

**THE NATIONAL AGENCY FOR THE TREATMENT AND REHABILITATION
OF SUBSTANCE ABUSERS (REPEAL) BILL**
(No. III of 2016)

Explanatory Memorandum

The object of this Bill is to repeal the National Agency for the Treatment and Rehabilitation of Substance Abusers Act.

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Minister of Health and Quality of Life

01 April 2016

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Repeal
4. Transitional provisions
5. Commencement

A BILL

**To repeal the National Agency for the Treatment and Rehabilitation
of Substance Abusers Act**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the National Agency for the Treatment and Rehabilitation of Substance Abusers (Repeal) Act 2016.

2. Interpretation

In this Act –

“Agency” means the National Agency for the Treatment and Rehabilitation of Substance Abusers;

“Ministry” means the Ministry responsible for the subject of health.

3. Repeal

The National Agency for the Treatment and Rehabilitation of Substance Abusers Act is repealed.

4. Transitional provisions

(1) All rights, obligations and liabilities subsisting in favour of or against the Agency shall, at the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Ministry.

(2) (a) Notwithstanding any other enactment, every person employed by the Agency shall be dealt with in accordance with this section.

(b) Subject to paragraph (e), every person who at the commencement of this Act is employed on the permanent and pensionable establishment of the Agency shall be entitled to –

- (i) be transferred to the permanent and pensionable establishment of the Ministry on terms and conditions which shall be not less favourable than those of his previous employment;
- (ii) be redeployed, so far as is practicable, to a Ministry, a Government department or a statutory corporation where a vacancy in a similar position is available; or
- (iii) retire on the ground of abolition of office and be paid his pension benefits in accordance with the Pensions Act, the Statutory Bodies Pension Funds Act or such other pension scheme as may be applicable to the Agency.

(c) The period of service of every person employed on the permanent and pensionable establishment of the Agency who is transferred to the

Ministry, a Government department or a statutory corporation under paragraph (b) shall be considered to be an unbroken period of service with the Ministry, a Government department or a statutory corporation, as the case may be.

(d) No person employed on the permanent and pensionable establishment of the Agency shall, on account of his transfer to the Ministry, a Government department or a statutory corporation or any resulting change in his job title, be entitled to claim that his employment has been terminated or adversely affected in breach of any enactment.

(e) (i) Any person employed on the permanent and pensionable establishment of the Agency against whom a disciplinary inquiry or other proceedings are pending at the commencement of this Act –

(A) who is not interdicted, shall be eligible to exercise the option referred to in paragraph (b); or

(B) who is interdicted, may opt to –

(I) be transferred to the permanent establishment of the Ministry on terms and conditions which shall be not less favourable than those of his previous employment;

(II) retire on grounds of abolition of office and be paid pension benefits in accordance with the Pensions Act, the Statutory Bodies Pensions Funds Act or such other pension scheme as may be applicable to the Agency,

where no disciplinary charge is subsequently found proved against him.

(ii) For the purpose of this paragraph and paragraph (f), the date of a person's retirement on the ground of abolition of office shall be the date of commencement of this Act.

(f) Any disciplinary inquiry or proceedings pending at the commencement of this Act against a person employed on the permanent and pensionable establishment of the Agency shall be taken up, continued and completed by the Supervising Officer of the Ministry, and any order or decision shall have the same force and effect as if made by the Agency.

(g) Notwithstanding any other enactment, the contract of every person employed on a fixed term performance contract by the Agency shall be deemed to have been entered into by the Ministry and shall remain governed by its existing terms and conditions.

(h) The assets and funds of the Agency shall, at the commencement of this Act, vest in the Ministry.

(i) Subject to paragraphs (c) to (e), all rights, obligations and liabilities subsisting in favour of or against the Agency shall, at the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Ministry.

(j) 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 Agency 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 Ministry.

(k) Any proceedings, whether judicial or extra-judicial, started by or against the Agency and pending at the commencement of this Act shall be deemed to have been started by or against the State.

(3) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

5. Commencement

This Act shall come into operation on 1 July 2016.
