



# Official Gazette

**No. 35**

**XLV**

**No. 35**

**Published by Authority**

**Monday 30th March 2020**

## GOVERNMENT NOTICES

The following Government Notices are published by Order of the President.

No. 238 of 2020

## GAZETTE SUPPLEMENTS

The following Regulations are published as Legal Supplements to this number of the Official Gazette.

<b>Gazette</b>	<b>Description</b>	<b>Price</b>
35	Employment (Coronavirus Special Leave) (Temporary Measures) Regulations, 2020. (S.I. 57 of 2020)	11.00
	Public Health (Infectious Disease) (Amendment) (No. 2) Regulations, 2020. (S.I. 58 of 2020)	5.00

No. 239 of 2020

## INTERNATIONAL BUSINESS COMPANIES ACT

*(Act 15 of 2016)*

### Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from 17th March, 2020 in accordance with Section 297(3)(a) of the Act.

<b><u>Company Name</u></b>	<b><u>IBC No.</u></b>
FAVOUR SKY LIMITED 天澤有限公司	90096
HUIHUANG IMPORT & EXPORT CO., LIMITED 輝煌进出口有限公司	168121
	Financial Services Authority

No. 240 of 2020

## INTERNATIONAL BUSINESS COMPANIES ACT

*(Act 15 of 2016)*

### Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to

dissolution, with effect from 18th March, 2020 in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
REDOT Foods Ltd. 紅點餐飲股份有限公司	192042
KIMBELL HOLDINGS LTD	49326
CITADINES LIMITED	197242

Financial Services Authority

No. 241 of 2020

**INTERNATIONAL BUSINESS COMPANIES ACT**

*(Act 15 of 2016)*

**Sections 297(3)(a) and 297(5)**

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from 19th March, 2020 in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
JOLICOUR HOLDINGS LIMITED	169341
SUCCESS GLOBAL LIMITED	175523
XCHANGE LTD	56326

Financial Services Authority

No. 242 of 2020

**INTERNATIONAL BUSINESS COMPANIES ACT**

*(Act 15 of 2016)*

**Sections 297(3)(a) and 297(5)**

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from 20th March, 2020 in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
Novel Suggestion Co., Ltd.	98464
INTERNATIONAL DATA TECHNOLOGIES INC.	158695
NORTH WIND TRADING CO., LTD.	133066

Financial Services Authority

No. 243 of 2020

**INTERNATIONAL BUSINESS COMPANIES ACT**

*(Act 15 of 2016)*

**Sections 297(3)(a) and 297(5)**

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that **TIDEWAY CAPITAL LIMITED, No. 97377** has been struck off the register owing to dissolution, with effect from 5th March, 2020 in accordance with Section 297(3)(a) of the Act.

Financial Services Authority

No. 244 of 2020

NOTICE

Notice is hereby given in pursuance of Section 96 of the Civil Status Act (Cap. 34) that the Chief Officer of the Civil Status has granted the under noted applications made under section 94 of Cap. 34.

Ms. Celina Morel & Tom Fonseka authorized to change their daughter's name from Heidi Priya Morel to Heidi Priya Fonseka.

N. Flore  
For: Chief Officer of the Civil Status

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No. 245 of 2020

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Marco Lorenzo Francis to Maarco Lorenzo Francis agreeable with sections 94-99 of Cap. 34. Any person interested may oppose such application by filing a protest in writing setting forth his/her grounds of objections.

Mr Marco Francis  
Anse a La Mouche  
Mahe

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No. 246 of 2020



# Central Bank of Seychelles

## Statement of Financial Position

as at 31 December 2019

Final Closing

	Seychelles Rupees
<b>ASSETS</b>	
Cash and cash equivalents	4,443,837,821.48
Other balances and placements	746,481,708.41
Financial assets at fair value through profit or loss	3,023,720,670.76
Investment securities	1,195,093,977.19
Loans and advances	45,344,149.76
Other assets	45,323,528.13
Currency replacement costs	23,407,366.38
Property and equipment	98,903,905.02
Intangible assets	2,211,523.13
<b>Total assets</b>	<b>9,624,324,650.26</b>
<b>LIABILITIES</b>	
Currency in circulation	1,510,295,368.00
Deposits from Government	2,696,489,992.98
Deposits from banks	2,930,565,973.06
Deposits from other financial institutions	78,249,145.59
Other deposits	48,911,635.60
Open Market Operations	875,328,831.71
Other liabilities	57,433,244.22
International Monetary Fund obligations	546,459,625.02
<b>Total liabilities</b>	<b>8,743,733,816.18</b>
<b>EQUITY</b>	
<b>Capital and reserves</b>	
Authorised capital	130,227,018.51
General reserve	153,436,281.87
Revaluation reserve	593,768,533.70
Actuarial reserve	3,159,000.00
<b>Total equity</b>	<b>880,590,834.08</b>
<b>Total equity and liabilities</b>	<b>9,624,324,650.26</b>

**J. Sullivan (Ms)**

Second Deputy Governor

**M. Tirant**

Head of Division - Banking Services

**APPROPRIATION (AMENDMENT) BILL, 2020***(Bill No. 14 of 2020)***OBJECTS AND REASONS**

The COVID-19 pandemic which has affected the world has also significantly affected the Republic of Seychelles.

Consequently it has become necessary to reconsider and revise the budget for 2020 to meet the exigencies and consequences of the COVID-19 pandemic to the financial requirements of the Republic of Seychelles.

Therefore, it is necessary to amend the Appropriation Act, 2020 (Act 1 of 2020).

In view of the above, this Bill seeks to amend the Appropriation Act, 2020, to provide for the payment, out of the Consolidated Fund, of moneys required by the Budget for the year ending December 31<sup>st</sup>, 2020.

**Dated this 30<sup>th</sup> day of March, 2020.**

**FRANK D.R. ALLY  
ATTORNEY GENERAL**

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**APPROPRIATION (AMENDMENT) BILL, 2020**

*(Bill No. 14 of 2020)*



**A BILL**

**OF**

**AN ACT to amend the Appropriation Act, 2020.**

**ENACTED** by the President and the National Assembly.

**1.** This Act may be cited as the Appropriation (Amendment) Act, 2020. Short title

Amendment of  
Act 1 of 2020

**2.** The Appropriation Act, 2020 is hereby amended by repealing section 2 and substituting therefor the following —

**“2.** The Minister of Finance, Trade, Investment and Economic Planning, may by warrant under the hand of the Minister authorise the issue from the Consolidated Fund for the services of the Republic for the year 2020, of a sum not exceeding **Ten Billion Four Hundred and Forty Seven Million One Hundred and Fifty One Thousand Five Hundred and Forty Seven Rupees (10,447,151,547)** which sum shall be appropriated in accordance with the Schedule for the purposes specified therein.

### SCHEDULE

<b>Allocation of Authorised Expenditure</b>	<b>R'000</b>
Office of the President	62,300
Office of the Designated Minister	9,516
Department of Legal Affairs	141,109
Department of Defence	322,740
Department of Public Administration	21,885
Department of Information Technology and Communication	57,658
Department of Blue Economy	83,327
Department of Information	3,699
Disaster and Risk Management	9,774
The Judiciary	99,179
The Legislature	39,893
Office of the Auditor General	19,555
Office of the Ombudsman	3,112
Office of the Public Service Appeals Board	1,183
Constitutional Appointments Authority	1,850
Electoral Commission	8,593

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Ministry of Finance, Trade, Investment and Economic Planning	137,322
Department of Foreign Affairs	108,712
Department of Police	532,813
Department of Prison	80,457
Regional Maritime Security Bodies	7,804
Ministry of Fisheries and Agriculture	18,012
Ministry of Education and Human Resources Development	901,763
Ministry of Habitat, Infrastructure and Land Transport	272,776
Department of Local Government	148,389
Ministry of Health	42,988
Ministry of Tourism, Civil Aviation, Ports and Marine	58,835
Ministry of Employment, Immigration and Civil Status	86,595
Ministry of Environment, Energy and Climate Change	99,772
Department of Youth and Sports	8,627
Department of Culture	90,714
Ministry of Family Affairs	70,802
Department of Industry and Entrepreneurship Development	3,713
Office of the Mayor of Victoria	4,065
Institute of Early Childhood Development	17,077
Seychelles Licensing Authority	17,217
Fair Trading Commission	14,154
National Bureau of Statistics	15,108
Seychelles Revenue Commission	137,502
Procurement Oversight Unit	13,540
National Tender Board	3,889
Tax and Customs Agent Board Revenue Tribunal	1,497
Seychelles Investment Board	8,076
Public Enterprise Monitoring Commission	7,448
Government Audit Committee	894
Financial Intelligence Unit	19,696

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Seychelles Bureau of Standards	23,188
Seychelles Qualifications Authority	6,971
Tertiary Education Commission	2,850
Seychelles Planning Authority	17,980
Seychelles Energy Commission	5,512
Public Officers' Ethics Commission	2,886
Seychelles Human Rights Commission	5,649
Seychelles Media Commission	2,718
Health Care Agency	1,024,780
Public Health Authority	59,564
Industrial Estate Authority	11,534
Seychelles Nurses and Midwives Council	1,506
Anti-Corruption Commission	17,074
Road Transport Commission	10,587
Seychelles Maritime Safety Administration	10,056
Seychelles Meteorological Authority	15,154
Seychelles Intelligence Service	12,587
Information Commission	3,013
The Truth, Reconciliation and National Unity Commission	11,319
Seychelles Tourism Board	141,042
National Institute of Technology, Science and Innovation	5,469
Seychelles Fire and Rescue Service Agency	68,092
Seychelles Land Transport Agency	187,049
Seychelles Agricultural Agency	64,561
Enterprise Seychelles Agency	10,685
Agency for Social Protection	38,939
Agency for National Human Resources Development	169,084
Landscape and Waste Management Agency	240,402
Seychelles National Youth Council	26,939
National Aids Council	4,065

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National Council for Children	13,938
National Council for the Elderly	11,310
National Council for the Disabled	3,551
National Sports Council	60,685
Social Workers Council	659
National Arts Council	11,025
National Botanical Gardens Foundation	13,766
Creative Industry and National Events Agency	23,215
Creole Institute of Seychelles	6,107
Seychelles Heritage Foundation	11,065
Seychelles Broadcasting Corporation	267,569
National Biosecurity Agency	28,089
Agency for Prevention of Drug Abuse and Rehabilitation	68,492
Other Wages and Salaries	233,680
Other Goods and Services	123,042
Social Programs of Central Government	1,263,122
Subvention to Public Enterprises	273,971
Benefits and Approved Programs of Agency for Social Protection	1,510,616
Others	34,936
Net Lending	171,978
Development Grants to Public Enterprises	174,453
Contingency	105,000
Tax Exemption	20,000
<b>GRAND TOTAL</b>	<b>10,447,151.547 ”.</b>

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**S.I. 58 of 2020****PUBLIC HEALTH ACT, 2015***(Act 13 of 2015)***Public Health (Infectious Disease) (Amendment) (No.2)  
Regulations, 2020**

In exercise of the powers conferred by section 64 and section 65 of the Public Health Act, 2015, the President being the Minister responsible for Health makes the following regulations —

**1.** These regulations may be cited as the Public Health (Infectious Disease) (Amendment) (No.2) Regulations, 2020.

Citation

**2.** The Public Health (Infectious Disease) Regulations are hereby amended as follows —

Amendment of  
S.I. 8 of 1960  
as amended by  
S.I. 41 of 2020

(a) in regulation 9 —

- (i) by renumbering regulation 9 as subregulation (1) of that regulation;
- (ii) in subregulation (1), so renumbered, by repealing in paragraph (c) the word “ten” and substituting therefor the word “four”;
- (iii) by inserting after subregulation (1) the following regulation subregulations —

“(2) Where a prohibition order under regulation 8 is in force, the Commissioner may, by notice, order any restrictions or conditions for the opening hours of, or the number of person in, or outside, any trade

premises including any retail or food outlet and give directions to the owner, manager, or any person in control, of the trade premises in respect of social or physical distancing and hygiene to be observed by the workers, occupier and consumers so as to remove the risk of infection or spread of an infectious disease.”

(3) Unless otherwise expressly specified in a prohibition order under regulation 8, an order prohibiting indoor public assemblies shall not have the effect of prohibiting assembly exclusively for the purposes of work at the workplace or shopping or consumption at any trade premises or making use of any service including medical assistance, provided that the employer, worker, owner, manager, consumer or any person in control of the premises shall comply with any direction of the Commissioner in respect of social or physical distancing and hygiene.

(4) Subject to subregulation (5), a prohibition order shall not apply to a dwelling.

(5) If in the opinion of a Commissioner, a building is so overcrowded as to expose the occupants to the risk of infection by an infectious disease, the Commissioner may, by notice in writing, direct the owner, occupier or any person in control of the building to abate the overcrowding or to close or vacate the building or part thereof within the time specified in the notice.

(6) Where a notice has been issued under this regulation, a police officer may, without prejudice to any proceedings, which may be taken against a person acting in breach of the notice, take such steps and use such force as may be necessary to ensure compliance with the notice.

(7) Any person who, while a notice under this regulation is in force, enters or is found upon any premises affected by the notice, shall commit an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

(8) An employer, worker, owner, manager, occupier, consumer or any person in control of a building who fails to comply with a notice of the Commissioner under regulation 9(2) commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years or to both.

(9) An employer, worker, owner, manager, occupier, consumer or any person in control of a building who fails to comply with the direction of the Commissioner in respect of social or physical distancing commits an offence and is liable on conviction to a fine not exceeding SCR20,000 or imprisonment for a period not exceeding two years.

(b) in regulation 11 —

- (i) by renumbering regulation 11 as subregulation (1) of that regulation;
- (ii) in regulation (1) so renumbered by repealing the word “ten” and substituting therefor the words “four”;
- (iii) by inserting after subregulation (1), the following subregulation —

“(2) Unless otherwise expressly specified in a prohibition order under regulation 8, an order prohibiting outdoor public assemblies shall not have the effect of prohibiting assembly at bus stops, bus station, ports or airports exclusively for the purposes of travel or at medical facility for the purpose of seeking medical assistance subject to complying with any directions of the Commissioner in respect of social or physical distancing and hygiene.”

(c) by repealing in regulation 12 and substituting therefor the following —

Restriction  
on games  
and on the  
activities  
on the beach

“**12.** Unless otherwise expressly specified in a prohibition order under regulation 8, an order prohibiting outdoor assemblies shall have the effect of prohibiting —

- (a) games; and
- (b) assembly of more than four persons for any activity or

purpose on any beach without the permission of the Commissioner.”

- (d) by inserting after regulation 13A(3) the following regulation 13(4) —

“(3) Subregulation(1) shall not apply to a person who is present at such a place within an area referred to in subregulation (1) or is otherwise outdoors in breach of subregulation (1) where he or she shows that his or her presence is necessary at such place, in order to enable him or her to have access to premises where he or she may avail himself or herself of medical treatment, essential supplies, foodstuff, medicine or any other item essential for his or her subsistence or livelihood.”

- (e) by inserting after regulation 16, the following regulations —

Closing  
of trade  
premises and  
restriction  
of their  
activities

“**16A.**(1) Where it appears to the Commissioner that premises are being used for any purpose or in any manner which may lead to the spread of an infectious disease, the Commissioner may, by notice, order that the premises be closed or remain closed or not to admit any person therein as may be reasonably necessary to prevent the spread of an infectious disease.

(2) Where a notice has been issued under this regulation, a police officer may, without prejudice to any proceedings which may be taken against a

person acting in breach of the notice, take such steps and use such force as may be necessary to ensure compliance with the notice.

(3) Any person who, while a notice under this regulation is in force, enters or is found upon any premises subject to the notice, shall commit an offence and is liable on conviction to a fine not exceeding SCR 20,000 or imprisonment for a period not exceeding two years or to both.

(f) by inserting after regulation 20, the following regulations —

Burden of  
proving  
facts on  
accused  
person

**21.** In any proceedings for an offence under these regulations, the burden of proving any facts to bring the accused person within any exception, exemption or excuse under, these regulations, or notices or orders made under these regulations, shall be on the accused person.

**MADE this 30<sup>th</sup> day of March, 2020.**

**DANNY FAURE  
PRESIDENT**

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**S.I. 57 of 2020****EMPLOYMENT ACT***(Cap 69)***Employment (Coronavirus Special Leave) (Temporary Measures) Regulations, 2020**

In exercise of the powers conferred by section 71 of the Employment Act, the Minister responsible for employment matters hereby makes the following regulations —

**1.** These regulations may be cited as the Employment (Coronavirus Special Leave) (Temporary Measures) Regulations, 2020. Citation

**2.** In these regulations, unless the context otherwise requires — Interpretation

(a) “coronavirus” means the virus known as Wuhan novel coronavirus (2019-nCov) or Covid-19;

(b) “essential service” means —

(i) a service relating to the generation, supply or distribution of electricity;

(ii) any hospital or medical services;

(iii) a service relating to the supply or distribution of water;

(iv) a service relating to the sewerage service;

(v) airport and port and marine services including civil aviation, customs,

- immigration, airline catering and loading, unloading and service of ships or aircrafts;
- (vi) fire and rescue services;
  - (vii) a service relating to retail or distribution of pharmaceutical products and medical equipment;
  - (xviii) wireless, telephone, internet and cable communication services;
  - (ix) meteorological service;
  - (x) postal services;
  - (xi) banking and financial services;
  - (xii) service relating to retail, wholesale, distribution and supplies of, food and water;
  - (xiii) service of manufacturing of essential commodities;
  - (xiv) service of public transportation including inter-island air and sea transportation;
  - (xv) waste collection and disposal service;
  - (xvi) petroleum and gas retail services;
  - (xvii) storage, supply and distribution of petroleum and gas services;
  - (xviii) security services;

- (xix) disaster management services;
  - (xx) print, audio and visual media or broadcasting services;
  - (xxi) service of Government treasury; and
  - (xxii) district administration service;
- (c) “isolation”, in relation to a worker, means the process where —
- (i) a worker is isolating himself, from other people as a precautionary measure to prevent the spread of coronavirus, in accordance with the directive of the health authorities or under the relevant law and by reason of the isolation, the worker is unable to attend the work; or
  - (ii) a worker is in quarantine in accordance with the Quarantine Act; or
  - (iii) a worker is segregated or separated from any other person in such a manner as to prevent the spread of, or to undergo treatment for, coronavirus;
- (d) “parent” means the father, mother, or any other person who has actual custody, charge, or control of a relevant child;
- (e) “relevant child” means a child who —
- (i) is between 3 ½ months and 4 years old; or
  - (ii) has not attained the age of 15 years and who attends a relevant institution and

the relevant institution is closed down during the specified period, in pursuance of —

- (A) a directive of the Ministry responsible for education;
- (B) a directive of the management of a relevant institution; or
- (C) an order made under any relevant law;

(f) “relevant institution” means —

Act 28 of 2014

(i) a childminding establishment under the Institute of Early Childhood Development Act, 2014;

Cap 68

(ii) an institution providing formal early childhood education under the Education Act; or

Cap 68

(iii) an educational institution, under the Education Act;

(g) “relevant worker” means a worker who satisfies the following conditions —

(i) the worker is not employed in an essential service or as a home caregiver; and

(ii) the worker is a parent who —

(A) is a single parent; or

(B) is cohabiting with the other parent of a relevant child or a spouse, who is —

- (I) employed in an essential service or as a home caregiver;
  - (II) in isolation;
  - (III) employed and is not on special leave; or
  - (IV) incapable of caring for, and looking after the wellbeing of, a relevant child for any reasonable cause, including on the basis of disability, confinement or absence from Seychelles.
- (h) special leave” means paid leave granted to a relevant worker under regulation 4(1), (3)(a), (8) or (10) or to a worker under regulation 4(3)(b), (5), (6) or (8) during the specified period or to a worker under regulation 7;
- (i) “specified period” means the period starting from 16<sup>th</sup> March, 2020, to such date as the Minister, may, from time to time, prescribe by notice published in the *Gazette*;
- (j) “spouse”, in relation to a parent, means a person cohabiting with a parent by virtue of marriage or concubinage.

3.(1) These regulations apply to a contract of employment — Application

- (a) of continuous employment;
- (b) for a fixed term; and

(c) of a part-time worker.

(2) These regulations shall not apply to —

- (a) a worker or class of workers that are exempted from the application of the Act;
- (b) a non-Seychellois worker who is out of the jurisdiction during the specified period or any part thereof.

Eligibility and  
conditions of  
special leave

4.(1) A relevant worker shall be eligible for special leave.

(2) A relevant worker, who is a parent to more than one relevant child and who applies for special leave, shall be deemed to have applied for special leave in respect of all of his or her relevant children.

(3) Notwithstanding anything to the contrary under any regulations made under the Act, where —

- (a) a relevant worker is on annual leave or compassionate leave during the specified period, that was applied for and approved between 16<sup>th</sup> March, 2020, and the coming into operation of these regulations; or
- (b) an employer has given permission to a worker to be absent from work for any period between 16<sup>th</sup> March, 2020, and the date of the coming into operation of these regulations,

the compassionate leave or annual leave of the relevant worker or absence of the worker shall not constitute or be treated as annual leave or compassionate leave, as the case may be.

(4) Where subregulation (3) is applicable, the period of such leave or absence, as the case may be, shall not be deducted

from the annual leave or compassionate leave of the relevant worker or the worker, and he or she shall be entitled to his or her wages during the relevant period.

(5) Subject to regulation 4(12), where a public body or the undertaking or business of an employer has ceased to operate in whole or in part during the specified period and the employer permits a worker, other than a relevant worker, to be absent from work, the worker shall be deemed to be on special leave during the worker's absence provided that during such absence —

- (a) the worker shall be at the disposal of the employer to perform any work remotely from the home of the worker or from such other place; and
- (b) the employer may at any time request the worker to resume work at the workplace or at such other place provided by the employer.

(6) Where a worker is employed in an essential service or as a home caregiver and satisfies the condition under regulation 2 (g) (ii), special leave may be taken by mutual arrangement between the employer and the worker, which special leave shall not be unreasonably denied by the employer.

(7) In considering an application for special leave under subregulation (6), an employer shall, *inter alia*, take into account the following —

- (a) the fact that the worker is a single parent;
- (b) the fact that the worker is a parent of a relevant child and his or her spouse is employed in an essential service or as a home caregiver; or

- (c) the fact that the spouse of the worker or the other parent of a relevant child is incapable of caring for, and looking after the wellbeing of, the relevant child for any reasonable cause, including on the basis of disability, confinement or absence from Seychelles.

(8) Where an order restricting, controlling or prohibiting the movement of persons outdoors in the whole or any part of Seychelles is in force under any written law during the specified period a worker shall be deemed to be on special leave.

(9) Subregulation (8) shall not apply to —

- (a) a worker employed in essential service or as a home caregiver who is not on special leave; or
- (b) a worker who works and resides in an area of Seychelles that is excluded from the order referred to in subregulation (8).

(10) Notwithstanding anything to the contrary under any regulations made under the Act and subject to subregulation (11), any annual leave or compassionate leave taken by a relevant worker during the period from the coming into operation of these regulations to the expiration of the specified period shall constitute special leave and the period of such leave shall not be deducted from the annual leave or compassionate leave of the relevant worker and he or she shall be entitled to his or her wages during the relevant period.

(11) A relevant worker who is a parent of a relevant child shall not be entitled to special leave under subregulation (1) or (6) at the same time, his or her spouse, or the other parent of the relevant child.

(12) Notwithstanding anything to the contrary in subregulation (5) and subject to subregulation (6), an employer

may with the consent of a worker grant annual leave to the worker during the specified period.

**5.(1)** An application for special leave shall be made by a relevant worker under regulation 4(1) or by a worker under regulation 4(6).

Application for  
special leave

(2) Where on the coming into operation of these regulations, a worker or relevant worker is on annual leave or compassionate leave or is absent from work under regulation 4(3)(a) or (5), the employer may require the worker or relevant worker to submit an application to confirm the eligibility of the worker or relevant worker for special leave under regulation 4(1), (3) or (5).

(3) Where —

- (a) an employer is in receipt of an application for special leave; or
- (b) a relevant worker of an employer is absent from work during the specified period,

the employer may request the employer of, the other parent of the relevant child, or the spouse of the relevant worker, for information relating to eligibility of, or grant of special leave to, that other parent or the spouse.

(4) An employer who receives a request for information from an employer under subregulation (3) shall provide the information to the requestor as soon as practicable.

(5) Where a worker is absent from work from 16<sup>th</sup> March, 2020, and is not eligible for special leave, an employer may request the worker to resume work on such date that the employer shall direct the worker in writing or by electronic correspondence to do so.

(6) Subject to regulation 6(1), a worker who has been requested to resume work under subregulation (5) shall promptly comply with the request.

Appeal against  
refusal of  
special leave

6.(1) A worker aggrieved by a decision of an employer refusing an application for special leave or requesting the worker to resume work under regulation 4(5) or the Union on behalf of the worker, may within 7 days of service of the decision of the employer on the worker, appeal to the Minister.

(2) An appeal against the decision of an employer refusing an application for special leave shall not be construed as a suspension of the decision of the employer unless otherwise directed by the Minister.

(3) In hearing the appeal, the Minister shall invite oral or written representation of the worker and the employer.

(4) The Minister may consult the Employment Advisory Board on any appeal before deciding the appeal.

(5) Where the Minister consults the Employment Advisory Board, the Minister may direct the Employment Advisory Board to hear representation of the worker or the employer.

(6) Where the Minister or the Employment Advisory Board hears representation of the worker or the employer, the Minister or the Employment Advisory Board shall have powers to —

- (a) summon any person to appear before it;
- (b) examine a witness or any person appearing before it on oath;
- (c) require any person to produce any document which the Minister or the Employment Advisory Board considers relevant.

(7) Where the Employment Advisory Board hears representation of the worker or the employer, it shall submit its report of finding to the Minister immediately after the conclusion of the hearing.

(8) The Minister shall, after hearing an appeal —

- (a) confirm the decision of the employer;
- (b) vary the decision of the employer;
- (c) reverse or set aside the decision of the employer; or
- (d) order that the employer grants the worker special leave during the specified period or any part of the specified period.

(9) A decision of the Minister under this regulation shall be given within 7 days or such longer period as may be prescribed after the date of filing of the notice of appeal.

(10) The decision of the Minister on appeal shall be final.

(11) A decision of the Minister made under this regulation shall not be invalidated on the ground that it was not given within the period specified in subregulation (9).

(12) The Minister may revoke the decision given under subregulation (9) within a period of 7 days after the date of the decision and make a new decision if the Minister is satisfied that the relevant facts in existence at the time when the decision was made, were not made known to the Minister and that it is just and equitable.

(13) The Minister shall hear the relevant worker and the employer before making a decision under subregulation (12).

(14) Where an employer or a relevant worker is dissatisfied with the decision of the Minister under

subregulation (11) or (12), the employer or relevant worker may make an application to the Supreme Court for review of the Minister's decision.

(15) Where an application for review is made under subregulation (14), the application shall not operate as a suspension of the decision of the Minister unless otherwise directed by the Supreme Court.

Special leave  
during  
isolation

7. Notwithstanding anything to the contrary under any regulations made under the Act, where a worker is in isolation, the period that the worker is in isolation shall constitute special leave and the period of such leave shall not be deducted from the annual leave, compassionate leave, or sick leave of the worker and the worker shall be entitled to his or her wages during the period of his or her isolation.

Clarity

8. For the avoidance of doubt, special leave or absence from work by a worker under these regulations shall not constitute or be interpreted as unauthorised absence for eligibility for thirteenth month pay or a break in the length of service for calculating compensation under the Act.

Consequential  
amendment  
Amendment to  
Schedule 2 and  
6 to the Act

9.(1) Schedule 2 to the Act is amended —

(a) by inserting in Part I, after subparagraph (k) the following subparagraph —

“(l) wilfully or intentionally apply for special leave under the Employment (Coronavirus Special Leave) (Temporary) Regulations, 2020, in circumstances where the worker is not eligible for special leave;”;

(b) by inserting in Part II after subparagraph (m) the following subparagraph (n) —

“(n) knowingly makes false statements in an application for special leave under the Employment (Coronavirus Special Leave) (Temporary Measures) Regulations, 2020”.”;

(2) Schedule 6 to the Act is amended by inserting in paragraph 3, after subparagraph (4) the following subparagraph —

“(5) This paragraph shall not apply to an appeal in respect of a special leave under regulation 5 of the Employment (Coronavirus Special Leave) (Temporary Measures) Regulations, 2020.”.

**MADE this 30<sup>th</sup> day of March, 2020.**

**MYRIAM TELEMAQUE  
MINISTER OF EMPLOYMENT, IMMIGRATION  
AND CIVIL STATUS**

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