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[30th December]

Supplement to Official Gazette



POLITICAL PARTIES (REGISTRATION AND  
REGULATION) ACT, 1991

(Act 19 of 1991)

*I assent,*

*F.A. René  
President*



*30th December, 1991.*

AN ACT to provide for the registration and regulation of the activities of political parties.

ENACTED by the President and the People's Assembly.

1. This Act may be cited as the Political Parties (Registration and Regulation) Act, 1991 and shall come into operation on such date as the President may, by notice in the Gazette, appoint.

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2. In this Act —

"office bearer" includes the leader of a political party;

"political party" means a combination of persons who have constituted themselves for a political purpose;

"registered" means registered under this Act;

"Registrar" means the Registrar of Political Parties appointed under section 3.

3.(1) There shall be a Registrar of Political Parties who shall be appointed by the President.

(2) Subject to subsection (3), the salary payable to and the term of office of the Registrar shall not be altered to his disadvantage after his appointment.

(3) Where the President appoints a public officer to be Registrar, subsection (2) shall not apply but the public officer shall not be subject to any disciplinary or similar proceeding, or threatened with such proceeding, or be dismissed, in connection with a decision taken in the exercise of his functions under this Act.

(4) The President may appoint such officers as may appear to him necessary for carrying out the purposes of this Act.

(5) The President may delegate the power of appointment under subsection (4) to the Registrar.

4.(1) The Registrar shall keep a register in which shall be recorded such particulars relating to a registered political party as may be prescribed.

(2) A copy of an entry in the register certified under the hand of the Registrar or a person authorised by the Registrar shall, for the purposes of any written law, be prima facie evidence of the facts stated in the certificate.

5.(1) A political party consisting of not less than 100 registered members may apply in the prescribed form to the Registrar for registration under this Act.

Applic  
for Re  
tion

(2) An application for registration shall be signed by the office bearers of the political party and shall be accompanied by —

- (a) two copies of the constitution, rules and political programme or manifesto of the party duly certified by the leader of the party,
- (b) the particulars of the registered office of the party;
- (c) a list giving the name, address and national identity number of not less than 100 registered members of the party;
- (d) a list giving the name, address and national identity number of the leader and other office bearers of the party;
- (e) such further information or document as the Registrar may require for the purpose of satisfying himself that the application complies with this Act or that the party is entitled to be registered under this Act.

(3) A list referred to in paragraph (c) and paragraph (d) shall be signed by each of the person named therein.

(4) A person shall not be considered to be a member of a political party for the purposes of this Act unless —

- (a) he has attained the age 18 years;
- (b) he is a Seychellois; and
- (c) he is resident in Seychelles.

6.(1) Where the Registrar registers a political party, he shall issue the party with a certificate of registration and shall register and stamp the copies of the constitution and rules of the party submitted with the application and return a copy thereof to the party.

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(2) A registered political party shall display its certificate of registration at its registered office.

(3) The Registrar shall, as soon as practicable, give notice of the registration of a political party in the Gazette.

7.(1) The Registrar may refuse to register a political party if he is satisfied that —

(a) the application is not in conformity with this Act;

(b) the name of the party —

(i) is identical to the name of a registered political party or a political party which has been cancelled under this Act or a political party whose application precedes the present application;

(ii) so nearly resembles the name of a registered political party or a political party which has been cancelled under this Act or a political party whose application precedes the present application as to be likely to deceive the members of the party or the public; or

(iii) is provocative or offends against public decency or contrary to any other written law as to be undesirable;

(c) any purpose or object of the party is unlawful.

(2) A political party shall be deemed to have a purpose or object which is unlawful for the purposes of this Act if —

(a) it seeks, directly or indirectly, to further ethnical, racial or religious discrimination or discrimination on the ground of colour;

(b) it advocates or seeks to effect political changes in the Republic through violence or unlawful means;

(c) it seeks to secede any part of the Republic from the Republic.

(3) For the purposes of determining whether a political party has an unlawful purpose or object the Registrar may consider any document, statement or matter made by or on behalf of the political party or by an office bearer of the party.

(4) Where the Registrar refuses to register a political party, he shall forthwith serve upon the party a notice in writing to this effect and shall specify the ground for his refusal.

8.(1) Where the Registrar refuses to register a political party, an office bearer of the party may, within 21 days after receiving the notice of refusal, appeal to the Supreme Court and the Supreme Court may make such order as it thinks fit and, notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court.

Appeal  
against  
refusal to  
register

(2) The Registrar shall be entitled to be heard on an appeal.

9.(1) The Registrar may cancel the registration of a political party —

Cancel  
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- (a) at the request of the party made and signed by the office bearers of the party;
- (b) on proof to the satisfaction of the Registrar that the registration of the party has been obtained by fraud or mistake;
- (c) on proof to the satisfaction of the Registrar that the party has a purpose or object which is unlawful;
- (d) on proof to the satisfaction of the Registrar that the number of registered members of the party has fallen below 100;
- (e) if the party, after notice of the Registrar, fails to comply with this Act;
- (f) the Registrar is satisfied that the party has ceased to exist.

(2) The Registrar shall, 21 days before proposing to cancel the registration of a political party, give notice in writing

to the party of its intention to cancel its registration and of the ground on which he intends to do so but no notice shall be required where subsection 1(a) or (e) applies.

(3) The Registrar shall, as soon as practicable after cancelling a political party, give notice of the cancellation of the political party in the Gazette.

10.(1) An office bearer of a political party in respect of which the Registrar has issued a notice under section 9(2) may, upon receipt of the notice and before the 21 days referred to in section 9(2) has elapsed, appeal to the Supreme Court against the finding of the Registrar contained in the notice of intended cancellation and the Supreme Court may make such order as it thinks fit and, notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court.

(2) Where the registration of a political party has been cancelled as a result of a request of the party or because the party has ceased to exist, a person who was a member of the party at the time of its cancellation may, within 14 days after the publication of the notice of cancellation in the Gazette, appeal to the Supreme Court against the cancellation and the Supreme Court may make such order as it thinks fit and, notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court.

(3) The Registrar shall be entitled to be heard on an appeal.

11. A registered political party shall, within 7 days of any change —

(a) occurring in the address of its registered office;

(b) among its office bearers or in the particulars of its office bearers,

notify the Registrar of such change.

12.(1) A registered political party shall, within 7 days of making an amendment to its constitution or rules, submit two copies of the amendment to the Registrar and the amendment

shall not have effect until it has been registered by the Registrar.

(2) Where the Registrar registers an amendment he shall stamp the two copies of the amendment and return a copy to the political party.

(3) The Registrar may refuse to register an amendment if it appears to the Registrar that by reason of the amendment the purpose or one of the objects of the party would be unlawful or the amendment contravenes this Act and the Registrar shall give notice in writing of the refusal to the party and shall specify the ground for the refusal.

(4) Where the Registrar refuses to register an amendment an office bearer of the political party may, within 14 days of the date of the notice of refusal, appeal to the Supreme Court and the Supreme Court may make such order as it thinks fit and, notwithstanding any other written law, no appeal shall lie against the decision of the Supreme Court.

(5) The Registrar shall be entitled to be heard on an appeal.

13.(1) The Registrar may, at any time after the registration of a political party, require the political party to submit to him any political programme, manifesto or other document issued or produced by it or in its name for any purpose.

Further information and Inspection

(2) The Registrar or a person authorised in writing by the Registrar may at any reasonable time inspect and take extract from or copies of, or require an office bearer or employee of a registered political party to produce in readable form and provide him with a copy of or extract from, the record of a registered political party.

14.(1) The Registrar, a person authorised by the Registrar or an officer appointed under section 3(4) shall not disclose any information, other than —

Confidentiality

- (i) the name of a registered political party;
- (ii) the address of the registered office of a registered political party;



- (iii) the particulars of the office bearers of a registered political party,

obtained in connection with or the course of the exercise of his functions under this Act except for the purposes of, or in connection with an offence under this Act or where required to do so under any other written law or the Court.

(2) The Registrar, a person authorised by the Registrar or an officer appointed under section 3(4) who fails to comply with subsection (1) commits an offence and is liable to a fine of R10,000 and 2 years imprisonment.

Onus of proof

15.(1) Where a written law —

- (a) prohibits the doing of anything except by, or  
(b) restricts the doing of anything to,

a registered political party, the onus of proving —

- (c) that a political party is registered under this Act shall be on the person who claims that it is so registered;  
(d) that he is an office bearer or member of or has been authorised by the registered political party in respect of which he claims to be acting shall be on the person who claims to be an office bearer or member of or to be authorised by the party.

Electioneering

16.(1) A political party or any other combination of persons shall not represent itself as a registered political party unless it is so registered.

(2) A political party or any other combination of persons shall not electioneer, or authorise a person to act on its behalf, in connection with or take part in a specified election unless it is a registered political party.

(3) A person shall not act on behalf of or represent himself as acting on behalf of a political party or any other combination of persons in connection with or for the purpose of a

(a) the political party or combination of persons is a registered political party; and

(b) the person is a member of or has been authorised in writing to act on behalf of the registered political party.

(4) A political party or any other combination of persons or any person who contravenes this section is guilty of an offence and liable to a fine of R30,000.

17.(1) A person who —

(a) for the purpose of obtaining the registration of a political party, wilfully -

(i) furnishes any false or misleading information;

(ii) makes any false declaration, or

(iii) forges or otherwise submits any document which he knows is false or misleading,

to the Registrar or any person authorised by the Registrar;

(b) fails to furnish the Registrar or any person authorised by the Registrar with any information, document or extract when required or within the time required;

(c) obstructs the Registrar or any person authorised by the Registrar in the performance of his functions under this Act;

is guilty of an offence and liable to a fine of R10,000 and imprisonment for 2 years.

18.(1) An office bearer of a registered political party shall not distribute to any person, other than the Registrar or a person authorised by the Registrar in connection with the performance of his functions under this Act or a police officer in connection with an offence under this Act or any other written law, a document which purports to be a copy of or a copy

False information,  
obstruction etc of  
Registrar

Copy of constitution

of a part of or an extract from the constitution or rules of the political party unless the document is an exact copy of or an exact copy of the part of or exact extract from the latest registered copy of the constitution or rules of the political party.

(2) An office bearer who contravenes subsection (1) is guilty of an offence and is liable to a fine of R5000 and to imprisonment for 6 months.

Failure to  
notify changes

19. A registered political party which fails to comply with section 11 or section 12 is guilty of an offence and liable to a fine of R10,000 and to a further fine of R100 for each day the offence continues after conviction.

Offences by a  
political party

20. Where a political party, whether registered or not, or any other combination of person commits an offence under this Act every office bearer of the political party or combination of persons shall be deemed to commit the offence unless it is proved —

(a) that the office bearer did not know of the act or omission constituting the offence; or

(b) that the offence is not attributable to the negligence of the office bearer.

Regulations

21. The President may make regulations for carrying into effect the provisions of this Act and for matters necessary or required to be prescribed or specified under this Act.

Rules

22. The Chief Justice may make rules of the Supreme Court for the purposes of an appeal unless this Act.

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I certify that this is a correct copy of the Bill which was passed by the People's Assembly on the 27th December, 1991.

F. Shroff

Clerk to the People's Assembly

