

**THE CONSTITUTION (DECLARATION OF COMMUNITY)
(TEMPORARY PROVISIONS) BILL
(No. V of 2014)**

Explanatory Memorandum

The object of this Bill is to make special provision regarding the declaration of a candidate as to his community for the next general election, pending the subsuming of the Best Loser system in a different method of allocating additional seats.

2. A candidate at that election may elect not to declare the community to which he belongs. Where he does not make such a declaration, he shall be deemed to have opted not to be considered for the purpose of the allocation of additional seats pursuant to the First Schedule to the Constitution and no additional seat shall be allocated to him.

3. Where a candidate who has not declared his community is returned as member, the Electoral Supervisory Commission shall, for the sole purposes of determining the appropriate community and allocating additional seats under paragraph 5 of the First Schedule to the Constitution at the next general election, proceed on the basis of the average number of returned members belonging to each community at all general elections held since 1976.

4. Where all candidates who are returned as members have declared their community, the allocation of additional seats shall continue to be effected under paragraph 5 of the First Schedule to the Constitution.

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27 June 2014

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Application of Act
4. Declaration as to community not mandatory

A BILL

**To make special provision as to the declaration of community
by a candidate at the next general election**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Constitution (Declaration of Community) (Temporary Provisions) Act 2014.

2. Interpretation

In this Act –

“additional seats” means the seats to be allocated by the Electoral Supervisory Commission under paragraph 5 of the First Schedule to the Constitution.

3. Application of Act

This Act shall only apply to the first general election after the commencement of this Act.

4. Declaration as to community not mandatory

(1) Notwithstanding paragraph 3 of the First Schedule to the Constitution, a candidate at the next general election may elect not to declare the community to which he belongs.

(2) (a) Where a candidate at that election has not declared his community, he shall be deemed to have opted not to be considered for the purpose of the allocation of additional seats and no additional seat shall be allocated to him.

(b) Where a candidate has not declared his community and is returned as member, the Electoral Supervisory Commission shall, for the sole purposes of determining the appropriate community and allocating additional seats, proceed on the basis of the average number of returned members belonging to each community at all general elections held since 1976.

(c) Where all candidates who are returned as members have declared their community, the allocation of additional seats shall be effected under paragraph 5 of the First Schedule to the Constitution.
