

Mauritius National Assembly

Parliament House

Port Louis

The Good Governance and Integrity Reporting Bill
(No. XXX of 2015)

Proposed amendments to be moved at Committee Stage

The Clerk of the National Assembly presents her compliments to Honourable Members and has the honour to inform them that the Honourable Minister of Financial Services, Good Governance and Institutional Reforms has given notice of the following amendments which he proposes to move at the Committee Stage of the above Bill –

- (a) in clause 3 –
 - (i) in subclause (2), by inserting, after the words “apply to”, the words “property of”;
 - (ii) by deleting subclause (6) and replacing it by the following subclause –
 - (6) This Act shall not apply to –
 - (a) any property acquired or having come in the possession or under the custody or control of a person more than 7 years before the commencement of this Act;
 - (b) unexplained wealth of less than 10 million rupees.
 - (iii) by inserting, after subclause (6), the following new subclause –
 - (7) No application for an Unexplained Wealth Order shall be made under section 14 in relation to any property acquired or having come in the possession or under the custody or control of a person more than 7 years before the date on which the application is made.

- (b) in clause 4(5), by deleting the words “, subject to the approval of the Prime Minister, by the Minister on such contractual terms and conditions as he may determine” and replacing them by the words “by the President, on the advice of the Prime Minister after consultation with the Leader of the Opposition”;
- (c) in clause 5(1) –
 - (i) in subclause (1) –
 - (A) in paragraph (a), by deleting the words “The Agency shall, on its own initiative or where a report has been made in respect of a person under section 9(1) or (2), require, in writing, any person to explain” and replacing them by the words “On receipt of a report under section 9(1) or (2), or on its own initiative, the Agency may, in writing, request any person to explain, by way of affidavit within 21 working days or any such longer period which the Director may determine,”;
 - (B) by deleting paragraph (b) and replacing it by the following paragraph –
 - (b) Where the Agency does not receive a reply within the period specified in paragraph (a), it shall apply for a disclosure order under section 13.
 - (ii) by deleting subclause (8);
- (d) in clause 7(1) –
 - (i) in paragraph (a), by deleting the words “Prime Minister” and replacing them by the words “President, on the advice of the Prime Minister after consultation with the Leader of the Opposition”;
 - (ii) in paragraph (b), by deleting the words “Minister,” and replacing them by the words “the President, on the advice of the Prime Minister after consultation with the Leader of the Opposition.”;
 - (iii) by deleting the words “on such terms and conditions as the Prime Minister may determine.”;

- (e) in clause 12(5), in paragraph (a), by deleting the words “be erased by the Conservator of Mortgages at the request of the Agency” and replacing them by the words “lapse 42 days from the date of receipt of the report by the Board under section 5(2) and shall accordingly be erased by the Conservator of Mortgages”;
- (f) in clause 13, in paragraph (b), by inserting, after the word “acquire”, the words “, possess or control”;
- (g) in clause 14, by adding the following new subclause –
 - (3) Where an application is made under subsection (1), the Agency may apply for an order prohibiting the transfer, pledging or disposal of any property.
- (h) in clause 16 –
 - (i) in subclause (1), by adding the words “or an order for the payment of its monetary equivalent”;
 - (ii) in subclause (2), by deleting the words “Unexplained Wealth Order” and replacing them by the words “order under subsection (1)”.

27 November 2015