

**CONSTITUTION OF THE REPUBLIC OF SEYCHELLES
(ELEVENTH AMENDMENT) (NO. 2) BILL, 2024**

(Bill No. 15 of 2024)

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

The Constitution (Eleventh Amendment) (No.2) Bill 2024 seeks to amend the Constitution of the Republic of Seychelles to enhance and clarify various provisions related to the election and tenure of the President and the National Assembly, as well as other related matters. The primary objectives and reasons for these amendments are as follows:

Fixed Date for Presidential Election and Tenure of the President:

The Bill proposes a fixed date for the Presidential election, ensuring it is held five weeks prior to the expiration of the President's term. This amendment aims to provide sufficient time for a possible second round of elections and to facilitate a smooth transition of power.

Simultaneous Elections for President and National Assembly:

The Bill proposes that elections for the National Assembly be held on the same day as the Presidential election. This change aims to streamline the electoral process and ensure consistency in the timing of elections.

Repeal of Article 52A:

The Bill proposes the repeal of Article 52A, which allows the President to resign during his or her term and seek a fresh mandate from the electorate. This repeal aligns with the commitment to fixed-term elections and prevents the President from calling for an early election.

Vacancy in the Office of the President:

The Bill provides clear and detailed procedures for addressing a vacancy in the office of the President, whether due to resignation,

removal, death, or incapacity. It ensures that the Vice-President assumes the role of President in specific circumstances and clarifies the limitations of their powers during this interim period. The Bill also stipulates that, in the event of the President's death or incapacity, the Vice-President assumes the presidency for the remainder of the term and outlines the process for appointing a new Vice-President with the approval of the National Assembly. Additionally, it introduces provisions to limit the eligibility of a Vice-President who assumes the presidency to serve only one additional term if they have already served more than two-thirds of the term of the President they succeeded.

Protection of the President in Legal Proceedings:

The Bill proposes to amend Article 59 to repeal the three-year limitation period for bringing proceedings against a former President.

Absence of the President and Vice-President:

The Bill clarifies the discharge of presidential functions during temporary absences of both the President and Vice-President, designating the Principal Minister to perform these duties with specific limitations on their powers.

Title Change for Designated Minister:

The Bill proposes changing the title “Designated Minister” to “Principal Minister” to reduce confusion and better reflect the role.

These amendments are intended to strengthen democratic processes, enhance clarity in governance, and ensure the efficient functioning of the constitutional framework of the Republic of Seychelles.

Dated this 16th day of August, 2024.

FRANK D.R. ALLY
ATTORNEY-GENERAL

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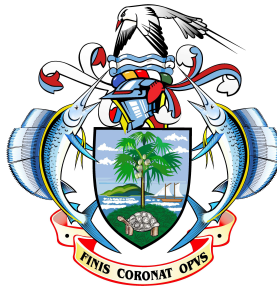
ARRANGEMENT OF ARTICLES

ARTICLES

1. Short title
2. Commencement
3. Interpretation
4. Amendment of article 52
5. Repeal of article 52A
6. Amendment of article 55
7. Amendment of article 56
8. Amendment of article 59
9. Amendment of article 66A
10. Amendment of articles 75 and 92 and paragraph 1(1) of Schedule 2
11. Amendment of article 79
12. Amendment of article 81
13. Amendment of Schedule 3

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A BILL

FOR

AN ACT TO AMEND THE CONSTITUTION OF THE REPUBLIC OF SEYCHELLES.

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Constitution of the Republic of Seychelles (Eleventh Amendment) Act, 2024.

Commencement

2.(1) Subject to subsection (2), this Act shall come into operation on such date as the President may by notice in the *Gazette* appoint.

(2) Different dates may be appointed for the coming into operation of different provisions of this Act.

Interpretation

3. In this Act, “Constitution” means the Constitution of the Republic of Seychelles as set out in the Schedule to the Constitution of the Republic (Third Republic) (Promulgation) Notice, 1993 (S.I. 2 of 1992) made under the Constitution of the Republic of Seychelles (Preparation and Promulgation) Act, 1992.

Amendment of article 52

4. Article 52 of the Constitution is amended —

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

“(1) Subject to this article, a person elected as President shall hold office for a term of five years beginning with the date that the person elected as President is sworn in as President and ending when the person next elected President in accordance with article 51 is sworn in.

(b) in clause (3) by replacing paragraphs (b) and (c) with the following new paragraphs —

(b) “where an election for the office of the President is held before the date specified in paragraph 4 of Schedule 3, 14 days after the date of declaration of the election of President; or

- (c) where the incumbent resigns or is removed from office under article 54.”
- (c) in clause (4) by inserting immediately after the words “article 51”, the words “or until the expiration of the period specified in clause (1), as the case may be”.

Repeal of article 52A

5. Article 52A of the Constitution is repealed.

Amendment of article 55

6. Article 55 of the Constitution is repealed and substituted with the following —

“Vacancy in office of the President

55.(1) Where the office of the President becomes vacant by reason of the resignation of the President or by reason of the President ceasing to hold office under article 54 or article 110(3) —

- (a) an election shall be held not later than 3 months from the date of the occurrence of the vacancy; and
- (b) the Vice-President shall discharge the functions of the office of the President until 14 days after the election of a person under article 51 to the office of the President.

(2) The incumbent President shall not be eligible to stand as a candidate at the election held immediately following his resignation or removal from office under article 54.

(3) Where the office of the President becomes vacant by reason of the death of the President or by reason of the

President ceasing to hold office under article 53, the Vice President shall assume the office of the President and, unless removed from office under this Constitution, discharge the office of the President for the remainder of the term of the President.

(4) For the purpose of clause (3), a person who would, but for that person's death, have been declared elected as President at the Presidential election and the person designated as the Vice-President of the first-mentioned person shall be deemed to have been the President and Vice-President respectively, holding office immediately before the death of the first-mentioned person and accordingly, such Vice-President shall assume the office of the President.

(5) Where the Vice-President discharges the functions of the President under clause (1), the Vice-President shall not have power to —

- (a) revoke the appointment of a Minister, or
- (b) invoke article 110.

(6) Where the Vice-President assumes the office of President under clause (3) —

- (a) the President shall, with the approval of the National Assembly, appoint a person to be Vice-President;
- (b) where the Principal Minister is appointed Vice-President under clause (6)(a), the person who at the time is Principal Minister shall immediately cease to be Principal Minister and the President shall designate a person, who may be the first mentioned person, for the approval of the National Assembly as Principal Minister.

(7) Where under clauses (3) and (4) the Vice-President assumes the office of President for a term which exceeds two-thirds of the term of the President, the Vice-President is only eligible to serve for one other term as President.

Amendment of article 56

7.(1) Article 56 of the Constitution is amended —

- (a) by renumbering the current article as clause (1); and
- (b) by inserting the following new clauses

(2) Where the President and the Vice-President are on leave of absence, absent from Seychelles or unable for any other reasons, except for a reason specified in article 55, to discharge the functions of the office of President, the Principal Minister shall discharge those functions until the President or Vice-President returns from leave of absence or from outside Seychelles and resumes the functions of the office of President or is able to discharge the functions of the office of President.

(3) Where the Vice-President discharges the functions of the President under clauses (1) or (2), the Vice-President shall not have power to —

- (a) revoke the appointment of a Minister; or
- (b) invoke article 110.

(4) Where the Principal Minister discharges the functions of the President under clauses (1) or (2), the Principal Minister shall not have power to —

- (a) revoke the appointment of a Minister;
- (b) invoke article 110;
- (c) exercise powers under article 60 (power of pardon);

- (d) assent to Bills; or
- (e) appoint or revoke the appointment of a person to any office or administer any oath to any office.

Amendment of article 59

8. Article 59 of the Constitution is amended in clause (2), by repealing the words “within three years of” and substituting them with the word “upon”.

Amendment of article 66A

9. Article 66A of the Constitution is amended by repealing clause (12).

Amendment of articles 75 and 92 and paragraph 1(1) of Schedule

10. Articles 75 and 92 of the Constitution and paragraph 1(1) of the Schedule 2 to the Constitution are amended by substituting the words “Designated Minister”, wherever they appear in the articles, with the words “Principal Minister”.

Amendment of article 79

11. Article 79 of the Constitution is amended —

- (a) by repealing clause (1) and substituting it with the following new clauses —

“79.(1) Subject to this article, a general election shall be held at the same time as the election of the President declared under paragraph 4(5) of schedule 3 to the Constitution.

(2) On the date of the declaration of the election of members to the National Assembly following a general election, the Electoral Commission shall declare the date

of the next general election and within 30 days of such declaration publish a written declaration in the Gazette.

(3) In this article “declared date” means the date of the general election declared by the Electoral Commission under clause (2).

(4) Where the National Assembly is dissolved under article 110 or 111 more than 3 months before the declared date, a general election shall be held within 3 months of the date that the National Assembly stands dissolved.

(5) Where the National Assembly is dissolved within a period of 3 months of the declared date, the general election shall be held on the declared date.

(6) Where the term of the session of the National Assembly expires before the next Presidential election declared under paragraph 4 (5) of schedule 3 to the Constitution, the term of the session of the National Assembly shall not exceed fifty-nine months from the date of the last general election and a general election shall be held during the period starting at the beginning of the fifty-seventh month and ending at the end of the fifty-ninth month of a session of the National Assembly.

(7) Where a general election is not held in accordance with clauses (1), (4), (5), it shall be held during the period starting at the beginning of the fifty-seventh month and ending at the end of the fifty-ninth month of a session of the National Assembly.

(8) Subject to this Constitution, the term of a session of the National Assembly shall not exceed fifty-nine months.

- (b) by renumbering clauses (2) to (8) as clauses (9) to (15) respectively;
- (c) by repealing the words “clause (1)” in the renumbered clause (9), and substituting them with the words “clause (1), (4) or (5).”;
- (d) by repealing the words “clause (4)” in the renumbered clause (10), and substituting them with the words “clause (11).”;
- (e) by repealing the words “clauses (5) or (6)” in the renumbered clause (14), and substituting them with the words “clauses (12) or (13)”.

Amendment of article 81

12. Article 81 of the Constitution is amended in clause (1) (a), by inserting immediately after the words “the Assembly”, the words “or at the expiry of the session of the National Assembly, as the case may be”.

Amendment of Schedule 3

13. Schedule 3 to the Constitution is amended —

- (a) in paragraph 3(1) by repealing the words “subject to article 52A”; and
- (b) by repealing paragraph 4 and substituting it with the following —

“Time of presidential election

4.(1) An election to the office of the President shall be held —

- (a) on the Saturday in the fifth week prior to the expiration of the term of the President; or

(b) in the circumstances contemplated in article 55.

(2) Without prejudice to sub-paragraph (1) or any other provision of this Constitution, the President shall continue in office and shall cease to hold office on the date of the expiry of his 5-year term, or such lesser period in case the President assumes the office under article 55.

(3) The President-elect, irrespective of whether it is the incumbent President or not, shall take oath and assume office on the date next following the expiry date referred to in sub-paragraph (2).

(4) Notwithstanding sub-paragraph (1), the Electoral Commission may, by notice published in the Gazette at least 30 days prior to the date of the election, order that elections be held on any one or more days prior to that date for any category of persons or in any specified part of Seychelles, as provided for by an Act in accordance with the provisions of that Act

(5) On the date of the declaration of the President-elect, the Electoral Commission shall declare the date of the next Presidential election and within 30 days of such declaration publish a written declaration in the Gazette.

Date of holding next Presidential Election

4A. The election to the office of the President after the passing of this Act shall be 27 September 2025.