

TITLE V B CHAPTER 73

THE PENAL CODE

[1st February, 1955]

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**TITLE V B CHAPTER 73**

**THE PENAL CODE**

**PART I—GENERAL PROVISIONS**

CHAPTER I  
*Preliminary*

1. This Ordinance may be cited as The Penal Code and hereinafter Short title.  
is referred to as "this Code".

Saving of  
certain laws.

3. Nothing in this Code shall affect—

- (a) the liability, trial or punishment of a person for an offence against any law in force in the Colony other than this Code; or
- (b) the liability of a person to be tried or punished for an offence under the provisions of any law in force in the Colony relating to the jurisdiction of the courts of the Colony in respect of acts done beyond the ordinary jurisdiction of such courts; or
- (c) the power of any court to punish a person for contempt of such court; or
- (d) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed, in respect of any act done or commenced before the commencement of this Code; or
- (e) any power of Her Majesty, or of the Governor as the representative of Her Majesty, to grant any pardon or to remit or commute in whole or in part or to respite the execution of any sentence passed or to be passed; or
- (f) any of the statutes, ordinances, regulations or articles for the time being in force for the government of Her Majesty's military or naval or air forces, or the military or police forces of the Colony;

Provided that if a person does an act which is punishable under this Code and is also punishable under another Ordinance or statute of any of the kinds mentioned in this section, he shall not be punished for that act both under that Ordinance or statute and also under this Code.

## CHAPTER II

### Interpretation

General rule  
of construction  
of Code.

4. This Code shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in it shall be presumed, so far as is consistent with their context, and except as may be otherwise expressly provided, to be used with the meaning attaching to them in English criminal law and shall be construed in accordance therewith.

Interpretation.

5. In this Code, unless the context otherwise requires—

- “Colony” means the Colony of Seychelles;
- “court” means a court of competent jurisdiction;
- “dangerous harm” means harm endangering life;
- “dwelling-house” includes any building or structure or part of a building or structure which is for the time being kept by the owner or occupier for the residence therein of himself, his family or servants or any of them, and it is immaterial that it is from time to

time uninhabited; a building or structure adjacent to or occupied with a dwelling-house is deemed to be part of the dwelling-house if there is a communication between such building or structure and the dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise;

“felony” means an offence which is declared by law to be a felony or, if not declared to be a misdemeanour, is punishable, without proof of previous conviction, with death, or with imprisonment for three years or more;

“grievous harm” means any harm which amounts to a maim or dangerous harm, or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, membrane or sense;

“harm” means any bodily hurt, disease or disorder whether permanent or temporary;

“judicial proceeding” includes any proceeding had or taken in or before any court, tribunal, commission of inquiry or person, in which evidence may be taken on oath;

“knowingly” used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used;

“local authority” means a local authority established under any Ordinance;

“maim” means the destruction or permanent disabling of any external or internal organ, membrane or sense;

“misdemeanour” means any offence which is not a felony;

“money” includes bank notes, bank drafts, cheques and any other orders, warrants or requests for the payment of money;

“night” or “night-time” means the interval between seven o'clock in the evening and half-past five o'clock in the morning;

“oath” includes affirmation or declaration;

“offence” is an act, attempt or omission punishable by law;

“Ordinance” includes any orders or rules or regulations made under the authority of any Ordinance;

“person” and “owner” and other like term when used with reference to property includes corporations of all kinds and any other association of persons capable of owning property, and also when so used includes Her Majesty;

“person employed in the public service” means any person holding any of the following offices or performing the duty thereof whether as a deputy or otherwise, namely:—

(a) any civil office including the office of Governor, the power of appointing a person to which or of removing from which is vested in Her Majesty or in the Governor or in the Governor in Council or in any public commission or board; or

(b) any office to which a person is appointed or nominated by Ordinance or statute or by election; or

(c) any civil office, the power of appointing to which or removing from which is vested in any person or persons holding an office of any kind included in either of the two last preceding paragraphs of this section; or

(d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any court, or in pursuance of any Ordinance;

and the said term further includes—

(i) a Justice of the Peace;

(ii) a member of a commission of inquiry appointed under or in pursuance of any Ordinance;

(iii) any person employed to execute any process of a court;

(iv) all persons belonging to the military forces of Seychelles;

(v) all persons in the employment of any government department;

(vi) a person acting as a minister of religion of whatsoever denomination in so far as he performs functions in respect of the notification of intending marriage or in respect of the solemnisation of marriage, or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect;

(vii) a person in the employ of a local authority;

“possession”, (a) “be in possession of” or “have in possession” includes not only having in one’s own personal possession, but also knowingly having anything in the actual possession or custody of any other person, or having anything in any place (whether belonging to, or occupied by oneself or not) for the use or benefit of oneself or of any other person; (b) if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have anything in his or their custody or possession, it shall be deemed and taken to be in the custody or possession of each and all of them;

“property” includes anything animate or inanimate capable of being the subject of ownership;

“public” refers not only to all persons within Seychelles, but also to the person inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect to which such expression is used;

“public way” includes any highway, market place, square, street, bridge or other way which is lawfully used by the public;

“public place” or “public premises” includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly or as an open court;

“publicly” when applied to acts done means either (a) that they are so done in any public place as to be seen by any person whether such person be or be not in a public place; or (b) that they are so done in any place not being a public place as to be likely to be seen by any person in a public place;

“statute” means an Act of the Imperial Parliament and includes any orders, rules, regulations, bye-laws or other subsidiary legislation made or passed under the authority of any statute;

“utter” means and includes using or dealing with and attempting to use or deal with and attempting to induce any person to use, deal with or act upon the thing in question;

“valuable security” includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property;

“vessel” includes a ship, a boat and every other kind of vessel used in navigation on the sea and includes aircraft;

“wound” means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior for the purpose of this definition which can be touched without dividing or piercing any other membrane.

### CHAPTER III

#### *Territorial Application of this Code*

6. The jurisdiction of the courts of Seychelles for the purpose of this Code extends to every place within Seychelles.

Extent of  
jurisdiction  
of courts.

Offence committed partly within and partly beyond the jurisdiction.

7. When an act which, if wholly done within the jurisdiction of the court, would be an offence against this Code, is done partly within and partly beyond the jurisdiction, every person who within the jurisdiction does or makes any part of such act may be tried and punished under this Code in the same manner as if such act had been done wholly within the jurisdiction.

#### CHAPTER IV

##### *General Rules as to Criminal Responsibility*

Ignorance of law.

8. Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.

*Bona fide* claim of right.

9. A person is not criminally responsible in respect of an offence relating to property, if the act done or omitted to be done by him with respect to the property was done in the exercise of an honest claim of right and without intention to defraud.

Intention: motive.

10. Subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

Mistake of fact.

11. A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

Presumption of sanity.

12. Every person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved.

Insanity.

13. A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is through any

disease affecting his mind incapable of understanding what he is doing, or of knowing that he ought not to do the act or make the omission.

But a person may be criminally responsible for an act or omission, although his mind is affected by disease, if such disease does not in fact produce upon his mind one or other of the effects above mentioned in reference to that act or omission.

14. (1) Save as provided in this section, intoxication shall not constitute a defence to any criminal charge. Intoxication.

(2) Intoxication shall be a defence to any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that such act or omission was wrong or did not know what he was doing and—

- (a) the state of intoxication was caused without his consent by the malicious or negligent act of another person; or
- (b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

(3) Where the defence under subsection (2) is established, then in a case falling under paragraph (a) thereof the accused person shall be discharged, and in a case falling under paragraph (b) the provisions of section 13 shall apply.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(5) For the purposes of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

15. A person under the age of seven years is not criminally responsible for any act or omission. Immature age.

A person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

A male person under the age of twelve years is presumed to be incapable of having carnal knowledge.

16. Except as expressly provided by this Code, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the act done is in excess of his judicial authority or although he is bound to do the act omitted to be done. Judicial officers.



Compulsion.

17. A person is not criminally responsible for an offence if it is committed by two or more offenders, and if the act is done or omitted only because during the whole of the time in which it is being done or omitted the person is compelled to do or omit to do the act by threats on the part of the other offender or offenders instantly to kill him or do him grievous bodily harm if he refuses; but threats of future injury do not excuse any offence.

Defence of person or property.

18. Subject to any express provisions in this Code or any other law in operation in Seychelles criminal responsibility for the use of force in the defence of person or property shall be determined according to the principles of English common law.

Use of force in effecting arrest.

19. Where any person is charged with a criminal offence arising out of the lawful arrest, or attempted arrest, by him of a person who forcibly resists such arrest or attempts to evade being arrested, the court shall, in considering whether the means used were necessary, or the degree of force used was reasonable, for the apprehension of such person, have regard to the gravity of the offence which had been or was being committed by such person and the circumstances in which such offence had been or was being committed by such person.

Compulsion by husband.

20. A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband; but on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.

Person not to be twice criminally responsible for same offence.

21. A person cannot be twice criminally responsible either under the provisions of this Code or under the provisions of any other law for the same act or omission, except in the case where the act or omission is such that by means thereof he causes the death of another person, in which case he may be convicted of the offence of which he is guilty by reason of causing such death, notwithstanding that he has already been convicted of some other offence constituted by the act or omission.

## CHAPTER V

*Parties to Offences*

Principal offenders.

22. When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say—

- (a) every person who actually does the act or makes the omission which constitutes the offence;

- (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
- (c) every person who aids or abets another person in committing the offence;
- (d) any person who counsels or procures any other person to commit the offence.

In the fourth case he may be charged with himself committing the offence or with counselling or procuring its commission.

A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

Any person who procures another to do or omit to do any act of such nature that, if he had himself done the act or made the omission, the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had himself done the act or made the omission, and he may be charged with himself doing the act or making the omission.

23. When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence.

Offences committed by joint offenders in prosecution of common purpose.

24. When a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way, provided in either case that the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.

Counselling another to commit an offence.

In either case the person who gave counsel is deemed to have counselled the other person to commit the offence actually committed by him.

## CHAPTER VI

*Punishments*

25. The following punishments may be inflicted by a court—

- (a) Death.
- (b) Imprisonment.
- (c) Fine.
- (d) Payment of compensation.
- (e) Finding security to keep the peace and be of good behaviour.

Different kinds of punishments. 13/1/1966.

(f) Liability to police supervision.

(g) Forfeiture.

(h) Any other punishment provided by this Code or by any other law or Ordinance.

Sentence of  
death.  
4/7/1961.

26. (1) When any person is sentenced to death, the sentence shall be to the effect only that he is to suffer death in the manner authorised by law.

Imprison-  
ment.  
3/30/1964.

27. (1) A person liable to imprisonment for life or any other period may be sentenced for any shorter term.

(2) A person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment.

Fines.  
4/30/1964.

28. Where a fine is imposed under any law, then in the absence of express provisions relating to such fine in such law the following provisions shall apply:—

(a) Where no sum is expressed to which the fine may extend the amount of the time which may be imposed is unlimited, but shall not be excessive.

(b) In the case of an offence punishable with a fine or a term of imprisonment the imposition of a fine or a term of imprisonment shall be a matter for the discretion of the court.

(c) In the case of an offence punishable with imprisonment as well as a fine in which the offender is sentenced to a fine with or without imprisonment and in every case of an offence punishable with fine only in which the offender is sentenced to a fine the court passing sentence may, in its discretion—

(i) direct by its sentence that in default of payment of the fine the offender shall suffer imprisonment for a certain term, which imprisonment shall be in addition to any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of sentence; and also

(ii) issue a warrant for the levy of the amount on the immovable and movable property of the offender by distress and sale under warrant:

Provided that if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no court shall issue a distress warrant unless for special reasons to be recorded in writing it considers it necessary to do so.

(d) The imprisonment which is imposed in default of payment of a fine shall terminate whenever the fine is either paid or levied by process of law.

29. When any person is convicted of an offence under any of the following sections, namely, sections 91, 92, 93, 111, 112 and 374, the court may, in addition to or in lieu of any penalty which may be imposed, order the forfeiture to Her Majesty of any property which has passed in connection with the commission of the offence or, if such property cannot be forfeited or cannot be found, of such sum as the court shall assess as the value of the property; and any property or sum so forfeited shall be dealt with in such manner as the Governor may direct. Payment of any sum so ordered to be forfeited may be enforced in the same manner and subject to the same incidents as in the case of the payment of a fine.

Forfeiture.

30. Any person who is convicted of an offence may be adjudged to make compensation to any person injured by his offence. Any such compensation may be either in addition to or in substitution for any other punishment.

Compensation.

31. Subject to the limitations imposed by section 144 of the Criminal Procedure Code a court may order any person convicted of an offence to pay the costs of and incidental to the prosecution or any part thereof.

Costs.  
Cap. 45.

32. A person convicted of an offence not punishable with death may, instead of, or in addition to, any punishment to which he is liable, be ordered to enter into his own recognisance, with or without sureties, in such amount as the court thinks fit, that he shall keep the peace and be of good behaviour for a time to be fixed by the court, and may be ordered to be imprisoned until such recognisance, with sureties if so directed, is entered into; but so that the imprisonment for not entering into the recognisance shall not extend for a term longer than one year, and shall not, together with the fixed term of imprisonment if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without fine.

Security for  
keeping the  
peace.

34. The provisions of sections 105, 106 and 108, of the Criminal Procedure Code shall apply *mutatis mutandis* to recognisances taken under section 32 of this Code.

Certain  
provisions  
Criminal  
Procedure  
Code appli-  
cable by  
recognisance  
5/30/1964.  
13/1/1966.  
Cap. 45.



General punishment for misdemeanours.

35. When in this Code no punishment is especially provided for any misdemeanour, it shall be punishable with imprisonment for a term not exceeding two years or with a fine or with both.

Sentences cumulative unless otherwise ordered.

36. Where a person after conviction for an offence is convicted of another offence, either before sentence is passed upon him under the first conviction or before the expiration of that sentence, any sentence, other than a sentence of death or of corporal punishment, which is passed upon him under the subsequent conviction, shall be executed after the expiration of the former sentence, unless the court directs that it shall be executed concurrently with the former sentence or of any part thereof:

Provided that it shall not be lawful for a court to direct that a sentence of imprisonment in default of payment of a fine shall be executed concurrently with a former sentence under section 28 (iii) (a) of this Code or of any part thereof.

Escaped convicts to serve unexpired sentences when recaptured.

37. When sentence is passed under this Code on an escaped convict, such sentence—

- (a) if of death, fine or corporal punishment shall, subject to the provisions of this Code, take effect immediately;
- (b) if of imprisonment, shall run consecutively or concurrently, as the court shall order, with the unexpired portion of the sentence which the convict was undergoing when he escaped.

## PART II—CRIMES

### Division I—Offences Against Public Order

#### CHAPTER VII

##### *Treason and Other Offences against the Sovereign's Authority*

Treason by the law of England.

39. Any person who compasses, imagines, invents, devises or intends any act, matter or theory the compassing, imagining, inventing, devising or intending whereof is treason by the law of England for the time being in force, and expresses, utters or declares such compassing, imagining, inventing, devising or intending by publishing any printing or writing or by any overt act, or does any act which, if done in England, would be deemed to be treason according to the law of England for the time being in force, is guilty of the offence termed treason and shall be liable to suffer death.

Instigating invasion.

40. Any person who instigates any foreigner to invade Seychelles with an armed force is guilty of treason, and is liable to the punishment of death.

41. Any person who—

- (a) becomes an accessory after the fact to treason, or
- (b) knowing that any person intends to commit treason, does not give information thereof with all reasonable despatch to the Governor, a magistrate or officer of police or use other reasonable endeavours to prevent the commission of the offence,

is guilty of the felony termed misprision of treason, and is liable to imprisonment for life.

42. Any person who forms an intention to effect any of the following purposes, that is to say—

- (a) to depose Her Majesty from the style, honour and royal name of the Imperial Crown of the United Kingdom, or of any other of Her Majesty's dominions or countries, or
- (b) to levy war against Her Majesty within any part of Her Majesty's dominions, or within any country which has been declared to be under her protection or trusteeship, in order by force or constraint to compel her to change her measures or counsels, or in order to put any force or constraint upon or in order to intimidate or overawe, the legislature or legislative authority of any of Her Majesty's dominions, or of any country which has been declared to be under her protection of trusteeship, or
- (c) to instigate any foreigner to make an armed invasion of any of Her Majesty's dominions or of any country which has been declared to be under her protection or trusteeship,

and manifests such intention by an overt act, or by publishing any printing or writing, is guilty of a felony, and is liable to imprisonment for life.

43. A person cannot be tried for treason, or for any of the felonies defined in sections 40, 41, or 42, unless the prosecution is commenced within two years after the offence is committed.

Nor can a person charged with treason, or with any of such felonies, be convicted, except on his own plea of guilty, or on the evidence in open court of two witnesses at the least to one overt act of the kind of treason or felony alleged, or the evidence of one witness to one overt act, and one other witness to another overt act of the same kind of treason or felony.

This section does not apply to cases in which the overt act of treason alleged is the killing of Her Majesty, or a direct attempt to endanger the life or injure the person of Her Majesty.

44. Any person who advisedly attempts to effect any of the following purposes, that is to say—

Conceal of treason.

Treason: felonies.

Limitation as to trial for treason.

Two witnesses necessary.

Inciting mutiny.

- (a) to seduce any person serving in the military forces of the Colony or any member of the police force from his duty and allegiance to Her Majesty, or
  - (b) to incite any such persons to commit an act of mutiny or any traitorous or mutinous act, or
  - (c) to incite any such persons to make or endeavour to make a mutinous assembly,
- is guilty of a felony, and is liable to imprisonment for life.

Aiding  
soldiers or  
policemen in  
acts of  
mutiny.

**45.** Any person who—

- (a) aids, abets, or is accessory to, any act of mutiny by, or
  - (b) incites to sedition or to disobedience to any lawful order given by a superior officer,
- any non-commissioned officer or private of the military forces of Seychelles or any police officer, is guilty of a misdemeanour.

Inducing  
soldiers or  
policemen  
to desert.

**46.** Any person who, by any means whatever, directly or indirectly—

- (a) procures or persuades or attempts to procure or persuade to desert, or
  - (b) aids, abets, or is accessory to the desertion of, or
  - (c) having reason to believe he is a deserter, harbours or aids in concealing,
- any non-commissioned officer or private of the said military force or any police officer, is guilty of a misdemeanour, and is liable to imprisonment for six months.

Aiding  
prisoners of  
war to escape.

**47.** Any person who—

- (a) knowingly and advisedly aids an alien enemy of Her Majesty, being a prisoner of war in Seychelles, whether such prisoner is confined in a prison or elsewhere or is suffered to be at large on his parole, to escape from his prison or place of confinement, or, if he is at large on his parole, to escape from Seychelles, is guilty of a felony, and is liable to imprisonment for life;
- (b) negligently and unlawfully permits the escape of any such person as is mentioned in the last preceding paragraph, is guilty of a misdemeanour.

Definition of  
overt act.

**48.** In the case of any of the offences defined in this chapter, when the manifestation by an overt act of an intention to effect any purpose is an element of the offence, every act of conspiring with any person to effect that purpose and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

**49.** For the purposes of the eight next following sections of this Code—

Definitions.  
2/36/1961.

“import” includes—

- (a) to bring into Seychelles, and
- (b) to bring within the territorial waters of Seychelles whether or not the publication is brought ashore, and whether or not there is an intention to bring the same ashore;

“publication” includes all written or printed matter and everything, whether of a nature similar to written or printed matter or not, containing any visible representation, or by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication;

“periodical publication” includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

“seditious publication” means a publication having a seditious intention;

“seditious words” means words having a seditious intention.

“the public interest” means the interests of defence, public safety, public order, public morality or public health.

**50.** (1) If the Governor in Council is of the opinion that there is in any publication or series of publications published outside Seychelles by any person or association of persons matter which is contrary to the public interest, he may, in his absolute discretion, by order published in the *Gazette*, declare that that particular publication or series of publications, or all publications published by that person or association of persons, shall be a prohibited publication or prohibited publications, as the case may be.

Power to  
prohibit  
importation  
of publica-  
tion.  
3/36/1961.

(2) If an order made under the provisions of subsection (1) specifies by name a publication which is a periodical publication, such order shall, unless a contrary intention be expressed therein, have effect—

- (a) with respect to all subsequent issues of such publication; and
- (b) not only with respect to any publication under that name, but also with respect to any publication published under any other name if the publishing thereof is in any respect a continuation of, or in substitution for, the publishing of the publication named in the order.

(3) If an order made under the provisions of subsection (1) declares that all publications published by a specified person or association of persons shall be prohibited publications, such order shall, unless a contrary intention be expressed therein, have effect not only with respect to all publications published by that person or association of

persons before the date of the order but also with respect to all publications so published on or after such date.

(4) An order made<sup>3</sup> under the provisions of subsection (1) shall, unless a contrary intention is expressed therein, apply to any translation into any language whatsoever of the publications specified in the order.

(5) Where an order has been made under subsection (1) declaring any series of publications or all publications published by any person or association of persons to be prohibited publications or specifying by name a publication which is a periodical publication, any person who wishes to import into Seychelles any particular publication in that series or published by that person or association or being a publication with respect to which the order is required by subsections (2) and (3) to have effect, may apply in writing to the Deputy Governor for a permit in that behalf, and, unless the Deputy Governor is satisfied that the publication contains matter which is contrary to the public interest, he shall grant such a permit and the order shall thereupon cease to have effect with respect to that publication.

(6) Any person whose application to the Deputy Governor under subsection (5) of this section has been refused may appeal against such refusal to the Governor whose decision thereon shall be final.

Offences in relation to publications, the importation of which is prohibited.

51. (1) Any person who imports, publishes, sells, offers for sale, distributes or reproduces any publication, the importation of which has been prohibited under section 50, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding Rs. 1,500, or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years; and such publication or extract therefrom shall be forfeited to Her Majesty.

(2) Any person who without lawful excuse has in his possession any publication the importation of which has been prohibited under section 50, or any extract therefrom, shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding Rs. 500 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years; and such publication or extract therefrom shall be forfeited to Her Majesty.

Delivery of prohibited publication to police station.

52. (1) Any person to whom any publication the importation of which has been prohibited under section 50, or any extract therefrom, is sent without his knowledge or privity or in response to a request made before the prohibition of the importation of such publication came into effect, or who has such a publication or extract therefrom in his possession at the time when the prohibition of its importation comes

into effect, shall forthwith if or as soon as the nature of its contents have become known to him, or in the case of a publication or extract therefrom coming into the possession of such person before an order prohibiting its importation has been made, forthwith upon the coming into effect of an order prohibiting the importation of such publication, deliver such publication or extract therefrom to the officer in charge of the nearest police station, and in default thereof shall be guilty of an offence and liable to imprisonment for one year or to a fine not exceeding Rs. 500 or to both such imprisonment and fine; and such publication or extract therefrom shall be forfeited to Her Majesty.

(2) Any person who complies with the provisions of subsection (1), or is convicted of an offence under that subsection, shall not be liable to be convicted for having imported or having in his possession the same publication or extract therefrom.

53. (1) Any of the following officers, that is to say—

Power to examine.

- (a) the Chief Postmaster;
- (b) the Collector of Customs;
- (c) any police officer not below the rank of Assistant Superintendent;
- (d) any other officer authorised in that behalf by the Governor,

may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 51 to import, publish, sell, offer for sale, distribute, reproduce or possess, and during such examination may detain any person importing, distributing or posting such package or article or in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained by the officer and the person importing, distributing or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against for the commission of an offence under section 51 or section 52, as the case may be.

54. (1) A "seditious intention" is an intention—

Seditious intention.

- (a) to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, her heirs or successors, or the Government of Seychelles as by law established; or
- (b) to excite Her Majesty's subjects or inhabitants of Seychelles to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Seychelles as by law established; or

- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Seychelles; or
- (d) to raise discontent<sup>1</sup> or disaffection amongst Her Majesty's subjects or inhabitants of Seychelles; or
- (e) to promote feelings of ill-will and hostility between different classes of the population of Seychelles:

But an act, speech or publication is not seditious by reason only that it intends—

- (i) to show that Her Majesty has been misled or mistaken in any of her measures; or
- (ii) to point out errors or defects in the government or constitution of Seychelles as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (iii) to persuade Her Majesty's subjects or inhabitants of Seychelles to attempt to procure by lawful means the alteration of any matter in Seychelles as by law established; or
- (iv) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Seychelles.

(2) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time when, and under the circumstances under which, he so conducted himself.

Seditious  
offences.  
7/30/1964.

55. (1) Any person who—

- (a) does or attempts to do, or makes any preparation to do any act with a seditious intention,
- (b) utters any seditious words,
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication,
- (d) imports any seditious publication, unless he has no reason to believe that it is seditious,

shall be guilty of an offence and liable for a first offence to imprisonment for two years or to a fine not exceeding Rs. 1,000 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for three years, and any seditious publication shall be forfeited to Her Majesty.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and liable for a first offence to imprisonment for one year or to a fine not exceeding Rs. 500 or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years; and such publication shall be forfeited to Her Majesty.

Possession  
of seditious  
publication.

(3) It shall be a defence to a charge under subsection (2) that, if the person charged did not know that the publication was seditious when it came into his possession, he did, as soon as the nature of the publication became known to him, deliver the publication to the officer in charge of the nearest police station.

(4) Any printing machine which has been, or is reasonably suspected of being, used for or in connexion with the printing or reproducing of a seditious publication may be seized or otherwise secured by a police officer pending the trial and conviction or discharge or acquittal of any person accused of printing or reproducing any seditious publication; and, when any person is convicted of printing or reproducing a seditious publication, the court may, in addition to any other penalty which it may impose, order that the printing machine on which the publication was printed or reproduced shall be either confiscated for a period not exceeding three years, or be forfeited, and may make such order whether or not the person convicted is, or was at the time when the publication was printed or reproduced, the owner of the printing machine; a printing machine forfeited under this subsection shall be disposed of as the Governor shall direct.

(5) When a proprietor, publisher, printer or editor of a newspaper, as defined in the Newspaper Ordinance is convicted of printing or publishing a seditious publication in a newspaper, the court may, in addition to any other punishment it may impose, and whether or not it has made an order under subsection (4), make an order prohibiting any further publication of the newspaper for a period not exceeding three years.

Cap. 251.

(6) The court may, at any time, on the application of the Attorney General and on taking such security, if any, for good behaviour as the court may see fit to order, revoke any order made by it forfeiting or confiscating a printing machine or prohibiting further publication of a newspaper.

(7) A court before ordering the forfeiture or confiscation of a printing machine under this section shall be satisfied that the printing machine was the printing machine upon or by which the seditious publication was printed or reproduced.

(8) In any case in which a printing machine has been secured or confiscated under this section the Commissioner of Police may, in his discretion, cause—



- (a) the printing machine or any part of it to be removed; or
- (b) any part of the machine to be sealed so as to prevent its use;

Provided that the owner of the printing machine or his agents shall be entitled to reasonable access to it to keep it in working order.

(9) The Commissioner of Police or any police officer acting in pursuance of the powers conferred by this section shall not be liable for any damage caused to a printing machine, whether by neglect or otherwise, not being damage wilfully caused to the machine.

(10) Any person who uses or attempts to use a printing machine confiscated under subsection (4) is guilty of an offence and is liable to imprisonment for a term not exceeding three years.

(11) Any person who prints or publishes a newspaper in contravention of an order made under subsection (5) is guilty of an offence and is liable to imprisonment for a term not exceeding three years.

(12) In this section, "printing machine" includes a printing press, copying press, type-setting machine, photographic, duplicating or engraving apparatus, or other machine or apparatus used for or in connexion with printing or reproducing publications and the type, appurtenances and equipment thereof.

Legal proceedings, 8/30/1964.

56. (1) No prosecution for an offence under section 55 of this Code shall be begun except within six months after the offence is committed:

Provided that, where a person leaves Seychelles within six months of committing such offence, the prosecution for such offence may be begun within the six months from the date that such person returns to Seychelles after leaving it.

(2) A person shall not be prosecuted for an offence under section 55 of the Code without the written consent of the Attorney General.

Evidence.

57. No person shall be convicted of an offence under section 55 of this Code on the uncorroborated testimony of one witness.

Unlawful oaths to commit capital offences.

58. Any person who—

- (a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it, to commit any offence punishable with death, or
- (b) takes any such oath or engagement, not being compelled to do so,

is guilty of a felony, and is liable to imprisonment for life.

59. Any person who—

- (a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the ways following, that is to say—

- (i) to engage in any mutinous or seditious enterprise;
- (ii) to commit any offence not punishable with death;
- (iii) to disturb the public peace;
- (iv) to be of any association, society or confederacy formed for the purpose of doing any such act as aforesaid;
- (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;
- (vi) not to inform or give evidence against any associate, confederate or other person;
- (vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement, or

- (b) takes any such oath or engagement, not being compelled to do so,

is guilty of a felony, and is liable to imprisonment for seven years.

60. A person who takes any such oath or engagement as is mentioned in sections 58 and 59 cannot set up as a defence that he was compelled to do so, unless within fourteen days after taking it, or, if he is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he declares by information on oath before a magistrate, or, if he is on actual service in the military forces of Seychelles, or in the police force, either by such information or by information to his commanding officer, the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

61. (1) Any person who—

- (a) without the permission of the Governor trains or drills any other person to the use of arms or the practice of military exercises, movements, or evolutions, or
- (b) is present at any meeting or assembly of persons, held without the permission of the Governor, for the purpose of training or

Other unlawful oaths to commit offences.

Compulsion how far a defence.

Unlawful drilling.

drilling any other persons to the use of arms or the practice of military exercises, movements or evolutions, is guilty of a felony, and is liable to imprisonment for seven years.

(2) Any person who, at any meeting or assembly held without the permission of the Governor, is trained or drilled to the use of arms or the practice of military exercises, movements, or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled, is guilty of a misdemeanour.

Publication of false news likely to cause fear and alarm to the public.

62. (1) Any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace is guilty of a misdemeanour.

(2) It shall be a defence to a charge under subsection (1) if the accused proves that, prior to publication, he took such measures to verify the accuracy of such statement, rumour or report as to lead him reasonably to believe that it was true.

#### CHAPTER VIII

##### *Offences Affecting Relations with Foreign States and External Tranquillity*

Defamation of foreign princes.

63. Any person who without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between the United Kingdom or Seychelles and the country to which such prince, potentate, ambassador or dignitary belongs, is guilty of a misdemeanour.

Foreign enlistment.

64. Any person commits a misdemeanour who does any of the following acts without the licence of Her Majesty under her sign manual, or signified by Order in Council, or by proclamation, that is to say:—

- (a) who prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, or is engaged in such preparation or fitting-out, or assists therein, or is employed in any capacity in such expedition; or
- (b) who, being a British subject, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state, or, whether a British subject or not, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid; or

- (c) who, being a British subject, quits or goes on board any ship with a view of quitting Seychelles with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a British subject or not, induces any other person to quit or to go on board any ship with a view of quitting Seychelles with the like intent; or
- (d) who, being the master or owner of any ship, knowingly either takes on board, or engages to take on board, or has on board such ship any illegally enlisted person; or
- (e) who, with intent or knowledge, or having reasonable cause to believe that the same will be employed in the military or naval service of any foreign state at war with any friendly state, builds, agrees to build, causes to be built, equips, despatches, or causes or allows to be despatched, any ship, or issues or delivers any commission for any ship:

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, is not liable to any of the penalties specified in this section in respect of such building or equipping if—

- (i) upon a proclamation of neutrality being issued by Her Majesty he forthwith gives notice to the Governor or the Secretary of State that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the Governor or the Secretary of State; and
- (ii) he gives such security, and takes and permits to be taken such other measures, if any, as the Governor or the Secretary of State may prescribe for ensuring that such ship shall not be despatched, delivered, or removed without the licence of Her Majesty until the termination of such war as aforesaid.

65. Any person who is guilty of piracy or any crime connected with or relating or akin to piracy shall be liable to be tried and punished according to the law of England for the time being in force.

#### CHAPTER IX

##### *Unlawful Societies, Assemblies, Riots and other Offences against Public Tranquillity*

66. (1) A society includes any combination of ten or more persons whether the society be known by any name or not.

Definition of society as unlawful society.

(2) A society is an unlawful society—

(a) if formed for any of the following purposes:—

(i) levying war or encouraging or assisting any person to levy war on the Government or the inhabitants of any part of Seychelles; or

(ii) killing or injuring or inciting to the killing or injuring of any person; or

(iii) destroying or injuring or inciting to the destruction or injuring of any property; or

(iv) subverting or promoting the subversion of the Government or of its officials; or

(v) committing or inciting to acts of violence or intimidation; or

(vi) interfering with, or resisting, or inciting to interference with or resistance to the administration of the law; or

(vii) disturbing or inciting to the disturbance of peace and order in any part of Seychelles; or

(b) if declared by an order of the Governor in Council to be a society dangerous to the good government of Seychelles.

Managing  
unlawful  
society.

67. Any person who manages or assists in the management of an unlawful society is guilty of a felony and is liable to imprisonment for seven years.

Being  
member of  
unlawful  
society.

68. Any person who—

(a) is a member of an unlawful society, or

(b) knowingly allows a meeting of an unlawful society, or of members of an unlawful society, to be held in any house, building or place belonging to or occupied by him, or over which he has control,

is guilty of a felony, and is liable to imprisonment for three years.

Prosecutions  
under  
sections 67  
and 68.

69. (1) A prosecution for an offence under section 67 or 68 shall not be instituted except with the consent of the Governor:

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Governor to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

(2) In any prosecution for an offence under section 67 or 68 it shall not be necessary to prove that the society consisted of ten or more

members; but it shall be sufficient to prove the existence of a combination of persons, and the onus shall then rest with the accused to prove that the number of members of such combination did not amount to ten.

(3) Any person who attends a meeting of an unlawful society shall be presumed, until and unless the contrary is proved, to be a member of the society.

(4) Any person who has in his possession or custody or under his control any of the insignia, banners, arms, books, papers, documents or other property belonging to an unlawful society, or wears any of the insignia, or is marked with any mark of the society, shall be presumed, unless and until the contrary is proved, to be a member of the society.

70. Any peace officer, and any police officer authorised in writing by a peace officer, may enter with or without assistance any house or building or into any place in which he has reason to believe that a meeting of an unlawful society, or of persons who are members of an unlawful society, is being held, and to arrest or cause to be arrested all persons found therein and to search such house, building or place, and seize or cause to be seized all insignia, banners, arms, books, papers, documents and other property which he may have reasonable cause to believe to belong to any unlawful society, or to be in any way connected with the purpose of the meeting.

Power of  
entry, arrest,  
search, etc.

For the purpose of this section, the expression "peace officer" means any magistrate or any police officer not below the rank of sergeant.

71. (1) When a society is declared to be an unlawful society by an order of the Governor in Council, the following consequences shall ensue:—

Declaration  
by Governor  
in Council

(a) the property of the society within Seychelles shall forthwith vest in an officer appointed by the Governor;

(b) the officer appointed by the Governor shall proceed to wind up the affairs of the society, and after satisfying and providing for all debts and liabilities of the society and the cost of the winding up, if there shall then be any surplus assets, shall prepare and submit to the Governor a scheme for the application of such surplus assets;

(c) such scheme, when submitted for approval, may be amended by the Governor in such way as he shall think proper in the circumstances of the case;

(d) the approval of the Governor to such scheme shall be denoted by the endorsement thereon of a memorandum of such approval

signed by the Governor, and, upon this being done, the surplus assets, the subject of the scheme, shall be held by such officer upon the terms and to the purposes hereby prescribed;

- (e) for the purpose of the winding up, the officer appointed by the Governor shall have all the powers vested in the Official Assignee for the purpose of the discovering of the property of a debtor and the realisation thereof.

(2) The Governor may, for the purpose of enabling a society to wind up its own affairs, suspend the operation of this section for such period as to him shall seem expedient.

(3) The provisions of subsection (1) shall not apply to any property seized at any time under section 70.

Forfeiture of  
insignia, etc.

72. Subject to the provisions of section 71, the insignia, banners, arms, books, papers, documents and other property belonging to an unlawful society shall be forfeited to Her Majesty, and shall be dealt with in such manner as the Governor may direct.

Definitions.

73. When three or more persons assemble with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are an unlawful assembly.

Unlawful  
assembly.

It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.

Riot.

When an unlawful assembly has begun to execute the purpose for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

Punishment  
of unlawful  
assembly.  
10/30/1964.

74. Any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment for one year.

Punishment  
of riot.

75. Any person who takes part in a riot is guilty of a misdemeanour.

Proclamation  
for rioters or  
assembly to  
disperse.  
11/30/1964.

76. A magistrate, a Justice of Peace within the area of his jurisdiction, a police officer of or above the rank of sub-inspector or such other person as the Governor may appoint, in whose view twelve or more persons are riotously assembled, or who apprehends that a riot is about to be committed by twelve or more persons assembled within his

view, may make or cause to be made a proclamation in the Queen's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

77. If, after such proclamation made or if the making of such proclamation has been prevented by force, twelve or more persons continue so assembled together, any person authorised to make the proclamation, or any police officer, or any other person acting in aid of such person or police officer may do all things necessary for dispersing the persons so continuing assembled and for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

Dispersal  
rioters or  
persons  
assembled  
after pro-  
clamation  
11/30/1964

78. (1) If, in the opinion of a person authorised to make the proclamation, the force of police available is insufficient to disperse such assembly, or is unable to control the situation created by such assembly, such person shall request the military forces, if any, to assist and restore order. Such request shall be made in writing wherever practicable. Every member of the military forces so requested to assist and restore order shall have the same powers and immunities as a police officer under section 77 of this Code.

Calling on  
military  
forces.  
11/30/1964

(2) For the purposes of this section "military forces" include naval and air forces.

79. If such proclamation is made commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, after the making of such proclamation, takes or continues to take part in the riot or assembly, is guilty of a felony and is liable to imprisonment for five years.

Rioting or  
failure to  
disperse at  
proclamation  
11/30/1964

80. Any person who forcibly prevents or obstructs the making of such proclamation as is in section 76 mentioned is guilty of a felony, and is liable to imprisonment for ten years; and if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly is guilty of a felony and is liable to imprisonment for five years.

Preventing  
obstruction  
the making  
proclamation  
12/30/1964

81. Any persons who, being riotously assembled together, unlawfully pull down or destroy or begin to pull down or destroy any building, machinery or structure are guilty of a felony, and each of them is liable to imprisonment for life.

Rioters  
demolish  
buildings,  
etc.



Rioters  
injuring  
buildings,  
machinery,  
etc.

**82.** Any persons who, being riotously assembled together, unlawfully damage any of the things in section 81 mentioned are guilty of a felony, and each of them is liable to imprisonment for seven years.

Riotously  
preventing  
the sailing of  
ship.

**83.** All persons are guilty of a misdemeanour who, being riotously assembled, unlawfully and with force prevent, hinder, or obstruct the loading or unloading, or the sailing or navigating of any vessel, or unlawfully and with force board any vessel with intent to do so.

Possession of  
firearms, etc.  
2/30/1967.

**84.** (1) Any person who, without lawful authority or reasonable excuse, the proof whereof shall lie upon him, carries or has in his possession or under his control any firearm or other offensive weapon, or any ammunition, incendiary material or explosive in circumstances which raise a reasonable presumption that such firearm, offensive weapon, ammunition, incendiary material or explosive is intended to be used or has recently been used in a manner or for a purpose prejudicial to public order is guilty of a felony and is liable to imprisonment for seven years.

(2) Any person who consorts with, or is found in the company of, another person who, in contravention of subsection (1), is carrying or has in his possession or under his control any firearm or other offensive weapon, or any ammunition, incendiary material or explosive, in circumstances which raise a reasonable presumption that he intends to act or has recently acted with such other person in a manner or for a purpose prejudicial to public order, is guilty of a felony and is liable to imprisonment for five years.

(3) Any person who knowingly negotiates, procures, arranges for, or is in any way concerned in or assists, the delivery to any other person, or the delivery by any person to any other person, of any firearm or other offensive weapon, or any ammunition, incendiary material or explosive, whether by way of sale, hire, gift, loan or otherwise, in circumstances which raise a reasonable presumption that he knew or believed that such firearm, offensive weapon, ammunition, incendiary material or explosive was intended or likely to be used by any person in a manner or for a purpose prejudicial to public order is guilty of a felony and is liable to imprisonment for five years.

(4) Any person who, without lawful authority or reasonable excuse, the proof whereof shall lie upon him, has with him in any public place an offensive weapon is guilty of a misdemeanour and is liable to a fine of one thousand rupees and to imprisonment for one year.

(5) Where any person is convicted of an offence under this section any weapon or other article in respect of which the offence was committed shall be forfeited to the Crown.

(6) A person shall not be prosecuted for an offence under this section, other than an offence under subsection (4), without the written consent of the Attorney General.

(7) In any prosecution for an offence under this section, it shall be presumed, until the contrary is proved, that a weapon having the appearance of a firearm is a firearm.

(8) In this section—

“ammunition” means ammunition for any firearm as hereinafter defined and includes grenades, bombs and other like missiles whether capable of use with such a firearm or not, and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

“explosives” means any explosive within the meaning of the Explosives Ordinance; Cap. 34.

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes the barrel, bolt and chamber, and any other essential component part, of any such weapon as aforesaid;

“incendiary material” means any material capable of being used for causing damage to property by fire and intended by the person having it in his possession or under his control for such use;

“offensive weapon” means any article made or adapted for use for causing injury to the person or intended by any person having it with him for such use by him and includes any axe, hatchet, cutlass, knife or club.

**85.** Any person who, in order to take possession thereof enters on any lands or tenements in a violent manner, whether such violence consists in actual force applied to any other person or in threats or in breaking open any house or in collecting an unusual number of people, is guilty, of the misdemeanour termed forcible entry. Forcible entry.

It is immaterial whether he is entitled to enter on the land or not, provided that a person who enters upon lands or tenements of his own, but which are in the custody of his servant or bailiff, does not commit the offence of forcible entry.

**86.** Any person who, being in actual possession of land without colour of right, holds possession of it in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace against a person entitled by law to the possession of the land is guilty of the misdemeanour termed forcible detainer. Forcible detainer.

Affray.

87. Any person who takes part in a fight in a public place is guilty of a misdemeanour, and is liable to imprisonment for one year.

Challenge to fight a duel.

88. Any person who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, is guilty of a misdemeanour.

Threatening violence, etc. 3/30/1967.

89. Any person who—

(a) threatens another with any injury, damage, harm or loss to any person or property with intent to cause alarm to that person, or to cause that person, to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as a means of avoiding the execution of such threat, or

(b) discharges any loaded firearm or commits any breach of the peace with intent to alarm any person,

is guilty of a misdemeanour and is liable to imprisonment for five years.

Proposing violence or breaches of the law to assemblies. 4/30/1967.

89A. (1) Any person, who without lawful excuse, the proof whereof shall lie upon him, to any assembly makes any statement indicating or implying that it would be incumbent or desirable—

(a) to do any acts calculated to bring death or physical injury to any person or to any class or community of persons, or

(b) to do any acts calculated to lead to destruction or damage to any property, or

(c) to commit an offence against any law in force in Seychelles or in any part thereof,

is guilty of a misdemeanour and is liable to imprisonment for seven years:

Provided that a statement which expresses mere disapproval of a law shall, to that extent only, be held not to be a statement which indicates or implies that it would be incumbent or desirable to commit an offence against such law.

(2) A person shall not be prosecuted for an offence under paragraph (c) of subsection (1) without the written consent of the Attorney General.

Assembling for the purpose of smuggling.

90. Any persons who assemble together, to the number of two or more, for the purpose of unshipping, carrying, or concealing any goods subject to customs duty and liable to forfeiture under any law relating to the customs, are guilty of a misdemeanour, and each of them is liable to a fine not exceeding Rs. 1,000 or to imprisonment for six months.

## Division II—Offences against the Administration of Lawful Authority

### CHAPTER X

#### *Corruption and the Abuse of Office*

91. Any person who—

(a) being employed in the public service, and being charged with the performance of any duty by virtue of such employment, corruptly solicits, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office, or

(b) corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for any person employed in the public service, or to, upon, or for any other person, any property or benefit of any kind on account of any such act or omission on the part of the person so employed,

is guilty of a misdemeanour, and is liable to imprisonment for three years.

92. Any person who, being employed in the public service, takes or accepts from any person for the performance of his duty as such officer, any reward beyond his proper pay and emoluments, or any promise of such reward, is guilty of a misdemeanour, and is liable to imprisonment for three years.

93. Any person who, being employed in the public service, receives any property or benefit of any kind for himself, on the understanding, express or implied, that he shall favour the person giving the property or conferring the benefit, or any one in whom that person is interested, in any transaction then pending, or likely to take place, between the person giving the property or conferring the benefit, or any one in whom he is interested, and any person employed in the public service, is guilty of a misdemeanour, and is liable to imprisonment for six months.

94. Any person who, being employed in the public service, and being charged by virtue of his employment with any judicial or administrative duties respecting property of a special character, or respecting the carrying on of any manufacture, trade or business of a special character, and having acquired or holding, directly or indirectly, a private interest in any such property, manufacture, trade or business, discharges any such duties with respect to the property, manufacture, trade or business in which he has such interest or with respect

Official corruption

Extortion public officers.

Public officer receiving property show favour

Officers charged with administration of property of a special character with special duties.

to the conduct of any person in relation thereto, is guilty of a misdemeanour, and is liable to imprisonment for one year.

False claims  
by officials.

95. Any person who, being employed in the public service in such a capacity as to require him or to enable him to furnish returns or statements touching any sum payable or claimed to be payable to himself or to any other person, or touching any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement touching any such matter which is, to his knowledge, false in any material particular, is guilty of a misdemeanour.

Abuse of  
office.

96. Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another is guilty of a misdemeanour.

If the act is done or directed to be done for purposes of gain he is guilty of a felony, and is liable to imprisonment for three years.

A prosecution for any offence under this section or section 94 or 95 shall not be instituted except by or with the sanction of the Attorney General.

False  
certificates  
by public  
officers.

97. Any person who, being authorised or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to his knowledge, false in any material particular is guilty of a misdemeanour.

Unauthorised  
administra-  
tion of oaths.

98. Any person who administers an oath, or takes a solemn declaration or affirmation or affidavit, touching any matter with respect to which he had not by law any authority to do so is guilty of a misdemeanour and is liable to imprisonment for one year:

Provided that this section shall not apply to an oath, declaration, affirmation or affidavit administered by or taken before a magistrate or a Justice of the Peace in any matter relating to the preservation of the peace or the punishment of offences or relating to inquiries respecting sudden deaths, nor to an oath, declaration, affirmation, or affidavit administered or taken for some purpose which is lawful under the laws of another country, or for the purpose of giving validity to an instrument in writing which is intended to be used in another country.

False  
assumption of  
authority.

99. Any person who—

- (a) not being a judicial officer, assumes to act as a judicial officer, or
- (b) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorised by law to do so, or

- (c) represents himself to be a person authorised by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to any fact or event, and signs such document as being so authorised, when he is not, and knows that he is not, in fact, so authorised,

is guilty of a misdemeanour.

100. Any person who—

- (a) personates any person employed in the public service on an occasion when the latter is required to do any act or attend in any place by virtue of his employment, or
- (b) falsely represents himself to be a person employed in the public service, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment,

is guilty of a misdemeanour, and is liable to imprisonment for three years.

101. Whoever holds out any threat of injury to any person employed in the public service, or to any person in whom he believes that person employed in the public service to be interested, for the purpose of inducing that person employed in the public service to do any act or to forbear or delay to do any act connected with the exercise of the public functions of such person employed in the public service, is guilty of a misdemeanour.

Personating  
public  
officers.

Threat of  
injury to  
persons  
employed  
in public  
service.

## CHAPTER XI

### *Offences Relating to the Administration of Justice*

102. (1) Any person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding or intended to be raised in that proceeding, is guilty of the misdemeanour termed perjury.

It is immaterial whether the testimony is given on oath or under any other sanction authorised by law.

The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he assents to the forms and ceremonies actually used.

It is immaterial whether the false testimony is given orally or in writing.

It is immaterial whether the court or tribunal is properly constituted, or is held in the proper place or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given.

Perjury and  
subornation  
of perjury.

It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not. #

Subornation.

(2) Any person who aids, abets, counsels, procures, or suborns another person to commit perjury is guilty of the misdemeanour termed subornation of perjury.

False statements by interpreters.

**103.** If any person, lawfully sworn as an interpreter in a judicial proceeding, wilfully makes a statement material in the proceeding which he knows to be false, or does not believe to be true, he shall be guilty of perjury.

Punishment of perjury and subornation.

**104.** Any person who commits perjury or suborns perjury is liable to imprisonment for seven years.

Evidence on charge of perjury.

**105.** A person cannot be convicted of committing perjury or of subornation of perjury solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

Contradictory statements. 5/30/1967.

**105A.** (1) Where a witness in any judicial proceedings (other than a person accused of an offence in criminal proceedings) has made a statement on oath or affirmation of some fact relevant in the proceedings, contradicting in a material detail a previous statement made on oath or affirmation by the same witness before the same court or any other court or tribunal, such witness, if a court is satisfied that either of such statements was made with intent to deceive, is guilty of a misdemeanour.

(2) Upon the trial of any person for an offence under this section, it shall not be necessary to prove the falsity of either of the contradictory statements, but, upon proof that both the statements were made by him, the court, if satisfied that the statements, or either of them, were or was made with intent to deceive, shall convict the accused.

(3) At the trial of any person for an offence under this section, the record of a court or tribunal containing any statement made on oath or affirmation by the person charged shall be *prima facie* evidence of such statement.

(4) For the avoidance of doubt, it is hereby declared that a person shall be liable to be convicted of an offence under this section notwithstanding that any statement made by him before a court or tribunal was made in reply to a question which he was bound by law to answer, and any such statement shall be admissible in any proceedings under this section.

**106.** Any person who, with intent to mislead any tribunal in any judicial proceeding—

Fabricating evidence.

(a) fabricates evidence by any means other than perjury or subornation of perjury, or

(b) knowingly makes use of such fabricated evidence, is guilty of a misdemeanour, and is liable to imprisonment for seven years.

**107.** Any person who swears falsely or makes a false affirmation or declaration before any person authorised to administer an oath or take a declaration upon a matter of public concern under such circumstances that the false swearing or declaration if committed in a judicial proceeding would have amounted to perjury is guilty of a misdemeanour.

False swearing.

**108.** Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, is guilty of a misdemeanour.

Deceiving witnesses.

**109.** Any person who, knowing that any book, document, or thing of any kind whatsoever, is or may be required in evidence in a judicial proceeding, wilfully removes or destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, is guilty of a misdemeanour.

Destroying evidence.

**110.** Any person commits a misdemeanour who—

(a) conspires with any other person to accuse any person falsely of any crime or to do anything to obstruct, prevent, pervert, or defeat the course of justice; or

(b) in order to obstruct the due course of justice, dissuades, hinders, or prevents any person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence, or endeavours to do so; or

(c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal.

Conspiracy to defeat justice and interference with witnesses.

**111.** Any person who asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person upon any agreement or understanding that he will compound or conceal a felony, or will abstain from, discontinue, or delay a prosecution for a felony, or will withhold any evidence thereof, is guilty of a misdemeanour.

Compounding felonies.



Compound-  
ing penal  
actions.

**112.** Any person who, having brought, or under pretence of bringing, an action against another person upon a penal Ordinance or statute in order to obtain from him a penalty for any offence committed or alleged to have been committed by him, compounds the action without the order or consent of the court in which the action is brought or is to be brought, is guilty of a misdemeanour.

Misprision  
of felony.  
6/30/1967.

**112A.** (1) Any person who, knowing a felony to have been committed, conceals his knowledge of such felony, is guilty of a misdemeanour.

(2) A person shall be deemed to conceal his knowledge of a felony if, without lawful excuse, he fails or refuses to disclose to proper authority all material facts known to him relative to such felony.

Advertise-  
ments for  
stolen prop-  
erty.

**113.** Any person who—

- (a) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked, or that the person producing such property will not be seized or molested, or
  - (b) publicly offers to return to any person who may have bought, or advanced money by way of loan upon, any stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property, or
  - (c) prints or publishes any such offer,
- is guilty of a misdemeanour.

Offences  
relating to  
judicial  
proceedings.  
13/30/1964.

**114.** (1) Any person who—

- (a) within the premises in which any judicial proceeding is being had or taken, or within the precincts of the same, shows disrespect, in speech or manner, to or with reference to such proceeding, or any person before whom such proceeding is being had or taken, or
- (b) having been called upon to give evidence in a judicial proceeding, fails to attend, or having attended, refuses to be sworn or to make an affirmation or, having been sworn or affirmed, refuses without lawful excuse to answer a question or to produce a document, or remains in the room in which such proceeding is being had or taken, after the witnesses have been ordered to leave such room, or
- (c) causes an obstruction or disturbance in the course of a judicial proceeding, or
- (d) while a judicial proceeding is pending, makes use of any speech or writing misrepresenting such proceeding or capable of prejudicing any person in favour of or against any parties to such

proceeding, or calculated to lower the authority of any person before whom such proceeding is being had or taken, or

- (e) publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private, or
- (f) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after he has given evidence, in connection with such evidence, or
- (g) dismisses a servant because he has given evidence on behalf of a certain party to a judicial proceeding, or
- (h) wrongfully retakes possession of land from any person who has recently obtained possession by a writ of court, or
- (i) commits any other act of intentional disrespect to any judicial proceeding, or to any person before whom such proceeding is being had or taken,

is guilty of an offence, and is liable to imprisonment for three months.

(2) When any offence against paragraphs (a), (b), (c), (d) or (i) of subsection (1) is committed in view of the court, the court may cause the offender to be detained in custody and at any time before the rising of the court on the same day take cognisance of the offence and sentence the offender to a fine of Rs. 250 and to imprisonment for one month.

(3) The provisions of this section shall be deemed to be in addition to and not in derogation from the power of the Supreme Court to punish for contempt of court.

**114A.** No prosecution for an offence under section 104, section 105A or section 107 of this Code shall be commenced without the written consent of the Attorney General.

Sanction of  
Attorney  
General.  
14/30/1964.  
7/30/1967.

## CHAPTER XII

### *Rescues, Escapes and Obstructing Officers of Court of Law*

**115.** Any person, who by force rescues or attempts to rescue from lawful custody any other person—

- (a) is, if such last-named person is under sentence of death or imprisonment for life, or charged with an offence punishable with death or imprisonment for life, guilty of a felony, and is liable to imprisonment for life; and
- (b) is, if such other person is imprisoned on a charge or under sentence for any offence other than those specified above, guilty of a felony, and is liable to imprisonment for seven years; and
- (c) is, in any other case, guilty of a misdemeanour.

Rescue.

If the person rescued is in the custody of a private person, the offender must have notice of the fact that the person rescued is in such custody.

Escape. **116.** Any person who, being in lawful custody, escapes from such custody, is guilty of a misdemeanour.

Aiding  
prisoners  
to escape.

**117.** Any person who—

(a) aids a prisoner in escaping or attempting to escape from lawful custody, or

(b) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner,

is guilty of a felony, and is liable to imprisonment for seven years.

Removal,  
etc., of  
property  
under lawful  
seizure.

**118.** Any person who, when any property has been attached or taken under the process of authority of any court, knowingly, and with intent to hinder or defeat the attachment or process receives, removes, retains, conceals, or disposes of such property, is guilty of a felony, and is liable to imprisonment for three years.

Obstructing  
court officers.

**119.** Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any court, is guilty of a misdemeanour, and is liable to imprisonment for one year.

### CHAPTER XIII

#### *Miscellaneous Offences Against Public Authority*

Frauds and  
breaches of  
trust by  
public  
officers.

**120.** Any person employed in the public service who, in the discharge of the duties of his office, commits any fraud or breach of trust affecting the public, whether such fraud or breach of trust would have been criminal or not if committed against a private person, is guilty of a misdemeanour.

Neglect of  
official duty.

**121.** Every person employed in the public service who wilfully neglects to perform any duty which he is bound either by statute or Ordinance to perform, provided that the discharge of such duty is not attended with greater danger than a man of ordinary firmness and activity may be expected to encounter, is guilty of a misdemeanour.

False  
information  
to person  
employed in  
the public  
service.  
15/30/1964.

**122.** Whoever gives to any person employed in the public service any information which he knows or believes to be false intending thereby to cause, or knowing it to be likely that he will thereby cause such person employed in the public service—

(a) to do or omit anything which such person employed in the public service ought not to do or omit if the true state of facts respecting which such information is given were known to him, or

(b) to use the lawful power of such person employed in the public service to the injury or annoyance of any person, or

(c) to devote his time and services to the investigation of such information,

shall be guilty of a misdemeanour and shall be liable to imprisonment for six months or to a fine of Rs. 500 or to both such fine and such imprisonment.

**123.** Everyone who wilfully disobeys any statute or Ordinance by doing any act which it forbids, or by omitting to do any act which it requires to be done, and which concerns the public or any part of the public, is guilty of a misdemeanour, and is liable, unless it appears from the statute or Ordinance that it was the intention of the Legislature to provide some other penalty for such disobedience, to imprisonment for two years.

Disobedience  
of statutory  
duty.

**124.** Everyone who disobeys any order, warrant or command duly made, issued or given by any court, officer or person acting in any public capacity and duly authorised in that behalf, is guilty of a misdemeanour, and is liable, unless any other penalty or mode of proceeding is expressly prescribed in respect of such disobedience, to imprisonment for two years.

Disobedience  
of lawful  
orders.

### Division III—Offences Injurious to the Public in General

#### CHAPTER XIV

#### *Offences Relating to Religion*

**125.** Any person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of a misdemeanour.

Insult to  
religion of  
any class.

**126.** Any person who voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremony, is guilty of a misdemeanour.

Disturbing  
religious  
assemblies.

Trespassing  
on burial  
places or  
place of  
worship.

**127.** Every person who with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanour.

Writing or  
uttering  
words with  
intent to  
wound  
religious  
feelings.

**128.** Any person who, with the deliberate intention of wounding the religious feelings of any other person, writes any word, or any person who, with the like intention, utters any word or makes any sound in the hearing of any other person or makes any gesture or places any object in the sight of any other person, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Hindering  
burial of  
dead body,  
etc.

**129.** Whoever unlawfully hinders the burial of the dead body of any person, or without lawful authority in that behalf disinters, dissects, or harms the dead body of any person or, being under a duty to cause the dead body of any person to be buried, fails to perform such duty, is guilty of a misdemeanour.

In this section the word "burial" means burial in earth, interment or any other form of sepulture or the cremation or any other mode of disposal of a dead body and "buried" has a corresponding meaning.

## CHAPTER XV

### *Offences Against Morality*

Definition  
of rape.

**130.** Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of the felony termed rape.

Punishment  
of rape.

**131.** Any person who commits the offence of rape is liable to be punished with imprisonment for life.

Attempted  
rape.

**132.** Any person who attempts to commit rape is guilty of a felony, and is liable to imprisonment for life.

Abduction.

**133.** Any person who, with intent to marry or carnally know a woman of any age, or to cause her to be married or carnally known by

any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

**133A.** (1) Any person who unlawfully takes an unmarried girl under the age of eighteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her and against the will of such father or mother or other person, if she is taken with the intention that she may be unlawfully and carnally known by any man whether any particular man or generally, is guilty of a misdemeanour.

(2) It shall be a sufficient defence to a charge under this section if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of eighteen years.

**134.** Any person who unlawfully takes an unmarried girl under the age of fifteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour.

**135.** (1) Any person who unlawfully and indecently assaults any woman or girl is guilty of a felony, and is liable to imprisonment for fourteen years.

(2) A girl under the age of fifteen years cannot in law give any consent which would prevent an act being an assault for the purposes of subsection (1):

Provided that it shall be a sufficient defence to a charge under that subsection if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of fifteen years.

(3) Whoever, intending to insult the modesty of any woman utters any words, makes any sound or gesture or exhibits any object intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, is guilty of a misdemeanour, and is liable to imprisonment for one year.

**136.** (1) Any person who unlawfully and carnally knows any girl under the age of thirteen years is guilty of a felony, and is liable to imprisonment for life.

Abducti  
girls un  
eighteen  
years.  
5/36/191

Abducti  
girls un  
fifteen,  
6/36/61.

Indecent  
assaults  
females.  
7/36/61.

Insulting  
modesty  
woman.

Defilem  
girls un  
thirteen  
years of

Attempt.  
8/36/1961.

(2) Any person who attempts to have unlawful carnal knowledge of any girl under the age of thirteen years is guilty of a felony, and is liable to imprisonment for fourteen years.

Defilement of  
girls between  
thirteen and  
fifteen years  
of age.  
9/36/1961.

**136A.** (1) Any person who unlawfully and carnally knows any girl not under the age of thirteen years but under the age of fifteen years is guilty of a misdemeanour.

(2) It shall be a sufficient defence to a charge under this section if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of fifteen years.

Defilement  
of idiots or  
imbeciles.

**137.** Any person who, knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her under circumstances not amounting to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile, is guilty of a felony, and is liable to imprisonment for fourteen years.

Procuration.

**138.** Any person who—

- (a) procures or attempts to procure any girl or woman under the age of twenty-one years, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either in Seychelles or elsewhere, with any other person or persons, or
- (b) procures or attempts to procure any woman or girl to become, either in Seychelles or elsewhere, a common prostitute, or
- (c) procures or attempts to procure any woman or girl to leave Seychelles, with intent that she may become an inmate of or frequent a brothel elsewhere, or
- (d) procures or attempts to procure any woman or girl to leave her usual place of abode in Seychelles (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Seychelles or elsewhere,

is guilty of a misdemeanour:

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

**139.** Any person who—

- (a) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in Seychelles or elsewhere, or
- (b) by false pretences or false representations procures any woman or girl, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either in Seychelles or elsewhere, or
- (c) applies, administers to, or causes to be taken by any woman or girl any drug, matter, or thing with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

Procuring  
defilement of  
woman by  
threats or  
fraud or  
administering  
drugs.

is guilty of a misdemeanour:

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

**140.** (1) Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a felony, and is liable to imprisonment for five years.

Householder,  
etc., permit-  
ting defile-  
ment of girl  
under fifteen  
years of age  
on his  
premises.  
10/36/1961.

(2) Any person who, being the owner or occupier of premises or having or assisting in the management or control thereof, induces or knowingly suffers any girl not under the age of thirteen years but under the age of fifteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a misdemeanour.

(3) It shall be a sufficient defence to any charge under this section if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of fifteen years.

**141.** Any person who detains any woman or girl against her will—

- (a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally, or
- (b) in any brothel,

Detention  
with intent  
or in brothel.

is guilty of a misdemeanour.



Constructive  
detention by  
withholding  
clothes.

When a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the directions of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

Power to  
search.  
11/36/1961.

**142.** If it appears to any magistrate, on information made before him on oath by any parent, relative or guardian of any woman or girl or other person who, in the opinion of the magistrate, is acting *bona fide* in the interests of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such magistrate, such magistrate may issue a warrant authorising the person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a magistrate; and the magistrate before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

A magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a magistrate and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and—

- (a) either is under the age of fifteen years; or
- (b) if she is of or over the age of fifteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her; or
- (c) if she is of or over the age of eighteen years and is so detained against her will.

Any person authorised by warrant under this section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place mentioned in the warrant, and may remove such woman therefrom.

**143.** Whoever for purposes of gain—

- (a) procures, entices or leads away, for purposes of prostitution, another person (even with the consent of that other person), or
- (b) exploits, or is an accessory in, the prostitution of another person (even with the consent of that other person), or the illicit carnal connection of two other persons,

is guilty of a misdemeanour.

**144.** Whoever—

- (a) procures, entices or leads away, for purposes of prostitution, another person (even with the consent of that other person), or
- (b) exploits, or is an accessory in, the prostitution of another person (even with the consent of that other person),

where the person procured, enticed, led away or exploited is less than twenty-one years old at the time of the offence, or is procured, enticed, led away or exploited for the purpose of being sent abroad, or by the use of fraud, deceit, threat, violence or any other means of duress, is guilty of a misdemeanour.

**145.** (1) Any person who—

- (a) keeps or manages, or acts or assists in the keeping or management of a brothel, or
- (b) being the tenant, lessee, or occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or
- (c) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or any part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,

shall be guilty of a misdemeanour.

(2) The expression "brothel" shall mean any premises or part thereof resorted to by persons of both sexes for the purpose of prostitution.

**146.** Any person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means, to

Procurin  
prostitut  
for purp  
of gain.

Procurin  
prostitut  
etc., oth  
than for  
purposes  
gain.

Brothels.  
2/10/195

Conspira  
to defile.

permit any man to have unlawful carnal knowledge of her is guilty of a felony, and is liable to imprisonment for three years.

Attempts to procure abortion.

**147.** Any person who, with intent to procure miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing or uses any force of any kind, or uses any other means whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

The like by woman with child.

**148.** Any woman who, being with child, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a felony, and is liable to imprisonment for seven years.

Supplying drugs or instruments to procure abortion.

**149.** Any person who unlawfully supplies to or procures for any person any thing whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a felony, and is liable to imprisonment for three years.

Knowledge of age of female immaterial.

**150.** Except as otherwise expressly stated, it is immaterial in the case of any of the offences committed with respect to a woman or girl under a specified age, that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

Unnatural offences.

**151.** Any person who—  
 (a) has carnal knowledge of any person against the order of nature, or  
 (b) has carnal knowledge of an animal, or  
 (c) permits a male person to have carnal knowledge of him or her against the order of nature,  
 is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempt to commit unnatural offences.

**152.** Any person who attempts to commit any of the offences specified in section 151 is guilty of a felony, and is liable to imprisonment for seven years.

Indecent assault of boys under fourteen.

**153.** Any person who unlawfully and indecently assaults a boy under the age of fourteen years is guilty of a felony, and is liable to imprisonment for seven years.

**154.** Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony, and is liable to imprisonment for five years.

Indecent practices between males.

**155.** (1) Any male person who has carnal knowledge of a female person, who is to his knowledge his grand-daughter, daughter, sister, or mother, is guilty of a felony, and is liable to imprisonment for five years:

Incest by males.

Provided that if it is alleged in the information or charge and proved that the female person is under the age of thirteen years, the offender shall be liable to imprisonment for life.

(2) It is immaterial that the carnal knowledge was had with the consent of the female person.

Consent immaterial.

(3) If any male person attempts to commit any such offence as aforesaid he is guilty of a misdemeanour.

Attempt.

(4) On the conviction before any court of any male person of an offence under this section, or of an attempt to commit the same, against any female under the age of twenty-one years, it shall be in the power of the court to divest the offender of all authority over such female, and, if the offender is the guardian of such female, to remove the offender from such guardianship, and in any such case to appoint any person or persons to be the guardian or guardians of such female during her minority or any less period:

Order for guardian.

Provided that the Supreme Court may at any time vary or rescind the order by the appointment of any other person as such guardian, or in any other respect.

**156.** Any female person of or above the age of sixteen years who with consent permits her grandfather, father, brother, or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother, or son, as the case may be) is guilty of a felony, and is liable to imprisonment for five years.

Incest by females.

**157.** In the two last preceding sections the expressions "brother" and "sister", respectively, include half-brother and half-sister, and the provisions of the said sections shall apply whether the relationship between the person charged with an offence and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

Test of relationship.

Sanction of  
Attorney  
General.  
12/36/1961.

**158.** No prosecution for an offence under sections 136A, 155 or 156 of this Code shall be commenced without the sanction of the Attorney General.

#### CHAPTER XVI

##### *Offences Relating to Marriage and Domestic Obligations*

Fraudulent  
pretence of  
marriage.

**159.** Any person who wilfully and by fraud causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, is guilty of a felony, and is liable to imprisonment for ten years.

Bigamy.

**160.** Any person who, having a husband or wife living, goes through a ceremony of marriage which is void by reason of its taking place during the life of such husband or wife, is guilty of a felony and is liable to imprisonment for five years:

Provided that this section shall not extend to any person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time.

Marriage  
ceremony  
fraudulently  
gone through  
without  
lawful  
marriage.

**161.** Any person who dishonestly or with fraudulent intention goes through the ceremony of marriage, knowing that he is not thereby lawfully married, is guilty of a felony, and is liable to imprisonment for five years.

Desertion of  
children.

**162.** Any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of fourteen years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a misdemeanour.

Neglecting  
to provide  
food, etc.,  
for children.

**163.** Any person who, being the parent or guardian or other person having the lawful care or charge of any child of tender years and unable to provide for itself, refuses or neglects (being able to do so) to provide sufficient food, clothes, bedding and other necessities for such child, so as thereby to injure the health of such child, is guilty of a misdemeanour.

Master not  
providing for  
servants or  
apprentices.

**164.** Any person who, being legally liable either as master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, wilfully and without lawful excuse refuses or neglects to

provide the same, or unlawfully and maliciously does or causes to be done any bodily harm to such apprentice or servant so that the life of such apprentice or servant is endangered or that his health has been or is likely to be permanently injured, is guilty of a misdemeanour.

**165.** Any person who, with intent to deprive any parent, guardian, or other person who has the lawful care or charge of a child under the age of fourteen years, of the possession of such child—

Child  
stealing.

(a) forcibly or fraudulently takes or entices away, or detains the child, or

(b) receives or harbours the child, knowing it to have been so taken or enticed away or detained,

is guilty of a felony, and is liable to imprisonment for seven years.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed in good faith a right to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father.

#### CHAPTER XVII

##### *Nuisances and Offences Against Health and Convenience*

**166.** Any person who does an act not authorised by law or omits to discharge a legal duty and thereby causes any common injury, or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of common rights, commits the misdemeanour termed a common nuisance and is liable to imprisonment for one year.

Common  
nuisance.

It is immaterial that the act or omission complained of is convenient to a larger number of the public than it inconveniences, but the fact that it facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

**167.** (1) Any person being the owner or occupier, or having the use of, any house, room, building or place whether open or enclosed, or ship, boat or other vessel, whether afloat or not, or any vehicle, who shall open, keep or use the same for the purpose of unlawful gaming being carried on therein, and any person who, being the owner or occupier of any house, room, building, place, vessel or vehicle as aforesaid, shall knowingly and wilfully permit the same to be opened, kept or used by any other person for the purpose aforesaid, and any person having the care or management of or in any manner assisting in conducting the business of any house, room, building, place, vessel or vehicle as aforesaid, opened, kept or used for the purpose aforesaid, is said to keep a common gaming house.

Gaming  
houses.

(2) In this section "unlawful gaming" means any game the chances of which are not alike favourable to all the players, including the banker or other person or persons by whom the game is managed or against whom the other players stake, play or bet.

(3) Any person who keeps a common gaming house is guilty of a misdemeanour.

(4) Any person other than the persons mentioned in subsection (1) who is found in a common gaming house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawful gaming, and is guilty of a misdemeanour, and is liable to a fine of Rs. 50 for the first offence, and for each subsequent offence to a fine of Rs. 250 or imprisonment for two months, or to both such fine and imprisonment.

Search  
warrants.  
3/21/1960.

**168.** (1) The judge or any magistrate or other officer for the time being empowered to issue warrants, on being satisfied upon written information on oath and after any further inquiry which he may think necessary, that any place is kept or used for gaming and that the public has access to it, may, by warrant, authorise any person therein named or any police officer, with such assistance and by such force as may be necessary, by night or by day, to enter or go to such place and to search the same and to seize all instruments or appliances for gaming, and all money, securities for money, and other articles reasonably supposed to have been used or intended to be used for any game or lottery which may be found in such place; and also to detain all persons found therein until the said place shall have been searched. If any of the things or circumstances which are made by section 169 presumptive evidence of guilt are found in such place, every person found therein shall be taken before the competent court to be dealt with according to law.

(2) Notwithstanding the provisions of subsection (1) any police officer, not below the rank of corporal, who reasonably suspects that any place is kept or used for gaming and that the public has access to it, shall without the necessity of procuring a warrant as required in subsection (1) have in respect of such place all the powers conferred upon a police officer by the said subsection in the same manner as if a warrant had been issued for that purpose.

(3) All instruments or appliances for gaming, money, securities for money, and other articles found in a gaming house, which the court finds were used or intended to be used for any game or lottery, shall be declared by the said court to be forfeited to the Crown, and dealt with accordingly.

Presump-  
tions.

**169.** (1) If any instruments or appliances of gaming are found in any place entered under section 168, or if persons are seen or heard to

escape therefrom on the approach or entry of a police officer, or if any person having authority under section 168 to enter or go to such place is unlawfully prevented from, or obstructed or delayed in entering or approaching the same or any part thereof, it shall be presumed, until the contrary be proved, that the place is a common gaming house, and that the same is so kept or used by the occupier thereof.

(2) If, in the case of a place entered under section 168, any passage, staircase, or means of access to any part thereof is unusually narrow or steep or otherwise difficult to pass, or any part of the premises is provided with unusual or unusually numerous means for preventing or obstructing an entry or with unusual contrivances for enabling persons therein to see or ascertain the approach or entry of persons or for giving the alarm or for facilitating escape from the premises, it shall be presumed, until the contrary be proved, that the place is a common gaming house, and that the same is so kept or used by the occupier thereof.

**170.** (1) Any person who opens, keeps, or uses any place for carrying on a lottery not authorised by the Commissioner of Police is guilty of a misdemeanour, and any person who in any way infringes or fails to comply with any of the conditions (if any) laid down when such authorisation as above mentioned is given is guilty of a misdemeanour and is liable to imprisonment for a period not exceeding six months.

Lotteries.

(2) Any person who prints or publishes, or causes to be printed or published any advertisement or other notice of or relating to any lottery not so authorised or of or relating to the sale of any ticket or chance or of any share in any ticket or chance in any lottery not so authorised is liable to a fine of Rs. 500.

(3) In this section "lottery" includes any scheme or device for the sale, gift, disposal, or distribution of any property depending upon or to be determined by lot or chance, whether by the throwing or casting of dice, or by the drawing of tickets, cards, lots, numbers, or figures, or by means of a wheel or trained animal, or otherwise howsoever.

(4) When any person is convicted of an offence under this section, the court may, in addition to or in lieu of, any penalty which may be imposed, order the forfeiture to Her Majesty of any instrument or thing used in connection with the lottery concerning which the conviction has taken place.

**171.** Any person who appears, acts, or behaves as master or mistress, or as the person having the care or management of any such house, room, set of rooms, or place as is mentioned in sections 167 and 170 is to be taken to be the keeper thereof, whether he is or is not the real keeper.

Keeper of  
premises  
defined.



Traffic in  
obscene  
publications.  
16/30/1964.

**172.** (1) Any person who—

- (a) for the purpose of or by way of trade or for the purpose of distribution or public exhibition, makes, produces or has in his possession any one or more obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects or any other object tending to corrupt morals, or
- (b) for any of the purposes above-mentioned imports, conveys, or exports, or causes to be imported, conveyed or exported any such matters or things or in any manner whatsoever puts any of them in circulation, or
- (c) carries on or takes part in any business whether public or private, concerned with any such matters or things, or deals in any such matters or things in any manner whatsoever, or distributes any of them, or exhibits any of them publicly, or makes a business of lending any of them, or
- (d) advertises or makes known by any means whatsoever with a view to assisting the circulation of, or traffic in, any such matters or things, that a person is engaged in any of the acts referred to in this section, or advertises or makes known how, or from whom, any such matters or things can be procured either directly or indirectly, or
- (e) publicly exhibits any indecent show or performance or any show or performance tending to corrupt morals,

is guilty of a misdemeanour, and is liable to imprisonment for two years or to a fine of Rs. 1,000.

(2) If, in respect of any of the offences specified in paragraphs (a), (b), (c) or (d) of subsection (1), any constitutive element thereof is committed in Seychelles such commission shall be sufficient to render the person accused of such offence triable therefor in Seychelles.

(3) A court, on convicting any person of an offence against this section, may order to be destroyed any matter or thing made, possessed or used for the purpose of such offence.

(4) A court may, on the application of the Attorney General or the Commissioner of Police, order the destruction of any obscene matter or thing to which this section relates, whether any person may or may not have been convicted under the provisions of this section in respect of such obscene matter or thing.

(5) The judge or any magistrate or other officer for the time being empowered to issue warrants on being satisfied upon written information on oath and after any further inquiry which he may think necessary, that any premises are used for any of the purposes specified in this

section or in violation of these provisions or for the deposit of any such obscene matters or things may by warrant authorise any persons therein named or any police officer with such assistance and by such force as may be necessary by night or by day to enter the same and to seize all instruments or appliances and other articles reasonably supposed to have been used or intended to be used for any of the purposes specified in this section.

If any of the obscene matters are found in such place or in the possession of any person it shall be presumed, until the contrary be proved, that the owner or occupier of the premises and the person with whom such obscene matters or things are found, shall have carried on or taken part in business in violation of paragraph (c) of subsection (1) above.

**173.** The following persons—

- (a) every common prostitute behaving in a disorderly or indecent manner in any public place,
- (b) every person wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do,
- (c) every person playing at any game of chance for money or money's worth in any public place, or on private property without the consent of the occupier,
- (d) every person who in any public place conducts himself in a manner likely to cause a breach of the peace,
- (e) every person who without lawful excuse publicly does any indecent act,
- (f) every person who in any public place solicits for immoral purposes, and
- (g) every person wandering about and endeavouring by the exposure of wounds or deformation to obtain or gather alms, and
- (h) every person found drunk and incapable or drunk and disorderly in any street or public place,

shall be deemed idle and disorderly persons, and shall be liable to imprisonment for two months or to a fine not exceeding Rs. 100 or to both.

**174.** The following persons—

- (a) every person convicted of an offence under section 173 after having been previously convicted as an idle and disorderly person,
- (b) every person going about as a gatherer or collector of alms, or

Idle and  
disorderly  
persons.  
3/11/1969.

Rogues and  
vagabonds.

endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence,

- (c) every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself,
- (d) every person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose,

shall be deemed to be a rogue and vagabond, and shall be guilty of a misdemeanour, and shall be liable for the first offence to imprisonment for three months, and for every subsequent offence to imprisonment for one year.

Wearing of uniform without authority prohibited.

175. (1) Any person who, not being a person serving in Her Majesty's naval, military or air forces or in any constabulary or police force in the United Kingdom or in any British possession, or in any country under the protection of Her Majesty or which is administered by Her Majesty under a trusteeship agreement with the United Nations, wears without the permission of the Governor the uniform of any of those forces or any dress having the appearance or bearing any of the regimental or other distinctive marks of such uniform, is guilty of a misdemeanour, and is liable to imprisonment for one month or to a fine of Rs. 100:

Provided that nothing in this section shall prevent any person from wearing any uniform or dress in the course of a stage play performed in any place in which stage plays may lawfully be publicly performed, or in the course of a music-hall or circus performance, or in the course of any *bona fide* military representation.

Bringing contempt on uniform.

(2) Any person who unlawfully wears the uniform of any of the forces aforesaid, or any dress having the appearance, or bearing any, of the regimental or other distinctive marks of any such uniform, in such a manner or in such circumstances as to be likely to bring contempt on that uniform, or employs any other person so to wear such uniform or dress, is guilty of a misdemeanour, and is liable to imprisonment for three months or to a fine of Rs. 200.

Importation and sale of uniform, etc., without authority prohibited.

(3) Any person who, not being in the service of the Colony or having previously received the written permission of the Governor so to do, imports or sells or has in his possession for sale any such uniform as aforesaid, or the buttons or badges appropriate thereto, is guilty of a misdemeanour, and is liable to imprisonment for six months or to a fine of Rs. 1,000.

(4) When any person shall have been convicted of any offence under this section, the uniform, dress, button, badge or other thing in respect of which the offence has been committed shall be forfeited unless the Governor shall otherwise order.

Forfeiture of uniform, etc. on conviction.

176. Any person who unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, is guilty of a misdemeanour.

Negligent act likely to spread disease dangerous to life.

177. Any person who adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, is guilty of a misdemeanour.

Adulteration of food or drink intended for sale.

178. Any person who sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing, or having reason to believe that the same is noxious as food or drink, is guilty of a misdemeanour.

Sale of noxious food or drink.

179. Any person who adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose as if it had not undergone such adulteration, is guilty of a misdemeanour.

Adulteration of drugs.

180. Any person who, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, is guilty of a misdemeanour.

Sale of adulterated drugs.

181. Any person who voluntarily corrupts or fouls the water of any river, stream, spring or reservoir, whether public or private, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanour.

Fouling water. 8/30/1964.

182. Any person who voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, is guilty of a misdemeanour.

Fouling air.

Carrying out  
advice, etc.,  
in matters of  
witchcraft.  
2/4/1958.

**182A.** Any person who on the advice of any person pretending to the knowledge of witchcraft or of any non-natural or superstitious processes or in the exercise of any witchcraft or of any non-natural or superstitious means shall use or cause to be put into operation such means or processes as he may have been advised or may believe to be calculated to influence or affect the mind, feelings or judgment of any person or to injure any person or any property, is guilty of a misdemeanour.

Lighting  
fires, etc.  
9/30/1967.

**183.** The following persons commit and are liable to be punished as for a common nuisance—

- (a) any person who lights a fire in any forest, plantation or field for the purpose of burning any dried, dead or decayed matter or for the purpose of clearing any ground or of burning any charcoal kiln without having previously obtained written permission from the Department of Agriculture;

Provided that the permission so granted shall not be a defence to any other action criminal or civil to which such person may be subject under any law in the event of the fire causing damage to property;

- (b) any person who carries fire or a lighted naked torch or candle or any other lighted thing in any street, road, way, lane, track, foot-path, square or open space to which the public have access or in any forest, plantation or field, except in a lantern or with such other precautionary means to guard against fire or with the permission of the Commissioner of Police and subject to such conditions as he may lay down;
- (c) any person who wilfully obstructs any auction sale by force, or who by threatening to use force prevents any person from coming forward to bid or from bidding;
- (d) any person who—
- (i) in any place where the public have or are allowed to have access, uses any indecent or obscene language at or against any other person with intent to annoy and to the annoyance of that person, or
- (ii) disturbs the public peace;
- (e) any person who—
- (i) sends any message by telephone which is grossly offensive or of an indecent, obscene or menacing character;
- (ii) sends any message by telephone, or any telegram, which he knows to be false, for the purpose of causing annoyance, inconvenience or needless anxiety to any other person;

- (iii) persistently makes telephone calls without reasonable cause and for any such purpose as aforesaid;
- (f) any person who contravenes or fails to comply with regulations made by the Governor who is hereby empowered to make such regulations, controlling, regulating or prohibiting—
- (i) the operation or use of loudspeakers, megaphones and any other device for amplifying sound; and
- (ii) the making of noise or the playing of music;
- (g) any person who allows a dog in his custody or under his control to bark or whine persistently after having been warned that such barking or whining causes or would cause annoyance to any other person;
- (h) any person who allows any animal belonging to himself to stray;
- (i) any person who, within such areas as may be prescribed by the Governor by notice published in the *Gazette*, is found in possession of a catapult;
- (j) any person who, without lawful authority or reasonable excuse, the proof whereof shall lie upon him—
- (i) writes upon, marks, soils or defaces any building, road, pavement, wall, fence or paling, whether public or private property, with chalk or paint or in any other way whatsoever, or
- (ii) affixes any poster or other paper against or upon any building, road, pavement, wall, fence or paling, whether public or private property;
- (k) (i) any person who deposits or throws away or allows to be deposited or thrown away any litter or refuse—
- (a) on private property without the consent of the owner or occupier thereof;
- (b) on the foreshore or in any public place, except in receptacles specially provided for the purpose;
- (ii) in this paragraph—
- “public place” means any place to which the public have or are allowed to have access;
- “foreshore” means that portion of the shore adjacent to the sea which is alternatively covered or uncovered by the sea at the highest and lowest tides and includes that part of the seabed adjacent to the coast which is within 100 yards from the low-water mark or from any pier or jetty;
- “refuse” includes glass, bottles, tins and any object whatsoever which may be injurious to persons.

## CHAPTER XVIII

*Defamation*

Definition of libel.

**184.** Any person who, by print, writing, painting, effigy, or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, is guilty of the misdemeanour termed "libel".

Definition of defamatory matter.

**185.** Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation. It is immaterial whether at the time of the publication of the defamatory matter the person concerning whom such matter is published is living or dead:

Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the consent of the Attorney General.

Definition of publication.

**186.** (1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed, to be so dealt with, either by exhibition, reading, recitation, description, delivery, or otherwise, as that the defamatory meaning thereof becomes known or is likely to become known to either the person defamed or any other person.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

Definition of unlawful publication.

**187.** Any publication of defamatory matter concerning a person is within the meaning of this chapter, unless (a) the matter is true and it was for the public benefit that it should be published or (b) it is privileged on one of the grounds hereafter mentioned in this chapter.

Cases in which publication of defamatory matter is absolutely privileged.

**188.** (1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases, namely:—

- (a) if the matter is published by the Governor, or by the Council of Ministers or the Legislative Assembly, in any official document or proceeding; or

- (b) if the matter is published in the Council of Ministers or the Legislative Assembly by the Governor or by any member of such Council; or
- (c) if the matter is published by order of the Governor in Council; or
- (d) if the matter is published concerning a person subject to military or naval or Royal Air Force discipline for the time being and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct, and to some person having authority over him in respect of such conduct; or
- (e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a judge or magistrate or commissioner or pleader or assessor or witness or party thereto; or
- (f) if the matter published is in fact a fair report of anything said, done, or published in the Council of Ministers or Legislative Assembly; or
- (g) if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this chapter whether the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith:

Provided that nothing in this section shall exempt a person from any liability to punishment under any other chapter of this Code or under any other Ordinance or statute in force within Seychelles.

**189.** A publication of defamatory matter is privileged, on condition that it was published in good faith, if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it, provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, and in any of the following cases, namely:—

- (a) if the matter published is in fact a fair report of anything said, done, or shown in a civil or criminal inquiry or proceeding before any court:

Provided that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral, or blasphemous, the publication thereof shall not be privileged; or

- (b) if the matter published is a copy or reproduction, or in fact a

Cases in which publication of defamatory matter is conditional privileged.



- fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under section 188; or
- (c) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official, or other public capacity or as to his personal character so far as it appears in such conduct; or
  - (d) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or
  - (e) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness, or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned; or
  - (f) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech, or other work, performance, or act published, or publicly done or made, or submitted by a person to the judgment of the public or as to the character of the person so far as it appears therein; or
  - (g) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person, so far as it appears in such conduct; or
  - (h) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
  - (i) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

Explanation  
as to good  
faith.

**190.** A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of section 189, if it is made to appear either—

- (a) that the matter was untrue, and that he did not believe it to be true; or
- (b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or
- (c) that in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

**191.** If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself, or from the evidence given on behalf of the accused person, or from evidence given on the part of the prosecution.

Presumption  
as to good  
faith.

#### Division IV—Offences against the Person

##### CHAPTER XIX

##### *Murder and Manslaughter*

**192.** Any person who by an unlawful act or omission causes the death of another person is guilty of the felony termed "manslaughter". An unlawful omission is an omission amounting to culpable negligence to discharge a duty tending to the preservation of life or health, whether such omission is or is not accompanied by an intention to cause death or bodily harm.

Man-  
slaughter.

**193.** Any person who of malice aforethought causes the death of another person by an unlawful act or omission is guilty of murder.

Murder.

**194.** Any person convicted of murder shall be sentenced to imprisonment for life.

Punishment  
of murder.  
2/8/1966.\*

**195.** Any person who commits the felony of manslaughter is liable to imprisonment for life.

Punishment  
of man-  
slaughter.

**196.** Malice aforethought shall be deemed to be established by evidence proving any one or more of the following circumstances:—

Malice afore-  
thought.  
18/30/1964.

\* See S.I. 82/1969. Operation of section 2 of Ordinance No. 8 of 1966 extended to 31st December, 1972. See section 4 (2) of that Ordinance at p. 689.

- (a) an intention to cause the death of or to do grievous harm to any person, whether such person is the person actually killed or not;
- (b) knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person, whether such person is the person actually killed or not, although such knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused.

Persons suffering from diminished responsibility. 19/30/1964. 2/17/1965.

**196A.** (1) Where a person kills or is party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing.

(2) On a charge of murder it shall be for the defence to prove that the person charged is by virtue of this section not liable to be convicted of murder.

(3) A person who but for this section would be liable to be convicted of murder shall be liable instead to be convicted of manslaughter. In such a case the court instead of or in addition to inflicting any punishment which it may inflict on a conviction for manslaughter, may order the convicted person to be detained in custody during Her Majesty's pleasure and thereafter he shall be detained in such custody as the Governor shall from time to time direct.

(4) The fact that one party to a killing is by virtue of this section not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of any other party to it.

Killing on provocation.

**197.** When a person who unlawfully kills another under circumstances which, but for the provisions of this section, would constitute murder, does the act which causes death in the heat of passion caused by sudden provocation as hereinafter defined, and before there is time for his passion to cool, he is guilty of manslaughter only.

Provocation defined.

**198.** The term "provocation" means and includes, except as hereinafter stated, any wrongful act or insult of such a nature as to be likely, when done to an ordinary person, or in the presence of an ordinary person to another person who is under his immediate care, or to whom he stands in a conjugal, parental, filial, or fraternal relation, or in the relation of master or servant, to deprive him of the power of self-control and to induce him to assault the person by whom the act or insult is done or offered.

When such an act or insult is done or offered by one person to another, or in the presence of another to a person who is under the immediate care of that other, or to whom the latter stands in any such relation as aforesaid, the former is said to give the latter provocation for an assault.

A lawful act is not provocation to any person for an assault.

An act which a person does in consequence of incitement given by another person in order to induce him to do the act and thereby to furnish an excuse for committing an assault is not provocation to that other person for an assault.

An arrest which is unlawful is not necessarily provocation for an assault, but it may be evidence of provocation to a person who knows of the illegality.

For the purposes of this section the expression "an ordinary person" shall mean an ordinary person of the community to which the accused belongs.

**199.** A person is deemed to have caused the death of another person although his act is not the immediate or not the sole cause of death in any of the following cases:—

Causing death defined.

- (a) if he inflicts bodily injury on another person in consequence of which that other person undergoes surgical or medical treatment which causes death. In this case it is immaterial whether the treatment was proper or mistaken if it was employed in good faith and with common knowledge and skill; but the person inflicting the injury is not deemed to have caused the death if the treatment which was its immediate cause was not employed in good faith or was so employed without common knowledge or skill;
- (b) if he inflicts a bodily injury on another which would not have caused death if the injured person had submitted to proper surgical or medical treatment or had observed proper precautions as to his mode of living;
- (c) if by actual or threatened violence he causes such other person to perform an act which causes the death of such person, such act being a means of avoiding such violence which in the circumstances would appear natural to the person whose death is so caused;
- (d) if by any act or omission he hastened the death of a person suffering under any disease or injury which apart from such act or omission would have caused death;
- (e) if his act or omission would not have caused death unless it had

been accompanied by an act or omission of the person killed or of other persons.

When child deemed to be a person capable of being killed.

**200.** A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the navel-string is severed or not.

Limitation as to time of death.

**201.** A person is not deemed to have killed another if the death of that person does not take place within a year and a day of the cause of death.

Such period is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done.

When the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased.

When the cause of death is in part an unlawful act, and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the last unlawful act was done or the day on which the omission ceased, whichever is the later.

## CHAPTER XX

### *Duties Relating to the Preservation of Life and Health*

Responsibility of person who has charge of another.

**202.** It is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge, and who is unable to provide himself with the necessaries of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has such charge, to provide for that other person the necessaries of life; and he is held to have caused any consequences which result to the life or health of the other person by reason of any omission to perform that duty.

Duty of head of family.

**203.** It is the duty of every person who, as head of a family, has charge of a child under the age of fourteen years, being a member of his household, to provide the necessaries of life for such child; and he is held to have caused any consequences which result to the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

Duty of masters.

**204.** It is the duty of every person who as master or mistress has contracted to provide necessary food, clothing, or lodging for any servant or apprentice under the age of sixteen years to provide the same; and

he or she is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

**205.** It is the duty of every person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do any other lawful act which is or may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing such act; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to observe or perform that duty.

Duty of persons in dangerous acts.

**206.** It is the duty of every person who has in his charge or under his control anything, whether living or inanimate, and whether moving or stationary, of such a nature that, in the absence of care or precaution in its use or management, the life, safety, or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

Duty of persons in charge of dangerous things.

## CHAPTER XXI

### *Offences Connected with Murder and Suicide*

**207.** Any person who—

- (a) attempts unlawfully to cause the death of another, or
- (b) with intent unlawfully to cause the death of another does any act, or omits to do any act, which it is his duty to do, such act or omission being of such a nature as to be likely to endanger human life,

is guilty of a felony, and is liable to imprisonment for life.

Attempt to murder.

**208.** Any person who, being under sentence of imprisonment for three years or more, attempts to commit murder, is liable to imprisonment for life, with or without corporal punishment.

Attempt to murder by convict.  
14/36/1961

A sentence of corporal punishment under this section shall be awarded and carried out in accordance with the provisions of subsections (2), (3), (4), (5) and (6) of section 64 of the Prisons Ordinance.

Cap. 37.

**209.** Any person who becomes an accessory after the fact to murder is guilty of a felony, and is liable to imprisonment for seven years.

Accessory after the fact to murder.

**210.** Any person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill

Written threats to murder.

any person is guilty of a felony, and is liable to imprisonment for seven years.

Conspiracy to murder.

**211.** Any person who conspires with any other person to kill any person, whether such person is in Seychelles or elsewhere, is guilty of a felony, and is liable to imprisonment for fourteen years.

Complicity in another's suicide.  
20/30/1964.

**212.** Any person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, is guilty of a felony and is liable to imprisonment for fourteen years.

Suicide pacts.  
20/30/1964.

**213.** (1) It shall be manslaughter, and shall not be murder, for a person acting in pursuance of a suicide pact between him and another to kill the other or be a party to the other being killed by a third person.

(2) Where it is shown that a person charged with the murder of another killed the other or was a party to his being killed, it shall be for the defence to prove that the person charged was acting in pursuance of a suicide pact between him and the other.

(3) For the purposes of this section "suicide pact" means a common agreement between two or more persons having for its object the death of all of them, whether or not each is to take his own life, but nothing done by a person who enters into a suicide pact shall be treated as done by him in pursuance of the pact unless it is done while he has the settled intention of dying in pursuance of the pact.

Offence of infanticide.

**214.** Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.

Killing unborn child.

**215.** Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, is guilty of a felony and is liable to imprisonment for life.

Concealing the birth of children.

**216.** Any person who, when a woman is delivered of a child, endeavours, by any secret disposition of the dead body of the child to conceal the birth, whether the child died before, at, or after its birth, is

guilty of the misdemeanour of concealment of birth and is liable to imprisonment for two years.

## CHAPTER XXII

### Offences Endangering Life or Health

**217.** Any person who, by any means calculated to choke, suffocate or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, renders or attempts to render any person incapable of resistance, is guilty of a felony, and is liable to imprisonment for life.

Disabling order to commit felony or misdemeanour

**218.** Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, administers or attempts to administer any stupefying or overpowering drug or thing to any person, is guilty of a felony, and is liable to imprisonment for life.

Stupefying order to commit felony or misdemeanour

**219.** Any person who, with intent to maim, disfigure or disable any person, or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person—

Acts intended cause grievous harm or prevent arrest.

- (a) unlawfully wounds or does any grievous harm to any person by any means whatever, or
- (b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a spear, sword, knife, or other dangerous or offensive weapon, or
- (c) unlawfully causes any explosive substance to explode,
- (d) sends or delivers any explosive substance or other dangerous or noxious thing to any person, or
- (e) causes any such substance or thing to be taken or received by any person, or
- (f) puts any corrosive fluid or any destructive or explosive substance in any place, or
- (g) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person,

is guilty of a felony, and is liable to imprisonment for life.

**220.** Any person who unlawfully—

- (a) prevents or obstructs any person who is on board of, or is es-

Preventing escape from wreck.



caping from, a vessel which is in distress or wrecked, in his endeavours to save his life, or

- (b) obstructs any person in his endeavours to save the life of any person so situated,

is guilty of a felony, and is liable to imprisonment for life.

Grievous harm.

**221.** Any person who unlawfully does grievous harm to another is guilty of a felony, and is liable to imprisonment for seven years.

Attempting to injure by explosive substances.

**222.** Any person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

Maliciously administering poison with intent to harm.

**223.** Any person who unlawfully, and with intent to injure or annoy another, causes any poison or noxious thing to be administered to, or taken by, any person, and thereby endangers his life, or does him some grievous harm, is guilty of a felony, and is liable to imprisonment for fourteen years.

Wounding and similar acts.

**224.** Any person who—

- (a) unlawfully wounds another, or  
(b) unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to, or taken by, any person,

is guilty of a felony, and is liable to imprisonment for three years.

Failure to supply necessities.

**225.** Any person who, being charged with the duty of providing for another the necessities of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be permanently injured, is guilty of a felony, and is liable to imprisonment for three years.

Surgical operation.

**226.** A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time, and to all the circumstances of the case.

Excess of force.

**227.** Any person authorised by law or by the consent of the person injured by him to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess.

**228.** Notwithstanding anything contained in section 227 of this Code, consent by a person to the causing of his own death or his own maim does not affect the criminal responsibility of any person by whom such death or maim is caused. Consent.

## CHAPTER XXIII

### *Criminal Recklessness and Negligence*

**229.** Any person who in a manner so rash or negligent as to endanger human life or to be likely to cause harm to any person— Reckless and negligent acts.

- (a) drives any vehicle or rides on any public way, or  
(b) navigates, or takes part in the navigation or working of, any vessel, or  
(c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his possession, or  
(d) omits to take precautions against any probable danger from any animal in his possession, or  
(e) gives medical or surgical treatment to any person whom he has undertaken to treat, or  
(f) dispenses, supplies, sells, administers, or gives away any medicine or poisonous or dangerous matter, or  
(g) does any act with respect to, or omits to take proper precautions against any probable danger from, any machinery of which he is solely or partly in charge, or  
(h) does any act with respect to, or omits to take proper precautions against any probable danger from, any explosive in his possession,

is guilty of a misdemeanour.

**230.** Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in section 229, by which act or omission harm is caused to any person, is guilty of a misdemeanour, and is liable to imprisonment for six months. Other negligent acts causing harm.

**231.** Whoever does with any poisonous substance any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such care with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance, is guilty of a misdemeanour, and is liable to imprisonment for six months, or to a fine of Rs. 1,000. Dealing in poisonous substances in negligent manner.



Exhibition of false light, mark or buoy.

**232.** Any person who exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, is liable to imprisonment for seven years.

Conveying person by water for hire in unsafe or over-loaded vessel.

**233.** Any person who knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to be unsafe, is guilty of a misdemeanour.

Danger or obstruction in public way or line of navigation.

**234.** Any person who by doing any act, or by omitting to take reasonable care with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, is liable to a fine.

#### CHAPTER XXIV

##### Assaults

Common assault.

**235.** Any person who unlawfully assaults another is guilty of a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable to imprisonment for one year.

Assaults causing actual bodily harm.

**236.** Any person who commits an assault occasioning actual bodily harm is guilty of a misdemeanour, and is liable to imprisonment for five years.

Assaults on persons protecting wreck.

**237.** Any person who assaults and strikes or wounds any magistrate, officer, or other person lawfully authorised in or on account of the execution of his duty in or concerning the preservation of any vessel in distress, or of any vessel or goods or effects wrecked, stranded, or cast on shore, or lying under water, is guilty of a misdemeanour, and is liable to imprisonment for seven years.

Assaults punishable with five years imprisonment.

**238.** Any person who—

- (a) assaults any person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, or
- (b) assaults, resists, or wilfully obstructs any police officer in the due execution of his duty, or any person acting in aid of such officer, or
- (c) assaults any person in pursuance of any unlawful combination or conspiracy to raise the rates of wages, or respecting any trade, business, or manufacture or respecting any person concerned or employed therein, or

(d) assaults, resists, or obstructs any person engaged in the lawful execution of process, or in making a lawful distress, with intent to rescue any property lawfully taken under such process or distress, or

(e) assaults any person on account of any act done by him in the execution of any duty imposed on him by law,

is guilty of a misdemeanour, and is liable to imprisonment for five years.

#### CHAPTER XXV

##### Offences Against Liberty

**239.** Any person who conveys any person beyond the limits of Seychelles without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from Seychelles. Definitive kidnapping from Seychelles

**240.** Any person who takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship. Definitive kidnapping from law guardian

**241.** Any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person. Definitive abduction

**242.** Any person who kidnaps any person from Seychelles or from lawful guardianship, is guilty of a felony, and is liable to imprisonment for seven years. Punishment for kidnapping

**243.** Any person who kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, is guilty of a felony, and is liable to imprisonment for ten years. Kidnapping or abduction in order murder

**244.** Any person who kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, is guilty of a felony, and is liable to imprisonment for seven years. Kidnapping or abduction with intent to confine person

**245.** Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony, and is liable to imprisonment for ten years. Kidnapping or abduction in order subject person to grievous harm, slavery

Wrongfully concealing or keeping in confinement kidnapped or abducted person.

**246.** Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, is guilty of a felony, and shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose, as that with or for which he conceals or detains such person in confinement.

Kidnapping or abducting child under fourteen years with intent to steal from its person.

**247.** Any person who kidnaps or abducts any child under the age of fourteen years with the intention of taking dishonestly any movable property from the person of such child, is guilty of a felony, and is liable to imprisonment for seven years.

Punishment for wrongful confinement.

**248.** Whoever wrongfully confines any person is guilty of a misdemeanour, and is liable to imprisonment for one year or to a fine of Rs. 2,000.

Buying or disposing of any person as a slave.

**249.** Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

Habitual dealing in slaves.

**250.** Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.

Unlawful compulsory labour.

**251.** Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

### Division V—Offences Relating to Property

#### CHAPTER XXVI

##### *Theft*

Things capable of being stolen.

**252.** Every inanimate thing whatever which is the property of any person, and which is movable, is capable of being stolen.

Every inanimate thing which is the property of any person, and which is capable of being made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

Every tame animal, whether tame by nature or wild by nature and tamed, which is the property of any person, is capable of being stolen.

Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in Seychelles, which are the property of any person, and which are usually kept in a state of confinement, are

capable of being stolen, whether they are actually in confinement or have escaped from confinement.

Animals wild by nature, of a kind which is ordinarily found in a condition of natural liberty in Seychelles, which are the property of any person, are capable of being stolen while they are in confinement and while they are being actually pursued after escaping from confinement, but not at any other time.

An animal wild by nature is deemed to be in a state of confinement so long as it is in a den, cage, sty, tank, or other small enclosure, or is otherwise so placed that it cannot escape, and that its owner can take possession of it at pleasure.

Wild animals in the enjoyment of their natural liberty are not capable of being stolen, but their dead bodies are capable of being stolen.

Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

**253.** (1) A person who fraudulently and without claim of right takes anything capable of being stolen, or fraudulently converts to the use of any person other than the general or special owner thereof anything capable of being stolen, is said to steal that thing.

Definition theft.

(2) A person who takes or converts anything capable of being stolen is deemed to do so fraudulently if he does so with any of the following intents, that is to say:—

- (a) an intent permanently to deprive the general or special owner of the thing, of it;
- (b) an intent to use the thing as a pledge or security;
- (c) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;
- (d) an intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion;
- (e) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

The term "special owner" includes any person who has any charge or lien upon the thing in question, or any right arising from or dependent upon holding possession of the thing in question.

(3) When a thing stolen is converted, it is immaterial whether it is taken for the purpose of conversion, or whether it is at the time of the conversion in the possession of the person who converts it. It is also immaterial that the person who converts the thing in question is the

holder of a power of attorney for the disposition of it, or is otherwise authorised to dispose of it.

(4) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent if at the time of the conversion the person taking or converting the thing does not know who is the owner, and believes on reasonable grounds that the owner cannot be discovered.

(5) A person shall not be deemed to take a thing unless he moves the thing or causes it to move.

Special cases.

**254.** (1) When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be theft.

(2) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be theft.

Funds, etc.,  
held under  
direction.

**255.** When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge, or other disposition of any property, whether capable of being stolen or not, with a direction in either case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security or of such mortgage, pledge, or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person from whom the money, security, or power of attorney was received until the direction has been complied with.

Funds, etc.,  
received by  
agents for  
sale.

**256.** When a person receives, either alone or jointly with another person, any property from another on terms authorising or requiring him to sell it or otherwise dispose of it, and requiring him to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for the property to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the

terms on which the property was received, unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them or account for them, and that the relation of debtor and creditor only shall exist between them in respect thereof.

**257.** When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it. Money received another

**258.** When any person takes or converts anything capable of being stolen, under such circumstances as would otherwise amount to theft, it is immaterial that he himself has a special property or interest therein, or that he himself is the owner of the thing taken or converted subject to some special property or interest of some other person therein, or that he is lessee of the thing, or that he himself is one of two or more joint owners of the thing, or that he is a director or officer of a corporation or company or society who are the owners of it. Theft by persons having interest in the thing stolen.

**259.** A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be theft if they were not married, is deemed to have stolen the thing, and may be charged with theft. Husband and wife

**260.** A person who steals anything capable of being stolen is guilty of the felony termed theft, and is liable, unless owing to the circumstances of the theft or the nature of the thing stolen some other punishment is provided, to imprisonment for five years. General punishment for theft

**261.** If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable to imprisonment for ten years. Stealing

**262.** If the thing stolen is postal matter or any chattel, money, or valuable security contained in any postal matter, the offender is liable to imprisonment for ten years. Stealing postal matter, &c.

**263.** If the thing stolen is any of the things following, that is to say: a horse, mare, gelding, ass, mule, bull, cow, ox, ram, ewe, wether, goat or pig, or the young of any such animal, the offender is liable to imprisonment for seven years. Stealing cattle.

Stealing from the person; stealing goods in transit, etc.

**264.** If a theft is committed under any of the circumstances following, that is to say—

- (a) if the thing is stolen from the person of another,
- (b) if the thing is stolen in a dwelling-house, and its value exceeds Rs. 60, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling-house,
- (c) if the thing is stolen from any kind of vessel or vehicle or place of deposit used for the conveyance or custody of goods in transit from one place to another,
- (d) if the thing is stolen from a vessel which is in distress or wrecked or stranded,
- (e) if the thing is stolen from a public office in which it is deposited or kept,
- (f) if the offender, in order to commit the offence, opens any locked room, box, or other receptacle, by means of a key or other instrument,

the offender is liable to imprisonment for seven years.

Stealing by persons in public service.

**265.** If the offender is a person employed in the public service and the thing stolen is the property of Her Majesty, or came into the possession of the offender by virtue of his employment, he is liable to imprisonment for seven years.

Stealing by clerks and servants.

**266.** If the offender is a clerk or servant, and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employer, he is liable to imprisonment for seven years.

Stealing by directors or officers of companies.

**267.** If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he is liable to imprisonment for seven years.

Stealing by agents, etc.

**268.** If the thing stolen is any of the things following, that is to say—

- (a) property which has been received by the offender with a power of attorney for the disposition thereof,
- (b) property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay, or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof,
- (c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person,

- (d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction,
- (e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction,

the offender is liable to imprisonment for seven years.

**269.** If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds Rs. 60, he is liable to imprisonment for seven years. Stealing by tenants or lodgers.

**270.** If on the conviction of a person for theft under section 260 of this Code, he admits or it is proved that before committing such theft he had been convicted of a theft under the said section, he shall be liable to imprisonment for seven years. Stealing after previous conviction. 21/30/1964

## CHAPTER XXVII

### *Offences Allied to Stealing*

**271.** Any person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to any public office, is guilty of a felony, and is liable to imprisonment for ten years. Concealing registers.

**272.** Any person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, is guilty of a felony, and is liable to imprisonment for ten years. Concealing wills.

**273.** Any person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land, is guilty of a felony, and is liable to imprisonment for three years. Concealing deeds.

**274.** Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, is guilty of an offence, and is liable to the same punishment as if he had stolen the animal. Killing animals with intent to steal.



Severing  
with intent  
to steal.

**275.** Any person who makes anything movable with intent to steal it is guilty of an offence, and is liable to the same punishment as if he had stolen the thing after it had become movable.

Fraudulent  
disposal of  
mortgaged  
goods.

**276.** (1) Any person who, being mortgagor of mortgaged goods, removes or disposes of the goods without the consent of the mortgagee, and with intent to defraud, is guilty of a misdemeanour.

(2) In this section the term "mortgaged goods" includes any goods and chattels of any kind, and any animals, and any progeny of any animals, and any crops or produce of the soil, whether growing or severed, which are subject for the time being, by virtue of the provisions of any Ordinance or of any written instrument, to a valid charge or lien by way of security for any debt or obligation.

Fraudulently  
dealing with  
minerals in  
mines.

**277.** Any person who takes, conceals, or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud any person, is guilty of a felony, and is liable to imprisonment for five years.

Fraudulent  
appropriation  
of power.

**278.** Any person who fraudulently abstracts or diverts to his own use or to the use of any other person any mechanical, illuminating, or electrical power derived from any machine, apparatus, or substance the property of another person, is guilty of a felony, and is liable to imprisonment for five years.

Unlawful  
uses of  
vehicles,  
animals, etc.

**279.** Any person who unlawfully and without colour of right, but not so as to be guilty of stealing, takes or converts to his own use or to the use of any other person, any draught or riding animal or any vehicle or cycle, however propelled, or any vessel, shall be guilty of a misdemeanour and shall be liable to imprisonment for six months, or to a fine of Rs. 500 or to both such imprisonment and such fine.

## CHAPTER XXVIII

### Robbery and Extortion

Definition of  
robbery.

**280.** Any person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is guilty of the felony termed "robbery".

Punishment  
of robbery.

**281.** Any person who commits the felony of robbery is liable to imprisonment for fourteen years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the robbery, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life.

**282.** Any person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, is guilty of a felony, and is liable to imprisonment for seven years.

Attempt  
robbery.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the assault, he wounds, beats, strikes, or uses any other personal violence to any person, he is liable to imprisonment for life.

**283.** Any person who assaults any person with intent to steal anything is guilty of a felony, and is liable to imprisonment for three years.

Assault  
with intent  
to steal.

**284.** Any person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, is guilty of a felony, and is liable to imprisonment for fourteen years.

Demand  
property  
written  
threats.

**285.** Any person who with intent to extort or gain anything from any person—

Attempts  
extortion  
threats.

- (a) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour, or
- (b) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act, or
- (c) knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threat as aforesaid,

is guilty of a felony, and if the accusation or threat of accusation is of—

- (i) an offence for which the punishment of death or imprisonment for life may be inflicted, or



- (ii) any of the offences defined in Chapter XV, or an attempt to commit any of such offences, or
- (iii) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person, or
- (iv) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid,

the offender is liable to imprisonment for fourteen years.

In any other case the offender is liable to imprisonment for three years.

It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

Procuring execution of deeds, etc., by threats.

**286.** Any person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person—

- (a) to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or
- (b) to write any name or impress or affix any seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security,

is guilty of a felony, and is liable to imprisonment for fourteen years.

Demanding property with menaces with intent to steal.

**287.** Any person who, with intent to steal any valuable thing, demands it from any person with menaces or force, is guilty of a felony, and is liable to imprisonment for five years.

## CHAPTER XXIX

### *Burglary, Housebreaking and Similar Offences*

Definitions.

**288.** A person who breaks any part, whether external, or internal, of a building, or opens by unlocking, pulling, pushing, lifting, or any other means whatever, any door, window, shutter, cellar, flap, or other thing, intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is deemed to break the building.

A person is deemed to enter a building as soon as any part of his body or any part of any instrument used by him is within the building.

A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

**289.** Any person who—

- (a) breaks and enters any building, tent or vessel used as a human dwelling with intent to commit a felony therein, or
- (b) having entered any building, tent or vessel used as a human dwelling with intent to commit a felony therein, or having committed a felony in any such building, tent, or vessel, breaks out thereof,

House-breaking or burglary.

is guilty of a felony termed “housebreaking” and is liable to imprisonment for seven years.

If the offence is committed in the night, it is termed “burglary” and the offender is liable to imprisonment for ten years.

**290.** Any person who enters or is in any building, tent or vessel used as a human dwelling with intent to commit a felony therein, is guilty of a felony, and is liable to imprisonment for five years.

Entering dwelling-house with intent to commit felony.

If the offence is committed in the night, the offender is liable to imprisonment for seven years.

**291.** Any person who—

- (a) breaks and enters a schoolhouse, shop, warehouse, store, office, or counting-house, or a building which is adjacent to a dwelling-house and occupied with it but is no part of it, or any building used as a place of worship, and commits a felony therein, or
- (b) having committed a felony in a schoolhouse, shop, warehouse, store, office, or counting-house, or in any such other building as last mentioned, breaks out of the building,

Breaking into building and committing felony.

is guilty of a felony, and is liable to imprisonment for seven years.

**292.** Any person who breaks and enters a schoolhouse, shop, warehouse, store, office, or counting-house, or a building which is adjacent to a dwelling-house and occupied with it but is no part of it, or any building used as a place of worship, with intent to commit a felony therein, is guilty of a felony, and is liable to imprisonment for five years.

Breaking into building with intent to commit felony.

Persons  
found  
armed, etc.,  
with intent to  
commit  
felony.

**293.** Any person who is found under any of the circumstances following, that is to say—

- (a) being armed with any dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling-house, and to commit a felony therein,
- (b) being armed as aforesaid by night, and being so armed with intent to break or enter any building whatever, and to commit a felony therein,
- (c) having in his possession by night without lawful excuse, the proof of which lies on him, any instrument of housebreaking,
- (d) having in his possession by day any such instrument with intent to commit a felony,
- (e) having his face masked or blackened or being otherwise disguised, with intent to commit a felony,
- (f) being in any building whatever by night with intent to commit a felony therein,
- (g) being in any building whatever by day with intent to commit a felony therein, and having taken precautions to conceal his presence,

is guilty of a felony, and is liable to imprisonment for three years.

If the offender has been previously convicted of a felony relating to property, he is liable to imprisonment for seven years.

Criminal  
trespass.  
4/10/1955.

**294.** Any person who—

- (1) enters into or upon property in the possession of another contrary to the will of any person lawfully in possession of such property or who having entered into or upon property in the possession of another remains in or upon the same contrary to the will of any person lawfully in possession of such property, or
- (2) enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person lawfully in possession of such property or who having lawfully entered into or upon such property unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit any offence,

is guilty of a misdemeanour and is liable to imprisonment for one year.

If the property upon which the offence is committed is any vessel or any building or tent used as a human dwelling or any building used as a place of worship or as a place for the custody of property, the offender is liable to imprisonment for two years.

**295.** When any person is convicted of an offence under this chapter the court may order that any dangerous or offensive weapon or instrument of house-breaking carried or used in connection with any such offence shall be forfeited to Her Majesty. Forfeiture

## CHAPTER XXX

### *False Pretences*

**296.** Any representation made by words, writing or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a false pretence: Definition  
a false  
pretence.  
22/30/1961

Provided however that, a person who enters into a contract without intending to perform his obligations thereunder shall be deemed to make a false pretence.

**297.** Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a misdemeanour, and is liable to imprisonment for three years. Obtaining  
goods by  
false  
pretences.

**298.** Any person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or to write any name or impress, or affix any seal upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of a misdemeanour, and is liable to imprisonment for three years. Obtaining  
execution  
a security  
by false  
pretences.

**299.** Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen or to pay or deliver to any person any money or goods or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device, is guilty of a misdemeanour, and is liable to imprisonment for three years. Cheating.

**300.** Any person who—

- (a) in incurring any debt or liability obtains credit by any false pretence or by means of any other fraud, or
  - (b) with intent to defraud his creditors or any of them makes or causes to be made any gift, delivery, or transfer of or any charge on his property, or
- Obtaining  
credit, etc.,  
by false  
pretences.

- (c) with intent to defraud his creditors or any of them, sells or removes any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him,

is guilty of a misdemeanour, and is liable to imprisonment for one year.

Conspiracy to defraud.

**301.** Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person, is guilty of a misdemeanour, and is liable to imprisonment for three years.

Frauds on sale or mortgage of property.

**302.** Any person who, being a seller or mortgagor of any property, or being the pleader or agent of any such seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him, and with intent to defraud—

- (a) conceals from the purchaser or mortgagee any instrument material to the title, or any incumbrance, or
- (b) falsifies any pedigree on which the title depends or may depend, or
- (c) makes any false statement as to the title offered or conceals any fact material thereto,

is guilty of a misdemeanour, and is liable to imprisonment for two years.

Pretending to death in witchcraft and offences connected therewith. 4/4/1958.

**303.** (1) Any person who—

- (a) pretends to deal in witchcraft, or
- (b) pretends to tell fortunes, or
- (c) uses or pretends to use any subtle craft, means or device by witchcraft, charms or other like superstitious means, to deceive or to impose upon any other person or to cause fear, annoyance or injury to another in mind, person or property, or
- (d) employs or solicits any person to advise him on any matter for any purpose whatsoever by witchcraft, non-natural or other like superstitious means, or
- (e) has in his possession any charm or poison or thing which he intends for use either by himself or by some other person for the purpose of any act punishable under paragraph (a), (b) or (c) of this subsection,

is guilty of a misdemeanour.

(2) A person found in possession of anything commonly used for the purpose of an act punishable under paragraphs (a), (b) or (c) of sub-

section (1) shall be deemed to have intended such thing for use for such purpose unless and until the contrary be proved.

(3) Any person who shall receive or obtain any consideration whatsoever or the promise thereof for or in respect of the doing by such person of any act punishable under paragraphs (a), (b) or (c) of subsection (1) shall, if he has actually received such consideration, be deemed guilty of the offence of obtaining by false pretences, and if he has not actually received such consideration but only the promise thereof, be deemed guilty of the offence of attempting to obtain by false pretences and shall be liable upon conviction to punishment accordingly.

Any agreement for the giving of any consideration for or in respect of the doing of any act punishable as aforesaid shall be null and void.

**304.** Any person who wilfully procures or attempts to procure for himself or any other person any registration, licence or certificate under any law by any false pretence, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Obtainir registrati etc., by false pretence

**305.** Any person who makes a statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself or for any other person, is guilty of a misdemeanour.

False declarati for passp

**306.** (1) Any trader who shall have in his warehouse, manufactory, shop, counting-house, backshop or place of business any weights or measures of length and of capacity not duly stamped or marked by the officer or officers appointed for that purpose by the Governor under the laws for the time being in force regulating weights and measures of length or of capacity, or any weights or measures differing from those established by law, is guilty of a misdemeanour and is liable to a fine not exceeding one hundred rupees and to the seizure and forfeiture of the said weights and measures.

Possessio unauthor weights : measures

(2) The provisions of subsection (1) shall not apply to druggists' or jewellers' weights or measures of length or capacity of lawful weight, dimensions or capacity and intended to be sold as merchandise, but not possessed or used for the sale of other goods.

**307.** (1) Any hawker, shop-keeper, druggist or other trader who has in his possession or in his shop, warehouse or place of business any instrument for weighing or any weight or any measure of length or capacity which is false is guilty of a misdemeanour and is liable to a fine not exceeding one hundred rupees unless he proves that he did not know that any such article was false.

Possessio false weigh etc.

(2) In case of a subsequent conviction for a similar offence within

twelve months of the first conviction the offender shall be punished with imprisonment not exceeding twelve months and a fine not exceeding five hundred rupees. 4

Use of false instrument for weighing or false weight.

**308.** (1) Any person who fraudulently uses any instrument for weighing, which he knows to be false, is guilty of a misdemeanour and is liable to imprisonment not exceeding twelve months and to a fine not exceeding five hundred rupees.

(2) Any person who fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is in fact is guilty of a misdemeanour and liable to imprisonment not exceeding one year or to a fine not exceeding five hundred rupees.

#### CHAPTER XXXI

##### *Receiving Property Stolen or Unlawfully Obtained and Like Offences*

Receiving stolen property, etc.

**309.** (1) Any person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been feloniously stolen, taken, extorted, obtained or disposed of, is guilty of a felony, and is liable to imprisonment for fourteen years.

Receiving property unlawfully obtained.

(2) Any person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been unlawfully taken, obtained, converted or disposed of in a manner which constitutes a misdemeanour, is guilty of a misdemeanour, and is liable to the same punishment as the offender by whom the property was unlawfully obtained, converted or disposed of.

(3) No person shall be convicted of an offence under this section unless it shall first be proved that the property which is the subject matter of the charge has in fact been stolen, or feloniously or unlawfully taken, extorted, obtained, converted or disposed of.

Unlawful possession. 5/10/1955. 15/36/1961.

**310.** Any person who has or had in his possession anything whatever which may be reasonably suspected of having been stolen or unlawfully obtained and who fails to give a satisfactory account to the court of how he came by the same is guilty of a misdemeanour.

Tracing possession. 6/10/1955.

**311.** (1) If any person brought or appearing before a court under the provisions of section 310 declares that he received any such thing as therein mentioned from some other person, or that he was employed as

a carrier, agent, or servant to convey the same for some other person, the court may cause every such other person, and also any other person through whose possession any such thing shall previously have passed, to be brought before it.

(2) Upon any such person as is in subsection (1) mentioned being brought before it, it shall be lawful for the court to examine him as to whether he has been in possession of any such thing as aforesaid, and upon his admitting such possession, or upon it being proved to the satisfaction of the court that such person has been in possession of any such thing, the court may call upon such person to give an account to the satisfaction of the court by what lawful means such person came by such thing, and if such person fails to give such account, he shall be liable to imprisonment for two years.

(3) For the purposes of this section, the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who shall have employed such carrier, agent, or servant to convey the same.

**312.** Any person who, without lawful excuse, knowing or having reason to believe the same to have been stolen or obtained in any way whatsoever under such circumstances that if the act had been committed in Seychelles the person committing it would have been guilty of felony or misdemeanour, receives or has in his possession any property so stolen or obtained outside Seychelles, is guilty of an offence of the like degree (whether felony or misdemeanour) and is liable to imprisonment for seven years.

Receiving property dishonestly acquired outside Seychelles.

#### CHAPTER XXXII

##### *Frauds by Trustees and Persons in a Position of Trust, and False Accounting*

**313.** Any person who, being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorised by the trust, is guilty of a felony, and is liable to imprisonment for seven years.

Trustees fraudulently disposing of trust property.

For the purposes of this section the term "trustee" includes the following persons and no others, that is to say—

- (a) trustees upon express trusts created by a deed, will, or instrument in writing, whether for a public or private or charitable purpose;
- (b) trustees appointed by or under the authority of an Ordinance or statute for any such purpose;
- (c) persons upon whom the duties of any such trust as aforesaid devolve;
- (d) executors and administrators.



Directors and officers of corporations or companies fraudulently appropriating property, or keeping fraudulent accounts or falsifying books or accounts.

**314.** Any person who—

- (a) being a director or officer of a corporation or company receives or possesses himself as such of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and, with intent to defraud, omits either to make a full and true entry thereof in the books and accounts of the corporation or company, or to cause or direct such an entry to be made therein, or
- (b) being a director, officer, or member of a corporation or company, does any of the following acts with intent to defraud, that is to say—
  - (i) destroys, alters, mutilates or falsifies any book, document, valuable security or account, which belongs to the corporation or company, or any entry in any such book, document, or account, or is privy to any such act; or
  - (ii) makes, or is privy to making, any false entry in any such book, document, or account; or
  - (iii) omits or is privy to omitting, any material particular from any such book, document or account,

is guilty of a felony, and is liable to imprisonment for seven years.

False statements by officials of companies.

**315.** Any person who, being a promoter, director, officer or auditor of a corporation or company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing, any written statement or account which, in any material particular, is to his knowledge false, with intent thereby to effect any of the purposes following, that is to say—

- (a) to deceive or to defraud any member, shareholder or creditor of the corporation or company, whether a particular person or not,
- (b) to induce any person, whether a particular person or not, to become a member of, or to entrust or advance any property to, the corporation or company, or to enter into any security for the benefit thereof,

is guilty of a felony, and is liable to imprisonment for seven years.

Fraudulent false accounting.

**316.** Any person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant, does any of the acts following with intent to defraud, that is to say—

- (a) destroys, alters, mutilates or falsifies any book, document, valuable security or account which belongs to or is in the possession of his employer, or has been received by him on account of his

employer, or any entry in any such book, document or account, or is privy to any such act, or

- (b) makes, or is privy to making, any false entry in any such book, document or account, or
- (c) omits, or is privy to omitting, any material particular from any such book, document or account,

is guilty of a felony, and is liable to imprisonment for seven years.

**317.** Any person who, being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of a misdemeanour.

False accounting by public officer.

## Division VI—Malicious Injuries to Property

### CHAPTER XXXIII

#### Offences Causing Injury to Property

**318.** Any person who wilfully and unlawfully sets fire to—

Arson.

- (a) any building or structure whatever, whether completed or not, or
  - (b) any vessel, whether completed or not; or
  - (c) any stack of cultivated produce, or of mineral or vegetable fuel, or
  - (d) a mine, or the workings, fittings, or appliances of a mine,
- is guilty of a felony, and is liable to imprisonment for life.

**319.** Any person who—

- (a) attempts unlawfully to set fire to any such thing as is mentioned in section 318, or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in section 318 is likely to catch fire from it,

Attempts to commit arson.

is guilty of a felony, and is liable to imprisonment for fourteen years.

**320.** Any person who wilfully and unlawfully sets fire to—

- (a) a crop of cultivated produce, whether standing, picked or cut, or
- (b) a crop of hay or grass under cultivation, whether the natural or indigenous product of the soil or not, and whether standing, picked or cut, or

Setting fire to crops and growing plants.



(c) any standing trees, saplings, or shrubs, whether indigenous or not, under cultivation,  
is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempting  
to set fire to  
crops, etc.

**321.** Any person who—

- (a) attempts unlawfully to set fire to any such thing as is mentioned in section 320; or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in section 320 is likely to catch fire from it,

is guilty of a felony, and is liable to imprisonment for seven years.

Casting away  
ships.

**322.** Any person who—

- (a) wilfully and unlawfully casts away or destroys any vessel whether completed or not, or
- (b) wilfully and unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress, or
- (c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark, or signal used for purposes of navigation, or exhibits any false light or signal,

is guilty of a felony, and is liable to imprisonment for life.

Attempts to  
cast away  
ships.

**323.** Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, is guilty of a felony, and is liable to imprisonment for fourteen years.

Injuring  
animals.

**324.** Any person who wilfully and unlawfully kills, maims, or wounds any animal capable of being stolen is guilty of an offence.

If the animal in question is a horse, mare, gelding, ass, mule, bull, cow, ox, goat, pig, ram, ewe, wether, or the young of any such animal, the offender is guilty of a felony, and is liable to imprisonment for seven years.

In any other case the offender is guilty of a misdemeanour:

Provided that a person who kills any sheep, goat, pig, dog or poultry on his own ground while such animal is doing damage to his property, shall not be liable to punishment under this section if he proves that on a previous occasion such animal had done damage to his property and that he had informed the owner of such animal of the fact.

**325.** (1) Any person who wilfully and unlawfully destroys or damages any property is guilty of an offence, which, unless otherwise stated, is a misdemeanour, and he is liable, if no other punishment is provided, to imprisonment for two years.

Punish  
for ma  
injurie  
genera  
10/30]

(2) If the property in question is a dwelling-house or a vessel, and the injury is caused by the explosion of any explosive substance, and if—

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explos

(a) any person is in the dwelling-house or vessel, or

(b) the destruction or damage actually endangers the life of any person,

the offender is guilty of a felony, and is liable to imprisonment for life.

(3) (a) If the property in question is a bank or wall of a river, canal, aqueduct, reservoir, or inland water, or work which appertains to a dock, reservoir, or inland water, and the injury causes actual danger of inundation or damage to any land or building, or

River  
or wal  
navig  
works,  
bridge

(b) if the property in question is a bridge, viaduct, or aqueduct, which is constructed over a highway, or canal, or over which a highway, or canal passes, and the property is destroyed, or

(c) if the property in question, being any such bridge, viaduct or aqueduct, is damaged, and the damage is done with intent to render the bridge, viaduct, or aqueduct, or the highway, or canal passing over or under the same, or any part thereof, dangerous or impassable, and the same or any part thereof is thereby rendered dangerous or impassable,

the offender is guilty of a felony, and is liable to imprisonment for life.

(4) If the property in question is a testamentary instrument, whether the testator is living or dead, or a register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths, or burials, or a copy of any part of any such register which is required by law to be sent to any public officer, the offender is guilty of a felony, and is liable to imprisonment for fourteen years.

Wills:  
registre

(5) If the property in question is a vessel in distress or wrecked, or stranded, or anything which belongs to such vessel, the offender is guilty of a felony, and is liable to imprisonment for seven years.

Wreck

(6) (a) If the property in question, being a vessel, whether completed or not, is destroyed, or

Other  
of spec  
value.

(b) if the property in question, being a vessel, whether completed or not, is damaged, and the damage is done with intent to destroy it or render it useless, or

(c) if the property in question is a light, beacon, buoy, mark, or signal, used for the purposes of navigation, or for the guidance of persons engaged in navigation, or

(d) if the property in question is a bank or wall of a river, canal, aqueduct, reservoir, or inland water, or a work which appertains to a dock, canal, aqueduct, reservoir, or inland water, or which is used for the purposes of loading or unloading goods, or

(e) if the property in question, being a bridge, viaduct, or aqueduct which is constructed over a highway, or canal, or over which a highway or canal passes, is damaged, and the damage is done with intent to render the bridge, viaduct, or aqueduct, or the highway, or canal passing over or under the same, or any part thereof, dangerous or impassable; or

(f) if the property in question, being anything in process of manufacture, or an agricultural or manufacturing machine, or a manufacturing implement, or a machine or appliance used or intended to be used for performing any process connected with the preparation of any agricultural or pastoral produce, is destroyed, or

(g) if the property in question, being any such thing, machine, implement, or appliance, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless, or

(h) if the property in question is a shaft or a passage of a mine, and the injury is done with intent to damage the mine or to obstruct its working, or

(i) if the property in question is a machine, appliance, apparatus, building, erection, bridge or road, appertaining to or used with a mine, whether the thing in question is completed or not, or

(j) if the property in question, being a rope, chain, or tackle, of whatever material, which is used in a mine, or upon any way or work appertaining to or used with a mine, is destroyed, or

(k) if the property in question, being any such rope, chain, or tackle, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless; or

(l) if the property in question is a well, or bore for water, or the dam, bank, wall, or floodgate of a millpond or pool,

(m) if the property in question forms part of or is intended for use in any electrical, telephone, telegraph or wireless telegraph installation, including any wires or cables used or intended for use in any such installation,

the offender is guilty of a felony, and is liable to imprisonment for seven years.

(7) If the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or estate

Deeds and records.

in land, the offender is guilty of a felony, and is liable to imprisonment for seven years.

326. Any person who, unlawfully and with intent to destroy or damage any property, puts any explosive substance in any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempt to destroy property; explosives.

327. Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen, is guilty of a felony, and is liable to imprisonment for seven years.

Communicating infectious diseases; animals.

328. Any person who wilfully and unlawfully, and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land, is guilty of a felony, and is liable to imprisonment for three years.

Removal of boundary marks with intent to defraud.

329. Any person who—

(a) wilfully removes, defaces or injures any survey mark or boundary mark which shall have been made or erected by or under the direction of any government department or in the course of or for the purposes of a government survey, or

(b) being under an obligation to maintain in repair any boundary mark made or erected as aforesaid, neglects or refuses to repair the same,

(c) wilfully removes, defaces, or injures any survey mark erected by or under the authority of any licensed surveyor or any mark erected by an intending applicant for any lease, licence or right under an Ordinance relating to mines or minerals,

Wilful damage to survey boundary marks.

is guilty of a misdemeanour, and is liable to imprisonment for three months or to a fine of Rs. 250 and may further be ordered by the court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by the offender's act or neglect.

330. Any person who, knowing the contents thereof, sends, delivers, utters, or directly or indirectly causes to be received, any letter or writing threatening to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, whether in or under any building or not, or any ship or vessel, or to kill, maim, or wound any cattle, is guilty of a felony, and is liable to imprisonment for ten years.

Threats to burn, etc.

## Division VII—Forgery, Coining and Counterfeiting

## CHAPTER XXXIV

## Definitions

Definition of  
forgery.

**331.** Forgery is the making of a false document with intent to defraud or to deceive.

Document.

**332.** The term "document" in this division of this Code does not include a trade mark or any other sign used in connection with articles of commerce though they may be written or printed.

Making a  
false  
document.

**333.** Any person makes a false document who—

- (a) makes a document purporting to be what in fact it is not;
- (b) alters a document without authority in such a manner that if the alteration had been authorised it would have altered the effect of the document;
- (c) introduces into a document without authority whilst it is being drawn up matter which if it had been authorised would have altered the effect of the document;
- (d) signs a document—
  - (i) in the name of any person without his authority whether such name is or is not the same as that of the person signing;
  - (ii) in the name of any fictitious person alleged to exist whether the fictitious person is or is not alleged to be of the same name as the person signing;
  - (iii) in the name represented as being the name of a different person from that of the person signing it and intended to be mistaken for the name of that person;
  - (iv) in the name of a person personated by the person signing the document, provided that the effect of the instrument depends upon the identity between the person signing the document and the person whom he professes to be.

Intent to  
defraud.

**334.** An intent to defraud is presumed to exist if it appears that at the time when the false document was made there was in existence a specific person ascertained or unascertained capable of being defrauded thereby, and this presumption is not rebutted by proof that the offender took or intended to take measures to prevent such person from being defrauded in fact, nor by the fact that he had or thought he had a right to the thing to be obtained by the false document.

## CHAPTER XXXV

## Punishments for Forgery

**335.** Any person who forges any document is guilty of an offence which, unless otherwise stated, is a felony, and he is liable, unless owing to the circumstances of the forgery or the nature of the thing forged some other punishment is provided, to imprisonment for three years.

General  
punish-  
ment for forgery

**336.** Any person who forges any will, document of title to land, judicial record, power of attorney, bank note, currency note, bill of exchange, promissory note or other negotiable instrument, policy of insurance, cheque or other authority for the payment of money by a person carrying on business as a banker, is liable to imprisonment for life and the court may in addition order that any such document as aforesaid shall be forfeited to Her Majesty.

Imprisonment for life

**337.** Any person who forges any judicial or official document is liable to imprisonment for ten years.

Imprisonment for ten years

**338.** Any person who—

- (a) forges any stamp whether impressed or adhesive used for the purposes of revenue or accounting by any government department, or
- (b) without lawful excuse, the proof whereof shall lie upon him, makes or has knowingly in his possession any die or instrument capable of making the impression of any such stamp, or
- (c) fraudulently cuts, tears in any way, or removes from any material any stamp used for purposes of revenue or accounting by the Government, with intent that another use shall be made of such stamp or any part thereof, or
- (d) fraudulently mutilates any such stamp as last aforesaid, with intent that another use shall be made of such stamp, or
- (e) fraudulently fixes or places upon any material or upon any such stamp as last aforesaid any stamp or part of a stamp which whether fraudulently or not has been cut, torn, or in any way removed from any other material or out of or from any other stamp, or
- (g) fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date, or other matter or thing whatsoever written thereon with the intent that another use shall be made of the stamp upon such material, or

Imprisonment for seven years

(h) knowingly and without lawful excuse, the proof whereof shall lie upon him, has in his possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date, or other matter or thing has been fraudulently erased or otherwise really or apparently removed,

is liable to imprisonment for seven years.

Uttering  
false  
documents.

**339.** Any person who knowingly and fraudulently utters a false document is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the thing in question.

Uttering  
cancelled or  
exhausted  
documents.

**340.** Any person who knowingly utters as and for a subsisting and effectual document, any document which has by any lawful authority been ordered to be revoked, cancelled, or suspended, or the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the document.

Procuring  
execution of  
documents  
by false  
pretences.

**341.** Any person who, by means of any false and fraudulent representations as to the nature, contents, or operation of a document, procures another to sign or execute the document, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the document.

Obliterating  
crossings on  
cheques.

**342.** Any person who, with intent to defraud—

- (a) obliterates, adds to, or alters the crossing on a cheque, or
- (b) knowingly utters a crossed cheque, the crossing on which has been obliterated, added to, or altered,

is guilty of a felony, and is liable to imprisonment for seven years.

Making  
documents  
without  
authority.

**343.** Any person who, with intent to defraud or to deceive—

- (a) without lawful authority or excuse, makes, signs, or executes, for or in the name or on account of another person, whether by procuration or otherwise, any document or writing, or
- (b) knowingly utters any document or writing so made, signed, or executed by another person,

is guilty of a felony, and is liable to imprisonment for seven years.

Demanding  
property  
upon forged  
testamentary  
instruments.

**344.** Any person who procures the delivery or payment to himself or any other person of any property or money by virtue of any probate or letters of administration granted upon a forged testamentary instrument, knowing the testamentary instrument to have been forged, or

upon or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant to have been so obtained, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the document or thing by virtue whereof he procures the delivery or payment.

**345.** Any person who, without lawful authority or excuse, the proof of which lies on him, imports into Seychelles, or purchases or receives from any person, or has in his possession, a forged bank note or currency note, whether filled up or in blank, knowing it to be forged, is guilty of a felony, and is liable to imprisonment for seven years.

Import  
purchase  
forged

**346.** Any person who, being employed in the public service, knowingly and with intent to defraud makes out or delivers to any person a warrant for the payment of any money payable by public authority, for a greater or less amount than that to which the person on whose behalf the warrant is made out is entitled, is guilty of a felony, and is liable to imprisonment for seven years.

Falsify  
warrant  
money;  
able in  
public  
authorit

**347.** Any person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry which in any material particular is to his knowledge false to be made in the register or record, is guilty of a felony, and is liable to imprisonment for seven years.

Falsifica  
of regist

**348.** Any person who signs or transmits to a person authorised by law to register marriages, a certificate of marriage, or any document purporting to be a certificate of marriage, which in any material particular is to his knowledge false, is guilty of a felony and is liable to imprisonment for seven years.

Sending  
certifica  
marriage  
registrat

**349.** Any person who knowingly and with intent to procure the same to be inserted in a register of births, deaths, or marriages, makes any false statement touching any matter required by law to be registered in any such register, is guilty of a felony, and is liable to imprisonment for three years.

False sta  
ments to  
registers  
births,  
deaths or  
marriage

## CHAPTER XXXVI

### Offences Relating to Coin and to Bank and Currency Notes

**350.** In this chapter—

Definition

“coin” includes any coin coined in any of Her Majesty's mints, or lawfully current by virtue of any Order in Council, Ordinance, proclamation or otherwise in Seychelles or in any part of Her Majesty's dominions or in any country under the protection of Her



Majesty or which is administered by Her Majesty under a trusteeship agreement with the United Nations, and any coin of a foreign Sovereign or State;

"counterfeit coin" means coin not genuine but resembling or apparently intended to resemble or pass for genuine coin; and includes genuine coin prepared or altered so as to pass for coin of a higher denomination;

"utter" includes "tender" and "pass";

"stamp" means any stamp issued or to be issued hereafter by the government for the purpose of revenue and includes postage stamps.

Counter-  
feiting coin.

**351.** Any person who makes or begins to make any counterfeit coin is guilty of a felony, and is liable to imprisonment for life.

Preparations  
for coining.

**352.** Any person who—

(a) gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit coin, or

(b) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit coin, with intent that such counterfeit coin shall be made from it, or

(c) without lawful authority or excuse, the proof of which lies on him—

(i) buys, sells, receives, pays or disposes of any counterfeit coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing, or

(ii) brings or receives into Seychelles any counterfeit coin, knowing it to be counterfeit, or

(iii) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any stamp or mould which is adapted to make the resemblance of both or either of the sides of any coin, or any part of either side thereof, knowing the same to be a stamp or mould or to be so adapted, or

(iv) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any tool, instrument or machine which is adapted and intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of any coin, knowing the same to be so adapted and intended, or

(v) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any press for coinage, or

any tool, instrument, or machine which is adapted for cutting round blanks out of gold, silver, or other metal, knowing such press, tool, instrument, or machine to have been used or to be intended to be used for making any counterfeit coin,

is guilty of a felony.

If the offence is committed with respect to current coin, he is liable to imprisonment for life.

If the offence is committed with respect to coin of a foreign Sovereign or State, he is liable to imprisonment for seven years.

**353.** Any person who, without lawful authority or excuse, the proof of which lies on him—

Making  
having  
possession  
paper or  
implement  
for forgery

(a) makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as a special paper such as is provided and used for making any bank note or currency note,

(b) makes, uses, or knowingly has in his custody or possession any frame, mould, or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines, or devices peculiar to and used in or on any such paper,

(c) engraves or in anywise makes upon any plate, wood, stone, or other material, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any bank note or currency note,

(d) uses or knowingly has in his custody or possession any plate, wood, stone, or other material, upon which any such words, figures, letters, marks, lines or devices have been engraved or in anywise made as aforesaid,

(e) uses or knowingly has in his custody or possession any paper upon which any such words, figures, letters, marks, lines or devices have been printed or in anywise made as aforesaid,

is guilty of a felony, and is liable to imprisonment for seven years.

**354.** Any person who deals with any current coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as current coin, is guilty of a felony, and is liable to imprisonment for seven years.

Clipping

**355.** Any person who melts down, breaks up, defaces by stamping thereon any name, word or mark, or uses otherwise than as currency any coin current for the time being in Seychelles is guilty of a mis-

Melting  
down of  
currency



demeanour, and is liable to imprisonment for six months or to a fine of Rs. 1,000, or to both such fine and imprisonment.

Impounding and destruction of counterfeit coin.

**356.** Any officer of the government or the manager of any bank who receives, during the performance of his duties, any coin which he has reasonable ground for believing to be counterfeit coin shall impound such coin and transmit it to the Financial Secretary who may cut, deface or destroy it with or without compensation, as he thinks fit, if in his opinion it is counterfeit. For the purposes of this section the decision of the Financial Secretary that a coin is counterfeit and that compensation shall be granted or withheld shall be final, and no person shall be entitled to claim and no proceedings or action shall be brought against the Financial Secretary, the government, the officer of the government concerned, the manager of the bank concerned or his bank in respect of any loss or damage suffered by reason of such impounding and cutting, defacing or destruction.

Possession of clippings.

**357.** Any person who unlawfully has in his possession or disposes of any filings, or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with current gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, is guilty of a felony, and is liable to imprisonment for seven years.

Uttering counterfeit coin.

**358.** Any person who utters any counterfeit coin, knowing it to be counterfeit, is guilty of a misdemeanour.

Repeated uttering.

**359.** Any person who—

- (a) utters any counterfeit coin, knowing it to be counterfeit and at the time of such uttering has in his possession any other counterfeit coin, or
- (b) utters any counterfeit coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing, utters any other counterfeit coin, knowing it to be counterfeit, or
- (c) receives, obtains, or has in his possession any counterfeit coin, knowing it to be counterfeit, with intent to utter it,

is guilty of a felony, and is liable to imprisonment for three years.

Uttering metal or coin not current as coin.

**360.** (1) Any person who, with intent to defraud, utters as and for coin any medal or piece of metal is guilty of a misdemeanour, and is liable to imprisonment for one year.

(2) Any person who, with intent to defraud, utters as and for coin lawfully current in Seychelles by virtue of any Order in Council, Ordinance,

nance, proclamation or otherwise, any coin not so lawfully current is guilty of a misdemeanour and is liable to imprisonment for one year.

**361.** Any person who, without lawful authority or excuse, the proof whereof lies upon him, sells or offers or exposes for sale any article which bears a design in imitation of any currency or bank note or coin in current use in Seychelles or elsewhere is guilty of a misdemeanour, and is liable to imprisonment for six months.

Selling articles being in imitation of currency.

**362.** Any person who, without lawful authority or excuse, the proof of which lies on him, exports or puts on board of a vessel or vehicle of any kind for the purpose of being exported from Seychelles, any counterfeit coin whatever, knowing it to be counterfeit, is guilty of a misdemeanour.

Exporting counterfeit coin.

**363.** (1) When any person is convicted of an offence under this or the preceding chapter, the court shall order the forfeiture to Her Majesty of any forged bank note or currency note or of any counterfeit coin or any stamp, mould, tool, instrument, machine, press, or any coin, bullion, or metal, or any article bearing a design in imitation of any currency, bank note or coin used or employed in the commission of any such offence.

Forfeiture.

(2) If it shall be made to appear by information on oath before the judge, registrar, magistrate or Justice of the Peace that there is reasonable cause to believe that any person has in his custody or possession without lawful authority or excuse—

Search warrants.

(a) any instrument or other article peculiarly adapted for the forgery of currency notes, or

(b) any article mentioned in section 353 of this Code, the judge, registrar, magistrate, or Justice of the Peace within his district may grant a warrant to search for the same; and if the same shall be found on search, it shall be lawful to seize and remove it to be disposed of according to law.

#### Counterfeit Stamps

**364.** Any person who, without lawful authority or excuse, the proof of which lies on him—

Possession of die used for purpose of making stamps.

(a) makes or mends, or begins or prepares to make or mend, or uses, or knowingly has in his possession, or disposes of any die, plate or instrument capable of making an impression resembling that made by any die, plate or instrument used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue or of the Post Office

- Department in Seychelles or in any part of Her Majesty's dominions, or in any country under the protection of Her Majesty or which is administered by Her Majesty under a trusteeship agreement with the United Nations, or in any foreign country, or capable of producing in or on paper any words, figures, letters, marks, or lines resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose, or
- (b) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die, plate or instrument, or any paper which has on it or in it any such words, figures, letters, marks or lines as aforesaid, or
  - (c) fraudulently and with intent that use may be made of any such stamp as aforesaid, or of any part of it, removes the stamp from any material in any way whatever, or
  - (d) fraudulently and with intent that use may be made of any part of such stamp, mutilates the stamp, or
  - (e) fraudulently fixes or places upon any material or upon any such stamp or part of a stamp which has been in any way removed from any other material, or out of or from any other stamp; or
  - (f) fraudulently, and with intent that use may be made of any such stamp which has been already impressed upon or attached to any material, erases or otherwise removes, either really or apparently, from such material anything whatever written on it, or
  - (g) knowingly has in his possession or disposes of anything obtained or prepared by any such unlawful act as aforesaid, or
  - (h) fraudulently or with intent to cause loss to the government, uses for any purpose a stamp issued by government for the purpose of revenue which he knows to have been before used,
- is guilty of a felony, and is liable to imprisonment for seven years, and any die, plate, instrument, paper or other thing as aforesaid which is found in his possession shall be forfeited to Her Majesty.

Paper and dies for postage stamps.

**365.** Any person who, without lawful authority or excuse, the proof of which lies on him—

- (a) makes, or begins or prepares to make, or uses for any postal purpose, or has in his possession, or disposes of any imitation or representation on paper or any other material, of any stamp used for denoting any rate of postage of Seychelles, or of any part of Her Majesty's dominions, or of any country under the protection of Her Majesty, or which is administered by Her Majesty under a trusteeship agreement with the United Nations, or of any foreign country, or

- (b) makes or mends, or begins or prepares to make or mend, or uses, or has in his possession, or disposes of any die, plate, instrument, or material for making any such imitation or representation,

is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of Rs. 650, and any stamps, and any other such things as aforesaid, which are found in his possession, shall be forfeited to Her Majesty.

For the purposes of this section a stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

## CHAPTER XXXVII

### Personation

**366.** Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead, is guilty of a misdemeanour. Person in gen

If the representation is that the offender is a person entitled by will or operation of law to any specific property and he commits the offence to obtain such property or possession thereof, he is liable to imprisonment for seven years.

**367.** Any person who, without lawful authority or excuse, the proof of which lies on him, makes, in the name of any other person, before any court or person lawfully authorised to take such an acknowledgment, an acknowledgment of liability of any kind, or an acknowledgment of a deed or other instrument, is guilty of a misdemeanour. Falsely acknow- ing de- recogni- ances.

**368.** Any person who utters any document which has been issued by lawful authority to another person, and whereby that other person is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document. Person of a pe- named certifi-

**369.** Any person who, being a person to whom any document has been issued by lawful authority whereby he is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege, or to

Lending certifi- for pen- tion.

enjoy any rank or status, sells, gives, or lends the document to another person with intent that that other may represent himself to be the person named therein, is guilty of a misdemeanour.

Personation of person named in a testimonial of character.

**370.** Any person who, for the purpose of obtaining any employment, utters any document of the nature of a testimonial of character given to another person, is guilty of a misdemeanour and is liable to imprisonment for one year.

Lending, etc., testimonial for personation.

**371.** Any person who, being a person to whom any such document as is mentioned in section 370 has been given, gives, sells, or lends such document to another person with the intent that that other person may utter such document for the purpose of obtaining any employment, is guilty of a misdemeanour.

## CHAPTER XXXVIII

### *Secret Commissions and Corrupt Practices*

Interpretation.

**372.** (1) For the purpose of this chapter, the expression "consideration" includes valuable consideration of any kind; the expression "agent" includes any person employed by or acting for another; and the expression "principal" includes an employer.

(2) A person serving under the Crown or under any municipal council or board or under any other public body having power to impose rates or entrusted with the expenditure of any government funds or grants, and a member of any such municipal council or board or other public body is an agent within the meaning of this chapter.

Corrupt practices.

**373.** (a) If any agent corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do or for having done or forborne to do, any act in relation to his principal's affairs or business or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business, or

(b) if any person corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business, or

(c) if any person knowingly gives to any agent, or if any agent knowingly uses with intent to deceive his principal, any receipt,

account or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal,

he shall be guilty of a misdemeanour, and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding Rs. 4,000, or to both such imprisonment and such fine.

**374.** Any person convicted of an offence under this chapter shall, where the matter or transaction in relation to which the offence was committed was a contract or a proposal for a contract with the government or any government department or a municipal council or board or other public body having power to impose rates or entrusted with the expenditure of any government funds or grants, or a sub-contract to execute any work comprised in such contract, be liable to imprisonment for seven years, or to a fine of Rs. 6,500, or to both such fine and such imprisonment.

Secret commissions on Government contract.

**375.** Where in any proceedings against a person for an offence under this chapter it is proved that any money, gift or other consideration has been paid or given to or received by a person in the employment of the Crown or any government department or a municipal council or board or other public body having power to impose rates or entrusted with the expenditure of any government funds or grants, by or from a person or agent of a person holding or seeking to obtain a contract from the Crown or any government department or municipal council or board or other public body having power to impose rates or entrusted with the expenditure of any government funds or grants, the money, gift or consideration shall be deemed to have been paid or given and received corruptly as such inducement or reward as is mentioned in this chapter, unless the contrary is proved.

Presumption as to corrupt practices.

**376.** A prosecution for an offence under this chapter shall not be instituted without the written consent of the Attorney General.

Consent of Attorney General for prosecution.

## Division VIII—Attempts and Conspiracies to Commit Crimes, and Accessories after the Fact

### CHAPTER XXXIX

#### *Attempts*

**377.** When a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not fulfil his intention to such an extent as to commit the offence, he is deemed to attempt to commit the offence.

Attempt defined.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from the further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

Attempts to  
commit  
offences.

**378.** Any person who attempts to commit a felony or misdemeanour is guilty of an offence, which, unless otherwise stated, is a misdemeanour.

Punishment  
of attempts  
to commit  
certain  
felonies.

**379.** Any person who attempts to commit a felony of such a kind that a person convicted of it is liable to the punishment of death or imprisonment for a term of fifteen years or upwards, with or without other punishment, is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for seven years.

Neglect to  
prevent  
felony.

**380.** Every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of a misdemeanour.

## CHAPTER XL

### *Conspiracies*

Conspiracy to  
commit  
felony.

**381.** Any person who conspires with another to commit any felony, or to do any act in any part of the world which if done in Seychelles would be a felony, and which is an offence under the law in force in the place where it is proposed to be done, is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for seven years, or, if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such lesser imprisonment.

Conspiracy  
to commit  
mis-  
demeanour.

**382.** Any person who conspires with another to commit a misdemeanour, or to do any act in any part of the world which if done in Seychelles would be a misdemeanour, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a misdemeanour.

Other  
conspiracies.

**383.** Any person who conspires with another to effect any of the purposes following, that is to say—

- (a) to prevent or defeat the execution or enforcement of any Ordinance, statute, or Order in Council, or

- (b) to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person, or
  - (c) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value, or
  - (d) to injure any person in his trade or profession, or
  - (e) to prevent or obstruct, by means of any act or acts which if done by an individual person would constitute an offence on his part, the free and lawful exercise by any person of his trade, profession, or occupation, or
  - (f) to effect any unlawful purpose, or
  - (g) to effect any lawful purpose by any unlawful means,
- is guilty of a misdemeanour.

## CHAPTER XLI

### *Accessories After the Fact*

**384.** A person who receives or assists another who is, to his knowledge, guilty of an offence, in order to enable him to escape punishment, is said to become an accessory after the fact to the offence. Definit  
accesso  
after th

A wife does not become an accessory after the fact to an offence of which her husband is guilty by receiving or assisting him in order to enable him to escape punishment; or by receiving or assisting, in her husband's presence and by his authority, another person who is guilty of an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment; nor does a husband become an accessory after the fact to an offence of which his wife is guilty by receiving or assisting her in order to enable her to escape punishment.

**385.** Any person who becomes an accessory after the fact to a felony, is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for three years. Punish  
of acces  
after th  
to felon

**386.** Any person who becomes an accessory after the fact to a misdemeanour is guilty of a misdemeanour. Punish  
of acces  
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to mis-  
demean

## THE PENAL CODE

### SECTION 50

#### THE SUBVERSIVE LITERATURE (PROHIBITION) ORDER

S.I. 37/1

[12th May, 1966]

**1.** This Order may be cited as the Subversive Literature (Prohibition) Order. Short ti



Prohibition  
of importa-  
tion of  
publication.

2. The publications published by the persons or associations enumerated in the succeeding paragraph are declared prohibited publications and the importation thereof into Seychelles is prohibited.

Names of publication.	Names of Publication	Place of Publication
	3. CHINA PICTORIAL	Published by GUOZI SHUDIAN, Peking.
	CHINA RECONSTRUCTS	Published in PEKING by the China Welfare Institute.
	CHINESE LITERATURE	Published in PEKING and distributed by GUOZI SHUDIAN.
	EVERGREEN	Published in PEKING by the All-China Youth Federation and the All-China Student's Federation.
	PEKING REVIEW	Published in PEKING by the Foreign Languages Press.
	WOMEN OF CHINA	Published in PEKING and distributed by GUOZI SHUDIAN.
	NEW CHINA NEWS AGENCY	Official releases.
	PEOPLES CHINA	Published in Peking and distributed by GUOZI SHUDIAN.
	NEW TIMES	Published in MOSCOW.

#### SECTION 183 (g)

#### DRUMS REGULATIONS

[9th August, 1935]

G.G.  
1/5/1935.  
L.N.  
40/1937.

Notice is hereby given that His Excellency the Governor has, under the authority of section 183 (g) of the Penal Code, been pleased to describe the following areas within which the beating of drums or *tambours* or the blowing of shells, etc., at night after 9 p.m. are prohibited:—

- (a) within the town of Victoria and a distance of one mile outside the limit thereof;
- (b) within a radius of three-quarters of a mile from the police station at Anse Royale, Mahé;

- (c) within a radius of three-quarters of a mile from the police station at Baie Ste. Anne, Praslin;
- (d) within the area situated in the district of Grand' Anse, Praslin, and lying between the Morico Bridge on the North and the Nouvelle Découverte Bridge on the South and between the seashore on one side and an imaginary line inland three-quarters of a mile distant from the seashore and parallel thereto on the other side;
- (e) within a radius of three-quarters of a mile from an imaginary point half way between the police station and the Roman Catholic Church in the district of La Passe, La Digue.

#### THE LOUDSPEAKERS (RESTRICTION OF USE) REGULATIONS

S.I. 17/11

[25th March, 1965]

1. These regulations may be cited as the Loudspeakers (Restriction of use) Regulations. Short titl

2. In these regulations unless the context otherwise requires— Interpret
  - "loudspeaker" includes a megaphone and any other device for amplifying sound;
  - "public meeting" means any meeting in a public place;
  - "public place" means any open space to which, for the time being, the public have or are permitted to have access;
  - "town of Victoria" means the town of Victoria as defined in the First Schedule to the Town of Victoria (Boundaries and Divisions) Ordinance. Cap. 11.

3. The use of a loudspeaker from a moving vehicle is absolutely prohibited within the town of Victoria. Use of loudspeaker from a moving vehicle absolutely prohibited within the town of Victoria.

4. (1) The use of a loudspeaker within the town of Victoria at a public meeting or in a public place is prohibited unless there is in force a written permit issued by the Commissioner of Police authorising such use. Use of loudspeaker at public meeting or in a public place within the town of Victoria prohibited unless authorised by the Commissioner of Police.

(2) The prohibition in this regulation imposed shall not apply to the use of loudspeakers—

- (a) at any religious meeting; or



- (b) at any ceremonial parade or public function of an official character; or
- (c) at any sports meeting; or
- (d) by or under the authority of any Government official or department or of the Victoria District Council.

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SECTION 183 (i)

G.N.  
95/1965.

POSSESSION OF CATAPULT PROHIBITED IN LA DIGUE ISLAND

[15th March, 1965]

In exercise of the powers conferred by section 183 (i) of the Penal Code His Excellency the Officer Administering the Government in Council has prescribed La Digue island as an area within which the possession of a catapult is prohibited.

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