

LAWS OF SEYCHELLES

SOCIAL SECURITY ACT

CHAPTER 225

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BY

## CHAPTER 225

**SOCIAL SECURITY ACT, 1987***[1st January, 1988]*

Act 11 of 1987  
Act 3 of 1988  
Act 16 of 1990  
Act 22 of 1994  
Act 8 of 1995

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##### PART 1 - PRELIMINARY

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- Short title      1. This Act may be cited as the Social Security Act.
- Interpretation   2. In this Act,  
2/3/1988
- "beneficiary" means a person entitled to a benefit;
- "benefit" means a benefit under this Act;
- "child" means a person under the age of 15 years or, when he is in school or undergoing full time education or training, of any age and includes an adopted or illegitimate child;
- "contribution" means a contribution payable under this Act;
- "Director" means the Director appointed under section 28;
- "emolument" means salary, wage, allowance, gratuity, bonus, commission or pension paid to or received by a person in respect of employment and includes the monetary value of any quarter, board, residence or any other allowance granted to a person in respect of employment, a director's fee a share of a service charge and where the emolument is paid or given otherwise than in cash, the monetary value of the emolument paid or given otherwise than in cash;
- "employed person" means a person gainfully employed in Seychelles whether under a contract of service, as a director or a member of the board of any body corporate, or as the holder of an office and includes -
- (a) a person, though not bound by a formal contract of service, who is subject to the control of another person as to the manner and method in which he carries out his duties, and

(b) a person working on an approved project in terms of section 5 of the Unemployment Fund Act.

but does not include a self-employed person;

"employer" means a person having another person in his employment;

"family income" means the aggregate of the income of a person entitled to a benefit and the income of the persons living with him;

"family subsistence level", in relation to a person, means the aggregate of the level of subsistence of that person and that of the persons living with him;

"Fund" means the Social Security Fund established under this Act;

"inspector" means a person appointed under section 29;

"level of subsistence" means the level of subsistence declared by the Minister under section 23;

"liable employer" means the person liable to pay contribution in respect of a person in his employment and, in the absence of other evidence of employment, the person by whom or on behalf of whom payment for services rendered is made shall be deemed to be the liable employer;

"Medical Board" means the Medical Board established under section 30;

"person covered" means a person eligible to receive a benefit;

"prescribed disease" means an injury or disease prescribed under this Act;

"prescribed period of residence", in relation to a benefit,

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means a period of residence in Seychelles prescribed by the Minister as a condition for entitlement to a benefit;

"regular employment" means the normal or habitual level of occupational activity as an employed or self-employed person which the person carried on prior to his retirement;

"retirement" means retirement from regular employment and presumes that occupational activity has ceased or largely ceased;

"retirement age" means the age of retirement prescribed by the Minister under this Act;

"self-employed person", for the purposes of entitlement to benefit, means an individual -

- (a) who is carrying on a business on his own, or
- (b) who is a partner in a partnership which is carrying on a business,

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and who, adduces evidence to the satisfaction of the Director, that he is liable to pay business tax in relation to the business under the Business Tax Act, whether or not the income of the business is exempt under that Act;

"service charge" means a sum collected or levied in respect of service and distributed or shared between an employer and employee or paid to an employee through a scheme arrangement controlled, managed or otherwise directed by the employee;

"surcharge" means a surcharge payable in respect of unpaid contribution;

"working day" means a day of the week for which at least four hours of work is completed or normally completed.

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PART II - CONTRIBUTION AND PERSON COVERED

- Person liable to pay contribution or entitled to benefit  
2/3/1988
- 3.(1) Subject to this Act, a person who -
- (a) is employed in Seychelles and receives an emolument in respect of his employment; or
  - (b) employs a person referred to in sub-paragraph (a) and pays that person an emolument in respect of that employment,

shall be liable to pay contribution to the Fund in respect of the emolument in the manner provided and at the rate declared under this Act.

(2) For the purposes of subsection (1), a person shall be deemed to be employed in Seychelles where he is paid an emolument-

- (a) by a person who is resident or carrying on business or has the central management or control of his business, in Seychelles;
- (b) by any person on behalf of a person referred to in paragraph (a); or
- (c) from a source in Seychelles,

and the person who pays the emolument or on whose behalf the emolument is paid shall be deemed to be the employer of the person receiving the emolument, and the emolument shall be liable to contributions under this Act.

(3) For the purposes of subsection (1), a person who performs any service or carries out any functions in Seychelles on behalf or at the request of another person not resident in Seychelles shall be deemed to be employed in Seychelles, the person who benefits in Seychelles from those services or functions shall be deemed to be the employer of the first mentioned person and the emolument paid or received in respect of those services or functions shall be

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deemed to have been paid by the person who benefits in Seychelles from the services or functions and shall be liable to contributions under this Act.

(4) A person shall be deemed to have received or been paid an emolument although the emolument or any part thereof is not actually received by or paid over to that person but is reinvested, accumulated, carried to or paid into an insurance or pension fund or any other fund, however designated or otherwise dealt with on behalf of the person or as the person directs.

(5) Subject to this Act -

(a) a person who is a citizen of Seychelles and is resident in Seychelles;

(b) a person who is not a citizen of Seychelles who contributes to the Fund and is resident in Seychelles;

(c) a person who is not a citizen of Seychelles and does not contribute to the Fund but who is a dependent and a member of the household of a person referred to in paragraph (a) or (b) and is resident in Seychelles;

is covered under this Act in respect of the contingences in relation to which benefits are payable under this Act.

Waiving of liability

4.(1) The Minister, may, for any reasons which he thinks sufficient, exempt any class or category of persons from payment of contribution or any emolument or part thereof (including gratuity) from liability for contribution..

(2) The Minister or a person authorised by him may, where the Minister or the person authorised by him is satisfied that the payment of a contribution or surcharge would cause hardship, waive the payment or such part of the payment of

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the contribution or surcharge as the Minister or person authorised by him considers appropriate in the circumstances.

### PART III - BENEFITS

#### DIVISION I - DESCRIPTION OF BENEFITS

##### Benefits

5. The benefits under this Act are -

- (a) sickness benefit which consists of periodic payments to a person covered who is rendered temporarily incapable of work otherwise than as a result of an injury or disease which occurred in the course, or arose out, of employment or who is prevented from attending work due to quarantine restriction;
- (b) maternity benefit which consists of periodic payments to a woman, who is a person covered, in the event of her pregnancy or confinement;
- (c) injury benefit which consists of periodic payments to a person covered, being an employed person, who is rendered temporarily incapable of work due to an injury or prescribed disease which occurred in the course, or arose out, of employment;
- (d) invalidity benefit which consists of periodic payments to a person covered who is partially or totally incapable of work;
- (e) disablement benefit which consists of periodic payments to a person covered, being an employed person, who is partially or totally incapable of work following a period of entitlement to injury benefit;
- (f) survivor's benefit which consists of periodic

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payments in the event of the death of a person covered, comprising of -

- (i) widow's benefit;
  - (ii) widow's pension;
  - (iii) widowed mother's pension;
  - (iv) widower's pension; and
  - (v) industrial death pension;
- (g) funeral benefit which consists of a grant payable to the person responsible for the funeral arrangements of a deceased person, who was a person covered;
- (h) retirement pension which consists of periodic payments to a person covered who is over retirement age;
- (i) dependant's benefit which consists of an increase to the personal periodic payments of benefit on account of the dependants of the beneficiary;
  - (j) orphan's benefit which consists of periodic payments in respect of a child who is an orphan; and
  - (k) abandoned child's benefit which consists of periodic payments in respect of a child abandoned by his parents.

## DIVISION 2 - ENTITLEMENT TO BENEFITS

Sickness Benefit  
2/21/1996

6.(1) A person covered shall, subject to section 11, be entitled to sickness benefit for any working day on which he is incapacitated for work due

to sickness or is prevented from attending work due to a quarantine restriction if -

- (a) his incapacity or quarantine restriction is certified by a medical practitioner in a form approved by the Minister;
- (b) but for his incapacity or the quarantine restriction, the person would have been in employment, either as an employed person or a self-employed person; and
- (c) he is not entitled to any other benefit.

(2) The Minister may, by regulations, provide that a person who is unable to attend work because of the sickness of a close relative shall, subject to the conditions specified in the regulations, be treated as if he were incapacitated for work and be entitled to sickness benefit under this section.

(3) Notwithstanding subsection (1), the Director may, on grounds of hardship, grant sickness benefit in respect of a child, being a person covered under section 3(5), where the child is certified by a medical practitioner to be incapacitated due to sickness.

Maternity  
benefit

7. A woman, being a person covered, shall be entitled to maternity for a prescribed period if -

- (a) her confinement, or expected confinement, for childbirth is certified by a medical practitioner in a form approved by the Minister;
- (b) she was in employment, either as an employed person or self-employed person, immediately prior to the period of which she is claiming benefit; and
- (c) she is not entitled to any other benefit, other than survivor's benefit.

Prolonged  
sickness  
resulting from  
pregnancy

8. Where a medical practitioner certifies in a form approved by the Minister that the person covered referred to in section 7 is incapable of work on account of her confinement, or expected confinement, for childbirth for more than the period prescribed under section 7, the person covered shall be entitled to sickness benefit under and in accordance with section 6 and thereafter to

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invalidity benefit under and in accordance with section 11.

## Injury Benefit

9. Subject to this Act, a person covered, who is an employed person and who is rendered incapable of work because of an accident which occurred in the course, or arose out, of his employment or because of a disease which he contracted in the course, or which arose out, of his employment, shall be entitled to injury benefit in respect of any working day for which he is incapable of work if -

- (a) his incapacity is certified by a medical practitioner in a form approved by the Minister; and
- (b) he is not entitled to receive disablement benefit in respect of the accident or disease.

## Regulations relating to accidents and diseases

10. The Minister may, by regulations -

- (a) specify the circumstances under which an accident or disease may be treated -
  - (i) in the case of an accident, as having occurred in the course, or arisen out, of a person's employment, and
  - (ii) in the case of a disease, as having been contracted in the course, or arisen out, of a person's employment;
- (b) having regard to the cause, nature and incidence of any injury or disease or any other relevant circumstances, prescribe an injury or disease as, in the absence of proof to the contrary, having occurred or contracted in the course, or having arisen out, of a particular employment;
- (c) provide for the determination of -

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- (i) the time at which a person is to be treated as having developed a prescribed disease;
  - (ii) the circumstances in which a disease or injury, where a person has previously suffered from the disease or injury, is to be treated as having recrudesced or as having been contracted or received afresh;
  - (iii) where compensation is awarded by court for any accident which occurred in the course, or which arose out, of employment or any disease which was contracted in the course, or which arose out, of employment, the rate and manner of payment from the Fund of the compensation.

Invalidity  
Benefit

11.(1) Where a person covered would, but for this section, have continued to be entitled to sickness benefit after a continuous period prescribed by the Minister, he shall, for any continuous working day after that continuous period -

- (a) cease to be entitled to sickness benefit, and
- (b) subject to subsection 2, be entitled to invalidity benefit if -
  - (i) he is not entitled to any other benefit, and
  - (ii) he satisfies the prescribed period of residence, unless the Minister, in his absolute discretion, waives the period of residence.

(2) The Minister may by regulations -

- (a) provide -
  - (i) for any matter relating to the assessment and review of the degree of invalidity;

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(ii) for the manner of calculating the benefit; and

(iii) the amount of invalidity benefit payable, and

(b) prescribe the period of residence referred to in subsection (1) (b) (ii).

Pre-existing  
medical  
condition

12. Where a person covered, being a person of or over the age of 15 years, would have been entitled to invalidity benefit but for the fact that he was not entitled to sickness benefit because he was not an employed person or a self-employed person immediately prior to the day on which he became incapacitated for work, as provided for in section 6 (1)(b), he shall, for the purposes of section 11, be treated as if he has been entitled to sickness benefit for the continuous period prescribed by the Minister for the purposes of section 11 if his incapacity continued for that continuous period.

Disablement  
Benefit

13.(1) Subject to this section, where a person would, but for this section, have continued to be entitled to injury benefit in respect of the original accident or disease which gave rise to his entitlement to the injury benefit after a continuous period prescribed by the Minister, he shall, for any continuous working day after that continuous period -

(a) cease to be entitled to injury benefit; and

(b) subject to subsection (3), be entitled to disablement benefit if he satisfies the prescribed period of residence, unless the Minister, in his absolute discretion, waives the period of residence.

(2) Where a person who is entitled to injury benefit ceases to be totally incapacitated, he shall, for any working day in which he remains partially incapacitated in respect of the original accident or disease which gave rise to his entitlement to injury benefit thereafter -

(a) cease to be entitled to injury benefit, and

(b) subject to subsection (3), be entitled to disablement benefit if he satisfies the prescribed period of residence, unless the Minister, in his absolute discretion, waives the period of residence.

(3) The Minister may make regulations prescribing -

- (a) the manner of assessing and reviewing the degree of injury;
- (b) the manner of calculating the disablement benefit and the standard of rate of benefit for certain losses; and
- (c) the manner in which the benefit is to be paid.

(4) Notwithstanding any other provision of this Act, a person covered who is entitled to disablement benefit may undertake paid employment without loss of benefit under this section if the Minister is satisfied that the employment undertaken is unlikely to be prejudicial to his state of health or give rise to a worsening of his condition.

Survivor's  
Benefit

14.(1) On the death of a person covered -

- (a) all benefits to which the person covered was entitled immediately prior to his death; and
- (b) if the spouse of the person covered becomes entitled to survivor's benefit, all benefits to which the spouse was entitled in his own right, immediately prior to the death of the person covered,

shall cease to be payable.

(2) The Minister may make regulations for the purpose of -

- (a) determining to whom the survivor's benefit is to be paid;
- (b) determining the type of survivor's benefit to which a

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	<p>person is entitled;</p> <p>(c) prescribing the circumstances and conditions on which the survivor's benefit is to be paid;</p> <p>(d) determining the amount and the manner of payment of the survivor's benefit to be paid; and</p> <p>(e) providing for the review of the survivor's benefit paid to any person.</p>
Funeral Benefit	<p>15. Subject to this Act, on the death of a person covered there shall be paid -</p> <p>(a) to the person responsible for the payment of the funeral expenses of the person covered; or</p> <p>(b) directly to the undertaker who carried out the arrangements for the funeral of the person covered,</p> <p>on production of an account of the expenses supported by the relevant receipts, a funeral benefit.</p>
Retirement Pension	<p>16.(1) A person covered shall, subject to this Act, be entitled to retirement benefit on reaching retirement age and shall, unless otherwise provided in this Act, cease to be entitled to any other benefit.</p> <p>(2) The Minister may make regulations -</p> <p>(a) prescribing the age of retirement, and</p> <p>(b) the conditions on which retirement benefit is to be paid and the circumstances on which it may be varied, suspended or withdrawn.</p>
Dependant's Benefit	<p>17.(1) Subject to this section, a person covered shall, in addition to entitlement to the benefits referred to in section 5 (a) to (f), be entitled to a dependant's benefit.</p>

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(2) Where immediately before he becomes entitled to retirement pension a person covered is receiving a dependant's benefit, he shall, in addition to the retirement pension but subject to this section, be entitled to a dependant's benefit.

(3) The Minister may, subject to this section, direct the payment of a dependant's benefit, in addition to a retirement pension, to a person covered.

(4) A person covered shall be entitled to a dependant's benefit

(a) in respect of not more than one adult who may be -

(i) his spouse; or

(ii) another adult dependant who is not in receipt of a retirement pension and who is -

(A) nursing the person covered; or

(B) himself incapable of work and not in receipt of a benefit; and

(b) in respect of a dependant child.

(5) A person covered shall not be entitled to a dependant's benefit if his family income exceeds the family subsistence level.

(6) The Minister may make regulations -

(a) prescribing the age limit for dependant children; and

(b) providing for circumstances under which a dependant's benefit may be reduced or extinguished.

Orphan's  
Benefit

18. Subject to section 20, orphan's benefit shall be payable in respect of a child where,

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	(a) both parents of the child are dead; or
	(b) in the case of an illegitimate child who has not been recognised or whose parental descent has not been proved in accordance with the written law, the mother of the child is dead.
Abandoned Child's Benefit	19.(1) Subject to section 20, abandoned child's benefit shall be payable in respect of a child where the Director is satisfied that the child has been and remains abandoned by his parents.
	(2) The Director may at any time review payment of abandoned child's benefit.
Limit of Benefit for orphan or abandoned child with income	20.(1) A benefit under section 18 or section 19 shall not be paid in respect of a child whose income exceeds the rate of the benefit.
	(2) Where an orphan or abandoned child is receiving an income but the income is less than the rate of benefit under section 18 or section 19, as the case may be, the benefit payable shall be an amount by which the rate of benefit exceeds the income.
	(3) An orphan's benefit or abandoned child's benefit shall be paid -
	(a) where the child is in the care of an institution which is approved by the Minister, to the institution; or
	(b) in any other case, to the guardian of the child.
Working during incapacity Cap. 20	21. Except where it is otherwise provided in this Act, a person covered who is entitled to a benefit under section 5 (a) to (e) shall lose his entitlement to the benefit if he undertakes paid employment or carries on any business in terms of the Business Tax Act during the period he is entitled to the benefit.
Days for which benefit is payable	22. A person covered shall not be entitled to receive a benefit described in section 5 (a) to (e) for more than 5 working days in any week.

Level of  
subsistence

23.(1) Subject to this section, the Minister may, by regulations, declare a level of subsistence for any period which he may specify in the regulations.

(2) The level of subsistence declared under subsection (1) shall be related to the basic pecuniary needs of a person and shall, subject to subsection (3), be the base point for setting the rates of benefits.

(3) Notwithstanding the declaration of a level of subsistence under subsection (1), the rates of sickness benefit, maternity benefit and injury benefit may be calculated without reference to the level of subsistence if the rate of the benefits are related to the actual income of the person entitled to the benefits.

Abatement or  
extinction of  
invalidity or  
survivor's  
benefit

24.(1) Subject to this section, the Director shall not pay an invalidity benefit or a survivor's benefit to a person if the family income of that person exceeds the family subsistence level of that person.

(2) Where a person who is entitled to an invalidity benefit or a survivor's benefit has an income which is less than the family subsistence level of that person, the Director shall pay the person a benefit which is the lesser of -

(a) the applicable rate of benefit, or

(b) the amount by which the family subsistence level of that person exceeds his family income.

#### PART IV - DETERMINATION OF CLAIMS

Determination  
claim etc.

25. Claims for benefits and any other question arising under or in connection with this Act, shall be determined in accordance with regulations made by the Minister.

#### PART V - ADMINISTRATION AND FINANCE

Social Security

26.(1) There is hereby established a fund, to be called the

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Fund	<p>Social Security Fund, into which shall be paid -</p> <ul style="list-style-type: none"> <li>(a) all contributions;</li> <li>(b) all rents, interest on investments, or other income derived from the assets of the Fund;</li> <li>(c) all sums recovered as fees, surcharges, penalties or costs, or accruing to the Fund, under this Act, and</li> <li>(d) such other sums as may be provided by the Government for the purposes of this Act or as may be received and accepted by the Director on behalf of the Fund.</li> </ul>
Cap. 244	<p>(2) There shall be paid out of the Fund -</p> <ul style="list-style-type: none"> <li>(a) all benefits;</li> <li>(b) such payments to the Unemployment Relief Scheme Fund, established under the Unemployment Relief Scheme Fund Act, as the Minister may from time to time authorize;</li> <li>(c) such sum, as the President may direct, to be paid to the National Workers Union as union dues;</li> <li>(d) such amount, as the Minister may approve, for the purposes of any investment, approved by him;</li> <li>(e) subject to regulations, any compensation awarded by court in respect of an accident arising out of and in the course of employment;</li> <li>(f) all costs ordered by the court to be paid out of the Fund;</li> <li>(g) all refunds of contributions;</li> <li>(h) all expenses properly incurred in the administration of this Act;</li> <li>(i) such amount, as the President may direct, to be paid to the</li> </ul>

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Consolidated Fund; and

- (j) such other payments for any purpose which is declared by the Minister to be within the spirit of the Act.

Accounts and  
annual report

27.(1) The Minister shall cause to be kept proper books of account and such other document or record which he considers necessary for the proper administration of the Fund.

(2) The Minister shall, within three months after the end of each financial year, submit to the President a report on the Fund's operations during the year together with a copy of the Fund's annual accounts audited by the Auditor-General or by an auditor of international repute appointed by the Minister and the Minister shall publish the report and accounts in such manner as the President may direct.

(3) The Minister may at the end of each financial year cause an investigation to be made by an authorised actuary into the financial condition of the Fund.

who-

(4) In subsection (3), an "authorised actuary" means an actuary

(a) is a Fellow of the Institute of Actuaries; or

(b) holds a similar qualification approved by the Minister.

Director

28.(1) There shall be a Director of the Fund who shall be appointed by the President on such terms and conditions as the President may think fit.

(2) The Director shall be the chief executive of the Fund and he shall, subject to this Act and any direction of the Minister, be responsible for the management of the Fund, and in particular for -

(a) the collection of contributions;

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- (b) the payment of benefits and other sums specified in section 26 (2);
- (c) the investment of surplus money of the Fund, and
- (d) accounting for all money collected, paid or invested under this Act.
- Inspectors 29.(1) The Minister may appoint such officers of the Fund as he considers necessary to be inspectors.
- (2) An inspector shall be furnished with a certificate of his appointment issued under the authority of the Minister and the inspector shall, if required when exercising his powers under this Act, produce the certificate for inspection.
- (3) An inspector shall have power to -
- (a) enter at all reasonable times any premises or place where he has reasonable cause to believe that a person is employed on the premises or at the place;
- (b) make such examination and enquiry as he thinks necessary in order to ascertain whether this Act is being or has been complied with;
- (c) question any employer, employee or any other person on any matter concerning the application of or compliance with this Act;
- (d) require the production, at any reasonable time and place, of such documents and records as he may require for the proper exercise of his powers under this Act;
- (e) seize and detain any document or thing which may be of evidentiary value in a prosecution for an offence under this Act;

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- (f) take copies of or extract from any document or record referred to in paragraphs (d) and (e);
  - (g) make, in the absence of proper records or documents required to be maintained under this Act, an assessment of the amount of emolument paid by an employer to an employed person in respect of which contribution is liable to be paid under this Act; and
  - (h) exercise such other powers as may be assigned to him by the Director or specified by regulations, which are necessary for the purposes of this Act.

Observance  
of secrecy

2/22/1994

30(1) Subject to subsection (2), the Director, an inspector or any other officer of the Fund shall not either directly or indirectly

divulge or communicate, otherwise than in the performance of the functions under the Act, any information relating to the Fund acquired in the performance of the functions under the Act by the Director, inspector, or other officer, as the case may be.

disclosing -

(2) Subsection (1) shall not prevent the divulging or

- (a) to a person liable to pay contribution to the Fund, information relating to that person;
- (b) to the Commissioner of Taxes appointed under the Business Tax Act, 1987 or any person authorised by the Commissioner, any information needed for the performance of the official duties of the Commissioner or the other person;
- (c) to any court, any information required by the court in relation to any proceedings before the court;
- (d) to any person, if required by or under any written law.

(3) Any person who contravenes subsection (1) is guilty of an offence and is liable on conviction to a fine of R5000 and imprisonment for six months.

Medical Board 31.(1) There is established a Medical Board.

(2) The Schedule shall have effect with respect to the Medical Board, its composition, quorum, functions and otherwise.

#### PART VI - COLLECTION AND RECOVERY

Contribution when payable and its computation 32(1) Contributions shall be due and payable at the time specified under the Act.

(2) Contributions shall be computed on the total emoluments paid or received in respect of a month or where the employment is for a period less than a month on the total sum paid or received in respect of that period.

Contribution deducted by employer to be held in trust 33. Where under this Act contributions are deducted from the emolument of an employed person by his employer for the purpose of payment to the Fund, the contributions deducted shall be held on account by the employer for and on behalf of the Fund and, notwithstanding any other written law, shall not be subject to attachment in respect of any debt or liability of the employer, and, in the event of any liquidation, assignment or bankruptcy of the employer the contribution deducted shall not form part of the estate in liquidation, assignment or bankruptcy but shall be paid in full to the Fund before any distribution in the liquidation, assignment or bankruptcy is made.

Person liable to pay contribution 34.(1) Where the Director has reason to believe that a person liable to pay any contribution or any surcharge on contribution

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or surcharge  
leaving  
Seychelles

may leave Seychelles before the date on which the contribution or surcharge is due and payable, the contribution or surcharge shall be due and payable on such date as the Director notifies to that person.

(2) Where the Director is of the opinion that any person is about to, or likely to leave Seychelles without paying any contribution or surcharge, the Director may apply to the Supreme Court for an order preventing the person from leaving Seychelles.

(3) An order of the Supreme Court on an application made under subsection (2) preventing a person from leaving Seychelles shall be sufficient authority to the Director of Immigration for preventing the person from leaving Seychelles.

(4) Where the Supreme Court is satisfied that a person in respect of whom an order has been made under subsection (2) has paid the contributions and surcharge or furnished sufficient and good security for the payment of the contributions and surcharge, the Supreme Court may vacate the order.

(5) The Chief Justice may make rules of the Supreme Court for the purpose of an application under subsection (2).

(6) Every air company or shipping company or the agents thereof shall, if so requested by the Director, furnish the Director with a list of all passengers due to leave Seychelles by air or by sea, as the case may be, on tickets issued by or through that company or agents.

Surcharge for  
late payment

35. If any contribution remains unpaid after the time when it becomes payable a surcharge at the rate prescribed under this Act shall payable on the amount of contribution unpaid.

Contribution  
and surcharge  
a debt due to  
the Fund

36. Contribution and any surcharge when they become payable shall be a debt due to the Fund and shall be payable to the Fund in the manner and at the place prescribed.

Recovery of  
contribution  
and surcharge

37.(1) Any sum due to the Fund may be sued for and recovered as a civil debt by the Director or the Attorney General.

(2) An action for the recovery of any sum due to the Fund may, notwithstanding Article 2271 of the Civil Code or any other written law, be sued for at any time within six years from the date when it became payable.

Certificate  
of Director

38. A certificate under the hand of the Director or any document certified by him to be a copy of or extract from any record or book kept under this Act shall be prima facie evidence of the contents of the certificate or document.

#### PART VII - OFFENCES AND PENALTIES

Offences and  
Penalties

39.(1) Any person who -

- (a) makes or delivers a form, schedule or return which is false in any particular, or makes a false answer whether orally or in writing to any question put to him by the Director or any person authorized by the Director;
- (b) fails to disclose any material fact in a form, schedule or return in answer to the Director or any person authorized by the Director;
- (c) fails to register when required to do so under this Act;
- (d) fails to furnish any return or pay any contribution or surcharge in the manner and within the time prescribed under this Act;
- (e) fails to comply with any other provisions of this Act or any request made by the Director under this Act;
- (f) knowing that an order has been made under section 33(2) preventing the person from leaving Seychelles, leaves or attempts to leave Seychelles while that

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order is in force,.

is guilty of an offence and liable to a fine of R 10,000 and to imprisonment for six months.

(2) The Court shall, on conviction of a self-employed person or an employer for failing to pay contribution, order the self-employed person or employer, in addition to any other penalty under this section, to pay to the Fund the amount of unpaid contribution together with any surcharge due on the amount at the time and the order of the Court shall have the same force and effect as a judgment of the court in favour of the Fund.

#### PART VIII - MISCELLANEOUS

#### Regulations

40.(1) The Minister may make regulations for the better carrying out the provision of this Act and, without prejudice to the generality of the foregoing, may make regulations -

- (a) in respect of any matter for which regulations are required to be made under this Act;
- (b) prescribing the forms for the purposes of this Act;
- (c) for the giving of effect of any reciprocal arrangement or agreement with a foreign government with respect to any matter under this Act;
- (d) exempting any category of persons from liability to pay contribution;
- (e) exempting any emolument or part of any emolument from liability to contribution;
- (f) prescribing anything required by this Act to be prescribed.

(2) Regulations made under subsection (1)(c) may modify or adapt this Act in its application to the matters

affected by any agreement or arrangement referred to in that subsection.

(3) The Minister may by regulations amend the Schedule.

Private  
Scheme

41. Nothing in this Act shall prevent an employer from operating, in addition to fulfilling his obligation under this Act, a private scheme providing any person in his employment with the same benefit as, or additional benefit to, the benefits under the Act.

#### SCHEDULE

(Section 30)

#### MEDICAL BOARD

1. The Medical Board shall consist of at least two medical practitioners who shall be appointed by the Minister.
2. The Minister shall appoint a member of the Medical Board to be its Chairman.
3. The quorum of the Medical Board shall be determined by the Minister.
4. The members of the Medical Board shall hold office on such term and condition as the Minister specifies in their instrument of appointment.
5. The Medical Board shall consider and decide on all medical matters connected with entitlement to benefit and in particular shall -
  - (a) advise on the cessation or change of medical treatment;
  - (b) advise the Minister on the degree of incapacity and dependence in connection with the widower's pension;
  - (c) advise the Minister on the prescription of occupational accidents and diseases in connection with the injury benefit;

- (d) assess the degree of invalidity of a person for the purposes of the invalidity benefit, and
  - (e) assess the degree of disability of a person in connection with the disability benefit.
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