

**THE DEVELOPMENT WORKS CORPORATION (REPEAL) BILL
(No. II of 2007)**

Explanatory Memorandum

The object of this Bill is to repeal the Development Works Corporation Act and to provide for the transfer of the rights and obligations of the Development Works Corporation to the Government.

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Minister of Public Infrastructure,
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19 January 2007

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Repeal
3. Existing rights and obligations
4. Transfer of undertaking
5. Dissolution of the General Fund
6. Pending proceedings
7. Evidence
8. Provisions relating to staff
9. Transitional provisions
10. Commencement

A BILL

To repeal the Development Works Corporation Act

Enacted by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Development Works Corporation (Repeal) Act.

2. Repeal

The Development Works Corporation Act is repealed.

3. Existing rights and obligations

Any right or obligation subsisting at the commencement of the Act in favour of, or against, the Development Works Corporation shall on the coming into operation of this Act, be a right or obligation enforceable in favour of, or against, the Government.

4. Transfer of undertaking

(1) The assets, moveable and immovable, of the Development Works Corporation shall, on the date of coming into operation of this Act, vest in the Government.

(2) An instrument required for the purpose of giving effect to subsection (1) shall be drawn up and signed by the Government and the Board of the Development Works Corporation.

(3) The Government shall become owner of all documents, books and other records of the Development Works Corporation on the coming into operation of this Act.

5. Dissolution of the General Fund

On the date of coming into operation of this Act, the General Fund created under section 16 of the Development Works Corporation Act shall be deemed to be dissolved and all the assets and liabilities of the General Fund shall vest in the Government.

6. Pending proceedings

Any action, arbitration proceedings or cause of action relating to the Development Works Corporation which, immediately before the coming into operation of this Act, may be pending or in process against or in favour of the Development Works Corporation or to which the Development Works Corporation is a party, as the case may be, may be continued and enforced by, against or in favour of, the Government.

7. Evidence

Any document matter or thing which if this Act had not been passed would have been admissible in evidence in respect of any matter for, or against, the Development Works Corporation shall, on or after the coming into operation of this Act, be admissible in evidence in respect of the same matter for, or against, the Government.

8. Provisions relating to staff

(1) Notwithstanding any other enactment, any officer or employee of the Development Works Corporation who has not been redeployed in the public service or a parastatal organisation as at the date of the coming into operation of this Act, shall be deemed to have retired from the Development Works Corporation on the ground of abolition of office.

(2) An officer or employee to whom subsection (1) applies shall, in addition to his pension benefits under the Statutory Bodies Pension Fund Act, be entitled to receive from Government an additional compensation equivalent to one and half months salary, as at the date of coming into operation of this Act, for every year that he would have served before reaching retiring age, subject to a maximum of 10 years.

9. Transitional provisions

(1) Notwithstanding the repeal of the Development Works Corporation Act, the Board of the Development Works Corporation set up under section 7 of the repealed Act shall continue in existence for the purposes of sections 4, 5 and 8.

(2) The Board shall, not later than one month after the coming into operation of this Act, prepare and submit to the Minister responsible for public infrastructure a report and audited statement of accounts, required under sections 8 and 9 of the Statutory Bodies (Accounts and Audit) Act, for the period commencing 1 July 2005 to the day immediately before this Act comes into operation.

(3) The report of the Board shall be laid before the National Assembly.

10. Commencement

This Act shall come into operation on the 31 January 2007.