

**ENTERPRISE SEYCHELLES AGENCY (AMENDMENT)
BILL, 2021**

(Bill No. 12 of 2021)

OBJECTS AND REASONS

The Enterprise Seychelles Agency Act, 2018 (*the said Act*) was enacted to provide for the establishment of the Enterprise Seychelles Agency, to provide for its composition, functions and mandates and provisions for the development and promotion of enterprises and for matter connected therewith or incidental thereto. The affairs of the Enterprise Seychelles Agency is managed and administered by a Board of the Agency consisting of representatives of various Ministries and other bodies.

2. The President, in his address to the Nation on the 1st February, 2021, made announcement of restructuring of statutory and other parastatal bodies.

3. In order to give effect to the announcement made by the President, it is proposed to repeal the provisions relating to the Board of the Agency and entrust its functions to the Minister. It is also proposed to provide for certain disqualifications for the appointment of the Chief Executive Officer of the Agency.

4. Accordingly, in view of the above, it is proposed to amend sections 2, 17, 18, 19, 21, 23 and 24 and repeal sections 6 to 16 of the said Act and also to provide for a consequential provision.

5. The Bill seeks to achieve the above objectives.

Dated this 23rd day of March, 2021.

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

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ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Amendment of section 2 of Act 3 of 2018
3. Repeal of sections 6 to 16
4. Amendment of section 17
5. Amendment of section 18
6. Amendment of section 19
7. Amendment of section 20
8. Amendment of section 21
9. Amendment of marginal heading of section 23
10. Amendment of section 24
11. Transitional provisions

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A BILL

FOR

AN ACT to amend the Enterprise Seychelles Agency Act, 2018 (*Act 3 of 2018*).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Enterprise Seychelles Agency (Amendment) Act, 2021.

Amendment of section 2 of Act 3 of 2018

2. Section 2 of the Enterprise Seychelles Agency Act, 2018 (Act 3 of 2018) (hereinafter referred to as the “principal Act”) is amended by repealing the definitions of “Board”, and “member”.

Repeal of sections 6 to 16

3. The principal Act is amended by repealing sections 6 to 16 (both inclusive).

Amendment of section 17

4. Section 17 of the principal Act is amended —

- (i) in subsection (1), by repealing the words “the Board”, and substituting therefor the words “the Minister”;
- (ii) by repealing subsection (2), and substituting therefor the following subsection —

“(2) A person shall not be appointed as the Chief Executive Officer or hold office as such, if he or she —

- (a) is not ordinarily resident in Seychelles;
- (b) has been adjudged or declared insolvent or bankrupt and has not been discharged;
- (c) has been convicted in Seychelles within the period of five years, immediately preceding the date of his or her proposed appointment in respect of an offence to a term of imprisonment without the option of a fine, whether or not, any portion has been suspended, or the person has received a free pardon;
- (d) has been guilty of improper conduct or guilty of conduct that is prejudicial to the interest or reputation of the Agency;

- (e) has failed to comply with any condition of his or her appointment; or
 - (f) is mentally or physically incapable of efficiently discharging his or her functions as a Chief Executive Officer.”;
- (iii) by repealing subsection (4);
- (iv) in subsection (5), by repealing the words “the Board” wherever they appear, and substituting therefor the words “the Minister”, respectively;
- (v) in subsection (7), by repealing the words “the Board”, and substituting therefor the words “the Minister”;

Amendment of section 18

5. Section 18 (1) of the principal Act is amended, by repealing the words “the Board”, and substituting therefor the words “the Minister”;

Amendment of section 19

6. Section 19 of the principal Act is amended —

- (a) in subsection (1), by repealing the words “the Board”, and substituting therefor the words “the Minister”;
- (b) in subsection (2), by repealing the words “the Board”, and substituting therefor the words “the Minister”;

Amendment of section 20

7. Section 20 (2) of the principal Act is amended —

- (a) in paragraph (b), by repealing the words “members of the Board and”;
- (b) in paragraph (c), by repealing the words “the Board”, and substituting therefor the words “the Minister”;

Amendment of section 21

8. Section 21 of the principal Act is amended, by repealing subsection (3);

Amendment of marginal heading of section 23

9. Section 23 of the principal Act is amended by repealing in the marginal heading, the word “Board”, and substituting therefor the word “Agency”;

Amendment of section 24

10. Section 24 of the principal Act is amended —

- (a) in subsection (1), by repealing the words “Members of the Board and the”;
- (b) in subsection (2), by repealing the words “any member of the Board”;

Transitional provisions

11. On the commencement of this Act —

- (a) the members of the Board, established by section 6 of the Enterprise Seychelles Agency Act, 2018, shall cease to be members as such and shall vacate the office; and
- (b) such members shall not be entitled to claim any compensation for the premature termination of term of their office or of any contract of service.