

- (a) it has been used to commit any of the acts referred to in subsection (4) and remains under the control of the persons who committed those acts; or
- (b) it is intended by the person in dominant control of it to be used for the purpose of committing any of the acts referred to in subsection (4).

(6) A ship or aircraft may retain its nationality although it has become a pirate ship or a pirate aircraft. The retention or loss of nationality shall be determined by the law of the State from which such nationality was derived.

(7) Members of the Police and Defence Forces of Seychelles shall on the high seas, or may in any other place outside the jurisdiction of any State, seize a pirate ship or a pirate aircraft, or a ship or an aircraft taken by piracy and in the control of pirates, and arrest the persons and seize the property on board. The Seychelles Court shall hear and determine the case against such persons and order the action to be taken as regards the ships, aircraft or property seized, accordingly to the law.

PENAL CODE (AMENDMENT) BILL, 2010

(Bill No. 5 of 2010)



A BILL

OF

AN ACT to amend the Penal Code (Cap 158)

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Penal Code (Amendment) Act, 2010. Short title

Amendment
of Cap 158
as last
amended by
Act 5 of
1996

2. The Penal Code is hereby amended as follows—

- (a) by repealing section 65 and substituting therefor the following section—

"Piracy 65. (1) Any person who commits any act of piracy within Seychelles or elsewhere is guilty of an offence and liable to imprisonment for 30 years and fine of R1 million.

(2) Notwithstanding the provisions of section 6 and any other written law, the courts of Seychelles shall have jurisdiction to try an offence of piracy whether the offence is committed within the territory of Seychelles or outside the territory of Seychelles.

(3) Any person who attempts or conspires to commit, or incites, aids and abets, counsels or procures the commission of, an offence contrary to section 65(1) commits an offence and shall be liable to imprisonment for 30 years and a fine of R1 million.

(4) For the purposes of this section "piracy" includes—

- (a) any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft and directed—

- (i) on the high seas, against another ship or aircraft, or against persons or property on board such a ship or aircraft;
- (ii) against a ship, an aircraft, a person or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or a pirate aircraft; or
- (c) any act described in paragraph (a) or (b) which, except for the fact that it was committed within a maritime zone of Seychelles, would have been an act of piracy under either of those paragraphs.

(5) A ship or aircraft shall be considered a pirate ship or a pirate aircraft if—

