



LAWS OF SEYCHELLES

ESSENTIAL SERVICES AND PROPERTY PROTECTION ACT

CHAPTER 72

REVISED EDITION 1991

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THE GOVERNMENT PRINTER

CHAPTER 72

ESSENTIAL SERVICES AND PROPERTY PROTECTION
ACT

[6th November, 1961]

ARRANGEMENT OF SECTIONS

Act 34 of 1961.
Act 8 of 1963.
Act 32 of 1964.
Act 32 of 1967.
Act 12 of 1971.
S.I. 95 of 1975.
S.I. 22 of 1976.
Act 23 of 1976.

SECTION

1. Short title.
2. Interpretation
3. Breach or termination of contract in essential services.
4. Breach or termination of contract endangering life or property.
5. Fiat of Attorney General. Bar to prosecution.

1. This Act may be cited as the Essential Services and Property Protection Act.

Short title.
3/23/1976.

2. In this Act "Union" has the same meaning as in the Employment Act.

Interpretation.
Cap. 69.

3.(1) Every person employed in an essential service who wilfully breaks or terminates his contract of service, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the public, wholly or to any extent, of that service, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both such fine and imprisonment:

Breach or termination of contract in essential services.
3/32/1964.
2/32/1967.
2/12/1971.
S.I. 95/1975.
S.I. 72.1976.

Provided that where any collective withdrawal of labour from an essential service is contemplated, whether in pursuance of a trade dispute or otherwise, and notice in writing of their intended participation in such withdrawal is given either individually by persons employed in that service or on their behalf by the Union of which such persons are members, any such person shall not be liable under this subsection unless he breaks or terminates his contract of service before the expiration of the period of twenty-eight days next following the delivery of that notice.

(2) The President may make regulations prescribing the form and manner in which the notice referred to in subsection (1) shall be rendered.

(3) Every person who incites or instigates or in any way en-

courages, persuades or influences a person employed in an essential service to break or terminate his contract of service, knowing or having reasonable cause to believe that the probable consequences of that employed person so doing, either alone or in combination with others, would be to deprive the public wholly or to any extent, of that service, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding one year or to both such fine and imprisonment.

(4) Every employer in an essential service shall cause to be posted up on all premises used for the purpose of that service, a printed copy of this section in some conspicuous place where the same may conveniently be read by persons employed therein, and as often as such copy becomes defaced, obliterated, destroyed or removed, shall cause it to be replaced with all reasonable despatch.

(5) Every person who unlawfully injures, defaces, obliterated, destroys or removes any printed copy of this section posted up as required by subsection (4) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred rupees.

(6) For the purposes of this section —

- (a) each of the services specified in the Schedule shall be an essential service;
- (b) save as is otherwise provided in this Act "employer" includes Government and the term "person employed" or "employed person" includes a person employed by Government.

(7) The President may, by notice published in the *Gazette*, add any service to, and delete any service from, the Schedule or otherwise amend the contents thereof.

Breach of termination of contract endangering life or property.

4.(1) Any person who wilfully breaks or terminates a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life or cause serious bodily injury, or to expose valuable property, whether movable or immovable, to destruction or serious injury, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both such fine and imprisonment.

(2) Every person who incites or instigates, or in any way encourages, persuades or influences another to break or terminate a

contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of that other person so doing would be to endanger human life or cause serious bodily injury or to expose valuable property, whether movable or immovable to destruction or serious injury, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding one year or to both such fine and imprisonment.

5(1) No prosecution for an offence under either section 2 or section 3 shall be commenced without the written consent of the Attorney-General.

Fiat of Attorney-General.
Bar to prosecution. 3/23/1976.

(2) No person shall be prosecuted for an offence under subsection (1) of section 3 or subsection (1) of section 4 if he —

- (a) terminates his contract with the written consent of his employer; or
- (b) terminates his contract —
 - (i) in the case of a contract of service made in writing by giving his employer such notice as may be therein specified; or
 - (ii) in all other cases by giving his employer one month's notice in writing.

SCHEDULE

[SECTION 3 (6) (a)]

S.I. 78/1973.
S.I. 10/1974.
S.I. 25/1978.

SERVICES

Air traffic;
Airport management;
Cables and wireless communications;
Electricity;
Fire;
Government broadcasting;
Health;
Hospital;
Loading, unloading and servicing of ships and aircraft;

SERVICES

Meteorological, telecommunications, security, fire and crash services connected with airports;

Sanitary;

Telephone;

Water;

Supply of petroleum products;

Mechanical Workshops, Public works Department of the Government of Seychelles;

Public Transport.



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(SUBSIDIARY LEGISLATION)

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THE GOVERNMENT PRINTER

SECTION 3(2)

The Essential Services and Property Protection RegulationsS.I. 87 of 1972.
S.I. 54 of 1985.*(17th July, 1972)*

1. These regulations may be cited as the Essential Services and Property Protection Regulations.

Citation.

2. The forms of notice set out in the Schedule are hereby prescribed for the purposes of sub-section (1) of section 2 of the Act.

Forms of notice
to be given.

3. Notice in accordance with sub-section (1) of section 2 of the Act shall be rendered in the following manner:

Manner of
rendering
notice.
S.I. 54/1985.

(a) The relevant form of notice prescribed by regulation 2 shall be prepared in triplicate and the first and second copies thereof shall be delivered to the Employer and the Principal Secretary, Ministry of Employment and Social Affairs respectively for retention.

(b) At the time of such delivery,

(i) the third copy thereof shall be produced to the Employer and the Principal Secretary, Ministry of Employment and Social Affairs respectively for their respective endorsements of acknowledgement of delivery and after each such endorsement shall be returned to the individual employee or to the Union, as the case may be, rendering such notice; and

(ii) the Employer and the Principal Secretary, Ministry of Employment and Social Affairs shall also each endorse their own respective copies of such notice with the details of their own respective acknowledgement of delivery as endorsed on the third copy.

4. Delivery of notice rendered pursuant to these regulations shall be complete only when the appropriate copies of such notice have been delivered to both the Employer and the Principal Secretary, Ministry of Employment and Social Services.

When delivery
completed.
S.I. 54/1985.

SCHEDULE

FORM 1. NOTICE BY INDIVIDUAL EMPLOYEE

To be completed in triplicate.

ESSENTIAL SERVICES AND PROPERTY PROTECTION
ACT

NOTICE

Date.....

Insert
Employer's
name and ad-
dress.

To:

.....

.....

.....

Pursuant to sub-section (1) of section 3 of the Essential Services and
Property Protection Act, I HEREBY GIVE NOTICE that I, being
employed in the following essential service, namely,

.....

.....

.....

intend to participate in a collective withdrawal of labour from such
service.

Insert name
and address of
employee.

Signed.....

.....

**ACKNOWLEDGEMENT OF DELIVERY OF NOTICE BY
EMPLOYER**

Received Notice, of which the foregoing is a copy, delivered to me
on the day of 19.....

Signed.....
(for) Employer.

Occupation of person).....

Signing for Employer).....

**ACKNOWLEDGEMENT OF DELIVERY OF NOTICE
BYBY PRINCIPAL SECRETARY, EMPLOYMENT AND
SOCIAL AFFAIRS**

Received Notice, of which the foregoing is a copy, delivered to me
on the day of 19.....

Signed
(for) Principal Secretary

FORM 2.- NOTICE BY THE UNION

(To be completed in triplicate)

**ESSENTIAL SERVICES AND PROPERTY PROTECTION
ACT NOTICE**

Date.....

Insert
Employer's
name and ad-
dress.

To

.....

.....

.....

Pursuant to sub-section (1) of Section 3 of the Essential Services and Property Protection Act I HEREBY GIVE NOTICE on behalf of such of our members who are employed in the following essential service(s) namely.

Insert name(s)
of essential ser-
vices(s)

.....
.....
.....
.....

that such members intend to participate in a collective withdrawal of labour from such service(s).

To be signed
by secretary or
other
authorised offi-
cial of the
Union.

Signed

.....
.....
.....
.....

Name(s) and
address(es) of
the union.

.....
.....
.....
.....

**ACKNOWLEDGEMENT OF DELIVERY OF NOTICE BY
EMPLOYER**

Received Notice, of which the foregoing is a copy, delivered to me
on the day of 19.....

Signed.....
for) Employer

.....
.....

Occupation of
persons signing
for Employer

**ACKNOWLEDGEMENT OF DELIVERY OF NOTICE BY
PRINCIPAL SECRETARY, EMPLOYMENT AND SOCIAL
AFFAIRS**

Received notice, of which the foregoing is a copy, delivered to me
on the day of 19.....

Signed.....
(for) Principal Secretary