



CONSTITUTION OF THE REPUBLIC OF  
SEYCHELLES (FIFTH AMENDMENT) ACT, 2000

(Act 7 of 2000)

*I assent*



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

F.A. Rene  
President

*31st May, 2000*

**AN ACT to alter the Constitution.**

**ENACTED** by the President and the National Assembly.

1. (1) This Act may be cited as the Constitution of the Republic of Seychelles (Fifth Amendment) Act, 2000.

Short title and  
commence-  
ment

(2) This Act shall come into operation on such date as the President may, by notice in the Gazette, appoint.

Interpretation

2. In this Act, "Constitution" means the Constitution of the Republic of Seychelles as set out in the Constitution of the Republic of Seychelles (Third Republic) (Promulgation) Notice, 1993.

Amendment of  
the Constitu-  
tion last  
amended by  
Act  
14 of 1996

3. The Constitution is amended as follows:-

(a) by inserting after article 52 the following article-

"Appealing  
for fresh  
mandate

**52A.**(1) The provisions of this article shall have effect notwithstanding anything to the contrary in the other provisions of this Chapter.

(2) The President may, at any time after the expiration of one year from the commencement of the President's first or second term of office, by Proclamation published in the Gazette, declare the President's intention of appealing to the People for a mandate to hold office, by election, for a further term.

(3) Upon the making of a Proclamation under clause (2), the Electoral Commissioner shall, subject to the provisions of this article, hold a Presidential election.

(4)(a) The President may revoke a Proclamation made under this article by notice published in the Gazette, at any time before the day appointed as nomination day in relation to the election of the President.

(b) The President shall not withdraw the President's nomination as candidate at such election.

(5) If at any time after the date of a Proclamation made under clause (2) and before

the close of the poll at the election held in pursuance of the Proclamation, the incumbent President dies, the Proclamation shall be deemed to have been revoked with effect from the date of such death, and the election to be held in pursuance of the Proclamation shall be deemed to be cancelled.

(6) The person declared elected as President at an election held under this article shall, if such person -

- (a) is the incumbent President, hold office for a further term of five years beginning with the date next following the date on which the term of office of the incumbent President is deemed to have expired under clause (7);
- (b) is a person other than the incumbent President, hold office for a term of five years beginning with the date next following the date of declaration of the election of President.

(7) Where an election is held under this article, the term of office of the incumbent President

- (a) shall be deemed to have expired on the date next following the date of declaration of election of President in that election; and
- (b) shall constitute one term for the purpose of article 52(2).”;

- (b) by inserting the following words at the end of article 55(1):

“For the purpose of this clause, 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 President.”

- (c) by repealing, in article 86, clause (1) (B);

- (d) in Schedule 3 -

(i) by repealing, in paragraph 3(1), the words “A person”, and substituting therefor, the words “Subject to article 52A (4) (b), a person”;

(ii) by repealing, in paragraph 4 (b), the words “became vacant.” and substituting therefor, the words “became vacant or a Proclamation under article 52A was made.”;

(iii) by repealing, in paragraph 7 (2), the words “before the day of election” and substituting therefor, the words “at any time before the close of the poll”;

(iv) by inserting the following subparagraph after subparagraph (3) of paragraph 7:

“(4) Where at any time between the close of the poll at an election and the declaration of the result of the election a candidate at the election dies the Electoral Commissioner shall proceed with the count and declare the result of the election notwithstanding the death of the candidate.”.

I certify that 27 members of the National Assembly voted for the Bill at the sitting of the National Assembly held on 23rd May, 2000 when the Bill as a whole was put to the vote in the Assembly.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

F. MacGregor  
Speaker of the National Assembly

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 23rd May, 2000.

A handwritten signature in black ink, written in a cursive style.

Mrs. Sheila Banks  
Clerk to the National Assembly