



**CONSTITUTION OF THE REPUBLIC OF
SEYCHELLES (SIXTH AMENDMENT) ACT, 2011**

(Act 7 of 2011)

I assent

A handwritten signature in black ink, appearing to read 'Michel'.

J. A. Michel
President

12th July, 2011



**AN ACT to amend the Constitution and to make
provision for an Electoral Commission.**

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Constitution of
the Republic of Seychelles (Sixth Amendment) Act, 2011. Sb. 5/11

Amendment of
Cap 42 as last
amended by
Act 14 of 1996

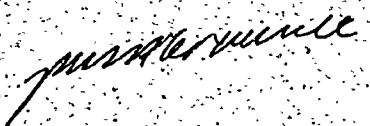
2. The Constitution of the Republic of Seychelles is amended as follows—

- (a) in Article 52A by repealing in clause (3) the word "Commissioner" and substituting therefor the word "Commission";
- (b) in Article 79—
 - (i) by repealing in clause (4) (b), the word "Commissioner" and substituting therefor the word "Commission";
 - (ii) by repealing in clause (7), the word "Commissioner" and substituting therefor the word "Commission";
- (c) in Article 81—
 - (i) by repealing in clause (1) (i) (i) (ii), the word "Commissioner" and substituting therefor the word "Commission";
 - (ii) by repealing in clause (5), the word "Commissioner" and substituting therefor the word "Commission";
- (d) by repealing in the title in Chapter VII the word "Commissioner" and substituting therefor the word "Commission";
- (e) by repealing in Article 112 clause (3), the word "Commissioner" and substituting therefor the word "Commission";
- (f) by repealing Article 115 and substituting therefor the following—

"Electoral
Commission

115.(1) There shall be an Electoral Commission which shall perform the functions conferred upon it by this Constitution and any other law.

I certify that 23 members of the National Assembly voted for the Bill at the sitting of the National Assembly held on 12th July, 2011 when the Bill as a whole was put to the vote in the Assembly.


Patrick Herminie
Speaker of the National Assembly

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 12th July, 2011.


Veronique Bresson
Clerk to the National Assembly

substituting therefor the word "Commission";

(ii) by repealing in paragraph 3 subparagraph (1) the word "Commissioner" and substituting therefor the word "Commission";

(iii) by repealing in paragraph 5 the word "Commissioner" and substituting therefor the word "Commission";

(iv) by repealing in paragraph 6 the word "Commissioner" and substituting therefor the word "Commission";

(v) by repealing in paragraph 7 subparagraph (3) and (4) the word "Commissioner" and substituting therefor the word "Commission";

(m) in Schedule 4—

(i) by repealing in paragraph 3 the word "Commissioner" and substituting therefor the word "Commission";

(ii) by repealing in paragraph 4 the word "Commissioner" and substituting therefor the word "Commission" wherever it appears in the paragraph;

(n) in Schedule 7 by repealing in paragraph 11 subparagraph (5) the word "Commissioner" and substituting therefor the word "Commission".

(2) Subject to this Constitution, the Electoral Commission shall not, in the performance of its functions, be subject to the direction or control of any person or authority.

115A.(1) The Commission shall consist of a Chairperson and four Members all of whom shall be appointed by the President selected from seven candidates of proven integrity and high repute, proposed by the Constitutional Appointments Authority constituted under Article 139 of the Constitution.

115.B A person is qualified to be a Chairperson and Members of the Commission if the person is a citizen of Seychelles who—

(a) is qualified to be registered as a voter; and

(b) the person is not a candidate of an election under the Constitution or is not the President, Vice-President, Minister or a Member of the National Assembly and not an executive office bearer of a political party.

Members
of the
Commission

Qualification
of Member

Tenure
of office

115C.(1) The Chairperson and the Members of the Commission shall be appointed for a term of seven years, and may, at the end of a term, be eligible for re-appointment.

(2) The Chairperson may by writing addressed to the President and a Member who is not the Chairperson, to the Chairperson, resign.

(3) A resignation under clause (2) shall have effect on the date it is last received by any person specified in that clause.

(4) The salary, allowances and gratuity payable to the Chairperson and Members of the Commission shall be prescribed by or under an Act and the salary, allowances or gratuity shall be a charge on the Consolidated Fund.

(5) Subject to article 166, the salary, allowances and gratuity payable to and the term and other conditions of appointment of the Chairperson and Members of the Commission shall not be altered to the disadvantage after the appointments.

(6) The Commission may regulate its own proceedings and may act notwithstanding one vacancy in its membership.”

(g) in Article 116—

(i) by repealing the word “Commissioner” and substituting therefor the word

“Commission” wherever it appear in the section;

(ii) by adding after clause (1) (d) the following—

“(e) shall review existing legislation governing electoral matters and make recommendations to the Government.

(h) in Article 117—

(i) by repealing the figure 1 and bracket (1);

(ii) by repealing the word “Commissioner” and substituting therefor the word “Commission”;

(i) in Article 118 by repealing the word “Commissioner” and substituting therefor the word “Commission” wherever it appear in the section;

(j) in Article 165 by repealing in clause (1) the word “Commissioner” and substituting therefor the words “members of the Commission”;

(k) in Schedule 2 by repealing the definition of “Electoral Commissioner” and substituting therefor the following—

“ “Electoral Commission” or “Commission” means the Electoral Commission established under Article 115.”

(l) in Schedule 3—

(i) by repealing in paragraph 2 subparagraph 1(a) and (b) the word “Commissioner” and