

CIVIL ESTABLISHMENT ACT

Act 27 of 1954 – 1 July 1954

ARRANGEMENT OF SECTIONS

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CIVIL ESTABLISHMENT ACT

1. Short title

This Act may be cited as the Civil Establishment Act.

2. Interpretation

In this Act—

“public service” means service in a civil capacity under the Government of Mauritius.

3. Powers of President

(1) The President may, by Order—

- (a) establish offices in the public service of Mauritius;
- (b) determine the number of persons who may be appointed to such offices;
- (c) determine the emoluments to be attached to such offices.

(2) An Order under subsection (1)—

- (a) may contain such incidental, consequential and supplemental provisions as the President thinks necessary or expedient for giving full effect to the Order, including provisions—
 - (i) for making any enactment regulating the number of offices in respect of which, or the number of office holders in respect of whom, salaries may be paid, such modifications as may be expedient;

- (ii) for the adaptation, amendment or repeal of any enactment relating to the appointment, powers, duties, rights and liabilities of any officer holding any office specified in the Order or bearing the same style and title as an officer appointed to any office specified in the Order;
- (b) shall come into operation on the date of its publication in the *Gazette* or on such earlier or later date or dates as may be specified in the Order;
- (c) shall be laid before the Assembly and subject to disallowance by the Assembly, in accordance with section 20 (2) and (3) of the Interpretation and General Clauses Act.

[S. 3 amended by Act 3 of 1983; Act 48 of 1991; s. 3 of Act 17 of 2013 w.e.f. 6 July 2013.]

4. Increments

Where the emoluments attached to an office established by an Order under section 3 include a salary on an incremental scale, the President may order that the initial salary of any person appointed to that office shall include such an amount of increments as he thinks proper.

[S. 4 replaced by Act 3 of 1983; amended by Act 48 of 1991.]

5. Officers on secondment

(1) Where an officer is seconded to service under another Government or under an authority, a body or an agency approved by the President for the purposes of this section, referred to as "an approved employer", that officer shall, during the period of his secondment, cease to receive the emoluments attached to his office but shall nevertheless, if the approved employer agrees to pay to the Government of Mauritius a contribution in respect of his pension during the period of his secondment at the rate fixed by the President, be deemed to continue to hold such office for the purposes of the pension legislation applicable to him.

(2) Where the holder of an office, referred to as "the substantive holder", is withdrawn from his office for the purpose of being seconded in accordance with subsection (1), an appointment may be made to that office as if it were vacant, and the person appointed to that office shall be deemed to be the holder of that office and shall receive the emoluments attached during such time as the substantive holder is seconded.

[S. 5 amended by Act 48 of 1991.]

6. Concurrent appointments

(1) Where a holder of any office established under this Act is on leave of absence pending relinquishment of his office, another person may be appointed substantially to the same office.

(2) Where 2 or more persons are holding the same office by reason of an appointment made pursuant to subsection (1), then, for the purpose of any function conferred upon the holder of that office by any enactment, the person last appointed to that office shall be deemed to be the holder of it.

7. —

8. Emoluments payable out of Consolidated Fund

All moneys payable as emoluments determined under section 3 shall be charged to, and paid out of, the Consolidated Fund.

9. Saving powers of State

The powers conferred by or under this Act shall be in addition to, and not in derogation from, the powers exercisable by virtue of the prerogative of the State.

[S. 9 amended by Act 48 of 1991.]
