

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CHAPTER 137

NATIONAL COUNCIL FOR CHILDREN ACT

[1st January, 1981]

Act 30 of 1980
Act 9 of 1991
Act 9 of 1997

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

1. Short title
2. Interpretation

PART II - THE COUNCIL

3. National Council for Children
4. Patron
5. Functions

PART III - ADMINISTRATION AND PROCEDURE

6. Council meetings
7. Execution of deeds
8. Officers and staff
9. Funds of the Council
10. Accounts and audit
11. Annual report

PART IV - MISCELLANEOUS

12. Exemptions
13. Regulations

PART I. - PRELIMINARY

1. This Act may be cited as the National Council for Children Act.
2. In this Act,
 - "Chairman" means the Chairman of the Council;
 - "Council" means the National Council for Children established under section 3;
 - "member" means a member of the Council.

PART II. - THE COUNCIL

3. (1) There is established by this Act the National Council for Children in Seychelles, which shall be a body corporate with perpetual succession.
 - (2) The Council shall consist of 12 members who shall be appointed by the President.
 - (3) The President shall appoint two of the members of the Council to be its Chairman and Vice-Chairman respectively.
 - (4) A member shall hold office for such term and on such conditions as the President may determine and shall, at the expiry of his term of office, be eligible for re-appointment.
4. The Council shall appoint as Patron a person devoted to the functions of the Council.
5. (1) The functions of the Council shall be -
 - (a) to advocate and protect the interests of the children;
 - (b) to promote the well-being of children and families;
 - (c) to promote positive family values;
 - (d) to collaborate with and support providers of care and assistance to children in need;
 - (e) to advise and support agencies that administered and provide facilities for the welfare of the children;
 - (f) to collaborate with other persons and public and private organisations, both nationally and internationally, in furtherance of the welfare of the children;
 - (g) to initiate reforms in legislation, policies and practices pertaining to children;
 - (h) to advise Government on all matters relating to children and families;
 - (i) to raise greater awareness on issues relating to children;
 - (j) to promote and provide training of all persons involved with children on a professional basis;

- (k) to work for the prevention of all forms of child abuse;
- (l) to promote and develop treatment programmes for children and families;
- (m) to undertake such other activities in relation to the care and well-being of children as may be provided by or under any written law;
- (n) to carry out research and other activities in furtherance of the aforementioned functions;
- (o) to promote the implementation of the United Nations Convention on the Rights of the Child; and
- (p) to raise funds in Seychelles or elsewhere to enable it to carry out the aforementioned functions.

(2) Subject to this Act, the Council shall have power to do all things necessary or convenient to be done for, or in connection with, or incidental to, the exercise of its functions.

PART III. - ADMINISTRATION AND PROCEDURE

6. (1) Subject to this section, the Council shall regulate its meetings and proceedings in such manner as it thinks fit.

(2) The Council shall meet at least once every 3 months but otherwise at such intervals as the Council may decide or when convened by the Chairman for a special meeting in accordance with subsection (3).

(3) Subject to subsection (4), the Chairman may at any time, and shall, without delay at the request of at least 3 members, convene a special meeting of the Council.

(4) The Chairman shall give at least 7 days' notice of a special meeting of the Council and in the notice the Chairman shall also specify the purpose for which the meeting has been convened.

(5) Subject to subsection (6), the Chairman and 4 other members shall constitute a quorum for a meeting of the Council

(6) Where the Chairman is absent from Seychelles or is unable to attend a meeting, 5 members shall constitute a quorum for a meeting of the Council.

(7) At a meeting of the Council -

- (a) the Chairman or, in his absence, the Vice-Chairman, or in the absence of both the Chairman and the Vice-Chairman, the member elected to preside at the meeting by the members present, shall preside;
- (b) all questions shall be decided by a majority of votes of the members present and voting;
- (c) each member shall have one vote but the Chairman or person presiding at the meeting shall, in the event of an equality of votes, have also a casting of vote.

7. All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Council if they are -

- (a) sealed with the seal of the Council; and
- (b) signed by -
 - (i) the Chairman or by a person delegated by him in writing to exercise his powers under this section either generally or for a particular purpose; and
 - (ii) one other member of the Council.

8. (1) The Council shall appoint or employ such officers and staff as may be reasonably necessary for the purposes of or in connection with its functions under this Act on such terms and conditions as the Council may determine.

- (2) The Council may -
 - (a) provide for training, career development and discipline for its officers and staff;
 - (b) give directions to its officers and staff with regard to any matter and the officers and staff shall comply with the directions.
- (3) The officers and staff shall be under the administrative control of the Council.

9. (1) The funds and property of the Council shall consist of -

- (a) moneys provided to the Council by the Government;
- (b) moneys and property lawfully received by the Council by way of grant, subsidy, donation, loan or otherwise for the purposes of the Council;
- (c) moneys due on any investment made by the Council;
- (d) moneys derived from the sale of any property of the Council;
- (e) income derived from any assets of the Council.

(2) The Council may apply its funds and property -

- (a) for the purpose of paying the expenses and meeting any other financial obligations of the Council;
- (b) for any purpose in connection with, or for the furtherance of any of, the functions of the Council.

10. (1) Unless the Minister responsible for Finance otherwise directs, the financial year of the Council shall end on the 31st December of each year.

(2) The Council shall -

- (a) cause to be prepared before the beginning of each financial year estimates of its income and expenditures for the financial year;
- (b) cause to be kept proper books and records of its income, expenditure, assets and liabilities;
- (c) cause the accounts of the Council at the end of each financial year to be audited by an auditor qualified in accordance with the Companies Act and appointed by the Council.

(3) The auditor appointed for the purposes of subsection (2)(c) shall satisfy himself that the accounts of the Council have been properly prepared in accordance with sound accounting principles and shall submit his report in respect of the accounts to the Council.

11. The Council shall within 6 months after each financial year publish an annual report dealing with the work of the Council during the preceding year.

PART IV. - MISCELLANEOUS

12. (1) The Council shall not be subject to the Companies Act.

(2) The Council shall not be liable to any taxation or duty imposed by law in respect of income, whether gross or net, profits, gifts or legacies, or to any duty, fee, rate, cess or other impost under any law.

(3) No duty shall be chargeable under the Stamp Duty Act in respect of any instrument executed by or on behalf of, or in favour of, the Council.

(4) The Minister may, whether for the purpose of removing doubt as to the extent of this section or for the purpose of extending the immunities of the Council, by order in the Gazette specify any tax, duty, fee, rate, cess or other impost as one to which the Council shall not be liable, and the law relating thereto shall have effect accordingly.

(5) No liability shall be incurred by, and no action shall be brought against, the Council or any of its officers or staff in respect of any advice given in good faith by it or them.

13. The Minister may make regulations for the better carrying out the objects and provisions of this Act.

NO SUBSIDIARY LEGISLATION
