

CURATELLE (AMENDMENT) BILL, 2024

(Bill No. 9 of 2024)

**EXPLANATORY STATEMENT OF THE OBJECTS AND REASONS
FOR THE BILL**

This Bill seeks to amend the Curatelle Act (Act 23 of 2021) to allow the Curator to appoint an executor in circumstances where no executor was appointed to a succession prior to the commencement of operation of the Act.

Additionally, minor amendments are made to the Civil Code of Seychelles Act, Act 1 of 2021, to ensure consistency between the two Acts.

Dated this 13th day of June, 2024.

**FRANK ALLY
ATTORNEY-GENERAL**

CURATELLE (AMENDMENT) BILL, 2024

(Bill No. 9 of 2024)

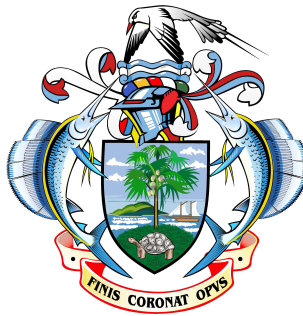
ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Insertion of section 24A
3. Amendment of section 41
4. Consequential amendments

CURATELLE (AMENDMENT) BILL, 2024

(Bill No. 9 of 2024)



**A BILL
FOR**

AN ACT TO AMEND THE CURATELLE ACT.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Curatelle (Amendment) Act, 2024.

Insertion of section 24A

2. The Curatelle Act, in this Act referred to as the “principal Act” is amended by inserting after section 24, the following new section —

“Discretion of the Curator

24A.(1) Notwithstanding sections 24(1), 41(5) and 41(7), the Curator may, if it is just, necessary, and expedient, appoint an executor where no executor was appointed to a succession.

(2) An application under subsection (1) may be made by a person having a lawful interest in the succession.

(3) An executor appointed under subsection (1) shall fulfil its function and wind up the succession within 12 months from the date of the appointment or within such other period that the Curator shall order.

(4) Sections 24(2), (3) and (4) shall apply to an appointment made under subsection (1).

(5) Notwithstanding subsections (3) and (4), an appointment made under subsection (1) may be on such other terms and conditions as the Curator shall deem appropriate.”

Amendment of section 41

3. Section 41 of the principal Act is amended by inserting immediately after subsection (6) the following new subsections —

“(7) Notwithstanding section 24(1), where no executor was appointed to a succession before 1 July 2021, any person having a lawful interest in a succession shall have 12 months from the coming into operation of this Act to make an application to appoint an executor to that succession in accordance with section 23.

(8) An executor appointed under subsection (7) shall

fulfill its function and wind up the succession within 24 months from the date of the appointment.

(9) Section 24(2), (3) and (4) shall apply to an appointment made under subsection (7).”

Consequential amendments

4. The Civil code of Seychelles is amended —

- (a) in Article 720, by repealing in subsection (1), the words “Curator of Vacant Estates” and substituting them with the word “Curator”.
- (b) in Article 790, by repealing in subsection (2), the words “Curator of Vacant Estates” and substituting them with the word “Curator”;
- (c) in Article 828, by repealing in subsection (2), the word “court” and substituting them with the word “curator”.