the Bank; or
- (b) furnishes information which is false or misleading in any material particular;

shall be liable to an administrative penalty in accordance with Part XIVA.

Amendment of section 32

29. Section 32 of the principal Act is amended, in subsection (5) by repealing the words “commits an offence and is liable on conviction to a fine

of R20,000 and to imprisonment for six months” and substituting them with the words “is liable to an administrative penalty in accordance with Part XIVA.

Amendment of section 33

30. Section 33 of the principal Act is amended, in subsection (3) by repealing the words “commits an offence and is liable on conviction to a fine of R20,000 and to imprisonment for six months” and substituting them with the words “is liable to an administrative penalty in accordance with Part XIVA.

Amendment of section 40

31. The principal Act is amended, by repealing section 40 and substituting it with the following section —

“Advances to Government

40.(1) The Bank may, in respect of temporary deficiencies of revenue, grant temporary advances in Seychelles rupees to the Government on such terms and conditions as are determined by the Bank, including —

- (a) such temporary advances being consistent with the monetary policy; and
- (b) subject to an interest rate not lower than the monetary policy rate.

(2) The total amount of such advances outstanding shall not at any time exceed 10 per cent of the Government's average revenue from the preceding three years as determined annually by the Bank, in consultation with the Ministry of Finance and published by notice in the *Gazette*.

(3) Any advances granted under subsection (1) and converted into Government bearer securities, prior to the 31st December, 2022, including those under repurchase agreements,

shall not be included in the limit on advances and shall be used solely for monetary policy purposes.

(4) All such advances shall be repaid as soon as possible and shall in any event be repayable not later than six months after the end of the financial year in which they are granted.

(5) For the purpose of subsection (2) “revenue” does not include borrowings, grants and any other form of financial assistance.”

Amendment of section 40A

32. The principal Act is amended, by repealing section 40A and substituting it with the following section —

“Temporary advances in the event of force majeure

40A.(1) The Bank may grant temporary advances in Seychelles rupees to the Government in the event of force majeure where there is a temporary deficiency of revenue, and the grant of the advance shall be —

- (a) consistent with the primary objective of the Bank, the monetary policy and the established limit on public debt;
- (b) for a period of not more than one year; and
- (c) subject to an interest which shall not be lower than the monetary policy rate.

(2) An application by the Government for an advance in the event of force majeure shall illustrate the event and the means by which it has negatively impacted the Government budget.

(3) The limit on total temporary advances granted under subsection (1) shall be determined by the Board and published by notice in the *Gazette*.”

Insertion of new section 40B

33. The principal Act is amended by inserting after section 40A, the following section —

“Credit provided from proceeds

40B.(1) Notwithstanding sections 40 and 40A, the Bank may provide credit to the Government, in Seychelles rupees —

- (a) from proceeds of special drawing rights, where such special drawing rights were allocated to Seychelles under Article XV of the Articles of Agreement of the International Monetary Fund; or
- (b) from proceeds of other financial assets received by the Bank as a result of the membership of Seychelles to an international financial organisation.

(2) Credit granted in accordance with subsection (1) shall —

- (a) bear such interest as may be determined by the Bank, such rate not being less than the interest rate or charge payable by the Bank in respect of the special drawing rights or other financial asset;
- (b) be for such term as may be determined by the Bank, which term shall not exceed, where applicable, the maturity date or redemption date of the corresponding financial asset;
- (c) be documented in a loan agreement approved by the Board; and
- (d) be reported in the Bank's report and accounts submitted to the President in accordance with section 47(4).”

Amendment of section 41

34. Section 41 of the principal Act is amended by repealing subsection (3) and substituting it with the following subsection —

“(3) In the event of a force majeure, the Bank may purchase or acquire treasury bills and other securities issued or guaranteed by the Government on the secondary market at market interest rates.”

Amendment of section 44

35. Section 44 of the principal Act is amended, by inserting after subsection (2) the following subsection —

“(3) Notwithstanding subsection (2)(c), the Bank may acquire shares or ownership interests in any international bank or international financial organisation or any associated or affiliated bank or financial organisation of such international bank or international financial organisation of which Seychelles or the Bank is a member.”

Amendment of section 46

36. The principal Act is amended, by repealing section 46 and substituting it with the following section —

“Internal audit

46.(1) An internal audit division shall perform internal audit functions of the Bank which shall comprise —

- (a) the provision of independent, objective and risk-based assurance advice on effectiveness of governance, risk management and control processes to the Board as guided by international auditing standards; and
- (b) carrying out any other assignment made by the Board.

(2) The internal audit division shall report functionally to the Audit and Risk Committee and administratively to the Governor.

(3) The internal audit division shall be overseen the Head of Internal Audit who shall be appointed in accordance with section 5(2)(k) of the Act.

(4) The Head of Internal Audit appointed in accordance with subsection (3) shall be a person who —

- (a) has extensive professional experience in the field of accounting or audit;
- (b) is a member of a professional accounting or auditing body;
- (c) is not insolvent or has not been declared bankrupt whether in Seychelles or elsewhere or has entered into an arrangement or composition with creditors;
- (d) has not been convicted of a felony involving dishonesty or of any other similar offence; and
- (e) has not been found to have committed an offence involving dishonesty or fraud after a disciplinary hearing.

(5) The Head of Internal Audit shall be an employee of the Bank and shall carry out his or her responsibilities with a high degree of professionalism and without interference.

(6) A person shall cease to be the Head of Internal Audit in the event that he or she —

- (a) ceases to be an employee of the Bank;
- (b) ceases to be a member of their professional accounting or auditing body;

- (c) has been convicted of a felony involving dishonesty or any other similar offence, whether in Seychelles or elsewhere;
- (d) has not performed his or her duties as would be reasonably expected in accordance with Board approved policies; or
- (e) has been found to have committed an offence involving dishonesty or fraud after a disciplinary hearing.”.

Insertion of Part XIVA

37. The principal Act is amended by inserting immediately after Part XIV, the following new Part.

“Part XIVA Administrative Penalties

Administrative penalties

48A.(1) If the Governor is satisfied on a balance of probabilities that a bank or a credit union or a person has —

- (a) contravened a provision of this Act or its regulations;
- (b) failed to comply with an order under this Act,

the Governor may serve the bank, credit union or person with a notice requiring the bank, credit union or person to pay an administrative penalty in the amount specified in the determination.

(2) The Bank shall prescribe by regulations the amount or range of amounts, of administrative penalty that may be imposed in respect of each contravention of a specified provision of this Act or its regulations, which may be different for first and subsequent contraventions.

(3) The maximum amount of administrative penalty that may be prescribed under subsection (2) shall not exceed R 100 000.

(4) A notice under subsection (1) shall be in the prescribed form and shall contain the prescribed information.

(5) The Governor shall provide the bank, credit union or person with an opportunity to be heard if so requested and, following the opportunity, may —

- (a) cancel the administrative penalty; or
- (b) confirm the administrative penalty, in which case it shall become due and payable to the Bank.

(4) If an administrative penalty has been imposed under this section, no further proceedings may be taken in respect of the matter, other than to enforce payment of the penalty.

Effect of charging an offence

48B. A person who has been charged with an offence under this Act may not be subject to an administrative penalty in respect of the circumstances that gave rise to the charge.

Recovery of administrative penalties

48C. An administrative penalty imposed under this Act is a debt owed to the Bank and may be recovered as such.

Amendment of section 50

38. Section 50 of the principal Act is amended —

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

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

- (a) for penalties of fines not exceeding level 6 on the Standard Scale or imprisonment not exceeding five years;
- (b) where appropriate, imposition of administrative penalties in respect of an offence, which penalties shall be a debt due to the Bank which may be recovered as a civil debt in a court of competent jurisdiction;
- (c) that the payment of an administrative penalty may discharge the person of liability from prosecution for an offence.”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 31st July, 2024.



Mrs. Tania Isaac
Clerk to the National Assembly

SEYCHELLES CIVIL AVIATION AUTHORITY ACT, 2024

(Act 9 of 2024)

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

SECTIONS

1. Short title and commencement
2. Objectives
3. Interpretation

PART II SEYCHELLES CIVIL AVIATION AUTHORITY

4. Seychelles Civil Aviation Authority
5. Board of Directors
6. Functions of Authority

PART III STAFF OF AUTHORITY

7. Chief Executive Officer
8. Inspectors and other staff
9. Powers of inspectors and authorised persons
10. Advisory Committees

PART IV FINANCIAL PROVISIONS

11. Funds of Authority
12. Accounts and Audit
13. Annual report

PART V GENERAL AND TRANSITIONAL PROVISIONS

14. Directions of Minister
15. Protection of Authority

16. Confidentiality
17. Regulations
18. Reports of Authority
19. Transfer of assets, rights and obligations
20. Transfer of staff
21. Other transitional matters
22. Repeals and savings



SEYCHELLES CIVIL AVIATION AUTHORITY ACT, 2024

(Act 9 of 2024)

I assent

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

Wavel Ramkalawan
President

9th August, 2024



AN ACT TO PROVIDE FOR THE CONTINUATION OF THE SEYCHELLES CIVIL AVIATION AUTHORITY; TO PROVIDE FOR THE APPOINTMENT AND FUNCTIONS OF THE BOARD OF THE AUTHORITY; TO PROVIDE FOR THE CONTROL AND REGULATION OF CIVIL AVIATION WITHIN SEYCHELLES; TO PROVIDE FOR THE REPEAL OF THE SEYCHELLES CIVIL AVIATION AUTHORITY ACT; AND TO PROVIDE FOR OTHER CONNECTED OR INCIDENTAL MATTERS.

ENACTED by the President and the National Assembly.

PART I PRELIMINARY

Short title and commencement

1. This Act may be cited as the Seychelles Civil Aviation Authority Act, 2024, and shall come into operation on such date as the Minister may appoint by notice published in the *Gazette*.

Objectives

2. The objectives of this Act are —
 - (a) to provide for the establishment of a framework of regulatory control of civil aviation ensuring the highest levels of safety and security standards in the operation and regulation of the aviation industry within Seychelles;
 - (b) to enable Seychelles to meet its international obligations relating to civil aviation and ensuring compliance with key international aviation agreements, conventions, and standards set by organisations such as the International Civil Aviation Organisation (ICAO) and regional aviation bodies.

Interpretation

3. In this Act, unless the context otherwise requires —

“air traffic control” means the service provided to ensure the safe and orderly flow of air traffic by regulating the movement of aircraft, providing navigational guidance, and managing communication with pilots and other relevant stakeholders;

“airspace management” means the activities and processes involved in the regulation, control, and utilization of airspace to ensure the safe, efficient, and equitable flow of air traffic, taking into account airspace capacity, air traffic demand, and airspace user requirements;

“aviation documents” includes personnel licences, air operator certificates, certificates of registration, certificates of airworthiness, aircraft radio station licences, aerodrome certificates, authorisations, or permits;

“aviation facilities” includes aircraft, aerodromes, air navigation services facilities, hangars, approved maintenance organisations,

workshops, ramps, fuel storage facilities, air operator offices, cargo handling areas or aviation training organisations facilities;

“Authority” means the Seychelles Civil Aviation Authority referred to in section 4;

“Board” means the Board of Directors of the Authority appointed in terms of section 5;

“Chief Executive Officer” or “CEO” means the Chief Executive Officer of the Authority;

“Convention” means the Convention on International Civil Aviation and the Annexes thereto, signed in Chicago on 7 December 1944;

“Director” means a director of the Board of Directors referred to in section 4(2);

“environmental sustainability” means the promotion of practices, policies, and technologies aimed at reducing the environmental impact of aviation, such as carbon emissions, noise pollution, waste management, and the conservation of natural resources, in alignment with national and international environmental standards;

“ground service providers” refers to entities engaged in activities related to passenger and cargo handling, cleaning, towing, refuelling, catering, and other similar services provided to aircraft on the ground, excluding activities on active runways;

“International Civil Aviation Organization” or “ICAO” means the organisation established pursuant to the Chicago Convention and whose objective is to promote the secure and organized development of international civil aviation across the world;

“Minister” means the Minister responsible for civil aviation;

PART II SEYCHELLES CIVIL AVIATION AUTHORITY

Seychelles Civil Aviation Authority

4.(1) The Seychelles Civil Aviation Authority, established under the repealed Seychelles Civil Aviation Authority Chapter 312, shall continue under the same name and with powers and functions as provided for by this Act.

(2) The Authority shall be a body corporate.

Board of Directors

5.(1) The affairs of the Authority shall, be administered by a Board of Directors.

(2) The President shall, in consultation with the national committee responsible for the nomination of senior corporate executives and non-executive officials, and with the responsible Minister, appoint —

- (a) the members of the Board; and
- (b) the Chairperson and Vice-Chairperson of the Board.

(3) The Board of Directors shall consist of —

- (a) a Chairperson;
- (b) a Vice-Chairperson;
- (c) one representative or nominee from the Ministry of Finance;
- (d) one representative or nominee from the parent Ministry;
- (e) not less than five and not more than seven persons, who shall be non-executive Directors; and
- (f) the Chief executive officer, *ex officio*.

(4) A member of the Board shall be a person with proven integrity, relevant cognitive experience and demonstrated capacity in matters relating to civil aviation, industry, trade, finance, law, corporate governance and administration.

(5) The Chief Executive Officer shall not be the Chairperson of the Board.

(6) A member of the Board (excluding the Chief Executive Officer) shall —

- (a) hold office for a period of three years and is eligible for re-appointment;
- (b) not assume automatic reappointment at the end of his or her term of office.

(7) The Board shall exercise its duties and powers in accordance with the provisions of Part XI of the Public Enterprises Act 2023.

(8) Certain provisions applicable to the Board shall be as set out in the First and Second Schedules.

Functions of Authority

6. The Authority shall have the following functions, to —

- (a) advise the Government on all matters relating to civil aviation;
- (b) license, certify, and oversee individuals and organisations involved in aviation activities, including pilots, air traffic controllers, aircraft maintenance organisations, aerodromes and aviation training institutions, air navigation and air navigation facilities and equipment;
- (c) establish and enforce regulations to ensure adequate levels of safety, security, and environmental sustainability in the civil aviation industry;

- (d) regulate the operation of aerodromes and the provision of aerodrome services and facilities;
- (e) regulate the operation of civil aviation activities including air navigation services and facilities;
- (f) conduct risk-based inspections, audits, and investigations to monitor compliance with civil aviation regulations, standards, and recommended practices;
- (g) promote understanding of civil aviation policies and programmes;
- (h) cooperate closely with an authority responsible for aircraft accident and incident investigation in Seychelles where so established including, facilitating the sharing of information, expertise, and resources to ensure comprehensive and effective accident investigations, promoting safety and security improvement and sharing lessons learned across the aviation industry;
- (i) establish and maintain effective safety and security oversight mechanisms, including safety management systems, state safety programme, proactive safety culture promotion, incident and accident investigation capabilities, and comprehensive reporting mechanisms;
- (j) regulate and enforce safety and security standards for ground service providers operating within the civil aviation sector in Seychelles;
- (k) develop and review national standards for security equipment and systems used in aerodromes in accordance with the National Civil Aviation Security Programme;
- (l) establish and implement a National Civil Aviation Security Programme and related matters;

- (m) promote research and development initiatives on matters relating to civil aviation;
- (n) charge fees for services provided by the Authority;
- (o) issue directives to relevant entities for the implementation of the National Civil Aviation Security Programme and policies;
- (p) approve security programs of aircraft operators, aerodrome operators, and other entities related to civil aviation;
- (q) collaborate and enter into agreements and arrangements with organisations or authorities in respect of any matter relating to civil aviation and any other matter as the Authority thinks expedient;
- (r) promote cooperation and exchange of information with other countries or international organisations;
- (s) establish, co-ordinate and maintain state aviation safety and security programmes;
- (t) license or certify aerodromes, regulated agents and air navigation service providers;
- (u) conduct safety oversight activities in the following areas: airworthiness (air), aircraft operations (ops), air navigation services (ans), personnel licensing (pel) and aerodrome and ground aids (aga);
- (v) conduct security, economic and facilitation oversight activities;
- (w) exercise safety oversight in and regulate civil aviation activities relating to the Convention and annexes thereto as amended from time to time;

- (x) act internationally as the national body representing Seychelles in respect of matters relating to civil aviation;
- (y) perform such other functions as may be delegated to the Authority by the Minister under the Civil Aviation Act.

PART III STAFF OF AUTHORITY

Chief Executive Officer

7.(1) The Board shall, in consultation with the President through the responsible Minister, appoint the Chief Executive Officer for the Authority.

(2) The Chief Executive Officer shall hold office on a full-time basis and on such terms and conditions as may be determined by the Board and specified in the instrument of appointment.

(3) A Director is not eligible to be appointed as, or to act as, Chief Executive Officer of the Authority, except with the approval of the President.

(4) The Chief Executive Officer shall be appointed through a competitive recruitment process.

(5) The Chief Executive Officer shall —

- (a) exercise supervision over the day-to-day affairs of the Authority and control and administration of the employees and staff of the Authority;
- (b) be the accounting officer of the funds of the Authority;
- (c) perform such functions as the Board may assign to him or her or as may be conferred or imposed on him or her by or under this Act or any other enactment.

(6) The Chief Executive Officer may delegate any of the powers assigned to him or her or to any employee of the Authority.

Inspectors and other staff

8.(1) The Authority may, on such terms and conditions as it thinks fit —

- (a) employ such officers and other members of staff; and
- (b) engage under contract for services, such other persons to provide professional, technical and other assistance, as is necessary for the effective performance of the functions, exercise of the powers and attainment of the objects of the Authority.

(2) Persons appointed under subsection (1) shall be subject to the supervision and control of the Chief Executive Officer.

(3) The Chief Executive Officer may appoint or designate one or more —

- (a) persons in the service of the Authority as inspectors or authorised officers; and
- (b) persons who are not in the service of the Authority as authorised persons.

(4) The Chief Executive Officer shall ensure that every inspector, authorised officer or person is provided with credentials identifying him or her as such and the inspector, authorised officer or person shall exhibit such credentials at the request of any interested person.

Powers of inspector and authorised persons

9.(1) Every designated authorised officer, inspector or authorised person shall have unrestricted and unlimited access to aircraft, aviation facilities and aviation documents as applicable for the performance of their functions and duties.

(2) An authorised officer, inspector or authorised person shall have the power to prohibit any person from exercising the privileges of any

aviation licence, certificate or other document, for just cause either directly or by using an established process.

(3) An authorised officer, inspector or authorised person shall have the power to prevent an aircraft from flying, when justified, for safety reasons, either directly or by using an established process.

(4) The Chief Executive Officer may limit the powers of authorised officers, inspectors or authorised persons when designating such authorised officer, inspector or authorised person in terms of section 8(3).

Advisory Committees

10.(1) The Chief Executive Officer in consultation with the Minister, may establish *ad hoc* advisory committees composed of local and international experts in specific areas where specialized knowledge is required. Such areas may include, but are not limited to, aircraft accident investigation, aviation security, or air navigation services.

(2) The Board shall support and facilitate the functioning of the advisory committees established by the Chief Executive Officer. This includes providing the necessary resources, assistance, and access to information required for effective committee operations.

(3) The advisory committees shall primarily serve to provide recommendations, advice, and expertise to the management team of the Authority where necessary and shall be appointed on such terms as the Minister shall determine.

(4) The Chief Executive Officer shall report to the Board on the activities and outcomes of the advisory committees, highlighting their contributions and recommendations. The Board may provide feedback or seek additional information where necessary.

PART IV

FINANCIAL PROVISIONS RELATING TO AUTHORITY

Funds of Authority

11.(1) The Authority shall be provided with sufficient financial resources for the effective conduct of its functions.

(2) Pursuant to subsection (1) the funds of the Authority shall consist of —

- (a) any moneys that may be payable to the Authority from moneys appropriated for the purpose by an Act of the National Assembly;
- (b) any donations, grants, bequests or loans made to the Authority by any person or organization or any government of any country with the leave of the Minister;
- (c) the interest and profits generated from the management of its own funds;
- (d) any other moneys accruing to the Authority by way of licence fees, levies, penalty fees or other payments charged in respect of any services rendered by the Authority.

(3) The funds of the Authority shall be applied to the discharge of expenses properly incurred in the carrying out of the functions of the Authority, the payment of remuneration to the members and employees of the Authority and the repayment of any sums borrowed by the Authority.

(4) The net profits of the Authority determined after meeting the expenses of each financial year and making provision for bad and doubtful debts, depreciation of assets and any other purpose deemed necessary by the Authority shall be dealt with in accordance with directions given by the Minister.

(5) The Authority shall establish a transparent financial management system to accurately track and report the utilisation of funds from various sources, including moneys voted by the National Assembly, operational revenue, loans, donations, gifts, and grants, in accordance with the provisions outlined in Part XIII of the Public Enterprises Act, 2023.

Accounts and audit

12.(1) The financial year of the Authority shall be the period of twelve months ending on the 31st December in each year.

(2) The Authority shall keep all records relating to accounts in respect of all the Authority's activities, funds and property, including such particular accounts and records as the Minister may direct in the form and manner approved by the Auditor General.

(3) Article 158 of the Constitution and the provisions of the Public Enterprises Act, 2023, shall apply in respect of the accounts of the Authority.

Annual Report

13.(1) The Authority shall, at the end of each financial year, prepare an annual report of the activities and operations of the Authority during that year and submit such report for approval by the Board.

(2) The Authority shall, not later than three months after the end of the financial year to which the report relates, submit the annual report together with a copy of the report by the Auditor General on the statement of accounts or on the accounts of the Authority to the Minister.

(3) The Minister shall, not later than 3 months from the date of receipt, cause a copy of the report under subsection (2) to be submitted to the National Assembly.

(4) The Authority shall, in the event of any activities that may have an impact on the Republic, make a special report to the Minister.

PART V GENERAL

Directions of Minister

14.(1) The Minister may in writing give general or special directions, not inconsistent with the provisions of this Act, to the Authority regarding the performance of its functions under this Act or any other written law administered by it or any matter that may affect the public interest.

(2) The Authority shall comply with the directions issued under subsection (1).

Protection of Authority

15.(1) The Authority shall be liable for any decision made by it.

(2) Notwithstanding subsection (1), no civil or criminal liability shall attach to the Authority, a member, a committee member, an authorised officer, inspector, authorised person or employee of the Authority, as the case may be, in respect of any act done or omitted to be done in good faith in the performance of their functions.

(3) All members, committee members, inspectors, officers and employees of the Authority shall be deemed to be employed in the public service for the purposes of sections 91 to 96 of the Penal Code.

Confidentiality

16.(1) Members, committee members, inspectors, officers or employees of the Authority shall not divulge or disclose any information acquired by reason of their membership of the Board or a committee, or holding of office or employment, except —

- (a) in the performance of a function or the discharge of a duty under or in connection with this Act; or
- (b) where disclosure is permitted by law or an order of the Court.

(2) Any member, committee member, officer or employee of the Authority who discloses, except —

- (a) to the Minister or to any other person for the purposes of carrying out his or her other duties or the performance of his or her functions under this Act; or
- (b) to a police officer for the purposes of an investigation or inquiry relating to the enforcement of the provisions of this Act; or

- (c) when required to do so by any court or under any enactment,

any information acquired by him or her in the carrying out of any duty or the performance of any function under this Act in relation to the business or affairs of any other person shall be guilty of an offence and liable to a fine not exceeding level six on the Standard scale of fines or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Regulations

17.(1) The Minister may in consultation with the Authority make regulations for the purpose of carrying into effect the principles and provisions of this Act and may by Regulations amend the Schedules.

(2) Any regulations made under the Act may provide that any person contravening or failing to comply with any provision of the regulations shall be guilty of an offence and liable on conviction to a fine not exceeding level six on the Standard scale of fines or imprisonment for a term not exceeding four years or both such fine and imprisonment.

Reports of Authority

18.(1) In addition to the annual report referred to in section 13 the Authority shall promptly report to the Minister on significant incidents, policy changes, emerging trends, or any other matters that require immediate attention or notification, considering the practicality of reporting within the available resources.

(2) The Minister may specify additional reporting requirements, including periodic reports or specific information to be furnished by the Authority, as necessary for effective oversight and decision-making, taking into account the resource constraints and practical considerations of the Authority.

(3) At any time the Board may submit to the Minister a special report on any matter upon which the Board considers it desirable to report.

(4) In addition to any annual report which the Authority may be required to submit to the Minister the Board —

- (a) shall submit to the Minister such other reports as the Minister may require; and
- (b) may submit to the Minister such other reports as the Board considers desirable,

in regard to the operations, undertakings and activities of the Authority.

(5) The Board shall give the Minister all information relating to the operations, undertakings and activities of the Authority that the Minister may at any time require.

Transfer of assets, rights, and obligations

19.(1) With effect from such date (the “transfer date”) as the Minister shall specify by statutory instrument (which date may be before or after the fixed date, and which date may be a different date in relation to different assets and liabilities or classes thereof so transferred), the airports and aerodromes shall vest in the authority responsible for airports and aerodromes, together with —

- (a) all the other assets and rights of the Authority which, before the fixed date, were used or otherwise connected with the functioning of those airports and aerodromes; and
- (b) any liabilities and obligations attaching to the assets and rights or the Authority referred to in paragraph (a); and
- (c) such buildings, infrastructure, runways, equipment, vehicles and all attachments relating to the functioning of the airports and aerodromes transferred to the Authority, and such other assets, rights, liabilities and obligations connected with the Authority's functions in relation to airports and aerodromes, as are specified by the Minister, with the approval of the Minister responsible for finance.

(2) If any question arises as to whether any particular movable or immovable property or any particular asset, right, interest, liability, or obligation has been transferred to or vested in the authority responsible for airports under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the property, asset, right, interest, liability, or obligation was or was not so transferred or vested.

(3) All assets, including but not limited to real estate, infrastructure, equipment, and facilities, that are specifically identified in a Directive issued by the Minister shall be transferred from the Seychelles Civil Aviation Authority to the Seychelles Airports Authority on the date of commencement of this Act.

(4) Any deeds, bonds, agreements, and arrangements identified in a Directive issued by the Minister that are relevant to the functions and operations of the Seychelles Airports Authority shall be transferred to and assumed by the Seychelles Airports Authority upon the commencement of this Act.

Transfer of staff

20.(1) As from the date of commencement of this Act, persons employed immediately before the date in the Seychelles Civil Aviation Authority under the repealed Act shall be transferred to the Seychelles Civil Aviation Authority under this Act on terms and conditions not less favourable than those enjoyed by them immediately before the transfer.

(2) As from the date of commencement of this Act, persons employed immediately before the date in the Seychelles Civil Aviation Authority and directly involved in the functioning of airports and aerodromes and all airport, air navigation, and related services shall be transferred to the service of the authority responsible for airports on terms and conditions not less favourable than those enjoyed by them immediately before the transfer.

Other transitional matters

21.(1) From and after the date of commencement of this Act, any reference in the Control of Obstructions Act or Civil Aviation Act to the

Director or Chief Executive Officer of the Seychelles Civil Aviation Authority, the Directorate or the Seychelles Civil Aviation Authority, or any of its officers, shall be deemed to be a reference to the Chief Executive Officer of the Authority appointed under this Act, the Authority, or the corresponding officer.

(2) All deeds, bonds, agreements, and arrangements subsisting immediately before the date of commencement of this Act, specifically identified in a directive by the Minister, relating to civil aviation related services by the Seychelles Civil Aviation Authority or to any person transferred to the service of the Seychelles Civil Aviation Authority, shall continue in force on and after that date and shall be enforceable by or against the Seychelles Civil Aviation Authority as if the Authority had been named in them and had been a party to them under this Act.

(3) All deeds, bonds, agreements, and arrangements subsisting immediately before the date of commencement of this Act, specifically identified in a directive by the Minister, relating to airports, air navigation, and related services by the Seychelles Civil Aviation Authority or to any person transferred to the service of the Seychelles Airports Authority, shall continue in force on and after that date and shall be enforceable by or against the Seychelles Airports Authority as if the Seychelles Airports Authority had been named in them and had been a party to them.

(4) Any proceeding or cause of action pending or existing immediately before the date of commencement of this Act by or against the Seychelles Civil Aviation Authority or any person acting on its behalf may be continued and enforced by or against the Authority, and the Authority shall assume the rights, duties, and obligations of the Seychelles Civil Aviation Authority in such proceedings.

Repeal and savings

22.(1) In this section —

“repealed Act” means the Seychelles Civil Aviation Authority Act (Cap 312).

(2) Subject to this section the Seychelles Civil Aviation Authority Act (Cap 312) is repealed.

(3) Any regulations, rules, by-laws, notices, orders or awards which, immediately before the fixed date, were in force under the repealed Act shall remain in force as if they had been made or granted under this Act.

(4) Any matter or thing which was lawfully made, done or commenced under the repealed Act and which, immediately before the fixed date, had effect or was capable of acquiring effect shall, subject to this Act, continue to have or be capable of acquiring force, as the case may be, and shall be deemed to have been made, done or commenced under this Act.

(5) Any appointments, licenses, certifications, approvals, or other actions taken under the previous Act, which are valid at the commencement of this Act, shall remain in force until their respective terms expire or until revoked or amended in accordance with the provisions of this Act.

(6) Ongoing proceedings, investigations, or other matters initiated or commenced under the repealed Act shall continue and be governed by the corresponding provisions of this Act.

(7) All matters, rights, obligations, or proceedings arising from the repealed acts and pending on the commencement date of this Act shall be addressed and concluded as if this Act had not been enacted.

(8) The Authority shall take all necessary measures to ensure a seamless transition from the repealed acts to this Act, including the transfer of records, personnel, and any other matters necessary for the effective functioning of the Authority.

FIRST SCHEDULE

(Section 5)

POWERS OF AUTHORITY

Powers of the Authority

For the performance of its functions under this act, the Authority shall have the power to —

1. Acquire premises necessary or convenient for the exercise of its functions, subject to compliance with applicable laws, regulations, and international standards. This includes buying, leasing, exchanging, hiring, or otherwise acquiring immovable property and related interests, rights, concessions, grants, powers, and privileges.

2. Acquire movable property necessary or convenient for the exercise of its functions, subject to compliance with applicable laws, regulations, and international standards. This includes buying, exchanging, hiring, or otherwise acquiring movable property.

3. Maintain, alter, or improve the property acquired by the Authority, ensuring adherence to relevant standards and safety requirements.

4. Manage its assets effectively, including the power to mortgage any assets or part thereof, and to sell, exchange, lease, dispose of, turn to account, or otherwise deal with assets not required for the exercise of its functions. The consideration for such transactions shall be determined by the Board in accordance with applicable laws, regulations, and best practices.

5. Draw, make, accept, endorse, discount, execute, and issue promissory notes, bills of exchange, bills of lading, securities, and other negotiable or transferable instruments, as necessary for the Authority's functions, in compliance with relevant financial and legal requirements.

6. Obtain insurance coverage against losses, damages, risks, and liabilities incurred by the Authority, in accordance with prudent risk management practices.

7. Enter into contracts, agreements, and suretyships, or provide guarantees, as required for the exercise of its functions, ensuring fairness, transparency, and compliance with applicable laws, regulations, and procurement guidelines. The Authority shall have the power to modify or rescind such contracts, agreements, suretyships, or guarantees.

8. With the approval of the Minister, take up and subscribe for or otherwise acquire shares in any company or participate in the formation of any company.

Provided that the Authority shall not take up or subscribe for or otherwise acquire shares in a company or form or participate in the formation of a company which is engaged in an activity regulated by the Authority.

9. Provide training programs for its employees, promoting professional development and enhancing industry expertise, subject to available resources and strategic priorities as well as provide training for other civil aviation organisations.

10. Grant loans to employees of the Authority for purposes approved by the Authority.

11. Generally do anything that is calculated to facilitate or is incidental or conducive to the exercise of the Authority's functions in terms of this Act or any other enactment.

SECOND SCHEDULE

(Section 5)

PROVISIONS APPLICABLE TO THE BOARD

Paragraph

1. Disqualifications from membership of Board.
2. Terms of office and conditions of service of members of Board.
3. Vacation of office by members of Board.
4. Filing of vacancies on Board.

5. Dismissal of appointed members.
6. Co-opted members of Board.
7. Meetings and procedure of Board.
8. Electronic meetings of Board.
9. Committees of Board.
10. Members of Board and committees to disclose certain connections and interests.
11. Minutes of proceedings of Board and committees.
12. Remuneration and allowances of members of Board and committees.
13. Validity of decisions and acts of Board and committees.

1. Disqualifications from membership of Board

(1) A person shall not be appointed as a member of the Board, and no person shall be qualified to hold office as a member if he or she —

- (a) is a person who already serves as a Board member of two Boards of public enterprises, unless the President, after consultation with the responsible Minister and the Public Enterprise Commission, specifically authorises the appointment;
- (b) serves as the Chief Executive Officer or an official or member of staff of the particular public enterprise;
- (c) has a conflict of interest;
- (d) has been convicted of any offence under this Act;
- (e) has been convicted of an offence involving dishonest or fraudulent acts within or outside the Republic;
- (f) is adjudged insolvent under the Insolvency Act;
- (g) is adjudged to be of unsound mind;
- (h) has been terminated from public office due to poor performance, misconduct, or disciplinary proceedings;

- (i) has been disqualified by the Court from serving as a public officer;
- (j) is under eighteen years of age;
- (k) is a person who is or would be prohibited from being a Director of a company, or being concerned or taking part in the promotion, formation or management of any commercial activity.

2. *Terms of office and conditions of service of members of Board*

(1) A member of the Board shall —

- (a) hold office for such period, not exceeding three years and is eligible for reappointment;
- (b) not assume automatic reappointment at the end of his or her term of office.

(2) On the expiry of the period for which an appointed member has been appointed to the Board, he or she shall continue to hold office until he or she has been re-appointed or his or her successor has been appointed:

Provided that a member shall not continue to hold office in terms of this subsection for more than six months.

(3) Members of the Board shall hold office on such conditions as the President may fix for members generally.

3. *Vacation of office by members of Board*

(1) A member of the Board shall vacate his or her office and his or her office shall become vacant if he or she —

- (a) resigns from office by giving not less than twenty-eight days' notice in writing to the responsible Minister;

- (b) is removed from office by the President upon recommendation of the responsible Minister;
- (c) becomes disqualified from being a Director under paragraph 1;
- (d) has been found guilty of an offence committed under this Act;
- (e) dies;
- (f) is absent from office for 3 consecutive meetings without the written consent of the Chairperson; or
- (g) completes his or her tenure in office.

4. Filling of vacancies on Board

Subject to this Schedule, on the death of, or the vacation of office by, a member of the Board, the Minister may appoint a person to fill the vacancy:

Provided that, if the number of members is fewer than the minimum number of members specified in paragraph 6, the President shall, in consultation with the national committee responsible for the nomination of senior corporate executives and non-executive officials, and with the responsible Minister, shall forthwith (and in any case within 30 days of the vacancy occurring) appoint a person to fill the vacancy.

5. Dismissal of appointed members

(1) Subject to subparagraph (2), if the Minister is satisfied on reasonable grounds that —

- (a) the Board has contravened this Act or any other law and has failed to rectify the contravention within a reasonable time after being required to do so by the Minister; or
- (b) the Board has failed to comply with a direction in terms of section 8; or

- (c) whether through disagreements among its members or otherwise, the Board is unable to carry out any of its functions in terms of this Act,

and that it is in the national interest to do so, the President may, by written notice to the chairperson and Chief Executive Officer, dismiss all the appointed members and their offices shall become vacant as soon as the Chief Executive Officer receives the notice.

6. Co-opted members of Board

Where for the purpose of any meeting, the Board is of the opinion that the contribution of a particular person would add value to their deliberations, the Board may, with the approval of the Minister, co-opt that person to the Board:

Provided that —

- (a) a person shall not be co-opted to the Board if he or she is disqualified from membership of the Board in terms of paragraph 7;
- (b) a co-opted person shall have no vote in any decision by the Board.

7. Meetings and procedure of Board

(1) Subject to this Act, the Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedures in terms of its Board Charter:

Provided that the Board shall meet at least four times annually.

(2) Every Board —

- (a) shall hold an Annual Meeting not more than 3 months after the close of the financial year of the Authority —

- (i) to consider and approve the report of the Board, the audited financial statements and the auditor's report for the financial year;
 - (ii) to make recommendations on the payment of dividends by the Authority; and
 - (iii) to deal with any financial or other matters of the Authority
 - (iv) to appoint the external auditor of the public enterprise for the next financial year;
 - (b) shall hold a special meeting not less than 3 months prior to the close of each financial year of the Authority in order to consider and approve the budget and the calendar of ordinary meetings, of which there shall be at least one every 2 months, of the next following financial year; and
 - (c) shall in addition to the meetings referred to in paragraphs (a) and (b), hold ordinary meetings —
 - (i) in accordance with the calendar of meetings approved under paragraph (b) provided that the Board may at any of its meetings amend the calendar provided that it holds at least one meeting every 2 months;
 - (ii) when directed in writing (stating the reason for the calling of the meeting) by the Minister;
 - (iii) at the request in writing (stating the reason for the calling of the meeting) of any Directors.
 - (d) Where a meeting is convened in accordance with paragraph (c), the notice of the meeting shall state the purpose of the meeting.
- (3) The quorum for a meeting of the Board shall be as follows —

Total Number of Members	Quorum
Five	Three
Six	Four
Seven to Eight	Five
Nine	Six

(4) The Chairperson or in the absence of the Chairperson, the Vice-Chairperson or, in the absence of both, the Chairperson and the Vice-Chairperson, a Director elected by the other Directors for this purpose at the meeting, shall preside at a meeting of the Board.

(5) At a meeting of the Board each Director has one vote in respect of any matter which is before the Board for its decision but, in the event of an equality of votes, the person presiding at the meeting shall, in addition, have a casting vote.

(6) All decisions, acts, matters or things authorised or required to be done by the Board of the Board shall be by a majority of votes of the Directors present and voting at a meeting at which a quorum is present.

(7) A Director who has a direct or indirect interest in any matter to be decided by the Board of the Authority shall disclose the nature of the interest at a meeting of the Board and shall not vote on the matter nor take part in any discussion in respect of that matter.

(8) All orders, directions or decisions of a Board of a public enterprise shall be given or notified under the hand of the Chairperson, or such other Director as the Board may appoint for this purpose.

(9) The chairperson of the Board may at any time and shall, at the request in writing of not fewer than three members, convene a special meeting of the Board, which meeting shall be convened at a date not sooner than seven days nor later than thirty days after receipt of such request.

(10) At all meetings of the Board each member present shall have one vote on each question before the Board:

Provided that —

- (a) in the event of an equality of votes, the chairperson or person presiding shall have a casting vote in addition to his or her deliberative vote;
- (b) no member shall take part in the consideration or discussion of, or vote on, any question before the Board which relates to his or her vacation of office as a member;
- (c) any proposal circulated among all members of the Board and agreed to by a majority of them shall have the same effect as a resolution passed at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board (but if a member requires that any such proposal be placed before the Board, this subsection shall not apply to the proposal.)

8. Electronic meetings of the Board

(1) In addition to meetings with members physically present, the Board may hold or continue a meeting by the use of any means of communication by which all the members at the meeting can hear and be heard at the same time (hereinafter referred to as an “electronic meeting”).

(2) A member who participates in an electronic meeting is taken for all purposes to have been present at the meeting.

(3) The Board may establish procedures for electronic meetings (including recording the minutes of such meetings).

9. Committees of Board

(1) For the better exercise of its functions, the Board may establish committees in which, it may vest such of its functions as it thinks fit:

Provided that the vesting of a function in a committee shall not prevent the Board itself from exercising that function, and the Board may amend or rescind any decision of the committee in the exercise of that function.

(2) On establishing a committee, the Board may appoint to the committee persons who are not members of the Board, but at least one of the members must be a member of the Board who shall be the chairperson of the committee (or one of them shall be the chairperson if two or more members are appointed to the committee.)

(3) The chairperson of the Board or of a committee of the Board may at any reasonable time and place convene a meeting of that committee.

(4) Subject to this paragraph, subparagraphs (2) to (8) of paragraph 12 shall apply, *with the necessary changes*, to committees and their members as they apply to the Board and its members.

(5) The Board may appoint an advisory committee comprising international experts or representatives from competent civil aviation authorities in partner countries to provide specialized advice and guidance in areas where Seychelles may require external support and expertise.

10. Members of Board and committees to disclose certain connections and interests

(1) In this paragraph —

“relative”, in relation to a member of the Board or a committee, means the member's spouse or a person with whom the member is in a qualifying relationship, child, parent, business partner, associate or employer (other than the State), brother or sister.

(2) Upon appointment of a person as a member of the Board, that person must submit to the Minister and the Board a written statement in which he or she declares whether or not he or she has any interest contemplated in subsection (3).

(3) Subject to subparagraph (5) —

(a) if a member of the Board or of a committee —

(i) knowingly acquires or holds a direct or indirect

pecuniary interest in any matter that is under consideration by the Board or the committee; or

(ii) owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his or her functions as a member; or

(iii) knows or has reason to believe that his or her relative —

A. has acquired or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Board or the committee; or

B. owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association or persons which results in the member's private interests coming or appearing to come into conflict with his or her functions as a member; or

(b) if for any reason the private interests of a member of the Board or of a committee come into conflict with his or her functions as a member;

(c) the member shall forthwith disclose the fact to the Board or the committee, as the case may be.

(4) A member referred to in subparagraph (2) shall take no part in the consideration or discussion of, or vote on, any question before the Board or the committee, as the case may be, which relates to any property, right or interest referred to in that subparagraph.

(5) Nothing in this paragraph shall be taken to prevent members of the Board or of a committee of the Board from taking part in the consideration of, or voting on, any matter that affects members generally in their capacity as persons liable to pay revenue.

(6) If an organisation or enterprise in which the Board member has an interest contemplated in section (1) is requested to offer its services, the Board member shall immediately, in writing, declare his or her interest to the Minister and the Board.

(7) Any person who contravenes subparagraph (2), (3) or (4) shall be guilty of an offence and liable to a fine not exceeding level three on the Standard scale of fines or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

11. Minutes of proceedings of Board and of committees

(1) The Board shall cause minutes of all proceedings of and decisions taken at any meeting of the Board or of a committee of the Board to be entered in books kept for the purpose.

(2) Any minutes which purport to be signed by the chairperson of the meeting to which the minutes relate or by the chairperson of the next following meeting of the Board or the committee concerned, as the case may be, shall be accepted for all purposes on their face as proof of the proceedings of and decisions taken at that meeting.

(3) The Board shall ensure that copies of all minutes of its meetings are sent to the Minister, for his or her information, without delay after they have been signed.

12. Remuneration and allowances of members of Board and of committees

(1) Members of the Board and of committees of the Board shall be paid —

- (a) such remuneration, if any, as the President may from time to time fix for members of the Board or members of committees, as the case may be, generally; and
- (b) such allowances, if any, as the President may fix to meet any reasonable expenses incurred by the member in connection

with the business of the Board or the committee, as the case may be.

(2) Remuneration payable to a member of the Board shall not be reduced during his or her tenure of office.

13. Validity of decisions and acts of Board and committees

No decision or act of the Board or a committee or act that is authorised by the Board or a committee shall be invalid solely because there was a vacancy in the membership of the Board or the committee or because a disqualified person purported to act as a member of the Board or the committee, as the case may be, at the time the decision was taken or the act was done or authorised.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 17th July, 2024.



Mrs. Tania Isaac
Clerk to the National Assembly

S.I. 57 of 2024

FUNCTIONAL CAPACITY ASSESSMENT BOARD ACT

(Act 5 of 2024)

**Functional Capacity Assessment Board Act (Commencement)
Notice, 2024**

In exercise of the powers conferred by section 1 of the Functional Capacity Assessment Board Act, 2024, the Minister responsible for health makes the following notice —

Citation

1. This notice may be cited as the Functional Capacity Assessment Board Act (Commencement) Notice, 2024.

Commencement of Act 5 of 2024

2. The Functional Capacity Assessment Board Act, 2024, shall come into operation on the 1st September, 2024.

MADE this 1st day of August, 2024.

**PEGGY VIDOT
MINISTER OF HEALTH**
