

THE DECLARATION OF ASSETS ACT 1991

Act No 28 of 1991

I assent

V. Ringadoo
Governor General

9th July 1991

- a) Amended by The Constitution of Mauritius (Amendment No 3) [No 48 of 1991] (Published in the Govt Gazette No 131 of 23rd December 1991)
- b) The Rodrigues Regional Assembly Act [No 39 of 2001] (c.i.o. 18/1/2002 P/ /2002)
- c) The Prevention of Corruption Act [No 5 of 2002] (c.i.o. 1st April 2002: P.18/2002)

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AN ACT

To provide for the declaration of assets by Members of the ~~Legislative Assembly~~
National Assembly and other officers
Deleted & replaced by [A 23(2)(f)/48/1991]

ENACTED by the Parliament of Mauritius, as follows:-

1. Short title

This Act may be cited as the **Declaration of Assets Act 1991**.

2. Interpretation

In this Act -

"assets" means -

- (a) immovable property or any interest therein;
- (b) shares or any interest in a partnership, société or company;
- (c) motor vehicles and boats;

~~"Clerk" means the Clerk of the Assembly¹ or of the Rodrigues Regional Assembly²;~~

¹ Added by [A 74(a)(i)/39/2001]

² Deleted by [A 88(2)(i)/5/2002]

"Commission" means the Independent Commission Against Corruption established under the Prevention of Corruption Act 2002;

Added by [A 88(2)(b)(ii)/5/2002]

"Commissioner" means a Commissioner of the Executive Council of the Rodrigues Regional Assembly as provided by section 34 (2) of the Rodrigues Regional Assembly Act;

Added [A 74(a)(ii)/39/2001]

"Minister" means a person appointed as such under section 59 of the Constitution;

"Speaker" means the Speaker of the ~~Legislative Assembly~~ National Assembly;

Deleted & replaced by [A 23(2)(f)/48/1991]

"statutory body" means a corporate body set up directly by statute for a public purpose.

3. Declaration of assets and liabilities

(1) Every Member of the ~~Legislative Assembly~~¹ National Assembly or the Rodrigues Regional Assembly² shall, not later than 30 days-

¹ Deleted & replaced by [A 23(2)(f)/48/1991]

² Added by [A 74(b)(i)/39/2001]

- (a) after the first sitting of the ~~Legislative Assembly~~¹ National Assembly or the Rodrigues Regional Assembly² following a dissolution of Parliament or the Rodrigues Regional Assembly² or after being elected to the Assembly or the Rodrigues Regional Assembly² following a by-election, as the case may be;

¹ Deleted & replaced by [A 23(2)(f)/48/1991]

² Added by [A 74(b)(i)/39/2001]

- (b) after the seat becomes vacant in accordance with section 35 of the Constitution or section 19 of the Rodrigues Regional Assembly Act,
Added by [A 74(b)(ii)/39/2001]
- deposit with the ~~Clerk~~ Commission a declaration of assets and liabilities in relation to himself, his spouse and minor children and grand children and, subject to subsection 3, children of age.
¹ Deleted & replaced by [A 88(2)(a)/5/2002]
- (2) Where a person is appointed a Minister or a Commissioner he shall not later than 15 days after-
- Added by [A 74(b)(iii)(a)/39/2001]
- (a) being appointed a Minister or a Commissioner;
Added by [A 74(b)(iii)(a)/39/2001]
- (b) his office becomes vacant in accordance with section 60 of the Constitution or section 37 of the Rodrigues Regional Assembly Act 2001², deposit with the ~~Clerk~~¹ Commission a declaration of assets and liabilities in relation to himself, his spouse and minor children and grand children and, subject to subsection 3, children of age.
¹ Deleted & replaced by [A 88(2)(a)/5/2002]
² Added by [A 74(b)(iii)/39/2001]
- (3) The declaration shall, in relation to children of age, specify any property sold, transferred or donated to each one of them in any form or manner whatsoever including income or benefits from any account, partnership or trust.
- (4) Every person who makes a declaration of his assets and liabilities shall specify the nature of his interests in the assets including any joint ownership, and the nature of his liabilities regarding those assets, including any joint liability.
- (5) Where the assets declared are in relation to shares or any interest in a partnership, société or company, the person who makes the declaration shall also declare the assets and liabilities of the partnership, société or company or, where this is impracticable, the market value of his shares or interest.
- (6) A declaration under this section shall be made by way of an affidavit, in the form specified in the Schedule, sworn before the Supreme Court or in the case of a Commissioner, before the Magistrate of Rodrigues.
Added by [A 74(b)(i)/39/2001]
- (7) The Clerk of the Rodrigues Regional Assembly shall transmit to the ~~Clerk of the National Assembly~~² Commission any declaration made by a Commissioner¹.
¹ Added by [A 74(b)(ii)/39/2001]
² Deleted & replaced by [A 88(2)(a)/5/2002]

4. Amendment of declaration

Where, subsequent to a declaration made under section 3, the state of the assets and liabilities is so altered as to be reduced or increased in value by a minimum of 100,000 rupees, the declarant shall make a fresh declaration.

5. Publication of declaration

On receipt of a declaration under section 3 or 4, the ~~Clerk~~ Commission shall, in accordance with such directions as the Speaker may give, cause such declaration to be laid before the Assembly.

Deleted & replaced by [A 88(2)(a)/5/2002]

6. Offences

(1) Every person who -

- (a) fails to comply with, or makes a false declaration under section 3 or 4;
- (b) contravenes any regulations made under this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a period not exceeding 2 years.

(2) No prosecution for an offence under this Act shall be commenced except with the express consent of the Director of Public Prosecutions.

(3) Notwithstanding -

- (a) section 114 of the Courts Act; and
- (b) section 72 of the District and Intermediate Courts (Criminal Jurisdiction) Act,

a Magistrate shall have jurisdiction to try any offence under this Act and may impose any penalty provided by this Act.

7. Regulations

The Prime Minister may -

- (a) make such regulations as he thinks fit for the purposes of this Act;
- (b) by regulations and with such modifications as he thinks fit, extend the application of this Act to such categories of public officers and officers at any statutory body as he may designate.

8. Commencement

- (1) Subject to subsection (2), this Act shall be deemed to have come into operation on 1 September 1987.
- (2) This Act shall, in relation to a person who is a Member of the ~~Legislative Assembly~~ National Assembly and who reckons service as a Member of the Legislature before 1 September 1987, inclusive of service before 12 March 1968, be deemed to have come into operation, in respect of that person, as from the date he first became a Member of the Legislature.

~~Deleted & replaced by [A 23(2)(f)/48/1991]~~

9. Transitional provision

- (1) Any person who is a Member of the ~~Legislative Assembly~~ National Assembly shall not later than 31 July 1991, deposit the declaration required to be made under this Act.
- (2) Any person to whom section 8 (2) applies shall not later than 4 August 1991 make the declaration referred to in section 3 (1) and (2) in respect of each period beginning with the first sitting of the Assembly following a dissolution of Parliament and ending with the next dissolution of Parliament.

~~Deleted & replaced by [A 23(2)(f)/48/1991]~~

10. Repeal

The Declaration of Assets Act 1985 is repealed.

Passed by the Legislative Assembly on the fifth day of July one thousand nine hundred and ninety-one.

L. Rivaltz Quenette
Clerk of the Legislative Assembly

SCHEDULE

(section 3)

I,of.....
.....

Make oath/solemn affirmation and declare that –

*1. I am unmarried/married under the system of.....
(matrimonial regime)

*2. My assets (extent, nature of interests therein, manner of
acquisition, etc.) are as follows –

- (a) landed property
- (b) residential, commercial or industrial building
- (c) motor vehicles
- (d) boats
- (e) shares
- (f) interest in partnership or société

3. The assets of my spouse/minor children (extent, nature of interests therein,
manner of acquisition, etc.) are as follows -

- (a) landed property
- (b) residential, commercial or industrial building
- (c) motor vehicles
- (d) boats
- (e) shares
- (f) interest in partnership or société

4. My liabilities regarding those assets are as follows -

.....
Signature

Sworn/solemnly affirmed by the abovenamed before me at
this day of

* delete as necessary