

DECLARATION OF ASSETS ACT

Act 28 of 1991 – 1 September 1987

ARRANGEMENT OF SECTIONS

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SCHEDULE

DECLARATION OF ASSETS ACT

1. Short title

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

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;

“Commission” means the Independent Commission Against Corruption established under the Prevention of Corruption Act;

“Commissioner” means a Commissioner of the Executive Council of the Rodrigues Regional Assembly as provided under section 34 (2) of the Rodrigues Regional Assembly Act;

“local authority” means—

- (a) the Municipal Council of any city or town; or
- (b) the District Council of any district;

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

“Speaker” means the Speaker of the National Assembly;

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

[S. 2 amended by Act 48 of 1991; s. 74 (a) of Act 39 of 2001 w.e.f. 18 January 2002; s. 88 (2) (b) of Act 5 of 2002 w.e.f. 1 April 2002; s. 165 (7) (a) of Act 36 of 2011 w.e.f. 15 December 2011.]

3. Declaration of assets and liabilities

(1) Every member of the National Assembly, the Rodrigues Regional Assembly and any Councillor of a Municipal City Council, Municipal Town Council or District Council shall, not later than 30 days—

- (a) after the first sitting of the National Assembly, the Rodrigues Regional Assembly, or any Municipal City Council, Municipal Town Council or District Council or after being elected to the National Assembly, the Rodrigues Regional Assembly or, the Municipal City Council, Municipal Town Council or District Council, following a by-election, as the case may be;
- (b) after the seat becomes vacant in accordance with section 35 of the Constitution, section 19 of the Rodrigues Regional Assembly Act or section 40 of the Local Government Act,

deposit with the Commission, the Clerk of the Rodrigues Regional Assembly or the Chief Executive of the Municipal City Council, Municipal Town Council or District Council, as the case may be, a declaration of assets and liabilities in relation to himself, his spouse and minor children and grand-children and, subject to subsection (3), his children of age.

(2) Where a person is appointed a Minister or a Commissioner, he shall not later than 15 days after—

- (a) being appointed a Minister or a Commissioner;
- (b) his office becomes vacant in accordance with section 60 of the Constitution or section 37 of the Rodrigues Regional Assembly Act,

deposit with the Commission a declaration of assets and liabilities in relation to himself, his spouse and minor children and grandchildren and, subject to subsection (3), children of age.

(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.

(7) The Clerk of the Rodrigues Regional Assembly and the Chief Executive of a Municipal City Council, Municipal Town Council or District Council shall transmit to the Commission any declaration made by a member of the Rodrigues Regional Assembly or a Municipal City Council, Municipal Town Council or District Council, as the case may be.

[S. 3 amended by Act 48 of 1991; s. 74 (b) of Act 39 of 2001 w.e.f. 18 January 2002; s. 88 (2) (a) of Act 5 of 2002 w.e.f. 1 April 2002; s. 165 (7) (b) of Act 36 of 2011 w.e.f. 15 December 2011.]

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. —

[S. 5 amended by s. 88 (2) (a) of Act 5 of 2002 w.e.f. 1 April 2002; repealed by s. 165 (7) (c) of Act 36 of 2011 w.e.f. 15 December 2011.]

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 term 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, officers of a local authority and officers of any statutory body as he may designate.

[S. 7 amended by s. 165 (7) (d) of Act 36 of 2011 w.e.f. 15 December 2011.]

8. – 10. —

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)
