
 S T A T U T O R Y I N S T R U M E N T S

1967 No. 1978

CIVIL DEFENCE
**The Civil Defence (Grant) (Amendment) Regulations
1967**
*Laid before Parliament in draft**Made - - - - 28th December 1967**Coming into Operation 1st January 1968*

In exercise of the powers conferred on me by section 3 of the Civil Defence Act 1948(a), I hereby, with the consent of the Treasury, make the following Regulations, a draft of which has been laid before Parliament and approved by resolution of each House of Parliament :—

1. In the Schedule to the Civil Defence (Grant) Regulations 1953(b) (which sets out the expenses incurred by authorities in or in connection with the discharge of their civil defence functions which are to be completely reimbursed)—

(a) paragraph 3 shall be omitted ; and

(b) at the end of paragraph 6 there shall be added the words “or of training members of the said Corps”.

2. These Regulations may be cited as the Civil Defence (Grant) (Amendment) Regulations 1967 and shall come into operation on 1st January 1968.

James Callaghan,

One of Her Majesty's Principal
Secretaries of State.

19th December 1967.

We consent,

B. K. O'Malley,

Joseph Harper,

Two of the Lords Commissioners of
Her Majesty's Treasury.

28th December 1967.

 (a) 12, 13 & 14 Geo. 6. c. 5.

(b) S.I. 1953/1777 (1953 I, p. 281).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Under the Civil Defence (Grant) Regulations 1953 certain expenses incurred by authorities in or in connection with the discharge of their civil defence functions are completely reimbursed and these expenses are set out in the Schedule to those Regulations. All other expenses so incurred are reimbursed only to the extent of three quarters of the expenses. These Regulations amend the Schedule so as to provide that expenses so incurred in training members of the Civil Defence Corps do not qualify for complete reimbursement, and paragraph 3, which no longer has any application, is omitted.

Note: *S.I. Nos. 1979 to 1981 are local: particulars of them will be found in the Classified List of Local S.I. which commences at p. 5461 below.*

APPENDIX
OF CERTAIN INSTRUMENTS
NOT REGISTERED AS S.I.

Orders in Council,
Letters Patent
and Royal Instructions

relating to the Constitutions etc. of
Overseas Territories or to appeals to the Judicial
Committee,

Royal Proclamations, etc.

SEYCHELLES

The Seychelles Civil Appeals Order 1967

At the Court at Balmoral, The 10th day of October 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and
revocation.

1.—(1) This Order may be cited as the Seychelles Civil Appeals Order 1967.

(2) The Mauritius Judicature (Seychelles Appeals) Order in Council 1904(a) is revoked.

Inter-
pretation.

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

“ appeal ” includes a reserved question of law and a case stated.

(2) The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order or otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

Appeals in
proceedings
to the Court
of Civil
Appeal of
Mauritius.

3.—(1) An appeal shall lie to the Court of Appeal of Mauritius from decisions of the Supreme Court of Seychelles given in any proceedings in such cases as may be prescribed by any law in force in Seychelles.

(2) The Legislature of Seychelles may make provision for the powers, practice and procedure of the Court of Civil Appeal of Mauritius in relation to any matter in respect of which that Court has jurisdiction under this article; and, subject to the provisions of any law in force in Seychelles—

(a) the Court of Civil Appeal shall have the like powers in relation to any such matter as are possessed in relation to that matter by the Supreme Court of Seychelles under the laws of Seychelles;

(b) the process of the Court of Civil Appeal in relation to any such matter shall run in Seychelles as if it were the process of the Supreme Court of Seychelles; and

(c) any decision of the Court of Civil Appeal in respect of any such matter may be enforced in Seychelles as if it were a decision of the Supreme Court of Seychelles.

Pending
appeals.

4.—(1) Any appeal from any decision in a proceeding originating in Seychelles, pending at the commencement of this Order in the Supreme Court of Mauritius, may be continued and concluded in that court as if this Order had not been made.

(2) Any decision of the Supreme Court of Mauritius in any proceeding originating in Seychelles, given before or after the commencement

of this Order, may be enforced or otherwise dealt with in Seychelles as if it were a decision of the Court of Civil Appeal of Mauritius in a proceeding originating in Seychelles.

5. The laws in force in Seychelles at the commencement of this Order relating to appeals to the Supreme Court of Mauritius from proceedings originating in Seychelles shall apply in relation to appeals to the Court of Civil Appeal of Mauritius from such proceedings until such time as other provision in that behalf is made by the Legislature of Seychelles and for that purpose shall be construed with such modifications, adaptations, qualifications and exceptions as to bring them into conformity with this Order. Existing laws.

N. E. Leigh.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for appeals in civil proceedings to lie from the Supreme Court of Seychelles to the Court of Civil Appeal of Mauritius.

SEYCHELLES

The Seychelles Legislative Council (Extension of Duration) Order 1967

At the Court at Balmoral, The 10th day of October 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of all the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation.

1. This Order may be cited as the Seychelles Legislative Council (Extension of Duration) Order 1967.

Extension of duration of Seychelles Legislative Council.

2. So long as this Order is in force section 29(2) of the Seychelles (Legislative Council) Order in Council 1960(a), as amended by section 8 of the Seychelles (Legislative Council) (Amendment) Order in Council 1963(b), shall have effect as if for the words "four years" there were substituted the words "five years".

Duration of Order.

3. This Order shall remain in force until the next dissolution of the Seychelles Legislative Council after the coming into operation of this Order and shall then expire, but without prejudice to anything lawfully done thereunder.

N. E. Leigh.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the maximum life of the existing Seychelles Legislative Council for a further year beyond the period of four years after its first meeting.

(a) S.I. 1960 III, p. 4201.

(b) S.I. 1963 II, p. 2775.

HONG KONG

The Hong Kong Additional Instructions 1967

Dated: 16th October 1967.

ELIZABETH R.

ADDITIONAL INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

1.—(1) These Instructions may be cited as the Hong Kong Additional Instructions 1967 and shall be construed as one with the Hong Kong Royal Instructions 1917 as amended (hereinafter called “the principal Instructions”).

Citation, construction and commencement.

(2) The Hong Kong Royal Instructions 1917 to 1965(a) and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1967.

(3) These Instructions shall come into effect on a date to be appointed by the Governor(b).

2. Clause II of the principal Instructions is amended by substituting for the words “the Senior Military Officer for the time being in command of Our regular troops within the Colony” the words “the Officer for the time being in command of Our regular forces within the Colony (hereinafter called the Commander British Forces)”.

Amendment of clause II of principal Instructions.

3. Clause VII of the principal Instructions is revoked and replaced by the following—

“Summoning of Executive Council. VII. The Executive Council shall not be summoned except by the authority of the Governor.”.

Replacement of clause VII of principal Instructions.

4. Clause VIII of the principal Instructions is amended in subparagraph (a) of paragraph (3) thereof by substituting for the words “Senior Military Officer” the words “Commander British Forces”.

Amendment of clause VIII of principal Instructions.

5. Clause IX of the principal Instructions is revoked and replaced by the following—

“Proceedings in Executive Council. IX.—(1) No business except that of adjournment shall be transacted in the Executive Council if objection is taken by any Member present that there are less than four Members present besides the Governor or the Member presiding.

Replacement of clause IX of principal Instructions.

(2) Subject to the provisions of paragraph (1) of this clause, the Executive Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council, and any proceedings in the Council shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

(3) The Governor or the Member presiding, when in his opinion the business before the Executive Council makes it desirable, may summon any person to a meeting of the Council, notwithstanding that that person is not a Member of the Council.”.

Amendment
of clause
XXVII of
principal
Instructions.

6. Clause XXVII of the principal Instructions is amended—

- (a) by inserting after the word “ Bill ” where it first occurs therein the words “ , not being a Government measure, ” ; and
- (b) by deleting in the second sentence thereof the words “ , not being a Government measure, ” .

Revocation
of clause
XXX of
principal
Instructions.

7. Clause XXX of the principal Instructions is hereby revoked.

Amendment
of clause
XXXIV of
principal
Instructions.

8. Clause XXXIV of the principal Instructions is amended by substituting for the words “ the first meeting of the Executive Council which may be conveniently held thereafter ” the words “ a meeting of the Executive Council ” .

Revocation
of clause
XXXV of
principal
Instructions.

9. Clause XXXV of the principal Instructions is hereby revoked.

Given at Our Court at St. James's this sixteenth day of October 1967 in the Sixteenth year of Our Reign.

HONG KONG

The Hong Kong Letters Patent 1967

LETTERS PATENT passed under the Great Seal of the Realm amending the Hong Kong Letters Patent 1917 to 1960.

Dated: 3rd November, 1967.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Know Ye that We have declared and by these Presents do declare Our Will and pleasure as follows:—

1.—(1) These Our Letters may be cited as the Hong Kong Letters Patent 1967 and shall be construed as one with the Hong Kong Letters Patent 1917(a) as amended (hereinafter called "the principal Letters Patent").

Citation, construction and commencement.

(2) The Hong Kong Letters Patent 1917 to 1960 and these Our Letters may be cited together as the Hong Kong Letters Patent 1917 to 1967.

(3) These Our Letters shall be published in the Hong Kong Government Gazette and shall come into operation upon the date of such publication(b).

2. Article XVI of the principal Letters Patent is amended by the substitution of the words "Subject to the provisions of Article XVII, the Governor" for the words "The Governor".

Amendment of Article XVI of principal Letters Patent.

3. The principal Letters Patent are amended by inserting, after Article XVI thereof, the following new Article—

Insertion of new Article XVII.

"Tenure of office of judge. XVII.—(1) Subject to the provisions of the following paragraphs of this Article a judge of the Supreme Court shall hold office until he attains the age of sixty-two years:

Provided that notwithstanding that he has attained the age of sixty-two years, a person holding the office of a judge of the Supreme Court may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(2) A judge of the Supreme Court may at any time resign his office by writing under his hand addressed to the Governor.

(3) Notwithstanding anything in paragraph (1) of this Article or in any other enactment, a judge of the Supreme Court may be removed from office only for inability to discharge the functions of his office (whether arising from

(a) Rev. X, p. 20.

(b) Day appointed 17.11.67.

infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of paragraph (4) of this Article.

(4) A judge of the Supreme Court shall be removed from office by the Governor by instrument under the Public Seal if the question of his removal from office has, at the request of the Governor made in pursuance of paragraph (5) of this Article, been referred by Us to the Judicial Committee of the Privy Council under section 4 of the Judicial Committee Act 1833 or any other enactment enabling Us in that behalf, and the Judicial Committee has advised Us that the judge concerned ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) If the Governor considers that the question of removing a judge of the Supreme Court from office for inability as aforesaid or for misbehaviour ought to be investigated, then—

(a) the Governor shall, by instrument under the Public Seal (which he may vary or revoke by another such instrument), appoint a tribunal, which shall consist of a Chairman and not less than two other members selected by the Governor from among judges who hold or have held office as judge of a court having unlimited jurisdiction in any part of the Commonwealth or a court having jurisdiction in appeals from any such court ;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of the judge concerned should be referred by Us to the Judicial Committee ; and

(c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(6) If the question of removing a judge of the Supreme Court from office has been referred to a tribunal appointed under paragraph (5) of this Article, the Governor may suspend the judge concerned from performing the functions of his office.

(7) Any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect—

(a) if the tribunal recommends to the Governor that he should not request that the question of the removal from office of the judge concerned should be referred by Us to the Judicial Committee ; or

(b) if the Judicial Committee advises Us that the judge concerned ought not to be removed from office.”.

Replacement
of
Article XVII
of principal
Letters
Patent.

4. Article XVII of the principal Letters Patent is revoked and replaced by the following—

“ Acting
Governor.

XVII.—(1) During any period when the office of Governor is vacant or the holder thereof is absent from the Colony or is for any other reason unable to perform the

functions of his office, those functions shall, during Our pleasure, be assumed and performed by—

- (a) such person as may be designated under Our Sign Manual and Signet or by instructions given by Us through one of Our Principal Secretaries of State; or
- (b) if there is no person in the Colony so designated and able to perform those functions, the person lawfully discharging the functions of Colonial Secretary.

(2) Before assuming the functions of the office of Governor for the first time, any person as aforesaid shall make the oaths directed by Article III of these Our Letters to be made by the holder thereof.

(3) Any such person as aforesaid shall not continue to perform the functions of the office of Governor after the holder thereof, or some other person having a prior right to perform those functions, has notified him that he is about to resume, or assume, those functions.

(4) The holder of the office of Governor or any other person as aforesaid shall not, for the purposes of this Article, be regarded as absent from the Colony or as unable to perform the function of that office at any time when there is a subsisting appointment of a Deputy under Article XVIIIA of these Our Letters.”

5. Article XVIIIA of the principal Letters Patent is revoked and replaced by the following—

“Deputy to Governor.

XVIIA.—(1) Whenever the Governor—

- (a) has occasion to be absent from the Colony for a period which he has reason to believe will be of short duration; or
- (b) is suffering from any illness which he has reason to believe will be of short duration; or
- (c) considers for any reason that the public interest so requires,

he may by instrument under the Public Seal appoint a person to be his Deputy and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in such instrument.

(2) The powers and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a Deputy under this Article and a Deputy shall comply with all instructions which the Governor may address to him, but the question whether a Deputy has in any matter complied with such instructions shall not be enquired into by any court.

(3) Any appointment under this Article may be revoked at any time by Us by instructions given by Us through one of Our Principal Secretaries of State or by the Governor by instrument under the Public Seal, and subject thereto a person appointed under this Article shall hold that appointment for such period as may be specified in the instrument by which he is appointed.”

Replacement of Article XVIIIA of principal Letters Patent.

Power
reserved to
Her Majesty.

6. We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to amend or revoke these Presents.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster the third day of November in the Sixteenth year of Our Reign.

By Warrant under The Queen's Sign Manual.

Coldstream.

SEYCHELLES

The Seychelles Order 1967

At the Court at Buckingham Palace, The 13th day of November 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

1.—(1) This Order may be cited as the Seychelles Order 1967.

Citation and
commence-
ment.

(2) This Order shall be published in the Gazette and shall come into operation on such day as the Governor may, by proclamation published in the Gazette, appoint(a) :

Provided that sections 10 and 11 of this Order shall come into operation on the day on which the Governing Council is first constituted under section 28(1) of this Order.

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

Interpre-
tation.

“the appointed day” means the day appointed under section 1(2) of this Order ;

“financial provision” means provision contained in any law authorising payment out of the revenues or funds of Seychelles or provision contained in an estimate of expenditure approved in the Governing Council ;

“Gazette” means the Government Gazette of Seychelles ;

“Governing Council” means the Governing Council established by section 15 of this Order ;

“oath” includes affirmation ;

“public office” means an office of emolument in the public service ;

“public officer” means a person holding or acting in any public office ;

“the public seal” means the public seal of Seychelles ;

“public service” means the service of the Crown in a civil capacity in respect of the government of Seychelles ;

(a) Day appointed 27.11.67.

“Seychelles” means the Colony of Seychelles as defined in the Seychelles Letters Patent 1948(a) as amended by the British Indian Ocean Territory Order 1965(b) ;

“the specified public service matters” means the appointment (including the appointment on promotion or transfer) of any person to any public office, the suspension, dismissal, or taking of disciplinary action in respect of any public officer, the application to any public officer of the terms or conditions of employment of the public service (including salary scales, allowances, leave, passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision ;

“subsidiary instrument” means any proclamation, regulation, order, rule or other like instrument having the force of law ;

“Supreme Court” means the Supreme Court established by section 64 of this Order ;

“unofficial member” in relation to the Governing Council means an elected member of the Council or a nominated member of the Council (not being a public officer).

(2) In this Order any reference to the holder of an office by the term designating his office includes, to the extent of his authority, any person who is for the time being authorised to discharge the functions of that office.

(3) For the purposes of this Order a person shall not be treated as holding, or acting in, a public office by reason only that he—

(a) is on leave of absence pending relinquishment of a public office ;

(b) is receiving a pension or other like allowance from the Crown ;

(c) is receiving any remuneration or allowance as a member of the Governing Council or a committee of the Council or as a member of the Advisory Committee on the prerogative of mercy ;

(d) is a retired or reserve member of Her Majesty's forces or a special constable ;

(e) is a member, officer or servant of any local government council established under any law for the time being in force in Seychelles ;
or

(f) is the holder of an office in the service or appointment of the Crown, or is performing any functions on behalf of the Crown, if the only payments he receives in respect of that office or those functions are by way of travelling or subsistence allowances or a refund of out-of-pocket expenses ;

and a provision in any law for the time being in force in Seychelles that a person shall not be treated as holding, or acting in, a public office for all or any of the purposes of Part III of this Order shall have effect as if it were included in this Order.

(4) Where any power is conferred by this Order to make any proclamation, order, regulation or rule, or to give any direction, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such proclamation, order, regulation, rule or direction.

(5) References in this Order to the day of an election to the Governing Council or to the day upon which an election to the Council shall be held are references to the day upon which nomination papers in respect of candidates in the electoral area in which the election is held are required, by or under the provisions of any law for the time being in force in Seychelles, to be delivered to the returning officer.

(6) The Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Order, and otherwise in relation thereto, as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

3. The instruments mentioned in Schedule 1 to this Order are **Revocation.**
revoked with effect from the appointed day:

Provided that the Seychelles (Legislative Council) Order in Council 1960(b), the Seychelles (Legislative Council) (Amendment) Order in Council 1963(c) and the Seychelles Legislative Council (Extension of Duration) Order 1967(d) shall be revoked with effect from 10th December 1967.

PART II

THE GOVERNOR

4. There shall be a Governor and Commander-in-Chief of Seychelles, **The**
who shall be appointed by Her Majesty by Commission under Her **Governor.**
Sign Manual and Signet and shall hold office during Her Majesty's
pleasure.

5. The Governor shall have such powers and duties as are conferred **Governor's**
or imposed on him by or under this Order or any other law, and **powers and**
such other powers and duties as Her Majesty may from time to time **duties.**
be pleased to assign to him, and, subject to the provisions of this
Order and of any other law by which any such powers or duties are
conferred or imposed, shall do and execute all things that belong to
his office (including the exercise of any powers conferred upon him
by this Order) according to such Instructions, if any, as Her Majesty
may from time to time see fit to give him; but the question whether
he has in any matter complied with such instructions shall not be
enquired into by any court of law.

6. Every person appointed to the office of Governor shall, before **Publication.**
assuming the functions of his office, cause the Commission appointing **of Commis-**
him to be Governor to be read and published in the presence of the **sion and**
Chief Justice or some other judge of the Supreme Court and of such **making of**
members of the Governing Council as can conveniently attend; and **oaths.**
he shall make before them the oath of allegiance and the oath for
the due execution of his office in the form set out in Schedule 2 to
this Order, which oaths the Chief Justice or other judge shall administer.

7.—(1) During any period when the office of Governor is vacant or **Succession to**
the Governor is absent from Seychelles or is for any other reason unable **Government.**
to perform the functions of his office those functions shall, during Her
Majesty's pleasure, be assumed and performed—

(a) by the person who holds the substantive appointment of Chief
Secretary; or

(b) if the office of Chief Secretary is vacant, or the Chief Secretary
is absent from Seychelles or is for any other reason unable to

(a) 1889 c. 63.

(b) S.I. 1960 III, p. 4201.

(c) S.I. 1963 II, p. 2775.

(d) S.I. 1967 III, p. 5416.

exercise the functions of the office of Chief Secretary, by such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State.

(2) Before any person assumes the functions of the office of Governor under this section he shall make the oaths directed by section 6 of this Order to be made by the Governor.

(3) No person shall continue to perform the functions of the office of Governor after the Governor or some other person having a prior right to perform those functions has notified him that he is about to assume or resume those functions.

(4) The Governor or any other person as aforesaid shall not, for the purposes of this section, be regarded as absent from Seychelles or as unable to perform the functions of the office of Governor—

(a) by reason only that he is in passage from one part of Seychelles to another ; or

(b) at any time when there is a subsisting appointment of a deputy under section 8 of this Order.

(5) In this section “ the Governor ” means the person who holds the office of Governor.

Governor's
deputy.

8.—(1) Whenever the Governor—

(a) has occasion to be absent from the seat of government but not from Seychelles ;

(b) has occasion to be absent from Seychelles for a period which he has reason to believe will be of short duration ;

(c) is suffering from an illness which he has reason to believe will be of short duration ; or

(d) considers for any other reason that the public interest so requires, he may by instrument under the public seal, appoint any person to be his deputy, and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in that instrument, other than any function conferred on the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than the Emergency Powers Order in Council 1939(a) as from time to time amended(b) or replaced.

(2) The powers and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a deputy under this section, and a deputy shall comply with all instructions that the Governor may from time to time address to him ; but the question whether a deputy has in any matter complied with such instructions shall not be enquired into by any court of law.

(3) An appointment under this section may be revoked at any time by Her Majesty by instructions given through a Secretary of State or by the Governor by instrument under the public seal, and, subject thereto, a person appointed as a deputy under this section shall hold that appointment for such period or periods as may be specified in the instrument by which he is appointed.

(4) In this section “ the Governor ” means the person who holds the office of Governor or the person performing the functions of that office under section 7 of this Order.

(a) See S.I. 1952, p. 621.

(b) The amendments are S.I. 1956/731, 1963/88, 1633, S.I. 1964/267, 1199 (1956 I, p. 512; 1963 I, p. 105; III, p. 3004; 1964 I, p. 467; II, p. 2781).

9. The Governor may, in Her Majesty's name and on Her Majesty's behalf,— Prerogative of mercy.

- (a) grant to any person concerned in or convicted of any offence a pardon, either free or subject to lawful conditions ;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence ;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence ; and
- (d) remit the whole or part of any punishment imposed on any person for an offence or of any penalty or forfeiture otherwise due to the Crown on account of any offence.

10.—(1) There shall be an Advisory Committee on the prerogative of mercy which shall consist of— Advisory Committee on prerogative of mercy.

- (a) the Attorney-General ; and
- (b) not less than two nor more than four other members appointed by the Governor by instrument in writing under his hand, of whom one shall be a person qualified to practise in Seychelles as a medical practitioner.

(2) A member of the Committee appointed under subsection (1)(b) of this section shall hold his seat thereon for such period as may be specified in the instrument by which he was appointed :

Provided that his seat shall become vacant if the Governor, by instrument in writing under his hand, so directs.

(3) The Committee shall not be summoned except by the authority of the Governor who shall, so far as is practicable, attend and preside at all meetings of the Committee, and, in his absence such member as the Governor may appoint shall preside.

(4) The Committee shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the committee at any time, and the validity of any proceedings of the Committee shall not be affected by reason only that some person who was not entitled to do so took part therein.

(5) Subject to the provisions of this section the Committee may regulate its own procedure.

11.—(1) Where any person has been sentenced to death for any offence, the Governor shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as he may require, to be considered at a meeting of the Advisory Committee on the prerogative of mercy ; and after obtaining the advice of the Committee he shall decide in his own judgment whether or not to exercise any of his powers under section 9 of this Order. Functions of Advisory Committee on prerogative of mercy.

(2) The Governor may refer to the Advisory Committee on the prerogative of mercy any other case in which it appears to him desirable to obtain the advice of the Committee on the exercise of his powers under section 9 of this Order.

12.—(1) The Governor, in the name and on behalf of Her Majesty, may constitute such offices for Seychelles as may be lawfully constituted by Her Majesty and may abolish any office so constituted by him. Power to constitute offices and make appointments, etc.

(2) Subject to the provisions of this Order, the Governor may—

(a) make appointments (including appointments on promotion or transfer) to any office so constituted by him or to any public office established by or under any law ; and

(b) dismiss, or suspend from the exercise of the functions of his office, any public officer or take such other disciplinary action as he may think fit with respect to such a person.

(3) A person appointed to an office constituted under this section or to any public office established by or under any law shall, unless it is otherwise provided by law, hold office during Her Majesty's pleasure.

(4) The Governor may, by writing under his hand, delegate to any public officer, subject to such conditions as he may specify, any of his powers under subsection (2) of this section relating to appointments to public offices or the dismissal, suspension or the taking of disciplinary action with respect to public officers.

Disposal
of land.

13. Subject to the provisions of any law for the time being in force in Seychelles and of any Instructions from time to time given to the Governor by Her Majesty, the Governor, in Her Majesty's name and on Her Majesty's behalf may make and execute grants and dispositions of any lands or other immovable property within Seychelles which may lawfully be granted or disposed of by Her Majesty.

Public seal.

14. The Governor shall keep and use the public seal of Seychelles.

PART III

THE GOVERNING COUNCIL

Establish-
ment of
Governing
Council.

15.—(1) There shall be a Governing Council for Seychelles.

(2) The Governing Council shall consist of—

(a) the Governor, who shall be President of the Council ;

(b) the Chief Secretary, the Attorney-General and the Financial Secretary, *ex officio* ;

(c) eight elected members ;

(d) four nominated members ; and

(e) such temporary members as may be appointed under section 25 of this Order.

Qualifica-
tions for
elected
membership.

16. Subject to section 18 of this Order, a person shall be qualified to be elected as a member of the Governing Council if, and shall not be qualified to be so elected unless, he—

(a) is a British subject of the age of twenty-one years or upwards ;

(b) has resided in Seychelles for a period of, or periods amounting in the aggregate to, not less than twenty-four months before the date of his nomination for election ;

(c) is registered or qualified to be registered as a voter at elections to the Council ; and

(d) is able to speak, and, unless incapacitated by blindness or other physical cause, to read the English language with sufficient proficiency to enable him to take part in the proceedings of the Council.

17. Subject to section 18 of this Order, a person shall be qualified to be appointed as a nominated member of the Governing Council if, and shall not be so qualified unless, he is a British subject of the age of twenty-one years or upwards.

Qualifications for nominated membership.

18.—(1) No person shall be qualified to be elected as an elected member or to be appointed as a nominated member of the Governing Council who—

Disqualification for elected and nominated membership.

- (a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state ;
- (b) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged ;
- (c) is under sentence of death imposed on him by a court of law having jurisdiction in Seychelles, or is serving a sentence of imprisonment (by whatever name called) of or exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such sentence of imprisonment the execution of which has been suspended ;
- (d) (i) in the case of an elected member, is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government of Seychelles for or on account of the public service, and has not, within the period of one month immediately preceding the day of election published in the English language in the Gazette and in a newspaper circulating in Seychelles, a notice setting out the nature of such contract, and his interest, or the interest of any such firm or company, therein ; or
- (ii) in the case of a nominated member, is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government of Seychelles for or on account of the public service and has not disclosed to the Governor the nature of such contract and his interest, or the interest of any such firm or company, therein ;
- (e) is a person adjudged or otherwise declared to be of unsound mind under any law for the time being in force in Seychelles or detained as a criminal lunatic ;
- (f) in the case of an elected member, holds, or is acting in, any public office ;
- (g) in the case of an elected member, is disqualified for election by any law enacted under this Order, by reason of his holding, or acting in, any office the functions of which involve—
 - (i) any responsibility for, or in connection with, the conduct of any election ; or
 - (ii) any responsibility for the compilation or revision of any electoral register ; or
- (h) is disqualified for membership of the Council by any law enacted under this Order by virtue of being concerned in any offence relating to elections.

(2) For the purpose of paragraph (c) of subsection (1) of this section—

- (a) two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate of those terms ;
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of payment of a fine.

Election of
elected
members.

19.—(1) For the purpose of the election of the elected members of the Governing Council Seychelles shall be divided into eight electoral areas having such boundaries as may be prescribed by a law enacted under this Order.

(2) Each of the electoral areas mentioned in subsection (1) of this section shall return one elected member to the Governing Council who shall be directly elected in such manner as may be prescribed by a law enacted under this Order.

(3) The qualifications and disqualifications for registration as a voter in elections of members of the Governing Council shall be as set out in Schedule 3 to this Order.

Appointment
of
nominated
members.

20.—(1) The nominated members of the Governing Council shall be appointed by the Governor.

(2) Not less than two of the nominated members shall be persons who are not public officers.

Term of
office of
elected
and
nominated
members.

21. Subject to section 22 of this Order, the term of office of an elected member or of a nominated member of the Governing Council shall commence on the day upon which he assumes his seat in the Council in accordance with section 28 of this Order and shall end on the day, following the next general election to the Council after his election or appointment, upon which the Council is reconstituted.

Vacation of
seat of
elected
members and
nominated
members
during term.

22.—(1) A nominated member of the Governing Council shall hold his seat in the Council during Her Majesty's pleasure.

(2) An elected member or a nominated member of the Governing Council shall also vacate his seat in the Council—

- (a) if he is absent from the meetings of the Council in such circumstances and for such period as may be prescribed in the rules of procedure of the Council ;
- (b) if he ceases to be a British subject ;
- (c) if, being an elected member, he is appointed as a nominated member of the Council, or, being a nominated member, he is with his consent nominated as a candidate in any election (not being a general election) of a member of the Council ;
- (d) if he becomes a party to any contract with the Government of Seychelles for or on account of the public service or if any firm in which he is a partner or any company of which he is a director or manager becomes a party to any such contract, or if he becomes a partner in a firm or a director or manager of a company which is a party to such contract :

Provided that, if in the circumstances it appears to him to be just so to do, the Governor may exempt any elected or nominated member from vacating his seat under the provisions of this paragraph, if such member, before becoming a party to such contract

as aforesaid, or before or as soon as practicable after becoming otherwise interested in such contract (whether as a partner in a firm or as a director or manager of a company) has disclosed to the Governor the nature of such contract and his interest therein ;

- (e) if, in the case of a nominated member who was not a public officer at the time of his appointment, he is appointed permanently to any public office ;
- (f) if any circumstances arise that, if he were not an elected or, as the case may be, a nominated member, would cause him to be disqualified to be appointed or elected as such a member by virtue of paragraphs (a), (b), (e), (f), (g) or (h) of section 18 of this Order ; or
- (g) in the circumstances mentioned in section 23 of this Order.

23.—(1) Subject to subsection (2) of this section, if an elected member or a nominated member of the Governing Council is sentenced by a court of law having jurisdiction in Seychelles to death or to imprisonment (by whatever named called) for a term of or exceeding six months, he shall forthwith cease to discharge his functions as a member of the Council and his seat in the Council shall become vacant at the expiration of a period of thirty days thereafter:

Vacation of seat on sentence.

Provided that the Governor may, at the request of the member, from time to time extend that period of thirty days to enable the member to pursue any appeal in respect of his conviction or sentence, so however that extensions of time exceeding in the aggregate one hundred and fifty days shall not be granted without the approval of the Council signified by resolution.

(2) If at any time before the member vacates his seat he receives a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than six months or a punishment other than imprisonment is substituted, his seat in the Governing Council shall not become vacant under the provisions of the preceding subsection and he may again discharge his functions as a member of the Council.

(3) For the purposes of this section—

- (a) two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms ; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

24. If a nominated member of the Governing Council who was not a public officer at the time of his appointment, is appointed temporarily to, or to act in, any public office, he shall take no part in any proceedings of the Council so long as he continues to hold, or to act in, that office.

Nominated member acting in public office.

25.—(1) Whenever an elected or a nominated member of the Governing Council is unable, because he is ill, or absent from Seychelles, or for any other reason, to discharge his functions as a member of the Council, the Governor may appoint to be a temporary member of the Council a person who is qualified for appointment as a nominated member of the Council.

Temporary appointments.

(2) The Governor, in making an appointment under this section, shall appoint—

- (a) in place of a nominated member who is a public officer, a person who is a public officer ;
- (b) in place of an elected member or of a nominated member who is not a public officer, a person who is not a public officer.

(3) A temporary member of the Governing Council—

- (a) shall hold his seat in the Council during Her Majesty's pleasure ;
- (b) shall vacate his seat in the Council when he is informed by the Governor that the elected or nominated member in whose place he was appointed is again able to discharge his functions as a member of the Council or has vacated his seat in the Council under the provisions of section 21 or 22 of this Order.

(4) Subject to the provisions of this section, the provisions of this Order shall apply in relation to a person appointed to be a temporary member of the Governing Council as they apply in relation to the elected or nominated member in whose place he was appointed.

Appointment of member of Council where no candidate nominated.

26.—(1) Where at an election of an elected member of the Governing Council in an electoral area no person is duly nominated as a candidate and it appears to the Governor that there is no reasonable prospect of any person being duly nominated as a candidate at a further election in that electoral area to fill the vacancy, the Governor may appoint a person to be a member of the Council to represent that electoral area :

Provided that no person shall be so appointed unless he is qualified for election as an elected member of the Council.

(2) A person appointed under subsection (1) of this section shall be deemed to have been returned as an elected member of the Governing Council in the electoral area he is appointed to represent and accordingly the provisions of this Order shall apply in relation to him as they apply in relation to an elected member of the Council.

(3) References in section 29(1) of this Order to the election of a member of the Governing Council shall include a reference to the appointment of a person under this section.

General elections.

27.—(1) The first general election of members of the Governing Council shall be held on such day after the commencement of this Order as the Governor may, by proclamation published in the Gazette, appoint.

(2) Subject to subsection (1) of this section, a general election of members of the Governing Council shall be held on such day, being not less than two years and ten months and not more than three years after the Council was last constituted or reconstituted, as the Governor may, by proclamation published in the Gazette, appoint :

Provided that the Governor may, if he considers that it would be in the interests of Seychelles to do so, appoint, in like manner, an earlier day for a general election of members of the Council.

(3) A person shall be eligible for election at a general election of new members of the Council notwithstanding that he is a member of the Council then in being.

28.—(1) The Governing Council shall be first constituted on such day after the commencement of this Order as the Governor shall, by proclamation published in the Gazette, appoint and upon that day the members of the Council (including the members elected at the first general election held after the commencement of this Order and the nominated members then appointed) shall assume their seats therein.

Constitution and reconstitution of Governing Council.

(2) Where a general election of members of the Governing Council has been held after the Council has been first constituted the Governor shall, by proclamation published in the Gazette, appoint a day upon which the Council shall be reconstituted, and upon that day the newly elected members and newly appointed nominated members of the Council shall assume their seats therein.

(3) An elected member of the Governing Council elected otherwise than at a general election shall assume his seat in the Council at the next meeting of the Council after his election and a nominated member of the Council appointed otherwise than upon the first constitution or the reconstitution of the Council or a temporary member of the Council shall assume his seat therein at the next meeting of the Council after his appointment.

29.—(1) Any question whether any person has been validly elected as a member of the Governing Council or whether an elected member of the Council has vacated his seat therein shall be referred to and determined by the Supreme Court in accordance with the provisions of any law for the time being in force in Seychelles.

Determination of questions as to membership of Governing Council.

(2) Any question whether a person has been validly appointed as a nominated member or a temporary member of the Governing Council or whether a nominated member or a temporary member has vacated his seat therein shall be determined by the Governor.

(3) No appeal shall lie from any decision of the Supreme Court in proceedings under subsection (1) of this section.

30. For the purposes of this Order, the *ex officio* members of the Governing Council shall take seniority in the order in which their offices are mentioned in section 15(2)(b) of this Order.

Seniority of *ex officio* members of Governing Council.

31. The Governor may grant leave of absence from his duties to any member of the Governing Council.

Leave of absence.

PART IV

EXECUTIVE FUNCTIONS

32.—(1) The Governor shall consult with the Governing Council in the formulation of policy and in the exercise of all powers conferred upon him by any law for the time being in force in Seychelles except—

Governor to consult Governing Council.

(a) in the exercise of any power conferred upon him by any provision of this Order (other than section 39(1) and 39(2)) ;

(b) in the exercise of any power that in his opinion relates to defence, external affairs, internal security, the police or the specified public service matters ;

(c) in the exercise of any power conferred by any law which he is empowered or directed by that or any other law to exercise in his discretion or without consulting the Council ; or

(d) in cases which, in his opinion, Her Majesty's service would sustain material prejudice by consulting the Council or which are, in his opinion, too unimportant to require the advice of the Council.

(2) The Governor shall not be obliged to consult with the Governing Council in any case in which, in his opinion, the urgency of the matter requires him to act before the Council can be consulted, but in any such case he shall, as soon as practicable, communicate to the Council the measures he has adopted and the reasons for those measures.

(3) Subject to section 33 of this Order, the Governor shall act in accordance with the advice of the Governing Council in exercising any power in the exercise of which he is obliged by this section to consult the Council.

(4) The question whether the Governor has exercised any power after consultation with or in accordance with the advice of the Governing Council shall not be enquired into in any court of law.

(5) The references in this section to the powers of the Governor shall not include references to the power to make laws for the peace, order and good government of Seychelles conferred upon the Governor by section 43 of this Order but shall include references to any power to make subsidiary instruments conferred upon the Governor (whether by a law enacted under that section or otherwise).

33.—(1) In any case in which the Governor is required by section 32 of this Order to consult the Governing Council he may, if he thinks it right to do so, act against the advice given to him by the Council.

(2) Where the Governor acts against the advice of the Governing Council in pursuance of subsection (1) of this section he shall at the first convenient opportunity report the matter to a Secretary of State with the reasons for his action, except in cases where he so acts for the purposes of—

- (a) maintaining or securing the financial or economic stability of Seychelles ; or
- (b) securing that a condition attached to a financial grant made by the United Kingdom Government to the Government of Seychelles is complied with.

34. There shall be a Finance committee of the Governing Council and such number of other committees as the Governor may determine.

35.—(1) The Finance committee of the Governing Council shall consist of—

- (a) the Financial Secretary ;
- (b) the chairmen of each of the other committees of the Council ;
- and
- (c) if the Governor so determines, one unofficial member of the Council who shall be appointed by the Governor.

(2) The Chief Secretary may attend any meeting of the Finance committee but shall not be a member of the committee.

(3) The Governor may designate a public officer as an alternate member of the Finance committee in place of the Financial Secretary and any officer so designated may take part in proceedings of the

Governor may act against advice of Governing Council.

Committees of Governing Council.

Composition of Finance committee.

committee at any time when the Financial Secretary is absent from those proceedings; any reference in section 40 of this Order to the Financial Secretary or to a member of the Finance committee includes a reference to such an alternate member when so acting.

36.—(1) Every other committee of the Governing Council shall consist of—

Composition of other committees.

- (a) a chairman, who shall be appointed from amongst the elected members of the Council;
- (b) two other unofficial members of the Council;
- (c) not more than two public officers; and
- (d) such temporary members as may be appointed under subsection (2) of this section.

(2) A person may be appointed to be a temporary member of a committee referred to in this section to take part in the proceedings of the committee whilst any particular business is under consideration or during any specified period:

Provided that—

- (i) a person shall not be appointed under this subsection unless it appears to the Governor that he is specially qualified by reason of his knowledge or experience to participate in the proceedings of the committee;
- (ii) the number of temporary members of a committee at any time shall not be more than two.

(3) The chairman and the other members of every committee referred to in this section shall be appointed by the Governor.

37.—(1) A member of the Finance committee of the Governing Council appointed under section 35(1)(c) of this Order and the chairman and any other member of any other committee of the Council shall vacate his seat in the committee—

Tenure of office of committee members.

- (a) if the Governor so directs; or
- (b) in the case of a person who, at the date of his appointment, was a member of the Council, if he ceases to be a member of the Council.

(2) A temporary member of a committee of the Governing Council shall also vacate his seat in the committee at the conclusion of the business or the expiration of the period, as the case may be, in respect of which he was appointed.

38.—(1) Subject to the provisions of this section, a committee of the Governing Council shall have such functions in relation to the conduct of the business of the Government of Seychelles in respect of such matters as the Governor may, by directions in writing, prescribe.

Functions of committees.

(2) The functions of a committee of the Governing Council, other than the Finance committee, shall not include functions in relation to the conduct of business in respect of defence, external affairs, internal security, the police or the specified public service matters.

39.—(1) A committee of the Governing Council shall be responsible to the Council in the exercise of its functions and shall act in accordance with the policies of the Government of Seychelles and with such general or special directions as may be given by the Governor:

Committee to act under authority of Governing Council.

Provided that the question of whether it has so acted shall not be enquired into in any court of law.

(2) The recommendations of a committee of the Governing Council as to the policy to be adopted or other action to be taken in the Council with respect to any matter within the competence of the committee shall be submitted to the Council by means of reports of the committee, and a committee shall also make reports to the Council—

- (a) for the purpose of keeping the Council informed of the conduct by the committee of the business within its competence ;
- (b) upon any matter within the competence of the committee in respect of which the Governor requires the committee to make a report ; and
- (c) in such other cases as may be specified in directions to the committee under section 38 of this Order.

(3) If the Governor so directs, a committee of the Governing Council shall cease to deal with any particular business within its competence which is under consideration by the committee.

40.—(1) At any meeting of the Finance committee of the Governing Council the Financial Secretary shall preside :

Provided that if the Chief Secretary attends any meeting of the committee he shall preside.

(2) At any meeting of a committee of the Governing Council (other than the Finance committee) the chairman of the committee shall preside or, in his absence, such member of the committee (being an unofficial member of the Council) as the committee may elect for the purpose shall preside.

(3) In proceedings of the Finance committee every member of the committee present shall have an original vote and if upon any question the votes in the committee are equally divided the person presiding shall have a casting vote.

(4) In proceedings of a committee of the Governing Council, other than the Finance committee, every member of the committee present who is an unofficial member of the Council shall have an original vote and if upon any question the votes are equally divided the person presiding shall also have a casting vote.

(5) A public officer who is a member of a committee of the Governing Council (other than the Finance committee) may authorise any other public officer to attend any meeting of the committee in his place and a person so authorised may take part in the proceedings of the committee at that meeting.

(6) The chairman of a committee of the Governing Council may summon any public officer or, with the permission of the Governor, any other person to a meeting of the committee, notwithstanding that that person is not a member of the committee, when in the opinion of the committee the business before it makes the presence of that person desirable.

(7) Subject to the rules of procedure relating to a quorum in the committee, a committee of the Governing Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the committee at any time and the validity of any proceedings of the committee shall not be affected by reason only that some person who was not entitled to do so took part therein.

(8) The proceedings of a committee of the Governing Council shall be held in private.

(9) Subject to the provisions of this Order, the Governor may make rules for regulating the procedure of any committee of the Governing Council.

(10) Without prejudice to the generality of subsection (9) of this section, rules made by the Governor under this section for regulating the procedure of a committee of the Governing Council may include provision—

- (a) for the exercise, at times when the committee is not meeting, by the chairman of the committee of such of the functions of the committee as may be specified in the rules ;
- (b) the extent to which and the circumstances in which a member of a committee may make public the position taken by that member with regard to any matter in proceedings of the committee ;
- (c) the manner in which a committee shall make reports to the Council.

41.—(1) The Governor may, by order published in the Gazette, provide that, subject to such limitations and conditions as may be prescribed in the order, any of the powers or duties under any local enactment of the Governor or of any public officer or public authority that are specified in the order may be exercised or shall be performed by a committee of the Governing Council.

Governor may authorise committee to exercise statutory functions.

(2) Where an order under subsection (1) of this section in relation to any power or duty is in force—

- (a) the Governor or public officer or public authority, as the case may be, shall not exercise that power or perform that duty ;
- (b) the committee of the Governing Council by which the power is exercisable or the duty is to be performed may vary or rescind anything previously done in the exercise or performance thereof to the same extent as the Governor or public officer or public authority, as the case may be, could have done.

(3) Where, by reason of the revocation or amendment of an order under subsection (1) of this section, a power or duty ceases to be exercisable or is no longer to be performed by a committee of the Governing Council anything done by the committee in the exercise or performance thereof and having effect immediately before the revocation or amendment shall continue to have effect, but without prejudice to the power of the Governor or public officer or public authority or any other committee of the Council authorised under this section to exercise the power or perform the duty to rescind or vary the same.

(4) Nothing in this section shall apply to—

- (a) any power or duty to make any subsidiary instrument ;
- (b) any power or duty of any judge, magistrate or court of law.

(5) In this section—

“local enactment” means an Ordinance made under this Order or an Ordinance being an existing law for the purposes of section 82 of this Order and any subsidiary instrument made under such an Ordinance ;

“public authority” means a corporation, board or committee established by or under a local enactment.

(6) References in this section to a power or a duty of the Governor under any local enactment shall include references to a power or duty expressed by any such enactment to be conferred or imposed upon the Governor in Council.

Saving.

42. The provisions of this Part of this Order shall be without prejudice to the establishment, by or under the rules of procedure of the Governing Council, of committees of the Council for the purpose of the exercise of its functions under Part V of this Order or the establishment by the Governor of committees of the Council for special purposes relating to any of the matters mentioned in section 38(2) of this Order, and nothing in sections 34, 35, 36, 37, 39, 40 or 41 of this Order shall apply to any such committee.

PART V

LEGISLATION

Powers to make laws.

43.—(1) Subject to the provisions of this Order, the Governor, with the advice and consent of the Governing Council, may make laws for the peace, order and good government of Seychelles.

(2) The power to make laws conferred by this section shall be exercised by bills passed by the Governing Council and assented to in accordance with section 45 of this Order.

(3) In the making of laws the Governor and the Governing Council shall conform as nearly as may be to the directions contained in any Instructions given under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

(4) Nothing in this section shall be construed as requiring subsidiary instruments to be made in the manner prescribed by this section.

Governor's reserved power.

44.—(1) If the Governor considers that it is expedient in the interest of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of Seychelles as a territory within the Commonwealth, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer), that any bill introduced, or any motion to which this section applies proposed, in the Governing Council should have effect then, if the Council fails to pass such bill or carry such motion within such time and in such form as the Governor considers reasonable and expedient, the Governor may, at any time, notwithstanding any provisions of this Order or of any rules of procedure of the Council, declare that such bill or motion shall have effect as if it had been passed or carried by the Council either in the form in which it was so introduced or proposed or with such amendments as the Governor thinks desirable which have been moved or proposed in the Council including any committee thereof; and the bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to bills and disallowance of laws, shall have effect accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any member of the Governing Council objects to any declaration made under this section, he may, within seven days after the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and if he requests the Governor so to do, the Governor shall as soon as practicable forward a copy of that statement to a Secretary of State.

(4) Any declaration made under this section other than a declaration relating to a bill may be revoked by a Secretary of State and the Governor shall cause notice of such revocation to be published in the Gazette; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect, and the provisions of section 38(2) of the Interpretation Act 1889 shall apply to such a revocation as they apply to the repeal of an Act of Parliament.

(5) This section applies to —

- (a) any motion relating to or for the purposes of a bill;
- (b) any motion proposing or amending a resolution which, if passed by the Governing Council, would have the force of law;
- (c) any motion proposing or amending a resolution upon which the coming into force or continuance in force of a subsidiary instrument depends.

45.—(1) A bill shall not become a law until—

Assent to bills.

- (a) the Governor has assented to it in Her Majesty's name and on Her Majesty's behalf and has signed it in token of such assent; or
- (b) Her Majesty has given Her assent to it through a Secretary of State and the Governor has signified such assent by proclamation published in the Gazette.

(2) Subject to the provisions of this Order and of any Instructions addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State, the Governor shall, when a bill is presented to him for his assent, declare that he assents or refuses to assent to it or that he reserves it for the signification of Her Majesty's pleasure.

(3) (a) A law assented to by the Governor shall come into operation on the date on which such assent is given, or if it is enacted either in the law or in some other law (including any law in force on the appointed day) that it is to come into operation on some other date, on that date.

(b) A law assented to by Her Majesty through a Secretary of State shall come into operation on the date on which the Governor signifies such assent by proclamation published in the Gazette or, if it is provided either in such law, or in some other law (including any law in force on the appointed day), that it shall come into operation on some other day, on that date.

46.—(1) Any law to which the Governor has given his assent may be disallowed by Her Majesty through a Secretary of State.

Disallowance of laws.

(2) Whenever any law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in

the Gazette, and that law shall be annulled with effect from the date of such publication.

(3) Section 38(2) of the Interpretation Act 1889 shall apply to the annulment of any law under this section as it applies to the repeal of an Act of Parliament, save that any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of annulment as if that law had not been made.

PART VI

PROCEDURE OF THE GOVERNING COUNCIL

Oaths to be taken by members of Governing Council.

47. Before assuming the functions of his office a member of the Governing Council shall make before the Governor, or some person authorized by the Governor in that behalf, an oath of allegiance and an oath for the due execution of his office in the form set out in Schedule 2 to this Order:

Provided that if a person has been a member of the Council *ex officio* or a temporary member of the Council and again becomes such a member it shall not be necessary for that person to make the oaths referred to in this section before assuming the functions of his office as a member of the Council unless the Council has been re-constituted under section 28(2) of this Order since he last made those oaths in the manner required by this section.

Summoning of Governing Council.

48. The Governing Council shall not be summoned except by the authority of the Governor.

Presiding in Governing Council.

49.—(1) The Governor shall, so far as is practicable, preside at any meeting of the Governing Council.

(2) In the absence of the Governor there shall preside at any meeting of the Governing Council such member of the Council as the Governor may appoint or, if no person is appointed or the person appointed is absent, the senior *ex officio* member of the Council present.

Quorum

50. No business except that of adjournment shall be transacted in the Governing Council if objection is taken by any member of the Council present that there are less than six members present beside the Governor or member presiding.

Business of Governing Council.

51.—(1) The Governor shall decide what business shall be considered at any meeting of the Governing Council held in private.

(2) Subject to section 53(1) of this Order, the business to be considered at any meeting of the Governing Council held in public shall be determined in accordance with the rules of procedure of the Council.

Language.

52. The official language of the Governing Council shall be English, but a member of the Council may address the chair in French.

Certain proceedings of Governing Council to be held in public.

53.—(1) The proceedings of the Governing Council for the purpose of the exercise of its functions under Part V of this Order shall be held in public.

(2) The proceedings of the Governing Council other than proceedings mentioned in subsection (1) of this section shall be in private unless the Governor determines in any case that they shall be in public.

54.—(1) Any meeting of the Governing Council for the purpose of proceedings to be held in public shall be summoned by notice of the Governor published in the Gazette. Summoning of meetings to be held in public.

(2) Where the Governing Council meets in pursuance of a summons under subsection (1) of this section the meeting may be adjourned from time to time to a subsequent time ; but for the purpose of that subsection a meeting shall be regarded as having been terminated if the Council is adjourned sine die.

55.—(1) Subject to the provisions of this Order, all questions proposed for decision at any proceedings of the Governing Council held in public shall be determined by a majority of the votes of the members present and voting. Voting at proceedings in public.

(2) Neither the Governor nor any other member of the Governing Council when presiding in the Governor's absence shall have an original vote at any proceedings of the Council held in public but, if upon any question before the Council the votes are equally divided, the Governor or, in his absence, the other member presiding shall have a casting vote.

(3) If upon any question before the Governing Council at any proceedings of the Council held in public the votes are equally divided and the Governor or, as the case may be, the other member presiding does not give a casting vote, the motion shall be declared lost.

56. Except on the recommendation of the Governor, the Governing Council shall not— Restriction on certain measures.

(a) proceed in any public meeting of the Council upon any bill (including any amendment to a bill) which, in the opinion of the person presiding—

(i) makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of Seychelles, or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Government of Seychelles ; or

(ii) would effect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer or in the law, regulation or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives ;

(b) proceed upon any motion in any such meeting (including any amendment to a motion) the effect of which in the opinion of the person presiding is that provision would be made for any of the purposes aforesaid.

57. Subject to section 50 of this Order, the Governing Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council at any time (including any vacancy unfilled when the Council is first constituted or is re-constituted) and the validity of any proceedings of the Council shall not be affected by reason only that some person who was not entitled to do so took part therein. Vacancy in Governing Council not to invalidate proceedings.

58. The Governor or the member presiding may summon any person to a meeting of the Governing Council, notwithstanding that that person is not a member of the Council, when in his opinion Summoning of persons to attend Governing Council.

the business before the Council makes the presence of that person desirable:

Provided that a person shall not be so summoned to a meeting of the Council held in public.

Rules of procedure of Governing Council.

59.—(1) Subject to the provisions of this Order, the Governor may make rules of procedure for the regulation and orderly conduct of the proceedings of the Governing Council and the discharge of business at meetings of the Council.

(2) Subject to section 43(3) of this Order and without prejudice to the generality of subsection (1) of this section, rules of procedure made under this section may include provision for—

- (a) the publication, passing, entitling and numbering of bills and their presentation to the Governor for assent;
- (b) the extent to which and the circumstances in which an unofficial member of the Governing Council may disclose in proceedings of the Council held in public, or otherwise may make public, the position taken by that member with regard to any matter in proceedings of the Council held in private.

Penalty for sitting or voting in Governing Council when unqualified.

60.—(1) Any person who sits or votes in the Governing Council knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding two hundred and fifty rupees for each day upon which he so sits or votes.

(2) Any such penalty shall be recoverable by civil action in the Supreme Court at the suit of the Attorney-General.

PART VII

THE COURT OF APPEAL AND THE SUPREME COURT

Constitution of Court of Appeal.

61.—(1) There shall be a Court of Appeal for Seychelles which shall be a superior court of record.

(2) The judges of the Court of Appeal shall be—

- (a) a President and two or more Justices of Appeal; and
- (b) the Chief Justice and the Puisne judge of the Supreme Court, who shall be members of the Court *ex officio*.

(3) (a) The President and the Justices of Appeal shall be appointed by the Governor in accordance with instructions given by Her Majesty through a Secretary of State and shall hold office on such terms and conditions as the Governor shall, in accordance with such instructions, prescribe;

(b) a person shall not be qualified for appointment as the President or a Justice of Appeal of the Court of Appeal unless—

- (i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland, or a court having jurisdiction in appeals from any such court; or
- (ii) he is entitled to practise as an advocate in such a court and has been entitled for not less than five years to practise as an advocate or a solicitor in such a court;

(c) for the purposes of this subsection, a person shall be regarded as entitled to practise as an advocate or a solicitor if he has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or solicitors) notwithstanding that—

- (i) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court ; or
- (ii) he does not hold a practising certificate or has not satisfied any other like condition of his being permitted to practise.

(4) At any time when the office of President of the Court of Appeal is vacant or the person holding that office is for any reason unable to perform the functions of that office, those functions shall be performed by such one of the Justices of Appeal or such other person qualified for appointment as a Justice of Appeal as may from time to time be designated in that behalf by the Governor.

(5) The Court of Appeal shall have and use a seal bearing the style of the Court and a device approved by the President.

62.—(1) The Court of Appeal shall have jurisdiction to hear and determine such appeals from the courts of Seychelles as may be prescribed by any law for the time being in force in Seychelles. Jurisdiction of Court of Appeal.

(2) In connection with any appeal from a court of Seychelles the Court of Appeal shall, subject to the provisions of this Order and any law for the time being in force in Seychelles, have all the powers and jurisdiction that are possessed by that court under any law for the time being in force in Seychelles ; and decisions of the Court of Appeal in respect of any appeal from a court of Seychelles shall, subject as aforesaid, be enforced in Seychelles in the same way as decisions of that court.

(3) The Court of Appeal may, in accordance with any directions issued from time to time by the President, sit in Seychelles or elsewhere for the purpose of exercising any jurisdiction and powers conferred upon it by or under this section or by any rule made under section 63 of this Order.

63.—(1) Subject to the provisions of this Order, the President may make rules for regulating the practice and procedure of the Court of Appeal with respect to appeals from the courts of Seychelles and, in connection with such appeals, for regulating the practice and procedure in any court of Seychelles from which such appeals are brought. Practice and procedure on appeals.

(2) Without prejudice to the generality of subsection (1) of this section, rules of court may be made for the following purposes:—

- (a) for regulating the sittings of the Court of Appeal, whether in divisions or otherwise, and the selection of judges for any purpose ;
- (b) for regulating the right of practising before the Court of Appeal and the representation of persons concerned in any proceedings in the Court ;
- (c) for prescribing cases in which, and conditions upon which, an appellant in a criminal appeal to the Court of Appeal shall be entitled to be present at the hearing of the appeal ;
- (d) for providing for summary determination of any appeal which appears to the Court of Appeal to be frivolous or vexatious or to be brought for the purposes of delay ;

- (e) for prescribing forms and fees in respect of proceedings in the Court of Appeal and regulating the costs of and incidental to any such proceedings ;
- (f) for prescribing and regulating the powers and duties of registrars and officers of the Court of Appeal ;
- (g) for prescribing the time within which any requirement of the rules is to be complied with ;
- (h) for providing for a reference from a decision of a single judge to the Court of Appeal.

(3) Rules made under this section may fix the number of judges of the Court of Appeal who may sit for any purpose :

Provided that—

- (a) an uneven number of judges shall sit, which, for the purposes of any final determination by the Court of Appeal other than the summary dismissal of an appeal, shall not be less than three ; and
- (b) any determination by the Court of Appeal on any matter (whether final or otherwise) shall, where more than one judge sits, be according to the opinion of a majority of the judges who sit for the purpose of determining that matter.

Supreme Court.

64.—(1) There shall be a Supreme Court for Seychelles which shall be a superior court of record with such jurisdiction and powers as may be prescribed by any law for the time being in force in Seychelles.

(2) The judges of the Supreme Court shall be the Chief Justice and a Puisne judge.

(3) The Supreme Court shall be deemed to be duly constituted notwithstanding any vacancy in the office of a judge of the Court.

Appointment of judges of Supreme Court.

65.—(1) The judges of the Supreme Court shall be appointed by the Governor by instrument under the public seal in pursuance of instructions given to him by Her Majesty through a Secretary of State.

(2) (a) A person shall not be qualified for appointment as a judge of the Supreme Court unless—

- (i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland, or a court having jurisdiction in appeals from any such court ; or
- (ii) he is entitled to practise as an advocate in such a court and has been entitled for not less than five years to practise as an advocate or a solicitor in such a court.

(b) For the purposes of this subsection, a person shall be regarded as entitled to practise as an advocate or a solicitor if he has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or solicitors) notwithstanding that—

- (i) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court ; or
- (ii) he does not hold a practising certificate or has not satisfied any other like condition of his being permitted to practise.

Acting judges of Supreme Court.

66.—(1) If the office of Chief Justice is vacant or the Governor is satisfied that the Chief Justice is for any reason unable to perform the functions of his office, the Governor may appoint the Puisne judge

or some other person qualified for appointment as a judge to act as Chief Justice.

(2) If the office of Puisne judge is vacant or if the Puisne judge is acting as Chief Justice or is for any reason unable to perform the functions of his office, the Governor may appoint a person qualified for appointment as a judge of the Supreme Court to act as Puisne judge.

(3) A person appointed under the provisions of this section to act as a judge of the Supreme Court shall continue to act for the period of his appointment or, if no such period has been specified, until the Governor, acting, in the case of a person appointed to act as Puisne judge, after consultation with the Chief Justice, revokes his appointment.

67.—(1) Subject to the provisions of this section, a person holding the office of a judge of the Supreme Court shall vacate his office when he attains the age of sixty-two years:

Tenure of office of judges of the Supreme Court.

Provided that—

(a) the Governor may permit a judge to continue in office beyond the age of sixty-two years for a period which does not exceed, or for consecutive periods which do not in the aggregate exceed, three years ;

(b) a person who has attained the age of sixty-two years may be appointed as a judge of the Supreme Court for such period as may be prescribed in the instrument by which he is appointed and any person so appointed shall vacate his office at the expiration of that period.

(2) A judge of the Supreme Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with subsection (3) of this section.

(3) A judge of the Supreme Court shall be removed from office by the Governor by order under the public seal if the question of removing him from office has, at the request of the Governor made in pursuance of the next following subsection, been referred by Her Majesty to the Judicial Committee of the Privy Council under any enactment enabling Her Majesty in that behalf and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the Governor considers that the question of removing a judge of the Supreme Court from office for inability as aforesaid or misbehaviour ought to be investigated then—

(a) the Governor shall by order under the public seal appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court ;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of removing the judge from office should be referred by Her Majesty to the Judicial Committee ; and

(c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(5) Subject to subsection (4) of this section the provisions of the Commissions of Inquiry Ordinance 1962(a) as in force on the appointed day shall apply in relation to the tribunal appointed by an order made under that subsection as they apply in relation to Commissioners appointed under that Ordinance and for that purpose those provisions shall have effect as if they formed part of this Order.

(6) If the question of removing a judge of the Supreme Court from office has been referred to a tribunal under subsection (4) of this section, the Governor may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect—

(a) if the tribunal recommends to the Governor that he should not request that the question of removing the judge from office should be referred by Her Majesty to the Judicial Committee; or

(b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(7) The provisions of this section shall be without prejudice to the provisions of section 66(3) of this Order.

Salary, allowances and terms of service of judges.

68.—(1) There shall be charged upon the revenues and other funds of Seychelles and paid therefrom to judges of the Supreme Court such salaries and allowances as may be prescribed by law.

(2) The salary and allowances (other than allowances not taken into account in computing pensions) payable to a judge of the Supreme Court and his terms of office shall not be altered to his disadvantage after his appointment and where a judge is entitled to exercise an option in relation to his salary, allowances or terms of office, the option as exercised by him shall be deemed for the purposes of this subsection to be to his advantage.

Judge may sit after appointment has terminated.

69. A judge of the Supreme Court whose appointment has terminated otherwise than by reason of his removal from office may sit as a judge for the purpose of giving judgment or otherwise in relation to any proceedings commenced before him while his appointment was subsisting.

Proceedings to be heard and disposed of before, and powers of, single judge.

70.—(1) Any proceedings in the Supreme Court and all business arising therefrom shall be heard and disposed of before a single judge and a judge may exercise all or any part of the powers, authority and jurisdiction vested in the Court.

(2) For the despatch of any matter falling within its jurisdiction, the Supreme Court may sit in more than one division at the same time, each such division to be composed of one judge.

Seal of Supreme Court.

71. The Court shall have, and use as occasion requires, a seal bearing on it the Royal Arms and the words "Supreme Court of Seychelles".

Registrar and other officers of Supreme Court.

72. The Governor shall appoint a Registrar of the Supreme Court and such other officers of the Court as to the Governor, acting after consultation with the Chief Justice, seem necessary, with such functions and powers as may be prescribed by any law for the time being in force in Seychelles.

73. Before assuming the functions of his office a judge of the Court of Appeal or of the Supreme Court shall make, before the Governor or such person as may be authorised by the Governor in that behalf, an oath of allegiance and an oath for the due execution of his office in the form set out in Schedule 2 to this Order. Oaths to be taken by judges.

PART VIII

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

74. Any person who is appointed or elected to the office of member of the Advisory Committee on the prerogative of mercy, member of the Governing Council or member of a committee of the Governing Council may resign from that office by writing under his hand addressed to the Governor; and the resignation shall take effect when the writing signifying the same is received by the Governor or by any person authorised by the Governor to receive it. Resignations.

75.—(1) Where any person has vacated any office established by this Order, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Order. Reappointments and concurrent appointments.

(2) Where a power is conferred by this Order upon any person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purpose of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

76. The person who, immediately before the appointed day, holds the office of Governor shall, as from that day, hold the like office as if he had been appointed thereto under section 4 of this Order, and shall be deemed to have taken the oaths required to be made by section 6 of this Order. Governor.

77. Notwithstanding the revocation by this Order of the Seychelles Letters Patent 1948, the Executive Council established by those Letters Patent shall continue on and after the appointed day to exist as if the provisions of section 9 of those Letters Patent were still in force, until such time as the Governing Council has been constituted under section 28(1) of this Order. Executive Council.

78. Any regulations made under the Seychelles (Electoral Provisions) Order 1967 or the Seychelles (Electoral Provisions) (No. 2) Order 1967 and in force immediately before the appointed day shall have effect on and after that day as if they were a law enacted under this Order and may be amended or revoked accordingly: Electoral regulations.

Provided that the Governor may at any time after that day by regulations amend, add to or revoke those regulations as he may consider necessary or expedient for the purpose of enabling the first general election of the elected members of the Governing Council to be held.

79. Until such time as the Governing Council has been constituted under section 28(1) of this Order, a person shall not be treated as holding or acting in a public office by reason only that he is receiving Persons not to be treated as public officers.

any remuneration or allowance in respect of his membership of the Executive Council referred to in section 77 of this Order or of the Legislative Council established by the Seychelles (Legislative Council) Order in Council 1960.

Court of
Appeal and
Supreme
Court.

80.—(1) Any proceedings pending immediately before the appointed day before the Seychelles Court of Appeal established by the Seychelles Court of Appeal Order 1964(a) or any proceedings pending immediately before that day before the Supreme Court of Seychelles established by the Seychelles Judicature Order 1964(b) may, respectively, be continued after that day before the Court of Appeal or the Supreme Court established by this Order.

(2) Any judgment of the Seychelles Court of Appeal or any judgment of the Supreme Court of Seychelles given, but not satisfied, before the appointed day may be enforced after that day as if it were a judgment, respectively, of the Court of Appeal or the Supreme Court established by this Order.

(3) The President and other judges of the Seychelles Court of Appeal and the Chief Justice and any other judge of the Supreme Court of Seychelles holding office immediately before the appointed day shall as from that day continue to hold the like offices as if they had been appointed thereto under the provisions of this Order and shall be deemed to have taken the oaths required to be made by section 73 of this Order.

Existing
offices and
officers.

81.—(1) Subject to the provisions of this Order, any office constituted by the Governor under any Letters Patent making provision for the government of Seychelles, being an office subsisting immediately before the appointed day, shall, on and after that day, be deemed to be an office constituted by the Governor under section 12 of this Order.

(2) Any person who, immediately before the appointed day, holds or is acting in any such office or in any public office established by or under any law shall, on and after that day, continue to hold or to act in his office as if he had been appointed to it in accordance with the provisions of this Order.

(3) Any person to whom subsection (2) of this section applies who, before the appointed day, has made any oath required to be made by him before assuming the functions of his office shall not, by reason only of that subsection, be required to make a like oath.

Existing
laws.

82.—(1) The existing laws shall, as from the appointed day, be construed with such adaptations and modifications as may be necessary to bring them into conformity with the provisions of this Order.

(2) (a) The Governor may, by order published in the Gazette at any time within twelve months after the appointed day, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the order.

(b) An order made under this subsection may be amended or revoked in relation to any law effected thereby by the authority competent to amend or revoke that law.

(3) For the purposes of this section, "existing law." means any Ordinance, law, rule, regulation, order or other instrument made or having effect as if it had been made under, or continued in force by, the instruments revoked by this Order and having effect as part of the law of Seychelles immediately before the appointed day.

(4) The reference in section 46(1) of this Order to any law to which the Governor has given his assent includes an Ordinance made under the instruments revoked by this Order and having effect as part of the law of Seychelles immediately before the appointed day.

83.—(1) Her Majesty reserves to Herself power, with the advice of Her Privy Council, to amend, add to or revoke this Order as to Her shall seem fit. Power reserved to Her Majesty.

(2) Nothing in this Order shall affect the power of Her Majesty in Council to make laws from time to time for the peace, order and good government of Seychelles.

W. G. Agnew.

SCHEDULE 1

Section 3

INSTRUMENTS REVOKED BY THIS ORDER

<i>Instrument</i>	<i>Reference</i>
The Seychelles Legislature Order in Council 1903	Rev. XX, p. 683
The Seychelles Letters Patent 1948	Rev. XX, p. 688
The Seychelles Letters Patent 1955	1955 II, p. 3217
The Seychelles Legislature (Amendment) Order in Council 1958	1958 II, p. 2936
The Seychelles (Legislative Council) Order in Council 1960	1960 III, p. 4201
The Seychelles (Legislative Council) (Amendment) Order in Council 1963	1963 II, p. 2775
The Seychelles Judicature Order 1964	1964 II, p. 3120
The Seychelles Court of Appeal Order 1964	1964 III, p. 5597
The Seychelles (Electoral Provisions) Order 1967	1967 I, p. 2126
The Seychelles (Electoral Provisions) (No. 2) Order 1967	1967 II, p. 3808
The Seychelles Judicature Order 1967	1967 II, p. 3810
The Seychelles Legislative Council (Extension of Duration) Order 1967	1967 III, p. 5416

SCHEDULE 2 Sections 6, 7, 47 and 73

OATHS

1. Oath of Allegiance

I,, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

2. Affirmation of Allegiance

I,, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

3. Oath for due execution of office of Governor/member of the Governing Council

I,, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of So help me God.

4. Affirmation for due execution of office of Governor/member of the Governing Council

I,, do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of

5. Oath for due execution of office of judge

I,, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of and will do right to all manner of people after the laws and usages of Seychelles, without fear or favour, affection or ill-will. So help me God.

6. Affirmation for due execution of office of judge

I,, do solemnly and sincerely affirm that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of and will do right to all manner of people after the laws and usages of Seychelles, without fear or favour, affection or ill-will.

Section 19(3)

SCHEDULE 3

QUALIFICATIONS AND DISQUALIFICATIONS OF VOTERS

1. Every person who—

- (a) is a British subject ;
- (b) is twenty-one years of age or over ;
- (c) has the requisite residence qualification ; and
- (d) is not disqualified under this Schedule,

shall be entitled to be registered as a voter in respect of an electoral area.

2.—(1) In order to have the requisite residence qualification to be registered as a voter in respect of an electoral area a person—

- (a) must have resided in Seychelles for any continuous period of twelve months ; and
- (b) must be resident in the electoral area on the qualifying date.

(2) For the purposes of this paragraph any question as to a person's residence on the qualifying date shall be determined in accordance with the principles referred to in subsection (1) of section 4 of the Representation of the People Act 1949(a).

(3) Without prejudice to the said principles, a person's residence shall not be deemed for the purposes of this paragraph to have been interrupted—

- (a) by reason of that person's absence in the performance of any duty arising from or incidental to any office, service or employment held or undertaken by him, if he intends to resume actual residence within six months of giving it up and will not be prevented by the performance of the duty aforesaid ; or
- (b) by reason of that person's absence for some temporary purpose, or for the purpose of undergoing a course of education or training or of receiving surgical or medical treatment.

(4) A person who is detained in legal custody at any place shall not by reason thereof be treated for the purposes aforesaid as resident there.

(5) Residence in Seychelles as a prohibited immigrant under the Immigration Ordinance 1960(a) shall not be reckoned as residence for the purposes of this paragraph.

3.—(1) No person shall be entitled to be registered as a voter in any electoral area who—

- (a) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged ; or
- (b) is under sentence of death imposed on him by a court of law having jurisdiction in Seychelles, or is serving a sentence of imprisonment (by whatever name called) of or exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such sentence of imprisonment the execution of which has been suspended ; or
- (c) has been adjudged or otherwise declared to be of unsound mind under any law in force in Seychelles or is detained as a criminal lunatic ; or
- (d) is disqualified from registering as a voter at any election under the provisions of any law for the time being in force.

(2) For the purpose of sub-paragraph (1)(b) of this paragraph two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

4. No person shall be entitled to be registered as a voter in more than one electoral area.

5. For the purposes of this Schedule "the qualifying date" means such date as may from time to time be prescribed by the Governor by order published in the Gazette: provided that until other provision is made under this paragraph "the qualifying date" shall be 1st March 1967.

6. So long as the qualifying date for the purposes of this Schedule is 1st March 1967 paragraph 3(1)(b) of this Schedule shall have effect as if there were substituted for the words "having jurisdiction in Seychelles" the words "any part of the Commonwealth" and for the word "six" the word "twelve".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes new provision for the government of the Colony of Seychelles. It establishes a Governing Council, consisting of official, elected and nominated members which will have legislative as well as executive functions. The Order provides for committees of the Governing Council which may carry out executive functions under the authority of the Council. The Order also contains provision for a Court of Appeal and a Supreme Court for Seychelles.

SEYCHELLES

The Seychelles Royal Instructions 1967

Dated: 21st November 1967.

ELIZABETH R.

Instructions to Our Governor and Commander-in-Chief in and over Our Colony of Seychelles or other Officer Administering the Government of the Colony.

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

Citation,
publication,
commence-
ment and
revocation.

1.—(1) These Instructions may be cited as the Seychelles Royal Instructions 1967.

(2) These Instructions shall be published in the Gazette and shall take effect on the day upon which the Governing Council is first constituted by virtue of a proclamation of the Governor under subsection (1) of section 28 of the Seychelles Order 1967(a).

(3) Without prejudice to anything lawfully done thereunder, the Seychelles Royal Instructions 1948, the Seychelles Additional Instructions 1960(b) and the Seychelles Additional Instructions 1963(c) shall cease to have effect on the taking effect of these Instructions.

Interpreta-
tion.

2. The provisions of section 2 of the Seychelles Order 1967 shall apply for the purpose of interpreting these Instructions as they apply for the purpose of interpreting that Order.

Instructions
to be
observed by
deputy.

3.—(1) These Instructions, so far as they apply to any functions to be performed by a deputy to the Governor appointed under section 8 of the Seychelles Order 1967, shall be deemed to be addressed to, and shall be observed by, such deputy.

(2) A deputy to the Governor may, if he thinks fit, apply to Us through a Secretary of State for instructions in any matter; but he shall forthwith transmit to the Governor a copy of every despatch or other communication so addressed to Us.

Governor to
communicate
Instructions to
Governing
Council.

4. The Governor shall forthwith communicate to the Governing Council these Instructions and all such others as he shall from time to time find it convenient for Our service to impart to them.

Rules for
the making
of laws.

5. In the making of laws under the powers conferred by sections 43 and 44 of the Seychelles Order 1967 the following rules shall be observed as far as practicable:—

(a) All laws shall be styled "Ordinances" and the words of enactment shall be—

"Enacted by the Governor with the advice and consent of the Governing Council":

Provided that in the case of any law made by the Governor under section 44 of the Seychelles Order 1967 the words of enactment shall be "Enacted by the Governor in accordance with the provisions of section 44 of the Seychelles Order 1967"

(a) Day appointed 27.12.67. (b) S.I. 1960 III, p. 4212. (c) S.I. 1963 II, p. 2772.

- (b) All Ordinances shall be distinguished by titles, and shall be divided into successive sections consecutively numbered, and to every section there shall be annexed in the margin or at its head a short indication of its contents.
- (c) All Ordinances shall be numbered consecutively in a separate series for each year, commencing with the number one, so that—
- (i) an Ordinance passed by the Governing Council (or by the Governor under section 44 of the Seychelles Order 1967) and assented to by the Governor is included in the series for the year in which it is so passed, and its position in the series is determined with reference to the day on which the Governor has assented to it ;
 - (ii) an Ordinance assented to by Us through a Secretary of State is included in the series for the year in which the Governor has signified Our assent by proclamation, and its position in the series is determined with reference to the day on which Our assent has been so signified.
- (d) Matters having no proper relation to each other shall not be provided for by the same Ordinance ; no Ordinance shall contain anything foreign to what the title of the Ordinance imports ; and no provision having indefinite duration shall be included in any Ordinance expressed to have limited duration.

6. Without having previously obtained Our instructions through a Secretary of State the Governor shall not assent to any Bill within any of the following classes, unless the Bill contains a provision suspending its operation until the signification of Our pleasure, that is to say, any Bill—

Certain Bills not to be assented to without instructions.

- (a) for the divorce of married persons ;
- (b) whereby any grant of land or money or other donation be made to himself ;
- (c) affecting the currency of Seychelles or relating to the issue of bank notes ;
- (d) establishing any banking association, or altering the constitution, powers or privileges of any banking association ;
- (e) imposing differential duties ;
- (f) affecting the discipline or control of Our naval, military or air forces ;
- (g) the provisions of which appear to him to be inconsistent with obligations imposed on Us by treaty, convention, agreement or arrangement relating to any country or international or similar organisation outside Seychelles ;
- (h) of an extraordinary nature and importance whereby Our prerogative, or the rights or property of Our subjects not residing in Seychelles, or the trade, transport or communications of any part of Our dominions or any territory under Our protection or in which We have for the time being jurisdiction, may be prejudiced ; and
- (i) containing provisions to which Our assent has been refused or which have been disallowed by Us :

Provided that if the Governor is satisfied that it is urgently necessary in the public interest that a Bill falling within any of the said classes (other than a Bill falling within paragraph (g) of this clause) be brought

into immediate operation, he may assent to that Bill without such instructions as aforesaid and although the Bill contains no provision as aforesaid; but he shall forthwith transmit to Us the Bill together with his reasons for so assenting to it.

Ordinances and Bills to be sent through a Secretary of State.

7. When any Ordinance has been enacted or any Bill has been reserved for the signification of Our pleasure, the Governor shall forthwith transmit to Us through a Secretary of State for the signification of Our pleasure, a transcript in duplicate of the Ordinance or Bill, duly authenticated by his own signature, together with an explanation of the reasons and occasion for the enactment of the Ordinance or the passing of the Bill.

Collection of Ordinances to be published annually.

8. As soon as practicable after the commencement of each year the Governor shall cause a complete collection of all Ordinances enacted during the preceding year to be published for general information.

Purchase of property by Governor.

9. The Governor shall not, directly or indirectly, purchase for himself any land or building in Seychelles to Us belonging without Our special permission given through a Secretary of State.

Oath of allegiance by public officers, etc.

10. The Governor may, whenever he thinks fit, require any person in the public service of Seychelles or holding any office constituted by or under the Seychelles Order 1967 to make an oath or affirmation of allegiance in the form set out in Schedule 2 to the Seychelles Order 1967 together with any other oath or affirmation that may be prescribed in relation to his office by any law for the time being in force in Seychelles.

Governor's absence.

11. Except in circumstances in which he is not regarded as absent from Seychelles for the purpose of section 7 of the Seychelles Order 1967, the Governor shall not quit Seychelles without having first obtained leave from Us for so doing through a Secretary of State.

Given at Our Court at St. James's, this twenty-first day of November 1967, in the sixteenth year of Our Reign.

MAURITIUS

The Mauritius Constitution (Amendment No. 3)

Order 1967

At the Court at Buckingham Palace, The 28th day of November 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

- 1.—(1) This Order may be cited as the Mauritius Constitution (Amendment No. 3) Order 1967. Citation and construction.
- (2) This Order shall be construed as one with the Mauritius Constitution Order 1966(a), and that Order, the Mauritius Constitution (Amendment) Order 1967(b), the Mauritius Constitution (Amendment No. 2) Order 1967 and this Order may be cited together as the Mauritius Constitution Orders 1966 to 1967.
2. The Premier of Mauritius shall henceforth be styled Prime Minister, and accordingly the Constitution is amended by the substitution of the words "Prime Minister" for the word "Premier" whenever it occurs. Premier to be styled Prime Minister.
3. Any law enacted by the Legislature relating to the registration of electors or the holding of elections for the purpose of electing members of the Assembly may contain such incidental, ancillary and supplementary provisions as the Legislature may consider necessary or desirable, including (without prejudice to the generality of the foregoing) provisions requiring persons who make applications or declarations under the Constitution or such law as aforesaid to furnish evidence that they are duly qualified or authorised to do so, and may provide for the summary determination of questions arising under such law. Supplementary provisions as to election laws.
4. It is hereby declared that, for the purposes of section 99 of the Constitution, the Revenue Reserve Fund Ordinance 1967(c) shall be regarded as having charged the expenditure therein referred to upon the Consolidated Fund with effect from 12th August 1967. Declaration as to the effect of Ordinance No. 14 of 1967.
5. Section 101 of the Constitution is amended by the substitution of the words "six months" for the words "four months". Amendment of section 101.

W. G. Agnew.

(a) S.I. 1966 III, p. 5190.

(b) S.I. 1967 I, p. 2132.

(c) Ordinance No. 14 of 1967 of Mauritius.

**BY THE QUEEN
A PROCLAMATION**

**TERMINATING HER MAJESTY'S POWER AND JURISDICTION
IN KAMARAN**

ELIZABETH R.

Whereas by usage, sufferance and other lawful means We have power and jurisdiction in the Red Sea islands known as Kamaran :

And whereas it is intended that Kamaran shall become independent on the thirtieth day of November 1967 (hereinafter referred to as "the appointed day") :

Now, therefore, We do hereby, by and with the advice of Our Privy Council, proclaim and declare that, as from the beginning of the appointed day, all Our functions, powers, rights, authority or jurisdiction exercisable by Us immediately before that day in or in relation to Kamaran by usage, sufferance or otherwise shall lapse.

Given at Our Court at Buckingham Palace, this twenty-eighth day of November in the year of our Lord one thousand nine hundred and sixty-seven, and in the sixteenth year of Our Reign.

GOD SAVE THE QUEEN

**BY THE QUEEN
A PROCLAMATION**

**TERMINATING HER MAJESTY'S PROTECTION OVER THE PROTECTORATE
OF SOUTH ARABIA**

ELIZABETH R.

Whereas the territories in Arabia known as the Protectorate of South Arabia are under Our protection :

And Whereas by treaty, grant, usage, sufferance and other lawful means We have power and jurisdiction in the Protectorate of South Arabia :

And Whereas it is intended that the territories known as the Protectorate of South Arabia shall become independent on the thirtieth day of November 1967 (hereinafter referred to as " the appointed day "):

Now, therefore, We do hereby, by and with the advice of Our Privy Council, proclaim and declare that, as from the beginning of the appointed day, Our protection over the territories known as the Protectorate of South Arabia and all functions, powers, rights, authority or jurisdiction excisable by Us immediately before that day in or in relation to the said territories by treaty, grant, usage, sufferance or otherwise shall lapse.

Given at Our Court at Buckingham Palace, this twenty-eighth day of November in the year of our Lord one thousand nine hundred and sixty-seven, and in the sixteenth year of Our Reign.

GOD SAVE THE QUEEN

PACIFIC ISLANDS

The Fiji (Constitution) (Amendment) Order 1967

At the Court at Buckingham Palace, The 20th day of December 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation,
interpretation and
commence-
ment.

1.—(1) This Order may be cited as the Fiji (Constitution) (Amendment) Order 1967 and shall be construed as one with the Fiji (Constitution) Order 1966(a).

(2) This Order and the Fiji (Constitution) Order 1966 may be cited together as the Fiji (Constitution) Orders 1966 and 1967.

(3) In this Order "the Constitution" means the Constitution set out in schedule 2 to the Fiji (Constitution) Order 1966.

(4) This Order shall come into operation on such day as the Governor, in his discretion, by Proclamation in the Gazette shall appoint(b)

Amendments
to the
Constitution.

2.—(1) In section 74(2)(g) of the Constitution for the word "Land" there shall be substituted the word "Landlord".

(2) In section 89(3) of the Constitution for the words "the last foregoing subsection." there shall be substituted "subsection (1) of this section."

(3) In section 89(4) of the Constitution—

(a) for the words "appointment of public officers," there shall be substituted the words "selection of candidates for entry into the public service,";

(b) for the words "to which appointments are made." there shall be substituted the words "to which such candidates are appointed on entry."

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends certain provisions of the Constitution set out in the Schedule to the Fiji (Constitution) Order 1966. It amends the section dealing with public officers and also makes amendments to sections 74(2)(g) and 89(3), correcting minor errors in them.

(a) S.I. 1966 III, p. 5104.

(b) Day appointed 28.3.68.

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Turks and Caicos Islands Additional Instructions 1967

Dated: 20th December 1967.

ELIZABETH R.

ADDITIONAL INSTRUCTIONS to Our Administrator of Our Turks and Caicos Islands or other Officer for the time being Administering the Government of Our said Islands.

We do hereby direct and enjoin and declare Our will and pleasure as follows:—

1.—(1) These Instructions may be cited as the Turks and Caicos Islands Additional Instructions 1967 and shall be construed as one with the Turks and Caicos Islands Royal Instructions 1962 and 1965(a). Citation, construction and commencement.

(2) These Instructions and the Turks and Caicos Islands Royal Instructions 1962 and 1965 may be cited together as the Turks and Caicos Islands Royal Instructions 1962 to 1967.

(3) These Instructions shall come into operation on 1st January 1968 and shall be published by the Administrator in the Turks and Caicos Islands Gazette.

2. Clauses 7, 9, 10 and 11 of the Instructions of 1962 are amended by the substitution of the word "Ordinances" for the word "Laws" and of the word "Ordinance" for the word "Law" wherever the word "Laws" or, as the case may be, the word "Law" appears in the said clauses. Amendment of Instructions of 1962.

3. For the purposes of the first general revision of laws of the Turks and Caicos Islands published after the coming into operation of these Instructions, any references to "Laws" and "Law" in clauses 7, 9, 10 and 11 of the Instructions of 1962 and in any like clauses in the Turks and Caicos Islands Royal Instructions 1959(b) shall be deemed to have been references to "Ordinances" and "Ordinance" respectively. Modification for certain purposes of Instructions on legislation.

Given at Our Court at St. James's this twentieth day of December 1967 in the sixteenth year of Our Reign.

(a) S.I. 1962 II, p. 2407; 1965 III, p. 6438. (b) S.I. 1959 II, p. 3445.