

**NATIONAL COUNCIL FOR THE ELDERLY ACT, 2018**

*(Act 2 of 2018)*

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**NATIONAL COUNCIL FOR THE ELDERLY ACT, 2018**

*(Act 2 of 2018)*

*I assent*



Danny Faure  
President

*25th May, 2018*

**AN ACT to establish a National Council for the Elderly to promote a holistic management of the care of elderly persons and for matters connected therewith or incidental thereto.**

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

**PART I - PRELIMINARY**

1. This Act may be cited as the National Council for the Elderly Act, 2018.

Short title

Interpretation

2. In this Act, unless the context otherwise requires —

“Council” means the National Council for the Elderly established by section 3;

“Domiciliary Care Worker” means an individual employed to provide domiciliary care either on a full time or part time basis;

“elderly” means a person who has attained the age of 60 years or such other age as may be prescribed by the Minister;

“member” means a member of the Board appointed under section 5 and includes the Chairperson and Vice-person.

“Minister” means the Minister responsible for Family Affairs.

## PART II - ESTABLISHMENT OF THE COUNCIL

Establishment  
of the Council

3. There is hereby established the National Council for the Elderly.

Functions of  
the Council

4. The functions of the Council are —

- (a) to advise Government on all matters concerning the elderly;
- (b) to register persons wishing to be employed to work as a domiciliary care worker;
- (c) to develop standards of care with a view to professionalise and maintain a high standard of care and service to the elderly; and
- (d) to monitor, evaluate and regulate domiciliary care being provided.

5.(1) The affairs of the Council shall be managed by a Board.

Composition  
of the  
Board

(2) The Board shall consist of not less than seven members comprising three elderly persons and representatives of the following—

- (a) Ministry of Health;
- (b) Ministry of Family Affairs;
- (c) Ministry of Local Government; and
- (d) Department of Culture.

(3) The President shall appoint the members from persons proposed by the Minister on such terms and conditions as the President may determine.

(4) The President shall appoint a Chairperson and a Vice-Chairperson from among the members and the Vice-Chairperson shall, in the absence of the Chairperson, carry out all the responsibilities of the Chairperson.

(5) The President shall cause a notice of the names of the Chairperson, Vice-Chairperson and members of the Board to be published in the Official Gazette.

(6) A member shall hold office for a period of three years and he or she shall be eligible for re-appointment.

6.(1) The President may at any time terminate the appointment of a member who—

Termination of  
appointment  
of members

- (a) has been found guilty of misconduct, default or breach of trust in the discharge his or her duties;
- (b) has been convicted of an offence and sentenced to imprisonment for a term of 3 months or more; or

(c) is mentally or physically incapable of carrying out his or her duties under this Act.

(2) A member whose appointment has been terminated under subsection (1) shall not be eligible for re-appointment.

Functions of  
the Board

7. The Board shall in the performance of functions of the Council—

(a) co-ordinate the activities of public or private organisations and other persons engaged in the welfare of the elderly;

(b) in collaboration with public or private organisations and other persons—

(i) provide care and assistance to the elderly; and

(ii) promote, develop and organise services and programmes for the benefit of the elderly;

(c) set goals and strategies for the Council;

(d) have oversight of the financial management of the Council;

(e) evaluate the work of the Chief Executive Officer; and

(f) monitor the Council's activities as outlined in its action plan.

Meetings  
of the  
Board

8.(1) The Board shall meet at such time and place and shall observe such rules and procedures relating to the transaction of business at its meetings, as may be prescribed.

(2) The quorum of the Board shall be not less than half of the number of members of the Council, or where the Board is comprised of an odd number of members, half of the members plus one shall constitute a quorum for a meeting of the Board.

(3) There shall be not less than six meetings every year and not more than 2 months shall elapse between one meeting and the next.

(4) The Chairperson may, by written notice, convene a special meeting of the Board for the purpose specified in the notice.

(5) The Chairperson or, in the absence of the Chairperson and the Vice-Chairperson, a member elected by the members present, shall preside at the meeting of the Board.

(6) A member who has a direct or indirect financial, personal or other interest in a matter to be discussed at a meeting of the Board —

(a) shall disclose the nature of the interest before or at a meeting of the Board;

(b) shall not take part in the deliberations in respect of that matter; and

(c) shall not vote for a decision in such deliberations.

(7) A member may, at any time, resign from office by letter addressed to the President and such member shall cease to be a member of the Board from the date on which the President accepts the resignation.

(8) A member is deemed to have vacated office if he or she has been absent without leave for three consecutive meetings of the Board.

(9) Where a member resigns or vacates office, the President may appoint another person to hold office for the remaining period of the term for which the member would have otherwise held office.

(10) The Board may establish sub-committees, on such terms and conditions as it considers appropriate, consisting of members having expertise in the affairs and management of elderly care and management.

Chief  
Executive  
Officer of  
the Council

9.(1) The President shall appoint a Chief Executive Officer of the Council from persons proposed by the Board on such terms and conditions as the President may determine.

(2) The Chief Executive Officer, subject to the direction of the Board—

- (a) shall be responsible for the implementation of the decisions of the Board and for the management of the affairs of the Council;
- (b) shall plan, administer and monitor budget spending;
- (c) may sign documents on behalf of the Council;
- (d) may delegate any function of the Chief Executive Officer to a designated officer or an employee of the Council; and
- (e) shall perform such other functions as the Board may, from time to time, assign.

(3) The Chief Executive Officer shall attend and participate in meetings of the Board but shall have no right to vote.



Termination of  
appointment  
of Chief  
Executive  
Officer

10. The President may, on the recommendation of the Council terminate the appointment of the Chief Executive Officer, where the Chief Executive Officer —

- (a) has committed any misconduct, default or breach of trust in the discharge of any duties;
- (b) is an undischarged insolvent or bankrupt;
- (c) is convicted of an offence and sentenced to a term of imprisonment of 3 months or more;
- (d) is absent from 3 consecutive meetings of the Board without leave from the Chairperson; or
- (e) is mentally or physically incapable of carrying out his or her duties under this Act.

11.(1) The Council may, on such terms and conditions as may be determined by the Council and according to such procedures applicable to employees of public bodies, employ such inspectors, officers and other staff as may be necessary for the proper performance of its functions.

Staff of the  
Council

(2) An inspector, officer or any staff of the Council shall not acquire any interests in any related activity or in any contract with the Council.

(3) Where an inspector, officer or any staff had acquired an interest referred to in subsection (2) by succession or otherwise, he or she shall, unless the Council determines otherwise, forthwith dispose of that interest.

### PART III - FUNDS, ACCOUNTS AND AUDITS

12. The funds of the Council shall consist of —

- (a) moneys appropriated by an Appropriation Act and paid to the Council;

Funds of  
the  
Council

- (b) grants or donations; and
- (c) funds raised in Seychelles or elsewhere.

**Accounts**

13.(1) The Council shall keep proper accounts and records of the fund of the Council and shall prepare a statement of accounts for each financial year.

(2) The funds of the Council may be applied for any purpose in connection with or for the furtherance of the functions of the Council.

(3) The accounts of the Council shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

(4) As soon as the accounts and statement of accounts of the Council have been audited under subsection (3), the Council shall prepare an annual report of its activities within 3 months following every financial year and shall send it to the Minister, together with a copy of the statement of accounts and a copy of a report made by the auditor on the statement of accounts of the Council and the Minister shall cause the same to be laid before the National Assembly.

(5) The financial year of the Council shall be a period of 12 months ending on the 31st December of any year but the first financial year of the Council shall end on 31st December next following the date of commencement of this Act.

**PART IV - MISCELLANEOUS****Directions of  
Minister**

14. The Minister may give, in writing, directions of policy to the Council regarding the discharge of its functions and the Council shall comply with such directions.

**Regulations**

15. The Minister may make regulations for carrying into effect the purposes and provisions of this Act and for any

other matter necessary or required to be prescribed by regulations.

16.(1) The National Council for the Elderly Act (Cap 291) is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, any act done or commenced or any action taken or purported to have been done or taken under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act.

(3) All persons employed by the National Council for the Elderly under the repealed Act prior to the commencement of this Act shall be transferred to the service of the Council on terms and conditions not less favourable than those enjoyed by them before the transfer.

(4) All property vested in the National Council for the Elderly established under the repealed Act, immediately before the commencement of this Act and all assets, rights, interests, privileges, liabilities and obligations relating to that Council shall stand transferred and vested in the Council upon the commencement of this Act.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 10th April, 2018.



Ms. Jutta Alexis  
Clerk to the National Assembly