

CONSOLIDATED TO 31 DECEMBER 2015

LAWS OF SEYCHELLES

CHAPTER 34

CIVIL STATUS ACT

[22nd April, 1893]

Act 4 of 1883.
Act 16 of 1898
Act 7 of 1904.
Act 4 of 1911.
Act 14 of 1916.
Act 4 of 1917.
Act 14 of 1917.
Act 9 of 1919.
Act 11 of 1925.
Act 1 of 1934.
Act 21 of 1938.
Act 7 of 1946
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Act 1 of 1953.
Act 15 of 1955.
Act 4 of 1956.
Act 9 of 1958.
Act 5 of 1959.
Act 7 of 1961.
Act 3 of 1963.
Act 19 of 1963.
S.I.6 of 1971.
S.I.91 of 1975.
Act 13 of 1975.
S.I.104 of 1975.
S.I.72 of 1976.
Act 23 of 1976.
Act 22 of 1980.
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Act 10 of 2000.
S.I 57 of 2000
S.I 47 of 2009

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PRELIMINARY

Short title

1. This Act may be cited as the Civil Status Act.

Interpretation

2. In this Act, unless the context otherwise requires

"Act" means an act of the civil status;

"affidavit" includes solemn affirmations;

“district” means the electoral area assigned to a branch civil status office or other civil status office for the purpose of registration of matters concerning the civil status of persons;

Ins by s 2(a)(i) of Act 10 of 2000 w.e.f. 1 December 2000

"judicial department" includes the Supreme Court and any other court that may exist in Seychelles and the registries thereof;

"gazetted" means published in the Seychelles Government Gazette;

“interment” includes cremation;

Ins by s 2(a)(ii) of Act 10 of 2000 w.e.f. 1 December 2000

"the court" means the Supreme Court;

"judge" means a Judge in Chambers;

"magistrate" means any judicial officer exercising magisterial powers;

"oath" includes solemn affirmations;

"office" means office of the civil status;

"officer or civil status officer" means officer of the civil status;

"Outer Islands" means the islands or groups of islands listed in Part II of the First Schedule of the Constitution of the Republic of Seychelles;

Ins by s 2(a)(iii) of Act 10 of 2000 w.e.f. 1 December 2000

"register" means register of the civil status.

PART I - THE CIVIL STATUS DEPARTMENT

Offices of Civil Status

Offices of Civil Status

3. (1) There shall be in Victoria a public office where births, marriages and deaths and other matters concerning the civil status of persons shall be registered in accordance with the provisions of this Act, which office shall be called the Central Civil Status Office.

(2) There shall be a branch civil status office at Praslin, which shall be called the civil status office of the Praslin ward. Such office shall be the office for all civil status matters concerning the following Islands - Praslin, Aride, Ile aux Fous or Booby Island, Ile Curieuse, Ile Ronde, Ile Cousin or North Cousin, Ile Cousine or South Cousin.

S 3(2) am by s 2(b)(i) of Act 10 of 2000 w.e.f. 1 December 2000

(3) The Minister may from time to time order that additional civil status offices be established in any district or Island at such places, for such time and under such conditions as may seem fit.

(4) The civil status office on La Digue shall be the office for all civil status matters concerning the islands of La Digue, Félicité, Marianne, Grande Soeur, Petite Soeur and Ile aux Cocos.

S 3(4) ins by s 2(b)(ii) of Act 10 of 2000 w.e.f. 1 December 2000

(5) The civil status office at Anse Royale shall be the office for all civil status matters concerning the electoral areas of Anse Royale, Au Cap, Takamaka, Baie Lazare and Anse Boileau.

Existing offices.

4. The civil status office existing at Victoria at the commencement of this Act shall be deemed the Central Civil Status Office for Seychelles, and any branch, additional or other civil status office, existing shall be deemed a branch, additional or other civil status office referred to in this Act.

Civil Status Officers

Chief Officer of Civil Status

5. (1) It shall be lawful for the President to appoint a Chief Officer of the Civil Status who shall be the head of the Civil Status Office, and shall have the superintendence and control of all officers of the civil status in Seychelles.

(2) Such officer shall before entering on his duties take the oaths prescribed for officers of the civil status by the Official Oaths Act.

(3) The Chief Officer of the Civil Status shall have all the powers of a civil status officer and may act as such in any part of Seychelles.

Other officers may be appointed

6 (1) It shall be lawful for the President to appoint from time to time as many proper persons as may be needed to be civil status officers. Such officers shall be civil status officers for the whole of Seychelles and shall have power to act in any office to which they may be attached or transferred by the Chief Officer of the Civil Status.

(2) The appointment of a civil status officer shall be notified in the Gazette.

(3) Every person so appointed shall on his first appointment take the oath prescribed by the Official Oaths Act.

(4) Every person having been appointed an officer or assistant or additional officer of the civil status for any district or island and officiating as such at the commencement of this Act shall be deemed an officer appointed under this Act.

Temporary Officers during prevalence of epidemic disease

7. Whenever it shall be urgent during the prevalence of any epidemic disease, to provide for the prompt and immediate fulfilment of the legal formalities required previous to the burial of bodies, it shall be lawful for the President to appoint in any part of Seychelles as many temporary assistant civil status officer as may be required, concurrently with the then existing officers, to receive declarations of deaths and deliver permits of burials.

Officers of civil status to be public functionaries

8. The Chief Officer of the Civil Status, every civil status officer, and any clerk acting as such shall be deemed public functionaries, and be entitled to the protection and be liable to the responsibilities and penalties which by any law are provided with regard to public functionaries.

Duties of the Civil Status Officers

Chief Officer of the Civil Status

9. It shall be the duty of the Chief Officer of the Civil Status to enforce the provisions of this Act. He shall report to the Commissioner of Police any offence against this Act, and to the Minister any neglect of duty committed by any person charged with such duty, and any irregularity or omission appearing in any register.

Further duties of the Chief Officer of Civil Status

10. (1) The Chief Officer of the Civil Status shall register or cause to be registered all births, marriages and deaths and all other acts connected with the civil status in the Republic of Seychelles.

S 10(1) am by s 2(c)(i) of Act 10 of 2000 w.e.f. 1 December 2000

(2) He shall prepare and forward to the Minister within the first three months of each year an annual report on the vital statistics of Seychelles for the year preceding.

(3) He shall have the custody and be answerable for the safe keeping of -

(a) all registers, records and instruments connected with the Civil Status of which he has now the custody under Act 17 of 1871; and

(b) all registers, duplicate registers, documents and instruments which, under the provisions of this Act, may be required to be kept in the central office.

S 10(3) rep and subs by s 2(c)(ii) of Act 10 of 2000 w.e.f. 1 December 2000

Duties of other officers

11. (1) The officers attached to the central office shall receive, draw up and register all acts of birth, marriage and death of Mahé and such other islands as may not be provided with a civil status office, under the supervision of the Chief Officer of the Civil Status who shall be directly answerable for the proper registration of such acts in conformity with the provisions of this Act. All such officers shall be under the immediate control of the Chief Officer of the Civil Status who may from time to time issue directions as to the distribution of work in the central office.

(2) Every officer of a district or additional office shall receive, draw up and register all acts of birth, marriage and death and all other acts connected with the civil status in his district and shall in all matters connected with the discipline and administration of the office under his charge, be bound to obey the directions of the Chief Officer of the Civil Status.

Every officer shall be bound to make every report and furnish every return that may from time to time be required of him by the Chief Officer of the Civil Status.

When an officer cannot act

12. An officer shall not receive, draw up and register any act in which his own status or that of any of his ancestors, parents, descendants, sisters or brothers shall be concerned, but such act may be received by any other officer.

This article shall not apply to any outlying island where there is only one person competent to act as civil status officer.

Yearly indexes

13. Every officer charged with the keeping of any register of births, deaths or marriages shall prepare current alphabetical indexes of the content of such registers, and every entry in such indexes shall be made immediately after the act to which it relates has been registered. The said indexes shall be closed at the end of each year and shall be in duplicate. In the case of a district or additional office one of such duplicates shall be kept with the records of his office, and the other shall together with the duplicate of the register be sent to the Chief Officer of the Civil Status.

Decennial tables

14. The Chief Officer of the Civil Status shall within twelve months after the commencement of this Act prepare a decennial alphabetical table with statistical abstracts of all deaths, births, marriages, adoptions and divorces which have occurred during the ten years ending the 31st December, 1892, and afterwards, shall prepare a similar decennial table within the first six months after each tenth year from the 31st December, 1891.

The said tables and abstracts shall be prepared and registered in accordance with forms prepared by the Chief Officer of the Civil Status.

Such alphabetical tables both annual and decennial shall further be typed, and a copy of the same sent to every office to be kept there and open to the public for information.

PART II - REGISTERS AND ACT OF THE CIVIL STATUS

Registers

Keeping of registers

15. (1) Declarations of birth and death, and celebrations of marriage at any office shall be registered in printed books (hereafter called registers) kept accordingly to the forms given in Schedule A hereto.

(2) Separate registers shall be kept for birth (other than still-births), for deaths, and for marriages (other than marriages in articulo mortis). Such registers shall be in duplicate; they shall be of such size, and remain in use and be closed for and at such time, as the Chief Officer of the

Civil Status may direct.

(3) Separate registers (not in duplicate) shall also be kept for the purposes of this Act for the registration of still-births, of causes of death, of marriages in articulo mortis, of banns of marriage, of decrees of divorce, of judges' orders, of acts of acknowledgment of natural children, and of adoption. Each such register shall be of such size, and remain in use and be closed for and at such time as the Chief Officer of the Civil Status may direct.

(4) The Minister may, by regulation, amend schedule A.

Pages to be numbered

16. (1) The pages of every register shall be numbered and shall also bear the initials, written or stamped, of the Chief Officer of the Civil Status of Seychelles.

(2) On each page one act only shall be inscribed.

(3) No blank page shall be left between two declarations but such acts shall be inscribed consecutively and without interruption.

Closing of registers

17. The officer in every district or additional office, and in the central office the Chief Officer of the Civil Status shall immediately after the last act entered in the register draw up, date and sign a memorandum in which the number of acts entered in the register shall be recorded.

Closed registers

18. (1) Within one month of being closed one of the duplicates of every register required to be kept in duplicate shall in the case of a district or additional office be forwarded to the central office, the other duplicate being kept as a permanent record in such district or additional office.

(2) Within the same period one of the duplicates of every register of the central office shall be forwarded for safe custody to such place as may be chosen by the Minister, the other being kept as a permanent record of such central office.

Instruments to be authenticated

19. (1) Every instrument, declaration or document which shall in connection with any act be received by an officer, shall be authenticated by such officer with the date on which the same has been received and with his signature.

(2) Within the first month after the expiration of the year during which the said instruments, declarations, documents or acts have been received, the officer who has received them shall forward them with a return thereof to the Chief Officer of the Civil Status who shall have the custody of the same.

Power to verify

20. The Minister or any officer deputed by him, the Chief Justice, a magistrate, and any Justice of the Peace, the Chief Officer of the Civil Status, the Attorney General, and the Auditor General, shall have power at any time, to examine, inspect and verify the registers of any civil status officer.

Errors, etc., to be reported

21. All errors, omissions, or irregularities discovered in the course of inspection under the preceding section shall be at once made known to the Minister, who will thereupon refer the matter to the Attorney General for any action that may be necessary in order to have the register rectified.

Extracts from registers

22. (1) Every person shall be entitled upon the payment of the fee mentioned in the tariff contained in Schedule B to obtain from any officer a copy of any act registered in any register in the custody of such officer. Every such copy shall be signed by the officer delivering the same, and shall be certified by him as a true copy of the act itself:

Provided that such person may, at his request and upon payment of the fee mentioned in Schedule B, be issued by such officer, in lieu of the copy, a certificate in such form as may be provided by the Chief Officer of the Civil Status.

(2) Every such copy, even if the original register has disappeared or has been lost or destroyed, shall be evidence as fully as the register itself until it be proved false.

(3) If at any time it is discovered that any such copy although certified to be correct is nevertheless in point of fact at variance with the original registers, the holder of the said copy shall be entitled on giving up the same to be furnished with another copy free of charge. Such substituted copy shall bear an annotation stating that the delivery thereof has been made free by virtue of the present section and the incorrect copy shall be delivered into the custody of the Chief Officer of the Civil Status.

(4) When a copy of an act shall be presented to a Judge or other authority for legalisation no stamp, registration or other duty or fee shall be chargeable thereupon.

23. ...

S 23 rep by s 2(d) of Act 10 of 2000 w.e.f. 1 December 2000

Rules as to Registration of Declarations

Date, etc., to be mentioned in every Act

24. In every act the year, month and day of receiving the same, shall be stated, as well as the names, surname, national identity number, profession and residence of all persons therein mentioned.

Only statements of parties to be recorded

25. It shall not be lawful for any officer to mention or record in any act either as a note or as a statement in the body of the act anything beyond what the parties are bound to declare to him.

When parties may be represented by agents

26. In any case in which the parties interested are not bound by law to appear in person they may be represented before the officer by an agent expressly appointed to represent them by an authentic deed.

Witnesses to act

27. Persons appearing as witnesses to any act must not be under eighteen years of age; the witnesses may be selected by the parties, and relatives may be so selected.

Act to be read to parties and signed by them

28. (1) The officer shall read the act entered by him to the parties, or their attorneys and the witnesses, and shall record in the act that it has been so read.

(2) The act shall be signed by the officer, the parties and witnesses. In case any of the parties or witnesses be unable to sign, such person shall make his mark on the act.

Acts of the civil status drawn up abroad

29. Any act of the civil status drawn up in any country out of Seychelles shall be deemed valid as an act of the civil status if it has been drawn up in accordance with the law in force in such country.

When acts are not vitiated

30. (1) No act shall be vitiated or rendered void on account of the true or correct names of the parties thereto not having been used or on account of any error, discrepancy or variance in any description, provided that in case of dispute the identity of the parties be established.

(2) No act shall be impeachable on the ground that the person by whom it has been registered was not at the time of such registration lawfully qualified to register such act or to give it full effect and validity:

Provided always that the person having registered such act was at the time of registration lawfully authorised to act as a civil status officer under section 6.

PART III - ACTS OF BIRTH

Period within which declaration of birth must be made

31. (1) The declaration of the birth of any child shall be made at any time within the thirty days following the day of its birth before the officer of the district where the child is born. It shall not be necessary to present the child when its birth is declared, and all acts of birth drawn up before the passing of this Act are hereby declared to be valid whether the child has been presented to the officer of the civil status or not.

(2) If the birth has not been declared within the aforesaid period, the birth shall not be registered, except upon an order of a judge and on payment of a fine not exceeding one hundred rupees unless the lateness of the declaration be accounted for to the satisfaction of the judge. The judge shall be entitled to require such evidence as he may deem necessary to satisfy himself touching the exact date of the birth of the person whose birth is sought to be registered.

(3) If the birth to be registered be that of a person more than three months old, no such order shall be given by the judge, except on payment of a fine not exceeding five hundred rupees:

Provided that it shall be lawful for the President to remit or reduce such fine upon sufficient cause being shown.

Who may make declaration

32. The birth may be declared by the father and mother together, or if the father is not known, the mother alone, by any medical practitioner, midwife or other person having been present at the birth or by the owner or occupier of the premises on which the birth took place.

The act of birth shall be drawn up forthwith in the presence of two witnesses. No fee or duty of any kind shall be charged by the officer for receiving such declaration and drawing up the act of birth.

Facts to be mentioned in act

33. In the act shall be mentioned the day, hour and place of birth, the sex of the child, the names given to it, the names, surnames, national identity numbers, profession and residence of the father and mother and those of the witnesses.

S 33 am by s 2(g) of Act 10 of 2000 w.e.f. 1 December 2000

Information to be given to parents

34. Where a birth is declared or registered under this part, the officer to whom it is declared or by whom it is registered shall inform -

(a) the parents of their duty to maintain the child under sections 4 and 6 of the Children Act and that failure to fulfil that duty is an offence, and

(b) the father of a natural child who recognises the child in terms of Article 334

of the Civil Code of his liability to maintain the child under sections 4 and 6 of the Children Act, that failure to fulfil that duty is an offence and that the mother may take proceedings against him under Part II of the Children Act.

Declaration of birth of natural child

35. Whenever the birth of a natural child shall be declared every officer is hereby expressly forbidden to mention in the act of birth the name of the father, unless the father consents to such mention, either by appearing and signing or marking the act, either personally or by agent appointed under an authentic deed to sign for him.

Where any such deed is produced mention thereof shall be made in the margin of the act of birth and the original or copy of the authority shall be kept by the officer.

Finding of newborn child

36. (1) Any person, who shall find a newborn child, shall be bound, within twenty-four hours after finding the child, to give notice to the fact to the nearest officer of police.

(2) The said officer shall immediately proceed to examine the child, and he shall take possession of the clothing and other effects found with the child. He shall then draw up a report setting forth the name, surname, profession and residence of the person who has found the child; the place where the child was exhibited to him, the sex, probable age, and apparent origin of the child, the marks or other descriptive particulars by which the child may be afterwards identified: a description of the clothing and effects found with the child, the circumstances of time and place where the child has been found; and he shall sign his report and cause the same to be signed or marked by the person who has found the child, and by such other witnesses as he may procure.

(3) The said report shall, together with the clothing and effects found with the child, be forwarded to the Commissioner of Police, who shall cause the birth to be registered; and the child shall bear in the act the name and surname given to him by the Commissioner of Police.

(4) The Commissioner of Police shall immediately after the registration of the birth report the same to the Minister, who shall ex-officio appoint a guardian to the child until such child is claimed; he shall have the child duly brought up in an orphanage or elsewhere, and the expenses of the child shall be paid by the Government to the institution to whose charge such child shall be committed.

(5) Every person finding a newborn child, or every officer of police aforesaid who shall neglect to comply with the provisions of this section shall incur the penalties mentioned in section 116.

Persons taking charge of infant

37. If any person receive or take charge of an infant whose birth has not been declared and registered or cannot be ascertained, every such person shall be deemed to have found a newborn child, and shall be bound to fulfil the formalities and make the declarations required in section 31, and shall in default thereof incur the penalties mentioned in the said section:

Provided that if it be subsequently discovered that the birth of such child has been declared and registered, the second registration shall upon an order of a judge be cancelled by the Chief Officer of the Civil Status.

Birth in prisons, etc

38. (1) If any birth take place in any prison, depot, asylum, orphanage, hospital, workhouse, barracks or military hospital, it shall be the duty of the person or officer in charge of any such establishment to have the said birth duly declared and registered before and by an officer, within eight days after the birth.

(2) If any birth take place in any quarantine station or any area temporarily placed in quarantine it shall be the duty of the officer in charge of the said station or area, as soon as the quarantine has ceased, to cause the birth to be registered in the district where the said station or area is situated, or if there is no civil status office in such district, at the central office.

Birth on board ship registered in Seychelles

39. (1) Whenever any birth shall take place on board of any ship registered in Seychelles during any voyage and while the said ship is not in any harbour in Seychelles, it shall be the duty of the master of the said ship or of the officer replacing him to draw up and sign a memorandum of the said birth, and to cause the same to be signed by the witnesses.

(2) The said memorandum shall contain the name and surname of the child born, the name of his mother, the name of the father, if the mother be married; and if the child be not born in wedlock, the name of the father only in case such father be on board and acknowledges the child and signs or marks his acknowledgment; the place from which the mother has been embarked, the sex of the child, the date of his birth, and every other particulars which may further be necessary.

(3) Upon the arrival of the ship in any harbour in Seychelles, the aforesaid master or officer shall be bound to deliver such memorandum to the Chief Officer of the Civil Status who shall cause the birth to be registered and the act of birth shall be signed by the master, or by the person producing the declaration, and by a second witness.

Birth on board an aircraft

39A. The provisions of section 39 shall, *mutatis mutandis*, apply whenever any birth shall take place on board of any aircraft registered in Seychelles during a flight and while the aircraft is not in an airport in Seychelles, as if the references in that section to “the master” “ship” and “harbour” were references respectively to “the pilot”, “aircraft” and “airport”.

PART IV - ACTS OF MARRIAGE

Qualifications and conditions necessary for contracting marriage

Age of parties

40. A male person under the age of eighteen years or a female under the age of fifteen years cannot contract marriage. But the Minister may for grave causes authorise any person under the above age to contract marriage.

Consent

41. There is no marriage when there is no consent.

Previous marriage a bar

42. No second marriage can be contracted before the dissolution of the first marriage.

Marriage prohibited between relatives in direct line

43. In the direct line marriage is prohibited between all ascendants and descendants whether legitimate or natural and between persons related by marriage in the same line.

Collateral line

44. In the collateral line, marriage is prohibited between a brother and sister whether legitimate or natural, and between persons related by marriage in the same degree.

But marriage may be legally contracted between a man and the sister of his deceased wife or between a woman and the brother of her deceased husband. However marriage is prohibited between a man and the sister of his wife during the lifetime of the wife and between a woman and the brother of her husband during the lifetime of the husband.

Marriage prohibited between uncle and niece, etc.

45. Marriage is further prohibited between a man and his niece or a woman and her nephew. But the Minister may for grave causes authorise such marriage.

Marriage of legitimate minor, what consent necessary.

46. (1) A legitimate child who is under the age of eighteen years cannot contract marriage without the consent of his father. If the father is dead or incapable of manifesting his will or is absent from Seychelles or is on one of the Outer Islands, the consent of the mother shall be required and such consent shall be sufficient.

(2) If the father and mother of the minor are dead or incapable of manifesting their will or absent from Seychelles or are on one of the Outer Islands, the minor may marry with the consent of the judge.

Marriage of illegitimate minor, what consent necessary.

47. (1) A natural child who is under the age of eighteen years cannot contract marriage without the consent of the parent by whom he has been acknowledged or of both parents when he has been acknowledged by both. In the latter case if there is disagreement, the consent of the father will be sufficient:

Provided that if the father has been refused the guardianship of the natural child the consent of the guardian shall also be required.

(2) When both parents have acknowledged the child and one of them is dead or incapable of manifesting his will or is absent from Seychelles or is on one of the Outer Islands, the consent of the other shall be sufficient.

S 47(2) am by s 2(j) of Act 10 of 2000 w.e.f. 1 December 2000

(3) When both parents are dead or incapable of manifesting their will or are absent from Seychelles or are on one of the Outer Islands, or when the child has not been acknowledged, or when the child has been acknowledged by one parent who is dead or incapable of manifesting his will or absent from Seychelles or is on one of the Outer Islands, the consent of a judge shall be required and such consent shall be sufficient.

S 47(3) am by s 2(j) of Act 10 of 2000 w.e.f. 1 December 2000

Application for consent of judge

48. (1) The consent of a judge to a marriage may be given on the verbal application of the minor or of a friend in the presence of such minor. The judge may examine the minor or any person on oath touching any facts he may deem relevant to such application.

(2) The consent of the judge to the marriage shall be signified by a formal document under the signature of the judge, a copy of which, certified by the Registrar shall be transmitted to the Chief Officer of the Civil Status.

Appeal from refusal of parent or guardian to give consent

49. (1) In case any parent or guardian whose consent is necessary to any marriage shall withhold his consent to any marriage, it shall be lawful for any person to whose marriage such consent is necessary to apply by petition to a judge, and upon such application being made, the judge may, after examining any person on oath touching any facts he may deem relevant to such application, declare that such marriage is proper and may be celebrated, and thereupon such marriage may be celebrated and shall be as valid as if the consent of such parent or guardian has been given thereto.

(2) The judge's decision shall be notified by the Registrar to the Chief Officer of the Civil Status.

Marriage not rendered null and void for lack of consent of parent or guardian if the judge has given consent

50. No marriage shall be rendered null and void for the reason of lack of consent of any parent or guardian if in fact the consent of a judge to such marriage was given.

51. ...

S 51 rep by s 2(k) of Act 10 of 2000 w.e.f. 1 December 2000

Publication

No marriage to take place before publication

52. (1) Before the celebration of a marriage can take place two publications of the marriage must be made in the district where the marriage is to take place, with an interval of six days between the two publications.

(2) Similar publications must be made in the offices of any district in which either of the parties may have resided for fourteen days immediately preceding the day of publication.

(3) It shall be lawful for the Minister, on production of proof to his satisfaction that there is no impediment to the marriage, to grant a licence authorising the celebration of a marriage at any time after one publication in the district where the intended marriage is to take place. Such publication may be made forthwith and before the expiration of the periods herein before provided. The fee for such licence shall be the fee mentioned in Schedule B.

S 52(3) proviso rep by s 2(l) of Act 10 of 2000 w.e.f. 1 December 2000

Acts of birth, etc., to be produced

53. When application is made to an officer for the publication of a marriage the officer shall call for the production of the acts of birth of the parties, and in case of widower or widow for the production of the act of death of the husband or wife alleged to be dead:

Provided that it shall not be necessary to produce the above-mentioned acts in cases where such acts have been registered in the office in which the marriage is to be celebrated. In such case a search fee mentioned in Schedule B shall be levied by the officer receiving the application:

Provided further that if any such party shows that he is unable to produce any such act it shall be lawful for him to replace such act by an affidavit in Form V of Schedule A.

Affidavit, how made

54. Any such affidavit may be made before a judge, the Registrar of the Supreme Court, any magistrate or Justice of the Peace or before the officer to whom application for publication is made. It shall not be necessary to use stamped paper for such affidavit and no registration or other fees shall be levied thereon.

Publication, how made

55. (1) Publication of a marriage shall be made by posting in some conspicuous place in or about the office of a notice signed by the officer in Form II of Schedule A.

(2) The publication shall further be recorded by entering such notice in a special register, which shall not be a duplicate register. When two publications are made, no separate entry for the second publication shall be made, but in a footnote on the first entry the date of the second publication shall be mentioned. When a dispensation of one publication has been granted the fact shall be mentioned in a footnote as above-mentioned.

When marriage may take place

56. (1) The marriage shall not take place until after two days from the posting up of the second notice.

(2) If the marriage does not take place within twelve months from the first publication, new publications must be made as above prescribed before it can be celebrated.

57. ...

S 57 rep by s 2(m) of Act 10 of 2000 w.e.f. 1 December 2000

Publication of marriages to be celebrated abroad

58. Whenever a person intends to be married in some place outside Seychelles and, under the law of such place, it is necessary that the publication of such marriage should be made in Seychelles, such publication may be made in the central office in the same manner as if the marriage was to be celebrated in Victoria, and the Chief Officer of the Civil Status shall deliver a certificate to the effect that such publication has been made.

S 58 am by s 2(n) of Act 10 of 2000 w.e.f. 1 December 2000

Minister may dispense with one publication

*59. (1) It shall be lawful for the Minister to order that only one publication of a marriage shall be made and upon such order being made, the marriage may take place after two days from such publication.

(2) The order of dispensation shall be mentioned in the margin of the act of marriage.

Oppositions to Marriage

Husband or wife may oppose marriage

60. The husband or wife of one of the parties intending to contract marriage may enter an opposition to the celebration of such marriage.

Ascendants may oppose marriage

61. The father, and in default of the father, the mother, and in default of the father and mother, the grandfather or grandmother of one of the parties may oppose the marriage even when the parties are above the age of eighteen years.

When collateral relative may oppose

62. When there is no ascendant as referred to in section 59, a brother or sister, uncle or aunt, or a first cousin of one of the parties may, when such brother or sister, uncle or aunt or cousin is of age, oppose the marriage, but only in one of the following cases:-

(a) When such party is a minor and the consent of a judge required by sections 47 and 48 has not been obtained;

(b) when the opposition is made on the ground that such party is non compos mentis. Such opposition, which the court may dismiss purely and simply, will not be admitted unless upon the condition that the opposing party will move for the interdiction and obtain a decree thereupon within a period to be fixed in the judgment admitting such opposition.

Consent of family council

63. In the cases provided for in section 60 the guardian or curator will be entitled to oppose the marriage while the guardianship or curatelle lasts, only when he has been authorised to do so by a family council.

Notice of opposition

64. (1) A notice of opposition to a marriage shall not be valid unless it is signed by the opposing party or by his agent specially authorised by authentic deed to make such opposition, and, except when the opposition is made by an ascendant, unless the grounds of the opposition are therein mentioned.

(2) The notice must be served on the parties intending to marry, and on the officer before whom such marriage is to take place.

Effect of opposition

65. (1) The officer, on being served with such notice, shall forthwith make an entry of such opposition in the register of publications, and if the opposition be subsequently annulled or withdrawn, he shall make a marginal entry to that effect in such register.

(2) After service upon an officer of such notice, it shall not be lawful for him to celebrate the marriage until either the opposition has been annulled by judgment of the court, or the opposing party has given him notice in writing signed or marked by such party in his presence, that such opposition is withdrawn.

Judgments with respect to validity of act of opposition

66. Whenever an opposition shall have been made, it shall be lawful for any of the parties intending to contract marriage or for the Attorney General to move the court for a rule calling upon the opposing party to show cause why his opposition should not be quashed.

The motion unless made by the Attorney General shall be supported by an affidavit.

The court shall make the rule returnable and shall hear the cause within ten days and shall have power to call for such evidence, oral or written, as it may deem expedient.

The final order of the court shall be transmitted by the Registrar ex-officio to the Chief Officer of the Civil Status who shall cause a copy thereof to be deposited with the officer upon whom the notice of opposition has been served.

S 66 am by s 2(o) of Act 10 of 2000 w.e.f. 1 December 2000

Damages against opposing party

67. If the opposition is quashed the opposing party, unless the opposition is made by an ascendant, may by the same judgment be sentenced to pay damages.

Dispensations

Dispensations, how obtained

*68. (1) The dispensations mentioned in sections 40, 45 and 54 may be granted by the Minister on the petition of the party requiring such dispensation and of the persons whose consent to the marriage of such party is required by law.

(2) The Chief Officer of the Civil Status shall file the order of dispensation among the records of his office and give to the parties such copies as may be required.

(3) The officer making the publication of the marriage shall mention the order in the margin of the notice.

Proof of consent of parents, guardians, etc.

Proof of consent of parent, guardian, etc

69. (1) The signature or mark on the act of marriage of any parent or guardian whose consent is required by law shall be proof of such consent.

(2) Such person may signify his consent to the marriage-

(a) by a writing signed by him in the presence of two witnesses who shall attest that the writing was signed in their presence and sign such writing; or

(b) by a writing marked by him in the presence of any of the following namely: a

Magistrate, a Justice of the Peace, a Minister of a Christian Religion, a Barrister-at-Law, an Attorney, a Notary, a Medical Practitioner, a Civil Status Officer, who shall attest that the writing was marked in his presence and sign such writing.

Such writing which shall fully mention the names, surnames, professions and residences of the parties to the marriage, shall be produced to the officer celebrating the marriage and shall be kept by him and the officer shall, in the margin of the act of marriage, mention such writing.

(3) When the consent of a judge has been given to a marriage this fact shall be mentioned in the margin of the act of marriage together with the date on which such consent was given.

Celebration of Marriage

Time and place of celebration

*70. (1) No marriage celebrated in Seychelles, except a marriage in articulo mortis, shall be recognised as a legal marriage unless it be celebrated by an officer of the civil status.

(2) The marriage may be celebrated in any district in which publication has been made as provided in section 51.

(3) The marriage shall be celebrated in the civil status office of such district, or, if the parties so request, it may be celebrated in any private house within such district.

Proceedings of celebration

71. On the day selected by the parties, after the periods prescribed for publication have expired, the officer shall in the office or in any private house referred to in section 68, and in the presence of the parties and of two or more witnesses, read aloud the names and other description of the parties as set forth in the notice of publication, and the written consent of any person whose consent is necessary when such consent has been given in writing. He shall ask the parties one after the other whether they consent to take each other as husband and wife, and after they have declared their consent so to do, he shall declare them duly married according to law and shall forthwith sign the act of marriage.

Act of marriage

72. (1) The act of marriage shall be drawn up in the Form III of Schedule A.

(2) It shall not be stated in the act of marriage or in any publication whether the parties are legitimate or illegitimate.

(3) The officer shall ask the parties if any marriage settlement (contrat de mariage) has been made between them and if so the name of the notary having drawn up the same and any statement thereupon made by the parties shall be recorded in the act.

Legitimation of natural children in act of marriage

Legitimation

73. (1) Legitimation shall take place as provided in articles 331 and following of the Civil Code of Seychelles.

(2) Whenever parties requiring the mention in their act of marriage of the legitimation of the children shall not be able to produce the acts of birth of the said children, the mention shall nevertheless be entered by the officer in the best possible manner to lead to the identification of the children, and shall state the names, sex and age of the children, and if possible the office where declared.

(3) In the event of the acts of birth being produced by the parties to the marriage the officer celebrating the same shall make an entry thereon of such legitimation without any fee.

(4) In case of any mention of legitimation in an act of marriage, the said officer shall forthwith forward to the Chief Officer of the Civil Status a notice of the contents of such mention; and the Chief Officer of the Civil Status shall cause a marginal entry to be made if possible, in the children's acts of birth existing on the registers.

Fees

No fees for marriage

74. No fee shall be charged for the publication or celebration of a marriage in any office. The parties shall further be entitled to receive free of cost a copy of the publication and a copy of the act of marriage.

When fees or other formality connected with marriage may be remitted

75. Whenever a person intending to be married shall produce a certificate signed by any Member of the National Assembly or any judge or magistrate or by any priest, ordained minister or nominated minister of any church statutorily incorporated in Seychelles to that effect that such person is too poor to pay the expenses of any formalities required by law before his marriage can take place, it shall be lawful for any judge, magistrate or civil status officer, or other public officer authorised to receive fees, to exempt such person from the payment of all fees, stamp, registration and other dues chargeable on every document or proceeding, or fines or penalties connected with the fulfilment of any formalities required by law before the marriage can take place:

S 75 am by s 2(p) of Act 10 of 2000 w.e.f. 1 December 2000

Provided that the full amount of any fee chargeable under Schedule B for any dispensation shall be claimed unless the Minister shall have granted remission of the payment of part or the whole of such fees.

Marriage at private house

76. (1) Whenever the parties request an officer to celebrate a marriage in a private house

within his district, the officer shall be bound to comply with such request subject to the conditions hereinafter mentioned and provided such fee as may be prescribed by regulation by the Minister (which fee shall accrue to the officer) is paid by the parties and the officer is supplied, if he so requires, with a means of conveyance to and from such private house.

S 76(1) am by s 2(q) of Act 10 of 2000 w.e.f. 1 December 2000

(2) Fees received by an officer under this section shall not be taken into account in the computation of such officer's pension or retiring allowance.

(3) The officer required to celebrate a marriage at a private residence shall in all cases be consulted as to the day and hour of such celebration.

(4) No officer of the central office other than the Chief Officer of the Civil Status shall celebrate any marriage at a private residence without the permission of the Chief Officer.

Marriages in articulo mortis

Marriage where one party in articulo mortis

77. It shall be lawful for any minister of a Christian Church or for any officer without previous publication and without any other formality required by this Act to solemnise marriage between two persons one of whom is in articulo mortis and such marriage shall, subject to the following provisions, be as valid as if it had been celebrated in conformity with the foregoing provisions of this Act.

Conditions for validity of marriage

78. (1) No such marriage shall be celebrated unless:-

(a) both parties are able to signify their consent thereto and affix their signature or mark to the act of marriage in the presence of two witnesses, one of whom is a duly qualified medical practitioner, or if no such practitioner is present, then in the presence of four witnesses, all of whom shall sign or mark the act; and

(b) when the intended husband is under eighteen years of age or the intended wife is under eighteen years of age, the father or mother whose consent may be required under this Act has authorised the marriage in writing or given his consent by signing or marking the act.

(2) An act of marriage shall be forthwith drawn up by the minister as nearly as possible in Form IV of Schedule A.

Minister to deposit act of marriage

79. (1) It shall be the duty of such minister within three days from such marriage to forward or deliver the act of marriage to the officer of the civil status of the district, and thereupon it shall be the duty of such officer to register such act in a special register. In the margin of such entry the officer shall note that the marriage has been solemnised by the minister, one of the parties being in articulo mortis.

(2) The officer shall transmit a copy of such act to the Chief Officer of the Civil Status, who shall transmit the same to the Attorney General.

PART V - ACTS OF DEATH

Conditions of interment

80. (1) No interment shall take place except in a duly authorised and registered burial ground and upon a permit from an officer for which permit no fee shall be charged.

(2) No interment shall take place before the expiration of eighteen hours, nor shall anybody be kept unburied longer than thirty-six hours after death, except with the written permission of a government medical officer:

Provided that during the prevalence of epidemic disease regulations may be made under the Public Health Act providing for the interment of the dead within shorter periods of time than those stipulated in subsection (1). Such regulations may also provide for the imposition of a fine not exceeding five hundred rupees, with or without imprisonment not exceeding six months, for any breach or contravention thereof.

Registration of death.

81. (1) No permit shall be issued and no interment shall take place (except when otherwise expressly provided) until the death of the person to be interred has been registered by an officer of the district where the death has occurred upon the declaration of two witnesses.

(2) The act shall mention the name, surname, national identity number, age, sex, residence and profession of the deceased, the name, surname and national identity number of the husband or wife, if the deceased was married at the time of his death, or had been married, and the names, surnames and national identity numbers of the witnesses. The act shall also mention the names, surnames and national identity numbers of the father and mother of the deceased and the place of his or her birth. If any of the above particulars be not known to the declarants, the fact shall be recorded.

S 81(2) rep and subs by s 2(r) of Act 10 of 2000 w.e.f. 1 December 2000

Registration in cases of sudden death

82. (1) Whenever death results from any of the following causes namely, when a person -

(a) has committed suicide; or

(b) has been killed by another or by an animal or by machinery or by accident; or

(c) has died under circumstances raising a reasonable suspicion that some person has committed an offence; or

(d) has died in prison or while in custody of the police,

it shall be the duty of the officer in charge of the police station of the district wherein the death occurred to cause the same to be registered.

(2) Whenever a death is declared by private parties and when the circumstances reported to the civil status officer receiving such declaration raise a suspicion that the death may not have been natural, the said officer shall refer the parties to the police authorities who shall forthwith proceed to make an inquiry as prescribed in the Criminal Procedure Code.

(3) When a death is declared by private parties to be due to the consequences of an accident and if several days have elapsed between the time of the happening of such accident and the time of death and if no circumstances importing a suspicion that an offence may have been committed are declared to the civil status officer the death may be registered on the declaration of such private parties.

Owners and occupiers to declare deaths

83. The owner or occupier of any premises in which any death shall happen, shall be bound before twenty-four hours have elapsed after such death, to give notice thereof to the officer of his ward and it shall be his duty to send two persons who have been present at the death, or in attendance during the last illness of the deceased, to declare the said death.

The same duty shall fall to every owner, occupier, or manager of any rural property, and of every establishment in town or in the country.

Death in prisons, etc

84. (1) If a person dies in any prison, police station, hospital, barracks, or military hospital, orphanage or asylum it shall be the duty of the officer or person in charge of such establishment to cause the same to be registered within twenty-four hours as prescribed by this Act.

(2) Every such officer or person in charge of any such establishment shall further be bound to keep a register in the form prescribed by the Chief Officer of the Civil Status and approved by the Minister in which any such death shall be recorded.

Deaths in quarantine stations

85. (1) Every officer in charge of a quarantine station shall keep a register in the form prescribed by the Chief Officer of the Civil Status, and approved by the Minister, and shall be bound to enter in the said register the death of any person who shall die in the station. No interment shall lawfully be made of any person who has died in a quarantine station until the death has been duly registered, as hereinbefore required.

(2) Within eight days after the station has ceased to be in quarantine, the officer in charge of such station shall forward to the Chief Officer of the Civil Status the register kept by him, and every death therein recorded shall be registered in the register of deaths of Victoria, with an annotation upon the margin of each act, touching the circumstances of the registration of the act, and it shall be the duty of the Chief Officer of the Civil Status, when registering the deaths in the registers of his office, to make mention of all such additions required by section 79 which may not have been ascertained at the quarantine station, but may be ascertained and declared by two witnesses in Victoria.

(3) The Chief Officer of Civil Status shall return such register to the Chief Medical Officer who shall keep it as a permanent record of his office.

Deaths on board registered ships

86. (1) Whenever any death shall occur on board of any ship registered in Seychelles during any voyage it shall be the duty of the master of the ship or of the officer replacing him to draw up and sign a declaration of the said death and to cause the same to be attested by the signature or mark of two witnesses.

The said declaration shall contain the name, surname, age, sex, and profession of the deceased, and the place at which he had embarked, as well as the cause of death.

(2) Upon the arrival of the ship in any harbour in Seychelles the aforesaid master or officer shall be bound to deliver the declaration herein mentioned to the officer of the civil status of the place where the ship has arrived, who shall register the death and it shall be the duty of the officer when registering such death, to make mention of all such additions required by section 81 which may not have been ascertained on board the ship but may be ascertained and declared by two witnesses. The officer shall file among his records the said declaration.

87. ...

S 87 rep by s 2(s) of Act 10 of 2000 w.e.f. 1 December 2000

Dead bodies

88. (1) It shall be the duty of the Commissioner of Police and in his absence of any police officer, whenever any dead body has been found and cannot be identified, to require a duly qualified medical practitioner to make a post-mortem examination of such body or human remains and report the result thereof to him in writing for transmission to the Chief Officer of the Civil Status.

(2) Every such report shall contain a description of the place where such body or remains aforesaid may have been found: it shall mention what clothing or other effects have been found near or upon such body or remains: it shall minutely describe the conformation, state and condition of every such body, the conformation, length, and density of the bones found and the lesions which may exist upon such body or remains.

It shall further state the sex, the probable date and cause of death of the person whose body or remains have been discovered. It shall further contain every detail which may afterwards be useful for the identification of the aforesaid body or human remains.

(3) Every such report shall be signed and dated by the medical practitioner who has drawn it; it shall be countersigned by the Commissioner of Police. It shall be kept by the Chief Officer of the Civil Status among the records of the central office, and shall be entered verbatim in a special register which shall not be a duplicate register.

(4) If the body or remains have been found upon an island being private property, or leased to a private person, the person in charge of such Island shall report the discovery to the nearest officer of police. If there be no officer of police to whom such report can be made before

interment, such person in charge shall before permitting the interment write down a description of the place where the body or remains were found, and as far as possible a description of the position and appearance of the body, stating the sex, and he shall further draw up a list and description of the articles of clothing or other effects found on or near the body, and shall take possession of the same. The description and list, and the articles found shall be forwarded by the earliest opportunity to the nearest officer of police. Any person failing to comply with the provisions of this section shall be liable on conviction to a fine not exceeding five hundred rupees.

Register of causes of death

89. It shall be the duty of the Chief Officer of the Civil Status to keep and issue separate books or registers wherein shall be entered the causes or probable causes of death, each entry in such separate register bearing a number corresponding with the number of the act of death to which the same relates.

Deaths not duly registered before interment

90. If the death of any person deceased in Seychelles has not been registered before interment, it shall not be lawful to register such death except upon an order of a judge or magistrate. Mention of the order shall be made in the margin of the act.

Death out of Seychelles, registration, interment.

91. When the body of a person who has died out of Seychelles is brought to Seychelles for interment, the death of such person may be registered in the central office in conformity with this Act and thereupon a permit of burial may be issued.

PART VI - DIVORCE, ACKNOWLEDGMENT OF CHILDREN ADOPTION, AND CHANGES WITH RESPECT TO NAMES

Copy of judgment to be sent to Chief Officer of Civil Status

92. (1) Whenever a judgment of divorce has been pronounced by the court, it shall be the duty of the Registrar to forward within eight days from the date of such judgment a copy certified by him of such judgment.

(2) The judgment shall be entered by the Chief Officer of the Civil Status in a special register which shall not be a duplicate register, and a marginal mention of such divorce with date of the judgment shall be made on the act of marriage of the divorced parties in every register in which such act is entered.

Acknowledgment of natural children

Registration of acknowledgment

93. (1) Any deed containing the acknowledgment of a natural child shall be entered in full in a separate register, which shall not be a duplicate register, and a mention of such acknowledgment with the date of the deed shall be entered in the margin of the act of birth of

such child in every register in which such birth is entered.

(2) Any notary or other public officer authorised by law to draw up such deed of acknowledgment shall be bound within eight days to send a copy of the said deed to the Chief Officer of the Civil Status, and in default of so doing he shall be liable to a fine not exceeding fifty rupees.

Change of Name

Application for change of name

94. (1) Every person who is a citizen of Seychelles and has resided in Seychelles for three years may apply by petition to the Chief Officer of the Civil Status for leave to make any change in or addition to his name, surname or family name.

S 94(1) am by s 2(t)(i) of Act 10 of 2000 w.e.f. 1 December 2000

(1A) In the case of an application in respect of a minor the consent in writing of both parents, or in their absence, that of the guardian shall be annexed to the application.

S 94(1A) ins by s 2(t)(ii) of Act 10 of 2000 w.e.f. 1 December 2000

(2) An application under subsection (1) shall be accompanied by the fee mentioned in Schedule B.

Notice of application in Gazette

95. (1) The applicant shall be bound to give notice of his application in the *Gazette* and in a daily newspaper. Such notice shall be published at least three times in the *Gazette* and such newspaper.

S 95(1) rep and subs by s 2(u) of Act 10 of 2000 w.e.f. 1 December 2000

(2) At any time within four months from the last publication any person interested therein may oppose such application by filing in the Central Civil Status Office a protest in writing, setting forth his grounds of objection.

(3) A protest in writing under subsection (2) shall be accompanied by the fee mentioned in Schedule B which shall, where the protest is allowed, be refunded to the person filing the protest.

Chief Officer of Civil Status may authorise proposed change

96. If within the prescribed period no opposition is made to the application, or if any such opposition is made but is not considered well founded and if it further appears that there are any good and sufficient grounds in support of the application, the Chief Officer of the Civil Status may grant such application and authorise the proposed change and addition.

Notice of authorisation to be published

97. The Chief Officer of the Civil Status shall cause to be gazetted any decision by him authorising any such change and addition.

Thereupon the name authorised to be borne by the applicant shall thenceforth be deemed his name, and the surname or family name as altered or added to in conformity with such decision shall thenceforth be the surname or family name of the applicant and that of his wife and children and of any other person by law entitled to bear the surname or family name of such applicant.

Proviso relative to name assumed under contract of marriage, testament and donation.

98. Nothing herein contained shall affect the right of any person to assume and bear any surname or family name which he may be entitled to assume and bear under any contract of marriage, testament or donation.

Chief Officer of Civil Status to rectify acts of civil status

99. When a notice authorising a change or addition of name or surname or family name has been published under section 97 the Chief Officer of the Civil Status shall forthwith inscribe in the margin of the act of birth of the applicant and of any other act concerning such applicant, the alteration or addition authorised by such notice.

PART VII - AMENDMENT AND CANCELLATION OF ACTS OF THE CIVIL STATUS

Amendment of Acts

100. A judge may, upon the written application of the Chief Officer of the Civil Status or any party, order the amendment without any fee, stamp or registration due of any act whenever such judge shall be satisfied that any error has been committed in any such act or in the registration thereof. Nothing herein contained shall prevent any interested person from asking by action before the Supreme Court for the rectification or cancellation of any act.

S 100 am by s 2(v) of Act 10 of 2000 w.e.f. 1 December 2000

Powers of Attorney General.

101. It shall be lawful for the Attorney General to dispute the validity of any act or to require the rectification or annulment thereof whenever he shall deem it fit. Every proceeding by or on behalf of the Attorney General for any purpose aforesaid shall be by motion and rule calling upon the parties interested to show cause against such application.

Costs

102. In no case in which the Attorney General deems fit to act or is called upon to act, with respect to matters relative to the civil status, or otherwise with respect to the provisions of this Act, shall any liability for costs or damages be incurred by the Attorney General or by Government, in any way or upon any ground whatsoever.

Judgment not binding upon parties not called.

103. Any order of a judge or magistrate or judgment of the court for the amendment, rectification or annulment of any act shall not be binding upon any interested party who shall not have either moved or applied for such order or judgment or shall not have been made a party to it.

Amendment to be noted in margin of act

104. Any such order or judgment shall be entered verbatim in a special register, which shall not be a duplicate register and a summary mention of the amendment, rectification of annulment decreed shall be made in the margin of the act in every register in which such act has been registered.

Completing acts left incomplete

105. Whenever it shall be discovered that either before or after the commencement of this Act any act has not been entered, filed up, signed or otherwise completed in any register by the officer having charge of such register, a judge may upon the application of the Chief Officer of the Civil Status authorise by an order in writing, any officer for the time being in charge of the register to enter, fill up, sign or otherwise complete any such acts in any such registers.

Costs of proceeding to be borne by officer in fault

106. The officer who ought to have entered, filled up, signed or otherwise completed any such act shall be liable for the costs of any such application to the judge and of any further proceedings that may become necessary upon such application:

Provided that nothing herein contained shall bar any criminal prosecution to which such officer may be liable under this Act or the Penal Code.

Acts completed under Judge's order to be valid

107. All acts entered, filled up, signed and otherwise completed under the above provisions shall be as valid as if such acts had been, at the time of the declaration, entered, filled up, signed and otherwise completed in conformity with this Act.

PART VIII - OFFENCES AND PENALTIES

Penalty against officer for breach of provisions as to registration, etc

108. Any officer who -

- (a) inscribes any of his acts upon loose sheets; or
- (b) receives, draws up or registers any act otherwise than in strict conformity with the provisions of this Act; or
- (c) by negligence or carelessness loses or injures or allows to be lost or injured any register or part thereof or any instrument, deed, order or other document

connected with the civil status and in his custody; or

(d) celebrates a marriage without proof of the consent of the parents or other persons whose consent is required by law; or

(e) celebrates a marriage when the publications prescribed have not been made or the prescribed intervals between the publication and celebration of the marriage have not elapsed and no dispensation has been obtained,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rupees.

Solemnising marriage in articulo mortis without complying with Act

109. Any minister of religion who shall celebrate a marriage in articulo mortis otherwise than in strict conformity with the provisions of this Act or who shall fail to send to the officer of the civil status the act of any such marriage as required shall be liable to a fine not exceeding two hundred rupees.

Destroying or injuring acts of the civil status

110. Every person who shall wilfully destroy or injure or cause to be destroyed or injured any register of the civil status or any instrument connected therewith, shall be deemed guilty of an offence and on conviction shall be liable to imprisonment with or without hard labour for any period not exceeding two years.

Forgery by officer

111. Sections 335, 337 and 347 of the Penal Code shall be applicable to any officer who -

(a) commits forgery in any register or act or in any copy of such act in one or more of the modes referred to in section 333 of the Penal Code; or

(b) in drawing up an act or any copy of such act or in making any entry in any register under this Act fraudulently alters the substance or particulars thereof in any manner referred to in section 333 of the Penal Code.

Counterfeiting, altering, etc., acts

112. Any person not being an officer who -

(a) falsely makes or counterfeits or causes to be made or counterfeited any act, or copy of an act or any instrument connected therewith; or

(b) fraudulently counterfeits or alters any signature, date or writing in any register or act or in a copy of any such act or in any instrument connected therewith;

(c) fraudulently inserts in or adds to, any register, act, copy or instrument above

referred to, any word, letter, figure or sign which did not exist in such register, act or instrument at the time the same was signed by an officer of the civil status; or

(d) who fraudulently erases or alters in any register, act or instrument above referred to any word, letter, figure or sign; or

(e) who knowingly makes use of any act, copy or instrument above referred to which has been counterfeited, altered or added to as above mentioned, shall be guilty of an offence and liable on conviction to imprisonment with or without hard labour for any period not exceeding two years.

Penalty for making false statement or declaration

113. Any person who -

(a) when examined on oath, or in any affidavit wilfully makes a false statement knowing the same to be false; or

(b) makes, signs or marks before an officer a false declaration, knowing such declaration to be false; or

(c) makes, signs or marks before an officer a declaration containing a false statement which he knows to be false,

shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rupees or imprisonment for any term not exceeding two years.

Concealment, substitution of children, etc

114. (1) Any person guilty of carrying away, concealing or doing away with a newborn infant, or substituting any child for another, or of falsely attributing a child to a woman who shall not have been delivered at all, shall be deemed guilty of an offence and on conviction liable to imprisonment with or without hard labour for any term not exceeding two years.

(2) If, with intent to prejudice or conceal the status of any child, any person having the care of such child shall not produce it to anyone lawfully entitled to claim the same, such person shall be liable to the penalties mentioned in the foregoing subsection.

Penalty for concealing birth

115. (1) If any woman shall be delivered of a child every person who shall by any secret disposition of the dead body of such child, whether such child died before, at or after its birth, endeavour to conceal the birth thereof shall be liable to imprisonment for any term not exceeding two years.

(2) If any person tried for murder of a child shall be acquitted thereof, it shall be lawful for the jury by whose verdict such person shall be acquitted to find, in case it shall so appear in evidence, that the child had been born within twelve months before its death and that such person

did by some secret disposition of the dead body of such child by any means whatsoever endeavour to conceal the birth thereof, and thereupon the court may pass sentence under subsection (1) of this section as if such person had been convicted upon an information for the concealment of the birth.

(3) The father or mother of a legitimate child who shall fail within three months of the birth of such child to declare the birth shall be guilty of an offence and be liable on conviction to a fine not exceeding one hundred rupees. The same penalty shall apply to the mother of a natural child who fails to make the declaration above prescribed.

When a newborn child is found

116. Any person who, having found a newborn child, shall neglect to make the declarations and fulfil the formalities required of him by section 36 shall be guilty of and on conviction liable to a fine not exceeding two hundred rupees or imprisonment not exceeding six months.

Burial without a permit

117. Whoever shall bury or otherwise dispose of any human body without having obtained a permit from an officer of the civil status, or before or after the period required under section 80, or in any unauthorised burial ground, shall be punished by a fine not exceeding five hundred rupees or by imprisonment not exceeding six months.

Concealing the body of a person deceased by the effect of violence

118. Whoever shall conceal, privately bury or otherwise dispose of the body of a person killed, or who has died from the effects of any blow or wound, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rupees or to imprisonment for any term not exceeding two years.

Penalty for obstructing marriages by unwarranted or malicious oppositions

119. If any person makes opposition to a marriage without having a right under the laws of Seychelles to oppose the marriage, or if it appears to the court that the opposition is made maliciously, the court may inflict upon such opposing party a fine not exceeding one thousand rupees besides costs of suit.

Penalties with respect to masters of ships registered in Seychelles

120. If any master of a ship registered in Seychelles or the officer replacing such master and being in command of the said ship neglects, upon his arrival in any harbour in Seychelles, to declare to the civil status officer of the place the deaths or births which have occurred on board the said ship before his arrival in the aforesaid harbour and if any such master or officer has neglected to comply with the provisions of this Act respecting deaths or births in ships registered in Seychelles, the master or officer shall incur a fine not exceeding five hundred rupees.

Penalty for not making declarations in cases of suspicious, violent or sudden deaths.

121. In any case of a suspicious, or violent or sudden death, the persons declaring such death,

when acquainted with the circumstances of such death who shall fail to disclose such circumstances, shall be guilty of an offence and liable to a fine not exceeding five hundred rupees or to imprisonment for any term not exceeding six months.

Attempt

122. If any person attempts to commit any offence for which the punishment of imprisonment is provided in this Act, such person shall be liable to be punished as if he had been guilty of the full offence whenever such attempt has been made manifest by a commencement of execution and has been suspended or has failed in its effect only by circumstances independent of the will of such person.

Accomplices

123. Persons who in any of the ways referred to in the Penal Code, shall be accomplices in any offence for which the punishment of imprisonment is provided in this Act, shall be liable to the punishment provided for such offence in the same manner as if such offence was one provided for by the Penal Code.

Offences to be reported to the Police

124. It shall be the duty of the Chief Officer of the Civil Status, of every judge or magistrate, of every officer and of every police officer to report to the Commissioner of Police every offence against this Act of which they may become aware.

Inquiries by Commissioner of Police

125. The Commissioner of Police shall inquire into every offence against this Act which has been reported to him, or in any other way brought to his cognisance or touching which it may appear that information ought to be obtained.

Commissioner of Police to report to Attorney General. Power of direction given to Attorney General

126. The Commissioner of Police shall report to the Attorney General all offences against this Act brought to his knowledge, the steps taken by him in connection therewith and the result of such steps, and the Attorney General shall by virtue of his office have power to issue such instructions as he is empowered to issue under any law in force in Seychelles.

Fees payable under this Act

127. (1) The fees enumerated in the Schedule B shall be levied with respect to acts connected with the civil status.

(2) Such fees shall be levied by means of stamps upon the said acts and shall accrue to the Treasury.

(3) The Minister may, upon sufficient cause being shown, remit or reduce, in any particular case, the fee payable under section 94 or section 95 and may by regulation made under

this section amend the Schedules.

PART IX

[Sections 128 to 156]

Part IX rep by s 2(w) of Act 10 of 2000 w.e.f. 1 December 2000

PART X – OUTER ISLANDS

Part X heading am by s 2(x) of Act 10 of 2000 w.e.f. 1 December 2000

SPECIAL PROVISIONS RELATING TO LATE REGISTRATION OF BIRTHS AND DEATHS

Orders for late registration of births

157. (1) For the purpose of this Part "Outer islands" means the islands of the Seychelles archipelago other than Mahe, Praslin, La Digue and the Islands adjacent thereto.

(2) In respect of birth occurring in the Outer islands the order for late registration of births mentioned in subsections (2) and (3) of section 31 may be given either by a judge, or within the limits of his jurisdiction, by a Justice of the Peace for the outlying districts.

S 157 am by s 2(y) of Act 10 of 2000 w.e.f. 1 December 2000

Rules as to permits of interment for La Digue and adjacent islands

158. (1) Whenever any death shall occur on La Digue Island or on any of the islands adjacent thereto, during the absence of the officer of civil status from La Digue Island, it shall be lawful for the officer for the time being in charge of the police station at La Digue to issue a permit for interment without previous registration of the declaration of death by an officer of the civil status.

(2) The police officer shall report in writing to the civil status officer, on each visit of the latter to La Digue, all permits issued by him since the last visit.

(3) The formal declaration of the death required by sections 81 and 83 shall be made to the civil status officer at latest on his first visit to La Digue Island after the date of the death.

Rules as to interment on Outer Islands

Am by s 2(z)(iii) of Act 10 of 2000 w.e.f. 1 December 2000

159. (1) In the Outer Islands permits for interment before registration of death may be delivered by the manager or occupier of the estate or property on which the death shall have occurred.

S 159(1) am by s 2(z)(i) of Act 10 of 2000 w.e.f. 1 December 2000

(2) The said manager or occupier shall report all such cases to the nearest civil status

officer by first opportunity.

(3) The formal declaration of the death required by sections 79 and 81 shall be made to the civil status officer within forty-eight hours of the arrival at Mahé of the first boat or aircraft which shall have left the Island after the death.

S 159(3) am by s 2(z)(ii) of Act 10 of 2000 w.e.f. 1 December 2000

Persons granting permits to satisfy themselves as to cause of death

160. It shall be the duty of all persons empowered by this Part to issue permits of interment to satisfy themselves as far as possible as to the cause of death before granting such permit.

Reference to police authority in certain cases

161. No permit shall be issued under this Part by a manager or occupier for the burial of any person who shall have died from any of the causes mentioned in section 80 without reference to the nearest police authority, unless such reference is absolutely impossible on account of distance or impossibility of communication:

Provided that, whenever such reference is impossible, the manager or occupier shall inquire carefully into the circumstances of the death and note appearances of the body before permitting interment, and shall draw up a memorandum of the same and forward such memorandum by the earliest opportunity to the nearest police authority.

Police officer in charge of Stations on islands may be appointed officer of civil status for certain purposes

162. (1) (a) It shall be lawful for the President to appoint any non-commissioned officer in charge of a police station on any Outer Islands to be an officer of the civil status for such island and adjacent islands for the purpose of registering deaths.

(b) Such appointment shall be personal to the officer appointed and shall terminate with his transfer to another station.

(c) Any officer so appointed shall before exercising the functions of officer of civil status take the oath of office, as such, before a judge in chambers, and shall in matters connected with such functions be amenable to the instructions of the officer of civil status having jurisdiction under this Act over the island to which he shall be appointed.

(2) The officer of civil status having jurisdiction under this Act shall on each visit to the island to which such non-commissioned officer shall be appointed, examine all entries made by such officer and shall initial the same, and he shall report any irregularities discovered to the Chief Officer of the Civil Status at Mahé.

S 162 am by s 2(aa) of Act 10 of 2000 w.e.f. 1 December 2000

Police officers may be also given power as civil status officer

Am by s 2(ab)(ii) of Act 10 of 2000 w.e.f. 1 December 2000

163. It shall be lawful for the President, subject to the conditions mentioned in section 162, to appoint any non-commissioned officer in charge of the any police station to act as officer of civil status for the purpose mentioned in that section:

S 163 am by s 2(ab)(i) of Act 10 of 2000 w.e.f. 1 December 2000

Provided that every such officer shall, between the first and sixth day of each month, produce his registers of deaths to the Chief Officer of the Civil Status for inspection and such Chief Officer shall initial each act registered therein.

SCHEDULE A

Birth in Seychelles (Form I) (CS001.pdf): www.seyllii.org/greybook

Publication of marriage in Seychelles (Form II) (CS001.pdf): www.seyllii.org/greybook

Act of marriage - Marriage in the Seychelles (Form III) (CS001.pdf): www.seyllii.org/greybook

Act of marriage "In Articulo Mortis" (Form IV) (CS001.pdf): www.seyllii.org/greybook

Affidavit under section 53 (Form V) (CS001.pdf): www.seyllii.org/greybook

Civil Status of Seychelles (Form VI) (CS001.pdf): www.seyllii.org/greybook

Death in Seychelles (Form VII) (CS001.pdf): www.seyllii.org/greybook

SCHEDULE B - FEES

[SECTION 127]

		RUPEES
1.	For every extract from or copy of an act of the Civil Status.	50
	[Sch B item 1 am by reg 2(a) of SI 47 of 2009 w.e.f. 1 May 2009.]	
2.	For each certificate under the proviso of section 22(1).	50
	[Sch B item 2 am by reg 2(b) of SI 47 of 2009 w.e.f. 1 May 2009.]	

3.	For a dispensation of one publication of the banns of marriage.	50
4.	For a dispensation of age.	10
5.	For a licence when there exist prohibited degrees of consanguinity or affinity.	10
6.	For registering any rectification of an act of the Civil Status.	1
7.	For registering any adoption.	1
8.	For registration of any divorce.	1
9.	For each certificate under section 58 of subsections (1) and (4).	10
10.	For each licence under section 52(3)	100
	[Sch B item 10 am by reg 2(c) of SI 47 of 2009 w.e.f. 1 May 2009.]	
11.	For each search under the 1st proviso to section 53.	0.50
12.	For each application under section 94.	1000.
	[Sch B item 12 am by reg 2(d) of SI 47 of 2009 w.e.f. 1 May 2009.]	
13.	For each protest under section 95.	400.

[Notes to the 1991 Ed:

(1) The Civil Status Act (Cap 89 1971 ED and the Civil Status (Christian Marriages) Act (Cap 90, 1971 ED) and the Civil Status (outlying Districts) Act (Cap 91, 1971 ED) have been consolidated in this Edition as the Civil Status Act.

(2) *The exercise and performance of powers and duties under sections 6, 7, 31(3) Proviso, 36(4), 40, 45, 52(3), 59, 68, 75 Proviso have been delegated to the Chief Officer of the Civil Status by S.I. 23 of 1972. (Cap 241 Sub. Leg.)

(3) The Evidence (Seychelles) Order, 1962, (U.K. S.I. 1962, No.2608 of 28th November 1962) makes entries contained in the register of birth, marriages and death under the Civil Status Act admissible in evidence in the United Kingdom and provides for their proof by official certificates issued by the Chief Officer of the Civil Status, Civil Status Officer or in the case of Christian marriage a minister.]

NO SUBSIDIARY LEGISLATION
