

NATIONAL IDENTITY CARDS ACT, 1995

(Act 10 of 1995)

An Act to provide for the issue of National Identity Cards to resident of Seychelles and for matters connected therewith.

ENACTED by the President and the National Assembly.

1.This Act may be cited as the National Identity Cards Act,1995

2.In this Act

“resident” means a person ordinarily resident in Seychelles for a continuous period exceeding 3 months other than a person who is the holder of a visitor’s permit under section 16 of the immigration Decree.

3.The Chief Officer of the civil Status shall be responsible for the administration of this Act.

4.(1) Every resident shall hold a national Identity Card issued by the Chief Officer of the Civil Status on application made under section 5.

(2)The National Identity Card shall be in form 1 of Part 1 of the schedule and shall bear a National Identity Number.

(3)A National Identity Card issued to a resident before the commencement of the Act shall be deemed for the purposes of this Act to be a National Identity Card issued under this Act.

(4)A resident who, on the commencement of this Act or on the date of commencement of the residence in Seychelles, does not hold a National Identity Card shall not contravene subsection.

(1) if the resident applies for and obtains a National Identity Card within 90 days of the commencement of this Act or the commencement of the residence in Seychelles, as the case may be.

(5) A National Identity Card shall be valid

(a) in the case of a citizen of Seychelles, for a period of ten years from the date

Of its issue;

(b) in any other case, for the period for which it is issued.

(6) Where for the purpose of providing any services to a person a public authority requires the production of the National Identity Card of the person, the public authority may treat the person as a non-resident if the person fails to produce the National Identity Card or fails to satisfy the Authority that the person is a resident or is entitled to the provision of services as a resident.

(7) For the purpose of subsection (6), a public authority means a Ministry, department, division or agency of the Government.

5. (1) An applicant for a National Identity Card shall make an application in Form 2 of Part 1 of the schedule, and shall furnish to the Chief Officer of the Civil Status the following particulars in respect of the applicant-

(a) the full name;

(b) the address;

(c) the full name of the mother;

(d) the date of birth;

(e) the sex

(2) An applicant for a National Identity Card in respect of a child under the age of fourteen years may be made on behalf of the child by the parent or guardian of the child.

(3) The Chief Officer of the Civil Status may, for the purposes of the issue of a National Identity Card require an applicant for a National Identity Card or where the applicant is made on behalf of a child, the child, other than a child under the age of five years-

(a) to present the applicant or the child to be photographed; and

(b) to furnish a specimen of the signature and the right thumb print or any other finger print of the applicant or the child.

(4) The Chief Officer of the Civil Status shall not require a person who is illiterate to furnish the specimen of the signature, and a person who by reason of any physical deformity is not able to furnish an imprint of the finger to furnish the imprint, under subsection (3) (b)

(6) (1) For the purposes of this Act, the Chief Officer of the Civil Status or any other person authorized by the Chief Officer may, on application made under this section by or on behalf of a resident whose birth is registered in Seychelles, issue to the resident without the levy of a fee prescribed under the Civil Status Act a copy of the act of birth of the resident.

(2) An application under subsection (1) shall be made-

(a) in the case of a child under the age of fourteen years by the parent or guardian of the child

(b) in any other case by the resident.

7. A holder of a National Identity Card shall notify the Chief Officer of the Civil and within 60 days of the change.

8. (1) Where the holder of National Identity Card

(a) notifies under section 7 the Chief Officer of the Civil Status of any change of name;

(b) satisfies the Chief Officer of Civil Status that the National Identity Card is lost or defaced or has ceased to be valid under section 4 (5),

The Chief Officer of the Civil Status shall issue the holder a new National Identity Card.

(2) The holder of a National Identity Card shall-

(a) where the holder has notified the Chief Officer of the Civil Status of any change of name under section 7; or

(b) where the National Identity Card is defaced or has ceased to be valid,

Surrender to the Chief Officer of the Civil Status before the issue of a new National Identity Card under subsection (1) the National Identity Card in respect of which a new card is issued.

(3) The holder of a National Identity Card shall pay to the Chief Officer of the Civil Status the fee specified in Part II of the Schedule for the issue of a new National Identity Card except on the ground that the card ceased to be valid under section 4 (5) or any other ground which the Chief Officer of the Civil Status consider reasonable.

(4) The fee paid under subsection (3) shall be credited to the Consolidated Fund

9. (1) Subject to subsections (2) and (3), a person shall not either directly or indirectly divulge or communicate, otherwise than in the performance of the functions under this Act, any information acquired under this Act in respect of an applicant for a National Identity Card.

(2) Subsection (1) shall not prevent the divulging or communications of the information in respect of an applicant for a National Identity Card-

(a) to the applicant, if so required by the applicant

(b) to any person, if required by or under any written law;

(c) to any court, if so required in relation to any proceedings before the Court.

(3) Any information acquired under this Act in respect of an applicant for a National Identity Card, may in the case of a citizen of Seychelles, be used in the preparation or revision of a register of voters under any law relating to elections or a referendum.

10. (1) Any person who-

- (a) contravenes section 4 (1);
- (b) in an application under section 5 (1), knowingly furnishes any false information
- (c) fails to present the person to be photographed or to furnish the specimen of the signature or the right thumb print or other finger print, if so required under section 5 (3) (b);
- (d) fails to notify the change of name under section 7 within the time specified in that section;
- (e) fails to surrender a National Identity Card under section 8 (2)
- (f) contravenes section 9 (1)

Is guilty of an offence and is liable on conviction, in the case of an offence under paragraph (b) of subsection (1) to a fine of R5000 and to imprisonment for one year and in the case of an offence under any other paragraph of that subsection to a fine of R5000.

(2) Where the person who commits an offence under subsection (1)(a), (b),(c),(d) or (e) is a child under the age of fourteen years, the parent or guardian of the child who has the custody of the child, shall, where the parent or guardian has wilfully contributed to the commission of the offence, be deemed to have committed such offence.

11. The Minister may make regulations for carrying into effect the purposes and provisions of the Act.