

THE DECLARATION OF ASSETS (AMENDMENT) BILL

(No. XII of 2019)

Explanatory Memorandum

The object of this Bill is to amend the Declaration of Assets Act 2018 so as to –

- (a) widen the definition of “assets”, so that assets to be declared under the Act shall include –
 - (i) any money deposited in a non-bank deposit taking institution licensed by the Bank of Mauritius;
 - (ii) trust property;
- (b) exclude judicial officers from the application of the Act pending the designation or setting up of an appropriate institution to act as depository of the declarations by judicial officers;
- (c) give a definition to the term “State-owned enterprise”, so that a State-owned enterprise which falls under the purview of the Act shall be such enterprise, in which the State is a shareholder or exercises a degree of control, as may be prescribed;
- (d) provide for a new delay for the declaration of assets and liabilities;
- (e) revoke the Declaration of Assets (Prescribed Forms) Regulations 2019; and
- (f) clarify some provisions of the Act,

and to provide for matters related thereto.

P. K. JUGNAUTH

*Prime Minister, Minister of Home Affairs, External
Communications and National Development Unit,
Minister of Finance and Economic Development*

28 June 2019

THE DECLARATION OF ASSETS (AMENDMENT) BILL
(No. XII of 2019)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Section 3 of principal Act amended
5. Section 7 of principal Act amended
6. Section 14 of principal Act amended
7. Section 16 of principal Act amended
8. Commencement

A BILL

To amend the Declaration of Assets Act 2018

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Declaration of Assets (Amendment) Act 2019.

2. Interpretation

In this Act –

“principal Act” means the Declaration of Assets Act 2018.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

(a) in the definition of “assets”–

(i) by inserting, after paragraph (a), the following new paragraph –

(aa) money deposited in a non-bank deposit taking institution licensed by the Bank of Mauritius;

(ii) by inserting, after paragraph (d), the following new paragraph –

- (da) trust property;
- (b) by deleting the definition of “judicial officer”;
- (c) in the definition of “senior public officer”, by deleting the words “at the level of” and replacing them by the words “in a scale the initial point of which is equivalent to the initial point of the salary scale of”;
- (d) by inserting, in the appropriate alphabetical order, the following new definition –

“control” has the same meaning as in section 5 of the Companies Act;
- (e) by adding the following new definition, the full stop at the end of the definition of “senior public officer” being deleted and replaced by a semicolon –

“State-owned enterprise” means such enterprise, in which the State is a shareholder or exercises a degree of control, as may be prescribed;

“trust property” has the same meaning as in the Trusts Act.

4. Section 3 of principal Act amended

Section 3 of the principal Act is amended, in subsection (1) –

- (a) in paragraph (e), by deleting the words “judicial officer and”;
- (b) in paragraphs (f), (g) and (h), by deleting the words “at the level of” and replacing them by the words “in a scale the initial point of which is equivalent to the initial point of the salary scale of”.

5. Section 7 of principal Act amended

Section 7 of the principal Act is amended, in subsection (2), by inserting, after paragraph (a), the following new paragraph –

- (aa) money deposited in a non-bank deposit taking institution licensed by the Bank of Mauritius;

6. Section 14 of principal Act amended

Section 14 of the principal Act is amended –

- (a) by numbering the existing provision as subsection (1);
- (b) by adding the following new subsection –

(2) The Declaration of Assets (Prescribed Forms) Regulations 2019 are revoked.

7. Section 16 of principal Act amended

Section 16 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “this Act” wherever they appear and replacing them by the words “the Declaration of Assets (Amendment) Act 2019”;
- (b) in subsection (2), by deleting the words “commencement of this Act” and replacing them by the words “commencement of the Declaration of Assets (Amendment) Act 2019”;
- (c) by adding the following new subsection –

(3) (a) Where, before the commencement of the Declaration of Assets (Amendment) Act 2019, a person has made a declaration of his assets and liabilities with ICAC, that person shall, in case he has money deposited in a non-bank deposit taking institution licensed by the Bank of Mauritius, or in case he has any trust property, declare that money and trust property to ICAC within the time specified in subsection (1).

(b) Any declaration under paragraph (a) shall be made in such form as ICAC may determine.

8. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
