

SOCIAL AID ACT

Act 2 of 1983 – 1 December 1983

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SOCIAL AID ACT

1. Short title

This Act may be cited as the Social Aid Act.

2. Interpretation

In this Act—

“approved medical practitioner” means a medical practitioner approved by the Minister;

“child”, in relation to a claimant—

(a) means—

- (i) an unmarried person who is under the age of 20; or
- (ii) an unmarried person of the age of 20 but not above the age of 23, who is pursuing a full-time course at a tertiary education institution; and

(b) includes a step-child or an adopted child who is living with the claimant;

“claimant” means a person specified in section 3 (1) and (1A);

“dependants”, in relation to a claimant, means his spouse and child;

“Minister” means the Minister to whom responsibility for the subject of social security is assigned;

“parent”, in relation to a child—

- (a) means his father or mother; and
- (b) includes a person who is in charge of him;

“Permanent Secretary” means the Permanent Secretary of the Ministry or a public officer designated by him;

“requirements”, in relation to a claimant, means the requirements specified in section 3 (4) (a);

“resources”, in relation to a claimant, means the resources specified in section 3 (4) (b);

“spouse” includes a person who is living with a man or woman as his wife or husband;

“stepchild”, in relation to a claimant, means a child of his spouse or deceased spouse who is not his own child.

[S. 2 amended by s. 39 (a) of Act 14 of 2009 w.e.f. 1 July 2009.]

3. Social aid

(1) Subject to this section, a person who, as a result of—

- (a) any physical or mental disability;
- (b) any sickness or accident certified by an approved medical practitioner; or
- (c) —
- (d) any sudden loss of employment which has lasted continuously for not less than 6 months,

is temporarily or permanently incapable of earning adequately his livelihood and has insufficient means to support himself and his dependants, shall be qualified to claim social aid.

(1A) Subject to this section, where a person—

- (a) as a result of abandonment by his spouse; or
- (b) being the spouse of the head of a household who is in police custody, has been remanded to jail or is serving a term of imprisonment,

is temporarily or permanently incapable of earning adequately his livelihood and has insufficient means to support himself and his dependants, he shall be qualified to claim social aid.

(2) A claimant shall—

- (a) apply for social aid to the Minister in the prescribed manner; and
- (b) furnish, in support of his application, such information and documents as the Minister may require.

(3) Where the Minister is satisfied that a claimant is qualified to claim social aid under subsection (1) or (1A), he may, subject to such conditions as he thinks fit to impose, grant to the claimant such amount of social aid as meets his requirements.

(4) For the purpose of this section—

(a) the requirements of a claimant—

(i) under subsection (1) shall be computed in the manner specified in Part I of the First Schedule; or

(ii) under subsection (1A) shall be computed in the manner specified in Part III of the First Schedule;

(b) the resources of a claimant shall be determined by the Permanent Secretary in accordance with such criteria as may be prescribed.

(5) (a) Subject to paragraph (b), the social aid payable to a claimant shall be the amount by which the resources of the claimant fall short of his requirements after deducting from that amount any benefit or allowance received by him under the National Pensions Act or the Family Allowance Act.

(b) The social aid payable under paragraph (a) shall not be less than the amount specified in Part II of the First Schedule.

(6) Notwithstanding this section, the Minister may grant social aid in such circumstances as may be prescribed.

(7) In this section—

“household” means the family unit of a claimant, made up of the claimant, the spouse of the claimant, the unmarried children of the claimant and any ascendant of the claimant or his spouse, who live together with the claimant and make common provision for food and other needs for living.

[S. 3 amended by Act 27 of 1983; s. 39 (b) of Act 14 of 2009 w.e.f. 1 July 2009; s. 49 of Act No. 18 of 2016 w.e.f. 1 October 2016.]

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4. Recovery

(1) The Permanent Secretary may recover from the spouse of a claimant, or a person who under any enactment is liable to maintain the claimant, the amount of social aid paid to the claimant under section 3.

(2) In any proceedings under this section, the onus of proving that a person is unable or not liable to maintain a claimant shall lie on the person from whom the amount paid is sought to be recovered.

5. —

[S. 5 repealed by Act 30 of 1994.]

6. Summons

(1) Where a claimant is, under any enactment, entitled to be maintained by a person, the Permanent Secretary may issue to that person a summons requiring him to pay every month to the Permanent Secretary for the benefit of the claimant such amount as the Permanent Secretary may decide to grant to the claimant under section 3 (3).

(2) Where a person fails to comply with a summons issued under subsection (1), the Permanent Secretary may, on behalf of the claimant, enter an action before the appropriate District Court for an order compelling that person to pay to the Permanent Secretary the amount specified in the summons issued under subsection (1) or such sum as the Court may determine.

(3) Notwithstanding any other enactment, in any proceedings under this section, the onus of proving that a person is unable or not liable to pay the amount of money specified in a summons issued under subsection (1) shall lie upon him.

(4) Where the Court makes an order under this section, the Court may order payment with retrospective effect to the date on which it should have been made in compliance with any summons issued under subsection (1).

(5) Where the Court makes an order under this section, the Permanent Secretary may, by warrant under his hand in the form specified in the Second Schedule, attach in the hands of the employer of the person against whom the order is made one-third of that person's remuneration or the sum awarded by the Court, whichever is the lesser.

(6) Any employer who receives an attachment under subsection (5) shall deduct from the remuneration of his employee the sum specified in the warrant and pay that sum to the Permanent Secretary.

(7) Where there is any change in the circumstances of the person on whom an order has been made under this section, the Court may, on application by any interested party, vary the order.

7. Power to summon witnesses

(1) The Permanent Secretary may, in connection with the determination of any claim for social aid—

- (a) by summons under his hand, require the attendance of a person at such time and place as may be specified in the summons; and

- (b) examine a person on oath on any matter relating to the administration of this Act.

(2) Any person who, without reasonable cause or justification, fails to comply with a summons issued under subsection (1) shall commit an offence.

(3) A summons under this section shall be—

- (a) issued at least 10 days before the date on which the attendance of a person is required; and
- (b) served by registered post.

8. Offences

(1) Any person who—

- (a) for the purpose of, or in connection with, any claim for social aid, either for himself or on behalf of any other person, knowingly—
 - (i) makes a false statement or a statement which he knows or ought to have known to be false in any material particular;
 - (ii) makes a false representation; or
 - (iii) fails to disclose any material fact; or
- (b) otherwise fails to comply with this Act or any regulations made under it,

shall commit an offence.

(2) Any person who commits an offence under this Act shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

[S. 8 amended by s. 24 of Act 26 of 2013 w.e.f. 1 January 2014.]

9. Recovery of excess payment

Where a person has received under this Act social aid to which he was not entitled or which he was not qualified to receive, the amount of that social aid may, notwithstanding the restriction imposed by section 5 of the Recovery of State Debts Act, be recovered by the Permanent Secretary in the manner provided for the recovery of a small State debt under that Act.

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

10. Powers of Minister

The Minister may—

- (a) provide for the establishment and management of institutions to look after the care and maintenance of persons who, through age, physical or mental disability, are unable to support themselves;
- (b) provide to a private or charitable institution looking after the care and maintenance of persons unable to support themselves such grants and contributions as are specified in the Third Schedule; and

- (c) establish for the purposes of this Act such advisory committee as he thinks fit.

11. Regulations

The Minister may—

- (a) make such regulations as he thinks fit for the purposes of this Act; and
 (b) by regulations, amend the Schedules.

12. – 13. —

FIRST SCHEDULE

[Section 3 (4) (a) and (5) (b)]

PART I

REQUIREMENTS OF CLAIMANTS

	Amount per month (Rs)
1. Claimant's allowance	1,315
2. Spouse's allowance (limited to one spouse)	1,315
3. Child's allowance for every child—	
(a) under the age of 3	510
(b) aged not less than 3 and under the age of 10 ...	490
(c) aged not less than 10 and under the age of 15 ...	600
(d) who is receiving full-time education, aged not less than 15 and until the end of the school year in which the child attains the age of 20	750
(e) aged not less than 15 nor more than 20 and who is unable to earn a living through physical or mental disability and is not in receipt of a benefit under the National Pensions Act	1,315
(f) aged not less than 20 nor more than 23, who is pursuing a full-time course at a tertiary education institution	750
4. Compassionate allowance where the claimant or any of his dependants satisfies the Minister that he is suffering from any serious illness certified by an approved medical practitioner up to a maximum of	780
5. Rent allowance	50% of the rent paid by claimant up to a maximum of 990
6. Examination fees in respect of a child for—	
(a) Cambridge School Certificate	
(b) Higher School Certificate	

FIRST SCHEDULE—continued

(c) General Certificate of Education, London (Ordinary and Advanced)	
(d) General Certificate of Education, Cambridge (Ordinary and Advanced)	
(e) MITD examinations conducted by the Mauritius Examinations Syndicate	
7. Issue of spectacles to the claimant and his dependants where the spectacles have been prescribed by the Ministry of Health	
8. Refund to the claimant and his dependants of travelling expenses incurred in attending any hospital or dispensary for medical treatment.....	
9. Assistance in kind where the Minister is satisfied that the claimant deserves it	
10. Funeral grant in the event of the death of the claimant or that of any of his dependants	4,950

[Part I amended by GNs 132 of 1985 w.e.f. 1 December 1985, 134 of 1985 w.e.f. 1 July 1989; 140 of 1985 w.e.f. 1 July 1985; 98 of 1986 w.e.f. 1 July 1986; 34 of 1987 w.e.f. 18 April 1987; 45 of 1987 w.e.f. 1 July 1985; 82 of 1987 w.e.f. 1 July 1987; 7 of 1989 w.e.f. 1 July 1988; 185 of 1989 w.e.f. 1 July 1989; 210 of 1990 w.e.f. 1 July 1990; 187 of 1991 w.e.f. 1 July 1991; 49 of 1993 w.e.f. 1 July 1992; repealed and replaced by 37 of 1994 w.e.f. 1 July 1993; amended by 122 of 1995 w.e.f. 1 July 1994; 209 of 1995 w.e.f. 1 July 1995; 145 of 1996 w.e.f. 1 July 1996; 123 of 1997 w.e.f. 1 July 1997; 157 of 1998 w.e.f. 1 July 1998; 175 of 1998 w.e.f. 1 July 1998; 144 of 1999 w.e.f. 1 July 1999; 177 of 2000 w.e.f. 1 July 2000; 152 of 2001 w.e.f. 1 July 2001; 214 of 2003 w.e.f. 1 July 2003; 73 of 2005 w.e.f. 7 May 2005; 68 of 2006 w.e.f. 1 July 2005; 236 of 2006 w.e.f. 1 July 2006; 18 of 2008 w.e.f. 1 July 2007; 272 of 2008 w.e.f. 1 July 2008; repealed and replaced by 174 of 2009 w.e.f. 1 July 2009; amended by 216 of 2010 w.e.f. 1 January 2010; 109 of 2011 w.e.f. 1 January 2011; 49 of 2012 w.e.f. 1 January 2012; 31 of 2015 w.e.f. 1 January 2013; 32 of 2015 w.e.f. 1 January 2014; 33 of 2015 w.e.f. 1 January 2015.]

PART II

Minimum social aid	935
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[Part II amended by GNs 134 of 1985 w.e.f. 1 July 1984; 140 of 1985 w.e.f. 1 July 1985; 98 of 1986 w.e.f. 1 July 1986; 82 of 1987 w.e.f. 1 July 1987; 7 of 1989 w.e.f. 1 July 1988; 185 of 1989 w.e.f. 1 July 1989; 210 of 1990 w.e.f. 1 July 1990; 187 of 1991 w.e.f. 1 July 1991; 49 of 1993 w.e.f. 1 July 1992; repealed and replaced by 37 of 1994 w.e.f. 1 July 1993; amended by 122 of 1995 w.e.f. 1 July 1994; 209 of 1995 w.e.f. 1 July 1995; 145 of 1996 w.e.f. 1 July 1996; 123 of 1997 w.e.f. 1 July 1997; 157 of 1998 w.e.f. 1 July 1998; 175 of 1998 w.e.f. 1 July 1998; 144 of 1999 w.e.f. 1 July 1999; 177 of 2000 w.e.f. 1 July 2000; 152 of 2001 w.e.f. 1 July 2001; 108 of 2002 w.e.f. 1 July 2002; 214 of 2003 w.e.f. 1 July 2003; 73 of 2005 w.e.f. 7 May 2005; 68 of 2006 w.e.f. 1 July 2005; 236 of 2006 w.e.f. 1 July 2006; 18 of 2008 w.e.f. 1 July 2007; 272 of 2008 w.e.f. 1 July 2008; s. 39 (c) (ii) of Act 14 of 2009 w.e.f. 1 July 2009; 216 of 2010 w.e.f. 1 January 2010; 109 of 2011 w.e.f. 1 January 2011; 49 of 2012 w.e.f. 1 January 2012; 31 of 2015 w.e.f. 1 January 2013; 32 of 2015 w.e.f. 1 January 2014; 33 of 2015 w.e.f. 1 January 2015.]

PART III

[Section 39 (c) (iii)]

	Amount per month (Rs)
1. Claimant's allowance	1,375
2. Child's allowance for every child—	
(a) under the age of 3	535

FIRST SCHEDULE—continued

(b)	aged not less than 3 and under the age of 10 ...	515
(c)	aged not less than 10 and under the age of 15..	625
(d)	aged not less than and 15 who is receiving full-time education, until the end of the school year in which the child attains the age of 20	785
(e)	aged not less than 15 nor more than 20 and who is unable to earn a living through any physical or mental disability and is not in receipt of a benefit under the National Pensions Act	1,375
(f)	aged not less than 20 nor more than 23, who is pursuing a full-time course at a tertiary education institution	739
3.	Compassionate allowance where the claimant or any of his dependants satisfies the Minister that he is suffering from any serious illness certified by an approved medical practitioner up to a maximum of	820
4.	Rent allowance	50% of the rent paid by claimant up to the maximum of 1,040
5.	Examination fees in respect of a child for—	
(a)	Cambridge School Certificate	
(b)	Higher School Certificate	
(c)	General Certificate of Education, London (Ordinary and Advanced)	
(d)	General Certificate of Education, Cambridge (Ordinary and Advanced)	
(e)	IVTB examinations conducted by the Mauritius Examination Syndicate	
6.	Issue of spectacles to the claimant and his dependants where the spectacles have been prescribed by the Ministry of Health	
7.	Refund to the claimant and his dependants of travelling expenses incurred in attending any hospital or dispensary for medical treatment	
8.	Assistance in kind where the Minister is satisfied that the claimant deserves it	
9.	Funeral grant in the event of the death of the claimant or that of any of his dependants	4,950

[Part III inserted by s. 39 (c) (iii) of Act 14 of 2009 w.e.f. 1 July 2009, amended by GNs 214 of 2010 w.e.f. 1 July 2009; 216 of 2010 w.e.f 1 January 2010; 109 of 2011 w.e.f. 1 January 2011; 49 of 2012 w.e.f. 1 January 2012; 31 of 2015 w.e.f. 1 January 2013; 32 of 2015 w.e.f. 1 January 2014; 33 of 2015 w.e.f. 1 January 2015.]

SECOND SCHEDULE

[Section 6 (5)]

WARRANT

WHEREAS, hereinafter called "the debtor", is indebted to the Permanent Secretary in the sum of rupees for the maintenance of his spouse/dependants and which sum is due by the debtor to the Permanent Secretary in virtue of an Order of the District Court of dated

NOW, THEREFORE, in order to secure and enforce payment of that sum so due by the debtor for the maintenance of his spouse/dependants, I, the Permanent Secretary, do hereby arrest and attach in the hands of you, the employer, herein after called "the garnishee", all salary or other sum of money not exceeding in amount the sum of rupees as may be owing by you to the debtor provided that the attachment does not exceed one third of any such sum of money to which the debtor may be entitled, warning you not to pay over that sum, or any part of that sum, to any person other than myself.

AND I further order you, the garnishee, within 8 days from the service of this attachment, to make and deliver to me a declaration in writing, signed by you specifying the amount due by you to the debtor, the nature of your debt, and payments on account, which you may have made in respect thereof, and also any attachment which, prior to the time of this attachment upon you, may have been lodged in your hands by any third parties claiming to be creditors of the debtor.

.....
Permanent Secretary,
Ministry of Social Security

.....
Date

THIRD SCHEDULE

[Section 10 (b)]

PRIVATE OR CHARITABLE INSTITUTIONS

	(Rs)
1. Inmate's Allowance—	
(a) for every inmate under the age of 60	210 per day
(b) for every inmate aged not less than 60 nor more than 90 years	235 per day
(c) for every inmate aged not less than 90 nor more than 100 years	600 per day
(d) for every inmate aged 100 and over	620 per day
2. Grant for maintenance of building	2,535 per month
3. Grant for such staff as the Minister may approve	5,605 per month
4. Contribution in respect of every inmate	2,535 per annum
5. Contribution in kind	—

(Rs)

- 6. Inmate's allowance for every inmate who is qualified to receive social aid before his admission in a charitable institution and is not in receipt of an inmate's allowance under the National Pensions Act 595 per month
- 7. Funeral or burial expenses 9,690

[Third Sch. amended by GNs 132 of 1985 w.e.f. 1 December 1985; 140 of 1985 w.e.f. 1 July 1985; 98 of 1986 w.e.f. 1 July 1986; 82 of 1987 w.e.f. 1 July 1987; 185 of 1989 w.e.f. 1 July 1989; 210 of 1990 w.e.f. 1 July 1990; 187 of 1991 w.e.f. 1 July 1991; 49 of 1993 w.e.f. 1 July 1993; repealed and replaced by 37 of 1994 w.e.f. 1 July 1993; repealed and replaced by 122 of 1995 w.e.f. 1 July 1994; amended by GNs 209 of 1995 w.e.f. 1 July 1995; 123 of 1997 w.e.f. 1 July 1997; 157 of 1998 w.e.f. 1 July 1998; 175 of 1988 w.e.f. 1 July 1998; 144 of 2009 w.e.f. 1 July 1999; 177 of 2000 w.e.f. 1 July 2000; repealed and replaced by GN 152 of 2001 w.e.f. 1 July 2001; amended by GNs 108 of 2002 w.e.f. 1 July 2002; 214 of 2003 w.e.f. 1 July 2003; repealed and replaced by GNs 73 of 2005 w.e.f. 7 May 2005; amended by GNs 68 of 2006 w.e.f. 1 July 2005; 236 of 2006 w.e.f. 1 July 2006; 18 of 2008 w.e.f. 1 July 2007; 272 of 2008 w.e.f. 1 July 2008; 174 of 2009 w.e.f. 1 July 2009; repealed and replaced by GN 216 of 2010 w.e.f. 1 January 2010; amended by GN 109 of 2011 w.e.f. 1 January 2011; repealed and replaced by GNs 49 of 2012 w.e.f. 1 January 2012; 31 of 2015 w.e.f. 1 January 2013; amended by GNs 32 of 2015 w.e.f. 1 January 2014; 33 of 2015 w.e.f. 1 January 2015.]
