

THE RODRIGUES REGIONAL ASSEMBLY ACT 2001

Act No. 39 of 2001

I assent

CASSAM UTEEM

20th November 2001 President of the Republic

From: Rodrigues Regional Assembly, <http://www.gov.mu/portal/sites/ncb/rra/rraact.htm>

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An Act

To provide for the establishment of the Rodrigues Regional Assembly and the Executive Council of the Regional Assembly, and for matters incidental thereto

ENACTED by the Parliament of Mauritius as follows -

PART I

PRELIMINARY

1. Short Title

This Act may be cited as the Rodrigues Regional Assembly Act 2001.

2. Interpretation

(1) In this Act, unless the context otherwise requires -

"**Clerk**" means the Clerk of the Rodrigues Regional Assembly;

"**Commissioner**" means any member of the Executive Council, including the Chief Commissioner and the Deputy Chief Commissioner;

"**financial year**" has the meaning assigned to it by section 111 of the Constitution;

"**Island region**" means the whole of the Island of Rodrigues;

"**Island region figure**" means the Island region figure calculated in accordance with section 10 for a party having submitted a list of candidates for election as Regional Assembly members;

"**Island region member**" means a person returned as a member for the Island region, in accordance with section 11;

"**Island region vote**" means the vote for a political party for the election of Island region members, as provided by section 11;

"**local region**" means any of the 6 local regions the boundaries of which are fixed by the President, as provided by section 3(4);

"**local region member**" means a person returned as a member for a local region of Rodrigues;

"**local region vote**" means a vote given for a candidate to be elected as a member for a local region;

"**registered political party**" means a political party registered under the provisions of the Representation of the People Act for the purpose of this Act;

"**Rodrigues**" means the Island of Rodrigues;

"**Rodrigues Capital Fund**" means the Rodrigues Capital Fund established under section 75D of the Constitution and referred to in section 43;

"**Rodrigues Consolidated Fund**" means the Rodrigues Consolidated Fund established under section 75 D of the Constitution and referred to in section 42;

"**Vice President**" means the Vice President of the Republic of Mauritius.

(2) Nothing in this Act or in a Regional Assembly Law shall be construed or interpreted as authorising -

(a) anything which is inconsistent with or contrary to -

(i) the Constitution of the Republic of Mauritius;

(ii) any convention, declaration, treaty, protocol or any international agreement between Mauritius and any foreign state;

(iii) any law enacted by Parliament, provided that the Regional Assembly may, in relation to the matters for which it is responsible under section 26, propose and adopt a Bill for the modification of any such law in its application to Rodrigues;

(b) the operation of any law voted by the Regional Assembly beyond the confines of Rodrigues and such part of the territorial sea of Mauritius comprising those areas of the sea between the inner and outer limits of Rodrigues as determined in accordance with section 3 of the Territorial Sea Act.

PART II

THE RODRIGUES REGIONAL ASSEMBLY

3. Establishment of the Rodrigues Regional Assembly

(1) There is established for the purpose of this Act, a Rodrigues Regional Assembly for the Island of Rodrigues.

(2) The Regional Assembly shall be a body corporate and the exercise of its functions shall be regarded as done on behalf of the Government of the Republic of Mauritius.

(3) The Regional Assembly shall consist of 18 members elected in accordance with section 4, the Representation of the People Act and regulations made thereunder, 12 of whom shall be local region members and the other 6 shall be Island region members.

(4) For the purposes of a Regional Assembly election, Rodrigues shall be divided into 6 local regions, the boundaries of which shall be fixed by the President, on the recommendations of the Electoral Boundaries Commission, and each of which shall separately return 2 local region members.

(5) The Regional Assembly, unless sooner dissolved, shall continue for 5 years from the date of the first sitting after any ordinary election, as provided by section 12, and shall then stand dissolved.

(6) The President may at any time dissolve the Regional Assembly.

(7) The President, acting in accordance with the advice of the Prime Minister, shall, for the purpose of electing a new Regional Assembly, issue a writ of election as provided by the Representation of the People Act.

4. Membership of the Regional Assembly

(1) The Regional Assembly shall consist of -

(a) 2 members for each local region; and

(b) subject to the provisions of section 11 (10), 6 members elected as provided by section 11 (1) to 11 (9) for the Island region.

(2) Members of the Regional Assembly shall be returned in accordance with the provision made by and under this Act and the Representation of the People Act for -

(a) the holding of ordinary elections of local region members and Island region members; and

(b) the filling of vacancies in Regional Assembly seats.

(3) An ordinary election shall involve the holding of elections for the return of the entire Regional Assembly.

5. Qualifications of electors

(1) Subject to subsection (2), a person shall be entitled to be registered as an elector if, and shall not be so entitled unless, he _

(a) is a citizen of Mauritius of not less than the age of 18 years;

(b) is a resident of Rodrigues on the prescribed date.

(2) No person shall be registered as an elector -

(a) in more than one local region;

(b) in a local region where he is not a resident on the prescribed date provided by the Representation of the People Act; (c) if he _

(i) is under sentence of death or is serving a sentence of imprisonment (by whatever name called), exceeding 12 months, imposed on him by a Court of law of the Republic of Mauritius;

(ii) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Mauritius;

(iii) is disqualified for registration by any law in force in Mauritius relating to offences connected with elections.

6. Qualifications of members

(1) Subject to subsection (2), a person shall be qualified to be elected as a member of the Regional Assembly if, and shall not be so qualified unless, he -

(a) is a citizen of Mauritius not less than the age of 18 years;

(b) has resided in Rodrigues for a period of, or periods amounting in the aggregate to, not less than 2 years before the date of his nomination for election;

(c) has resided in Rodrigues for a period of not less than 6 months immediately before that date; and

(d) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English and French languages with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Assembly. (2) No person shall be qualified to be elected as a member of the Regional Assembly who -

(a) is a member of the National Assembly;

(b) is a public officer or a local government officer;

(c) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government and/or the Regional Assembly for or on account of the public service, and has not, within 14 days after his nomination as a candidate for election, published in the *Gazette* and in a newspaper circulating in Rodrigues a notice setting out the nature of such contract and his interest, or the interest of any such firm or company, therein;

(d) has been adjudged or otherwise declared bankrupt and has not been discharged or has obtained the benefit of a *cessio bonorum* in Mauritius;

(e) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Mauritius;

(f) is under sentence of death, or is serving a sentence of imprisonment, (by whatever name called), exceeding 12 months imposed on him by a court of law or substituted by competent authority for some other sentence imposed on him by a court, or is under such a sentence of imprisonment the execution of which has been suspended;

(g) is disqualified for election by any law in force in Mauritius by reason of his holding, or acting in, an office the functions of which involve _

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for the compilation or revision of any electoral register; or

(h) is disqualified for membership of the National Assembly by any law in force in Mauritius relating to offences connected with elections.

(3) For the purpose of this section _

(a) 2 or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms; and

(b) imprisonment in default of payment of a fine shall be disregarded.

(4) A member of the Regional Assembly who stands as candidate for election to the National Assembly shall, if elected, be deemed to have resigned his seat in the regional Assembly.

7. Time of ordinary elections

(1) The poll at the first ordinary election shall be held on a day appointed by Order made by the President.

(2) (a) An election of members shall, subject to paragraph (b), be conducted in accordance with the provisions of the Representation of the People Act and regulations made thereunder.

(b) The President may, by Order, declare that any provision of the Representation of the People Act and regulations made thereunder shall not apply to an election organised under the provisions of this Act or shall apply thereto with such modifications as may be specified in the Order.

8. Voting at ordinary elections

(1) Each person entitled to vote at an ordinary election in any of the local regions of Rodrigues shall have 3 votes comprising of 2 local region votes and one Island region vote.

(2) The local region votes shall be given for 2 candidates to be members for the local region.

(3) The Island region vote shall be given for a registered political party having submitted a list of candidates for election as Regional Assembly members for the Island region.

(4) The 2 Regional Assembly members for each local region shall be returned under the simple majority system.

(5) The members for the Island region shall be returned under the system of proportional representation in accordance with sections 10 and 11.

(6) The persons who are to be returned as members for each of the local regions must be elected before it is determined who are to be returned as members for the Island region.

(7) At an ordinary election, no person shall be a candidate in more than one local region.

9. Party lists for the Island region

(1) Any registered political party may submit to the Electoral Commissioner a list of candidates for election as members for the Island region.

(2) The list shall have effect in relation to -

(a) the ordinary election; and

(b) any vacancies in seats of members returned for the Island region, which may occur after that election and before the next ordinary election.

(3) (a) The list shall include the names of 6 persons who shall be the registered political party's candidates for election as members for the Island region.

(b) The list shall indicate the order of precedence of each of the candidates appearing thereon.

(4) The list shall not include the name of a person -

(a) whose name is included on any other list submitted for election as a member for the Island region;

(b) who is an individual or a registered party candidate for election as a member for a local region.

10. Calculation of Island region figures

In order to calculate the Island region figure of a registered political party having submitted a list of candidates for election as members for the Island region, the total number of Island region votes given for each such registered political party shall be divided by the aggregate of one and the number of candidates of the party returned as members for the various local regions.

11. Return of Island region members

(1) The first seat for the Island region shall be allocated to the registered political party with the highest Island region figure.

(2) The second and subsequent seats for the Island region shall be allocated to the registered political party with the highest Island region figure after any recalculation required by subsection (3) has been carried out.

(3) There shall be a recalculation of a registered political party's Island regional figure under section 10 -

(a) for the application of subsection (2) if the application of subsection (1) resulted in the allocation of a seat to the party; or

(b) for any subsequent application of subsection (2), if the previous application of that subsection did so, provided that for any recalculation of a party's Island region figure, the dividing figure shall be the aggregate of one and the previous aggregate figure used to calculate the Island region figure of the registered political party.

(4) Seats for the Island region allocated to any registered political party shall be filled by the persons on the party's list in the order of precedence in which they appear on the list.

(5) Once a registered political party's list has been exhausted by the return of persons included on it as members for the Island region by the previous application of subsection (1) or (2), the party shall be disregarded.

(6) Where on the application of subsection (1) or subsection (2), the highest Island region figure is that of 2 or more registered political parties, the subsection shall apply to each of them.

(7) Where the application of subsection (6) would result in the allocation of more than the full number of seats for the Regional Assembly Island region, subsection (1) or (2) shall not apply until a recalculation of the Island region figure has been carried out after adding one to the number of votes given for each registered political party with that Island region figure.

(8) Where after the application of subsection (7), the highest Island region figure is still that of 2 or more registered political parties, the Electoral Commissioner shall decide between them by lots.

(9) No party shall be entitled to any seat for the Island region unless it has scored at least 10 percent of the total number of Island region votes expressed for all the parties. (10) Where following the return of the Island region members in accordance with subsections (1) to (9), a registered political party having obtained 7 or more of the 12 local region seats, finally finds itself with a total of less than 10 of the 18 seats, there shall be allocated to that party such number of additional seats as may be necessary to ensure that it disposes in the Regional Assembly of a majority of 50 percent plus one of the total number of seats.

12. Swearing in of members

The President or the Vice President shall administer to the Members at a meeting held for the purposes of this section, not later than 7 days after the date of an ordinary election or as soon thereafter as the President may consider practicable, the oath of office set out in the First Schedule.

13. Election of Chairperson and Deputy Chairperson of the Regional Assembly

(1)(a) Immediately after the swearing referred to in section 12, the members shall meet under the chairmanship of the local region member having scored the highest percentage of votes to elect a Chairperson of the Regional Assembly and a Deputy Chairperson of the Regional Assembly to whom the President or Vice President shall administer the oath of office set out in the Second Schedule.

(b) A motion under paragraph (a) shall not be the subject matter of a debate in the Regional Assembly.

(2) The Chairperson of the Regional Assembly need not be a member but no person may be elected to the office of Chairperson unless he is a citizen of Mauritius. (3) The Chairperson or the Deputy Chairperson of the Regional Assembly may resign his office by writing under his hand addressed to the Clerk who shall forward copies thereof to the President and the Minister.

(4) Where the office of the Chairperson or the Deputy Chairperson of the Regional Assembly is vacant for any reason, the Clerk shall, as soon as possible, convene a special meeting of the Regional Assembly for the purposes of electing a new Chairperson or a Deputy Chairperson, as the case may be.

(5) A newly elected Chairperson or Deputy Chairperson of the Regional Assembly shall not assume the duties of his office before taking the prescribed oath before the President or the Vice President.

14. Election of Chief Commissioner and Deputy Chief Commissioner

Upon the election referred to in section 13, the Members, meeting under the chairmanship of the new elected Chairperson of the Regional Assembly, shall in accordance with section 15, elect from among their number the Chief Commissioner and the Deputy Chief Commissioner to whom

the Chairperson or the Deputy Chairperson shall administer the oath of the office set out in the Third Schedule.

15. Election Procedure

(1) In the case of the elections held under sections 13 and 14, the Member in the chair or the Chairperson of the Regional Assembly, as the case may be, shall receive nominations of candidates from any Member who has already been sworn, except that no Member shall nominate more than one candidate for the same office.

(2) Where not more than one candidate is nominated for an office, the Member in the chair or the Chairperson of the Regional Assembly, as the case may be, shall declare that candidate duly elected, but where more than one candidate is nominated the election shall be held by secret ballot. (3) (a) The person elected to an office shall be the candidate receiving the highest number of votes.

(b) In case of an equality of votes, the ballot shall be retaken in respect of the relevant candidates.

(4) Where on the second ballot there is again an equality of votes, the Member in the chair or the Chairperson of the Regional Assembly, as the case may be, shall exercise a casting vote.

16. Appointment of Minority Leader

(1) Immediately after administering the oaths of office to the Chief Commissioner and Deputy Chief Commissioner, the President, acting in his own deliberate judgment shall appoint as Minority Leader the Member who, in his opinion, commands the support of the largest number of members who do not support the Chief Commissioner.

(2) The Minority Leader may resign his office by writing under his hand addressed to the President.

(3) Where the office of the minority Leader is vacant the President, acting in his own deliberate judgement, shall appoint a new Minority Leader.

17. Assumption of office

(1) Every member shall, before taking his seat in the Regional Assembly, take and subscribe the prescribed oath.

(2) The term of office of a member shall begin when he is declared to be returned as a member.

18. Time limit for swearing in

(1) Where a person elected to serve in the Regional Assembly is not present at the meeting referred to in section 12, he shall be administered the oath of office by the Chairperson or Deputy Chairperson of the Regional Assembly at the next ordinary meeting at which he is present. (2) Subject to subsection (3), where at the expiration of 3 months from his election or return under section 11 or 20, a member has not taken the oath of office, he shall be disqualified from assuming the duties and responsibilities of a Member and his seat shall become vacant.

(3) The Regional Assembly may resolve, before the expiration of the period of 3 months of the election of a Member who has not taken the oath of office, either on its own motion or at the

request of that Member, to extent the period of 3 months to a period not exceeding 4 months at the end of which period, the seat of the member shall become vacant in case he has still not taken the prescribed oath.

(4) The Chairperson of the Regional Assembly shall immediately notify the President of any extension of time granted in accordance with subsection (3).

19. Declaration of vacancy

(1) The seat of a member shall become vacant where -

(a) he dies;

(b) he has failed to take the oath referred to in section 18;

(c) he resigns his office in writing addressed to the President of the Regional Assembly;

(d) without the leave of the Regional Assembly, he fails to attend any meeting of the Regional Assembly or of its Committees for a period of three 3 consecutive months;

(e) he is no more a resident of Rodrigues;

(f) he or any company, partnership or other association of which he or his spouse is a director or manager, becomes a party to a contract with the Government or the Regional Assembly;

(g) he ceases to be qualified to be elected as a member of the Regional Assembly under section 6.

(2) (a) The clerk shall formally declare a vacancy in the membership of the Regional Assembly -

(i) at the first meeting of the Regional Assembly following the vacating of a seat by virtue of section 8 (2) or (3); or

(ii) on the adoption of a motion of the Members that a Member has ceased to possess the qualifications required or has become disqualified for being a member for any reason.

(b) A vacancy pursuant to subsection (2) (a) shall have effect from the date on which it is so declared.

(c) The notice of a declaration of vacancy shall be signed by the Chairperson of the regional Assembly and sent forthwith to the President who shall cause the notice to be published in the *Gazette*.

(3) The validity of anything done by the Regional Assembly shall not be affected by any vacancy or vacancies in its membership.

20. Proceedings in respect of disqualifications

(1)(a) Proceedings may be instituted in the Supreme Court against any person acting as a member of the Regional Assembly on the ground of his being disqualified within the meaning of this section for

so acting, and proceedings may be instituted in the Supreme Court on the like ground against any person claiming to be so entitled.

(b) Proceedings under this section shall not be instituted after 6 months from the date on which the person so acted. (2) Where in proceedings instituted under this section it is proved that the defendant has acted as a member of the Regional Assembly, while disqualified from so acting, the court may _

(a) make a declaration to that effect and further declare that the office in which the defendant has acted is vacant;

(b) grant an injunction restraining the defendant from so acting;

(c) order that the defendant shall forfeit to the Regional Assembly such sum, not exceeding 10,000 rupees, as the court thinks fit, for each occasion on which he so acted while disqualified.

(3) Where in proceedings instituted under this section in the Supreme Court it is proved that the defendant claims to act as a member of the Regional Assembly and is disqualified for so acting, the court may make a declaration to that effect and declare that the office in which the defendant claims to be entitled to act is vacant and grant an injunction restraining him from so acting.

(4) No proceedings shall be instituted under this section by any person other than an elector in the Island Region of Rodrigues.

(5) For the purposes of this section, a person shall be deemed to be disqualified for acting as a member of the Regional Assembly -

(a) where he is not qualified to be, or is disqualified for being, a member of the Regional Assembly, or for holding that office; or

(b) where he has ceased to be a member of the Regional Assembly, or to hold that office for any of the reasons mentioned in section 19.

21. Vacant local region seats

(1) Subject to subsection (5), where the seat of a member elected for a local region becomes vacant, an election shall be held in the local region to fill the vacancy.

(2) At the election to fill the vacancy, each person entitled to vote at the election shall have only one local region vote and the member shall be returned under the simple majority system.

(3) Notwithstanding anything to the contrary in the Representation of the People Act, the date of the poll shall be fixed by the President, acting in accordance with the advice of the Prime Minister, to a date which shall not be later than 3 months after the occurrence or the declaration of vacancy under section 19 (2).

(4) An election to fill a vacancy shall not be held if the latest date, which may be fixed, for the poll falls within the period of 6 months preceding the date on which the Regional Assembly will normally stand dissolved.

(5) A local region member or an Island region member may not be a candidate in an election to fill a vacancy.

22. Vacant Island region seats

(1) Where the seat of a member returned for the Island region becomes vacant, the Electoral Commissioner, after consultation with the Electoral Supervisory Commission, shall notify to the Chairperson of the Regional Assembly the name of the person who is to fill the vacancy.

(2) A person's name may only be so notified if -

(a) he is included on the list on which was also included the name of the member whose seat has become vacant;

(b) he is willing to serve as a member for the Island region; and

(c) the party does not within one week of the notice of declaration of vacancy being published in the *Gazette* under section 19 (2) (c), inform the Electoral Commissioner of its objection to his name being notified to the Chairperson of the Regional Assembly.

(3) Where there are more than one person who satisfies the conditions in subsection (2), the Electoral Commissioner may only notify the name of whichever of them was the higher, or highest, on the list.

(4) A person whose name is notified under subsection (1) shall be treated as returned as a member for the Island region on the day on which notification of his name is received by the Chairperson of the Regional Assembly and he shall take the oath prescribed in the First Schedule before the Chairperson at the next ordinary meeting of the Regional Assembly.

(5) Where there is no person who satisfies the conditions in subsection (2), the seat left vacant by an Island region member shall remain vacant until the next ordinary election.

23. Remuneration of members

(1) The salary, allowances and other privileges of any Commissioner and Member, including a Chairperson who is not a returned member of the Regional Assembly, shall, until such time as Parliament provides for same, be fixed by the President.

(2) The Regional Assembly shall establish a contributory pension scheme for Members.

(3) The salaries and allowances payable to the Chairperson and the Deputy Chairperson of the Regional Assembly, the Commissioners and the Members shall be a charge on the Rodrigues Consolidated Fund.

(4) A Commissioner or a Chairperson of the Regional Assembly shall not engage in any trade, business, occupation or other undertaking for profit or remuneration other than that of serving as Commissioner or Chairperson.

24. Tenure of office

(1) Subject to section 19, the term of office of the Chairperson of the Regional Assembly and of a Member shall expire at the next dissolution of the Regional Assembly.

(2) A person whose term of office as a Member has expired shall be eligible for re-election.

25. Exemption from jury service

Notwithstanding anything to the contrary in any other law, the Chairperson and the members of the Regional Assembly shall be exempt from jury service.

26. Responsibility of the Regional Assembly

(1) Without prejudice to the provisions of Chapter VI of the Constitution and notwithstanding anything to the contrary in any other law, the Regional Assembly shall, in relation to Rodrigues, be responsible for the formulation and implementation of policy in respect of the matters set out in the Fourth Schedule.

(2) For the better performance of its functions, the Regional Assembly may do all such acts and take all such steps, including, subject to the State Lands Act, the acquisition or disposal of any property or rights, as may be necessary for or which may be conducive to or incidental to the exercise of its powers and duties and, in particular, the Regional Assembly may -

(a) devise mechanisms to ensure the protection and security of property, buildings, or other assets under its control;

(b) enter into such contracts as it deems fit for the efficient discharge of its functions; and

(c) unless there is a particular objection from the Government, obtain from foreign and international donors any grant, aid or technical assistance.

(3) (a) The Regional Assembly shall, in relation to Rodrigues, have all the powers and privileges which, under the Local Government Act 1989 or any other enactment are, in the Island of Mauritius, vested in a Municipal Council as Local Authority and the Regional Assembly shall, in particular, carry out, with such modifications as may be specified in the Fifth Schedule to this Act, the duties referred to in section 51 (1) of the Local Government Act.

(b) (i) No person shall carry out, in Rodrigues, any activity specified in the Eighth Schedule to the Local Government Act 1989 unless he has obtained a licence to that effect from the Regional Assembly and paid such fee as may be prescribed by the Regional Assembly.

(ii) Regulations made by the Regional Assembly under paragraph (b) (i) shall not require the approval of the Minister to be published in the *Gazette* and, notwithstanding the provisions of section 31 (7), (8) and (9), shall take effect on the day specified in the regulations.

(c) Any fee prescribed for the purposes of paragraph

(b) in respect of a financial year shall become due as from 1 July of that year and may be paid in 2 equal instalments, the second one being payable on or before the 31 January of the following year, failing which a surcharge of 50 per cent shall be leviable on the amount unpaid as at those dates.

(d) Any person who fails to take out a licence which he is required to obtain under the provisions of

paragraph (b), or to pay any fee which he is required to pay under any regulations made for the purposes of paragraph (b) shall commit an offence and shall, on conviction, be liable to a fine of not less than 500 rupees and of not more than 10000 rupees together with the amount of the fee prescribed for the required licence.

27. Government matters for which Regional Assembly is not responsible

(1) Functions relating to the public administration of Rodrigues which do not fall under the responsibility of the Regional Assembly

shall continue to be exercised by the Government of Mauritius.

(2) The Government or any public statutory body may, by way of Memorandum of Understanding, authorise the Regional Assembly to act as its agent in respect of any of its responsibilities in Rodrigues.

(3) Where the Government or any public statutory authority delivers, in Rodrigues, services to the public, it shall, in so doing, give due consideration to the views of the Regional Assembly.

28. Administration of certain services

Where services fall within the responsibility of the Regional Assembly pursuant to section 26 (1) or where the Regional Assembly acts as agent of the Government or any statutory body pursuant to section 27 (2), the services shall be administered by the Regional Assembly.

29. Regional Assembly subject to Central Tender Board

Where, in the exercise of its functions, the Regional Assembly proposes to enter into a contract relating to procurement or supply, it shall comply with the requirements of the Central Tender Board Act 2000 and any other relevant enactment or procedure.

30. Regional Assembly Laws

(1) Without prejudice to sections 45 and 46 of the Constitution, the Regional Assembly may, in the exercise of its powers under this Act, propose and adopt Bills in relation to the matters for which it is responsible under section 26.

(2) Such Bills shall be debated in the Regional Assembly in accordance with its Standing Orders and, if adopted, shall be transmitted by the Chief Commissioner to the Minister with a request for its introduction into Parliament for enactment into law in accordance with section 46 of the Constitution.

(3) Where the Cabinet so decides, a Bill adopted under subsection (1) shall be introduced into Parliament with a view to its enactment in accordance with the relevant Standing Orders.

(4) Subject to the provisions of section 2 (2) (a) (iii), a Bill adopted by the Regional Assembly shall not seek to abrogate, suspend, repeal, alter, override or be contrary to any law of the Republic of Mauritius or impose any direct or indirect taxation whatsoever.

(5) When enacted, a law introduced into Parliament under subsection (3), shall be known as a Rodrigues Regional Assembly Law and shall be so designated in its Short Title.

31. Regional Assembly Regulations

(1) In the exercise of its powers conferred by Chapter VIA of the Constitution and for the purpose of discharging its functions under this Act, the Regional Assembly may pass measures which shall be known as Rodrigues Regional Assembly Regulations in relation to the matters for which it is responsible under section 26.

(2) Regional Assembly Regulations shall have effect in Rodrigues only and shall operate in addition to and not in derogation of any law of the Republic of Mauritius.

(3) Regional Assembly Regulations may provide for a penalty but no such penalty shall be in excess of a term of imprisonment of 2 years and a fine in excess of 10,000 rupees for any contravention thereof.

(4) Regional Assembly Regulations may provide for the levying of fees.

(5) Regional Assembly Regulations made by the Regional Assembly shall not require the approval of the Minister to be published in the *Gazette*.

(6) Subject to subsections (7) and (8), Regional Assembly Regulations, other than those made under section 26 (3) (b) (i), which provide for a new penalty or the imposition or increase of any fee, charge or due shall not come into force before the expiration of 30 days after their publication in the *Gazette*.

(7) Regional Assembly Regulations shall be subject to a negative resolution of the National Assembly.

(8) Where a motion to annul a Regional Assembly Regulation which provides for a new penalty or the imposition or increase of any fee charge or due is filed with the Speaker of the National Assembly before the expiration of 30 days after the publication of a Regional Assembly Regulation in the *Gazette*, the Regulation shall not come into force under subsection (6) unless the motion is defeated.

(9) Regional Assembly Regulations providing for a new penalty or the imposition or increase of any fee, charge or due published at anytime when the National Assembly is in vacation shall not take effect until such time as the National Assembly meets and has the opportunity of passing a negative resolution.

32. References to Ministers and Departments

Any reference in any enactment or other document to -

(a) a Minister; or

(b) a government department,

whether by name or in general terms, shall, for the purpose or in consequence of the exercise by the Regional Assembly of any of its functions and duties in relation to Rodrigues, be construed as being or including a reference to the Regional Assembly.

33. Annual Report

(1) On or before the 30th September, in each year, the Chief Commissioner shall forward to the Minister for presentation to the President a report reviewing the activities of the Regional Assembly during the year ended 30 June immediately preceding.

(2) The Minister shall, within one month of receiving same, cause a copy of the report to be laid on the Table of the National Assembly.

PART III

EXECUTIVE COUNCIL OF THE REGIONAL ASSEMBLY

34. Establishment of the Executive Council

- (1) There is established for the purpose of this Act an Executive Council of the Regional Assembly.
- (2) The Executive Council shall comprise -
- (a) the Chief Commissioner;
 - (b) the Deputy Chief Commissioner; and
 - (c) not more than 5 other members of the Regional Assembly, appointed by the President, acting on the advice of the Chief Commissioner.
- (3) The President or Vice President shall administer to a Commissioner the oath set out in the Third Schedule.

35. Duties and powers of the Executive Council

- (1) The Executive Council shall be responsible for the carrying out of the functions of the Regional Assembly and the Chairperson, acting on the advice of the Chief Commissioner, may, for that purpose assign to a Commissioner the responsibility for one or more Departments of the Regional Assembly.
- (2) In the exercise of their powers, the Members of the Executive Council shall be individually and collectively responsible to the Regional Assembly.
- (3) Subject to subsection (2), decisions of the Executive Council may be implemented without the prior approval of the Regional Assembly.
- (4) The Executive Council shall continue to discharge its functions during any period that the Regional Assembly stands dissolved.

36. Motion of no confidence

Where the Regional Assembly passes a resolution declaring that they have no confidence in the Chief Commissioner and the latter does not resign his office within 2 days of the passing of such resolution, the President shall revoke the appointment of the Chief Commissioner.

37. Tenure of Office of Members of the Executive Council

- (1) The Chief Commissioner shall vacate his office -
- (a) where his appointment is revoked by the President;
 - (b) where for any reason other than a dissolution of the Regional Assembly, he ceases to be a member of the Regional Assembly;

(c) immediately before the administering of the oath, under section 12, to the newly elected Chief Commissioner.

(2) A Commissioner, other than the Chief Commissioner, shall vacate his office _

(a) when a person is elected or re-elected as Chief Commissioner;

(b) where for any reason other than a dissolution of the Regional Assembly he ceases to be a Member;

(c) where his appointment is revoked by the President acting in accordance with the advice of the Chief Commissioner.

(3) Where the office of the Chief Commissioner becomes vacant for any reason other than the dissolution of the Regional Assembly, the Chairperson of the Regional Assembly shall, after consultation with the President, convene an urgent meeting of the Regional Assembly in order that it may proceed to the election of a new Chief Commissioner and a Deputy Chief Commissioner.

(4) Where the Regional Assembly convened as provided in subsection (3) fails or is unable to elect a new Chief Commissioner, the President, acting in his own deliberate judgement, shall appoint as Chief Commissioner the member who, in his opinion, is likely to command the support of the largest number of members of the Regional Assembly.

(5) On the election or appointment of a new Chief Commissioner, the President, acting on the advice of the new Chief Commissioner, shall appoint the new members of the Executive Council, including the Deputy Chief Commissioner where the Regional Assembly is unable to elect a new Deputy Chief Commissioner.

38. Powers of a Commissioner

(1) Where a Commissioner is assigned responsibility for a Department of the Regional Assembly, he shall exercise general direction and control over that Department in accordance with the policy of the Executive Council.

(2) Nothing in this Act shall affect mutual consultation between any Minister and a Commissioner.

39. Policy

(1) The Executive Council, shall develop policy on matters relating to Rodrigues in relation to its functions for submission to the Prime Minister.

(2) The Executive Council may from time to time refer to the Prime Minister specific matters of policy relating to Rodrigues for the consideration of Cabinet.

(3) The Chief Commissioner shall, if invited by the Prime Minister so to do, attend meetings of the Cabinet in order that he may-

(a) apprise Cabinet of decisions taken by the Regional Assembly in the exercise of its powers under this Act; or

(b) represent the interest of Rodrigues in any matter having or likely to have an adverse effect on Rodrigues.

40. Prime Minister to be informed concerning matters of the Executive Council

(1) The Chief Commissioner shall keep the Prime Minister fully informed concerning the general conduct of the affairs of the Executive Council in relation to Rodrigues and shall furnish the Prime Minister with such information as he may request from time to time with respect thereof.

(2) The Prime Minister may invite the Chief Commissioner to discussions with a view to formulating administrative and legislative mechanisms for the promotion of harmony in the affairs of the Island of Mauritius and Rodrigues.

PART IV

FINANCE

41. Application of Finance and Audit Act

Subject to the other provisions of this Part, the Finance and Audit Act shall, with such modifications and adaptations as may be necessary, continue to apply to Rodrigues and the accounts of the Rodrigues Regional Assembly.

42. Rodrigues Consolidated Fund

There shall be a Rodrigues Consolidated Fund which shall consist of -

- (a) any money standing to the credit of the Rodrigues Consolidated Fund;
- (b) money appropriated to the Rodrigues Consolidated Fund by the National Assembly;
- (c) all recurrent revenue of the Regional Assembly; and
- (d) any other money properly accruing to the Rodrigues Consolidated Fund under any other enactment,

but shall not include any deposit referred to in section 8 of the Finance

and Audit Act and any money properly accruing to the Rodrigues Capital Fund.

43. Rodrigues Capital Fund

There shall be a Rodrigues Capital Fund which shall consist of -

- (a) any money standing to the credit of the Rodrigues Capital Fund;
- (b) money appropriated for that purpose by the National Assembly;
- (c) money received from the proceeds of a loan raised for that purpose by or on behalf of the Regional Assembly;

(d) money received by way of interest or dividend on any investment of money belonging to the Rodrigues Capital Fund;

(e) the proceeds of any sale of immovable property by the Regional Assembly;

(f) money received in reimbursement of the capital cost of any project financed in whole or in part from the Rodrigues Capital Fund;

(g) any grant or donation made to the Regional Assembly for development purposes by any person or body or by any other Government; and

(h) any other money properly accruing to the Rodrigues Capital Fund under any other enactment.

44. Annual Estimates

(1) The Commissioner to whom responsibility for the subject of finance is assigned shall, not later than 31 March in every year, submit to the Regional Assembly in respect of its functions, draft estimates of recurrent revenue and recurrent expenditure and capital revenue and capital expenditure for the next financial year.

(2) The Regional Assembly shall approve the draft estimates submitted in accordance with subsection (1), subject to such modifications as it thinks fit.

(3) The Chief Commissioner shall, not later than 15 April in every year, transmit to the Minister the draft estimates approved by the Regional Assembly under subsection (2) for consideration by Cabinet.

(4) Cabinet shall, having regard to the various criteria referred to in section 46, determine the quantum of financial resources to be allocated to Rodrigues in respect of recurrent expenditure and capital expenditure for the financial year.

(5) The total quantum of the financial resources to be allocated to Rodrigues as determined under subsection (4) shall be entered under the appropriate item of the Draft Recurrent Budget or the Draft Capital Budget, as the case may be, in the Appropriation Bill for the financial year.

(6) Upon the coming into force of this Act, the first draft estimates shall be transmitted to the Minister within 3 months of the first meeting for the swearing in of the members in accordance with section 12.

45. Annual Estimates transmitted after 15 April

(1) Where the Chief Commissioner is unable, for any reason whatsoever, to transmit the draft estimates of the Regional Assembly by 15 April, as required under section 44 (3), the Minister of Finance may, having regard to the total quantum of the financial resources allocated to Rodrigues for the previous financial year, determine the total quantum in respect of recurrent expenditure and capital expenditure for the financial year.

(2) Cabinet may take into account the draft estimates transmitted after 15 April and vary, in such amount as it may determine, the total quantum of the financial resources to be allocated for the financial year.

46. Criteria to be considered for allocation of financial resources to Rodrigues

In considering the draft estimates approved by the Regional Assembly, Cabinet shall give due consideration to the financial and development needs of Rodrigues in the context of Mauritius and shall, for a fair allocation of financial resources to Rodrigues, take into account -

- (a) the physical separation of Rodrigues from the Island of Mauritius;
- (b) Rodrigues' distinct history and identity;
- (c) Rodrigues' isolation from the principal national growth centres;
- (d) the absence of the multiplier effect from expenditures and investments (private and public) made in the Island of Mauritius;
- (e) the restricted opportunities for employment and career fulfilment in Rodrigues;
- (f) the impracticability of participation by residents of Rodrigues in the major educational, cultural and sporting facilities located in the Island of Mauritius;
- (g) the lack of sustained development in Rodrigues ;
- (h) the amount of grant which could have been payable to it, had it been a Municipal or District Council;
- (i) the special needs of Rodrigues in terms of accelerated development; and
- (j) the state of public finance and of the economy of Mauritius in general.

47. Annual statements

The provisions of section 19 of the Finance and Audit Act shall apply to the annual statements showing fully the financial position of Rodrigues.

48. Audit of accounts

The accounts of the Regional Assembly shall be public accounts of Mauritius for the purposes of section 110 of the Constitution.

49. Release of Monies

Monies appropriated by the National Assembly for the service of the Regional Assembly in any financial year shall be released as and when required.

50. Revenue to be paid into Rodrigues Consolidated Fund or Consolidated Fund

Notwithstanding anything to the contrary in any other enactment -

- (a) all fees, dues, rates or other charges in respect of any economic activity in Rodrigues shall be administered in Rodrigues on behalf of the Regional Assembly and all receipts from public utilities or public services in Rodrigues shall be paid into the Rodrigues Consolidated Fund;

(b) all duties and taxes imposed by any revenue law and applicable to Rodrigues shall be collected by the Regional Assembly on behalf of the Government and shall be paid into the Consolidated Fund.

51. Advances and power to borrow

(1) The Commissioner responsible for the subject of Finance may _

(a) with the approval of the Minister of Finance, obtain from the Bank of Mauritius advances in respect of temporary deficiencies of budget revenue, as provided by section 17 of the Bank of Mauritius Act;

(b) with the approval of the Regional Assembly, apply to the Minister of Finance for a warrant authorising an advance from the Contingencies Fund to enable the Regional Assembly to meet urgent and unforeseen expenditure in accordance with section 5 of the Finance and Audit Act; and

(c) with the written permission of the Minister of Finance, borrow by way of term loans, such sums as may be approved by the Regional Assembly for the purposes of capital investment, provided that a copy of any agreement shall, as provided by section 4 of the Loans Act, be tabled both before the National Assembly and the Regional Assembly.

52. Financial instructions

(1) All financial instructions made under section 22 of the Finance and Audit Act shall continue to apply to Rodrigues and the accounts of the Regional Assembly.

(2) The Regional Assembly may, in conformity with existing Financial instructions, make such financial instructions as are necessary for the proper management of its finance and the Minister shall lay such instructions on the Table of the National Assembly.

53. Description of property

In any civil or criminal proceedings in respect of any monies or any other property belonging to or under the control of the Regional Assembly, it shall be sufficient to describe the same as being the monies or property of Mauritius.

54. Vesting of powers, rights and property in the Regional Assembly

Upon the coming into force of this Act -

(a) such lands and other property of every kind located in Rodrigues vested in the State shall, subject to the State Lands Act, be transferred, to the Regional Assembly in right of the Republic of Mauritius;

(b) such rights, privileges and benefits to which the Government of Mauritius is entitled to in respect of Rodrigues and such liabilities and obligations to which it may be subject in Rodrigues, shall be transferred to the Regional Assembly.

55. Continuation of legal proceedings

All proceedings, judicial and otherwise commenced before the commencement of this Act, by or against the Government or the State of Mauritius in respect of matters the responsibility for which is to be exercised by the Regional Assembly, shall be continued by or against the Regional Assembly.

PART V

MEETINGS AND PROCEEDINGS OF THE REGIONAL ASSEMBLY

56. First meeting

The first ordinary meeting of the Regional Assembly shall be held within 15 days of the meeting referred to in section 12.

57. Chairperson of the Regional Assembly to have casting vote

(1) The Chairperson of the Regional Assembly shall preside at all meetings of the Regional Assembly at which he is present and, subject to subsection (2), shall only exercise the casting vote.

(2) Where the Chairperson of the Regional Assembly is an elected member of the Regional Assembly, he shall retain his right to vote and the right to exercise the casting vote.

58. Absence of Chairperson of the Regional Assembly

(1) Where the Chairperson of the Regional Assembly is unable to attend a meeting of the Regional Assembly, the Deputy Chairperson of the Regional Assembly shall preside with the same powers and authority as the Chairperson of the Regional Assembly, except that he shall retain the right to vote and may also exercise the right of a casting vote.

(2) Where both the Chairperson and Deputy Chairperson of the Regional Assembly are unable to attend a meeting of the Regional Assembly, the Members present shall elect one of their number, not being a member of the Executive Council, to preside at that meeting and the Member so elected shall retain the right to vote and may also exercise the right of a casting vote.

59. Meetings

(1) The Regional Assembly shall hold an ordinary meeting as often as its business may require and at least once every quarter.

(2) The Chairperson of the Regional Assembly shall convene a special meeting of the Regional Assembly:-

(a) at the written request of the Chief Commissioner; or

(b) at the written request of not less than one third of the members.

(3) A request for a special meeting shall be addressed to the Chairperson of the Regional Assembly through the Clerk and shall state the reasons for the convening of the Regional Assembly.

(4) Subject to the powers of the Regional Assembly to sit in Committee, all ordinary meetings or special meetings of the Regional Assembly shall be open to the public but the Chairperson of the Regional Assembly may order the removal of persons for disorderly conduct or obstruction of the proceedings.

(5) The Regional Assembly shall appoint, with or without delegated powers of the Assembly, the following standing committees-

(a) a Finance Committee;

(b) a Public Health and Environment Committee;

(c) a Works, Planning and Development Committee;

(d) an Education, Culture, Welfare, Sports and Leisure Committee;

(e) a Committee of the whole Regional Assembly; and

(f) such other Committee as it thinks fit.

(6) The meetings and proceedings of a standing committee shall be conducted in the manner specified in the Sixth Schedule.

(7) (a) Every Committee shall submit its confirmed report to the Regional Assembly either in the form of minutes of its proceedings or as a formal report signed by its chairperson.

(b) Any report of a Committee, when adopted by the Regional Assembly, shall become a resolution of the Regional Assembly.

60. Notice of meetings

(1) The Clerk shall give each member at least 3 clear days' written notice of any ordinary meeting and the agenda of such meeting.

(2) The Clerk shall give each member at least 24 hours' written notice of any special meeting and the agenda of such meeting.

61. Record of proceedings

The Clerk shall keep, in proper form, a record of the proceedings of each meeting of the Regional Assembly.

62. Quorum

At any ordinary meeting of the Regional Assembly, other than the meeting referred to in section 12, 7 members shall constitute a quorum.

63. Disability because of interest

(1) (a) Where a member of the Regional Assembly, including the Chairperson of the Regional Assembly, has any pecuniary interest, direct or indirect, in any contract or other matter and is present at a meeting of the Assembly at which the contract or other matter is the subject of

consideration, he shall at the meeting, as soon as practicable after its commencement, disclose the fact, and shall not take part in the consideration or discussion of or vote on any question with respect to the contract or other matter.

(b) This section shall not apply to an interest in a contract or other matter which a member of the Regional Assembly or the Chairperson may have as a rate payer or inhabitant of the area, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(2) For the purposes of this section, a person shall be treated as having indirectly a pecuniary interest in the contract or other matter, where -

(a) he or any nominee of his is a member of a company or other body with which the contract is made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(3) For the purposes of this section, the interest of a spouse or that of any children shall, if known to the member, be deemed to be also an interest of the member.

(4) A general notice given in writing to the Clerk of the Regional Assembly by a member to the effect that he, his spouse or any of his children is a member or is in the employment of a specified company or other body, or that he, his spouse or any of his children is a partner or in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract, or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The Clerk of the Regional Assembly shall record, in a book to be kept for the purpose, particulars of any disclosure made under subsection (1) and of any notice given under subsection (4), and the book shall be open at all reasonable hours to the inspection of the public.

(6) Any member or Chairperson of the Regional Assembly who contravenes subsection (1) shall commit an offence and shall for each offence be liable, on conviction, to a fine not exceeding 10,000 rupees unless he proves that he did not know that a contract, proposed contract, or other matter in which he has a pecuniary interest was the subject of consideration at the meeting.

(7) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(8) The Chairperson may, subject to such conditions as he thinks fit to impose, remove any disability imposed by this section in any case in which the number of members of the Regional Assembly so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Chairperson that it is in the interest of the inhabitants of Rodrigues that the disability should be removed.

(9) The Regional Assembly may by resolution exclude any member from any meeting while any contract, proposed contract, or other matter in which he has such an interest is under consideration.

64. Rules and Standing Orders

(1) Subject to this Act, the Regional Assembly shall make Rules and Standing Orders to provide for -

(a) the regulation and conduct of the proceedings and meetings of the Regional Assembly including records of proceedings of the Regional Assembly;

(b) the maintenance of order in the Chamber of the Regional Assembly;

(c) the conduct of debates in the Regional Assembly;

(d) the suspension of members;

(e) such other matters as the Regional Assembly considers fit.

(2) Rules and Standing Orders of the Regional Assembly may be made by a simple majority of members.

(3) The Rules and Standing Orders of the Regional Assembly may provide that the records of the proceedings of any meeting, shall, when copies thereof have been circulated to members, be taken as read.

65. Privileges and immunities

(1) Subject to the Rules and Standing Orders of the Regional Assembly, there shall be freedom of speech in the Chamber of the Regional Assembly.

(2) No civil or criminal proceedings may be instituted against any member or other person for words spoken before, or written in a report of the Regional Assembly or a committee thereof.

(3) In other respects, the powers, privileges and immunities

of the Regional Assembly, Members and committees of the Regional Assembly, shall be such as may from time to time be prescribed by Parliament and until so defined shall be those that apply to the National Assembly and to its Members and committees.

PART VI

STAFF AND RELATED MATTERS

66. Island Chief Executive

(1) There shall be an Island Chief Executive who -

(a) shall be a public officer for the purposes of section 112 of the Constitution; and

(b) shall be responsible for the efficient administration of all the functions of the Executive Council.

(2) Before giving his concurrence to the appointment of the Island Chief Executive, as supervising officer, under section 89 (4) of the Constitution, the Prime Minister shall consult the Chief Commissioner.

(3) The Staff of the Regional Assembly shall be under the administrative control of the Island Chief Executive.

67. Clerk of the Regional Assembly

There shall be assigned to the Regional Assembly, a Clerk who shall be responsible for the secretariat of the Assembly and the efficient discharge of such functions as may be assigned to him under the Rules and Standing Orders of the Regional Assembly and by the Chairperson of the Regional Assembly.

68. Supervision of Departments

Each Department of the Executive Council shall be under the supervision of a public officer who shall be the Accounting Officer of the Department or Departments under his supervision.

69. Other offices

(1) The offices on the establishment of the Central Administration Rodrigues and persons holding those offices, immediately before the date of the coming into force of this Act shall, on that date, be transferred to the Regional Assembly and all rights, privileges and conditions of service incidental to such offices shall be retained under this Act.

(2) In addition to the officers and employees referred to in subsection (1) and sections 66 to 68, the Regional Assembly shall have such other staff as are necessary for the efficient discharge of its functions under this Act.

(3) Subject to section 70, the appropriate Service Commission shall appoint, promote, transfer, remove and exercise disciplinary control over the staff of the Regional Assembly holding office under sections 66 to 69.

70. Appointment on contract

Subject to the guidelines prescribed by the Government in respect of the employment of persons on contract, the Executive Council may appoint on contract such persons as it thinks fit.

71. Transfer and secondment

(1) A public officer or a person employed by a statutory body may, with the approval of the appropriate Service Commission and/or the statutory body, be transferred to the establishment of the Regional Assembly and such transfer shall be on such terms and conditions of service as are acceptable to the appropriate Service Commission, the statutory body, the Regional Assembly and the person transferred.

(2) The Island Chief Executive and the appropriate Service Commission may make arrangements for the transfer on secondment of any employee of a statutory body to the establishment of the Regional Assembly.

(3) Where a transfer on secondment is effected under subsection (2), such arrangements as are necessary to preserve the rights of the persons so transferred to any pension, gratuity or other allowance for which he would have been eligible had he not been transferred.

(4) A period of transfer on secondment shall not exceed 5 years.

PART VII**CONSEQUENTIAL AMENDMENTS****72. The Bank of Mauritius Act amended**

Section 17 of the Bank of Mauritius Act is amended _

(a) in subsection (1), by adding immediately after the word "Government", the words "or the Rodrigues Regional Assembly";

(b) in subsection (2), by adding immediately after the word "Assembly", the words "or the monies appropriated by Parliament to the Rodrigues Regional Assembly".

73. The Central Tender Board Act amended

Section 2 of the Central Tender Board Act is amended by adding after the words "Local Government Act 1989", in the definition of "local authority", the words "and shall include the Rodrigues Regional Assembly".

74. The Declaration of Assets Act amended

The Declaration of Assets Act is amended _

(a) in section 2 _

(i) in the definition of "Clerk", by adding after the word "Assembly", the words "or of the Rodrigues Regional Assembly";

(ii) by adding in its appropriate alphabetical order, the following definition-

"Commissioner" means a Commissioner of the Executive Council of the Rodrigues Regional Assembly as provided by section 34 (2) of the Rodrigues Regional Assembly Act;

(b) in section 3 _

(i) by adding after the words "National Assembly", "Parliament" and "Assembly", wherever they appear, the words "or the Rodrigues Regional Assembly";

(ii) by adding in subsection (1) (b) after the word "Constitution" the words "or section 19 of the Rodrigues Regional Assembly Act";

(iii) by adding in subsection (2) -

(a) after the word "Minister", wherever it appears, the words "or a Commissioner";

(b) after the words "section 60 of the Constitution" the words "or section 37 of the Rodrigues Regional Assembly Act 2001,".

(i) by adding in subsection (6), after the words "Supreme Court" the words "or in the case of a Commissioner, before the Magistrate of Rodrigues";

(ii) by adding the following subsection _

(7) The Clerk of the Rodrigues Regional

Assembly shall transmit to the Clerk of the National Assembly any declaration made by a Commissioner.

75. The Finance and Audit Act amended

The Finance and Audit Act is amended -

(a) by deleting the word "Assembly" wherever it appears and replacing it by the words "National Assembly";

(b) in section 2, by inserting in their appropriate alphabetical order, the following definitions -

"Commissioner" means the Commissioner responsible for the subject of finance under the Rodrigues Regional Assembly Act;

"Regional Assembly" means the Rodrigues Regional Assembly established under section 75A of the Constitution;

"Rodrigues Capital Fund" means the Rodrigues Capital Fund established under section 75D of the Constitution;

"Rodrigues Consolidated Fund" means the Rodrigues Consolidated Fund established under section 75D of the Constitution;

(c) in section 19 -

(i) in subsection (1), by deleting the words "Subject to subsection (2)" and replacing them by the words "Subject to subsections (2) and (4)";

(ii) in subsection (2), by deleting the words "The Minister may" and replacing them by the words "Subject to subsection (5), the Minister may";

(iii) by adding after subsection (3), the following new subsections-

(4) Subject to subsection (5), the Commissioner shall, within 3 months of the close of every financial year, sign and submit to the Director of Audit statements showing fully the financial position of the Island of Rodrigues on the last day of such financial year.

(5) The Minister may, by direction to the Commissioner, extend the period within which the statements shall be presented, and any direction so given shall be sent forthwith to the Regional Assembly.

(6) The statements required under subsection (4) shall include -

(a) a statement of assets and liabilities;

(b) an abstract account of revenue and expenditure of the Rodrigues Consolidated Fund;

- (c) an abstract account of revenue and expenditure of the Rodrigues Capital Fund;
- (d) a detailed statement of revenue and a detailed statement of expenditure of the Rodrigues Consolidated Fund;
- (e) a detailed statement of revenue and a detailed statement of expenditure of the Rodrigues Capital Fund;
- (f) a statement of investments;
- (g) a detailed statement of advances;
- (h) a detailed statement of deposits;
- (i) a statement of arrears of revenue;
- (j) a statement of claims abandoned;
- (k) a statement of losses charged to expenditure;
- (l) a statement of stores losses;
- (m) a tabular summary of all unallocated stores showing opening and closing stocks;
- (n) a statement of foreign aid received;
- (o) such other statements as the Regional Assembly may require.
- (d) in section 20, by deleting subsections (1) and (2) and replacing them by the following subsections -
- (1) Subject to subsection (2), the Director of Audit shall, within 8 months of the close of every financial year, send to the Minister copies of the statements submitted in accordance with section 19 together with a certificate of audit and a report upon his examination and audit of all accounts relating to public money, stamps, securities, stores and other property -
- (a) of the Government; and
- (b) of the Regional Assembly relating to the Island of Rodrigues, and the Minister shall as soon as possible thereafter lay those documents before the National Assembly.
- (2) The Minister may, by direction to the Director of Audit, extend the period within which the reports shall be transmitted and any direction so given shall be sent forthwith to -
- (a) the Speaker of the National Assembly to be by him presented to the National Assembly; and
- (b) the Chairperson of the Regional Assembly to be by him presented to the Regional Assembly.
- (e) in section 20 (A) by adding _

(i) in subsection (1), after the word "Government", the words "in respect of the Island of Mauritius, or the Regional Assembly in respect of Rodrigues;

(ii) in subsection (2) after the words "Consolidated Fund", the words "or the Rodrigues Consolidated Fund as the case may be".

76. The Representation of the People Act amended

The Representation of the People Act is amended -

(a) in section 2 _

(i) in the definition of "council", by adding after the word "Assembly" the words "the Rodrigues Regional Assembly";

(ii) in the definition of "local government area", by adding after the word "ward" the words "a local region of Rodrigues as defined in the Rodrigues Regional Assembly Act 2001";

(iii) by inserting in its proper alphabetical order the following definition -

"Rodrigues Regional Assembly elector" means a person registered as an elector in any of the local regions established under the provisions of the Rodrigues Regional Assembly Act 2001;

(b) by adding the following section 2B _

2B Rodrigues Regional Assembly election

The Commission shall have general responsibility for, and shall supervise the registration of electors for local region areas in Rodrigues and the conduct of election of members of the Rodrigues Regional Assembly.

(c) In section 4A(1), by adding after the word "Constitution", the words ", section 5(1) of the Rodrigues Regional Assembly Act 2001";

(d) in section 8 _

(i) in subsections (2)(a), (3)(a) and (3)(b), by adding immediately after the words "local government electors", the words "or Rodrigues Regional Assembly electors, as the case may be,";

(ii) by adding after subsection 2(b), the following paragraph _

(c) A list of Rodrigues Regional Assembly electors under paragraph (a) shall include every person who is entitled under section 5 of the Rodrigues Regional Assembly Act 2001 to be registered as an elector for the election of members of the local region;

(e) in section 44, by adding after the word "Assembly", the words "Rodrigues Regional Assembly";

(f) in section 51(1)(b), by adding the following subparagraph-

(iii) in respect of a local region election or an Island region election in Rodrigues 100,000 rupees.

77. The Trades and Industries Classification Act amended

Section 2 of the Trades and Industries Classification Act is amended by adding after the words "district council" in the definition of "local authority" the words "and in the case of Rodrigues, the Rodrigues Regional Assembly".

78. Repeal

The Rodrigues (Local Council) Act 1991 is repealed.

PART VIII

COMMENCEMENT

79. Commencement

This Act shall come into force on a day to be fixed by Proclamation and different dates may be fixed for the coming into force of different Parts or sections thereof.

Passed by the National Assembly on the twentieth day of November two thousand and one.

André Pompon

Clerk of the National Assembly

THIS IS TO CERTIFY that the Rodrigues Regional Assembly Bill was passed by the National Assembly at the above sitting and was supported unanimously at the final voting by the votes of sixty-two members of the Assembly.

P. Auroomooga Putten

Deputy Speaker

FIRST SCHEDULE

(section 12)

OATH (OR AFFIRMATION) OF OFFICE FOR MEMBER

I,....., having been elected member for the Rodrigues Regional Assembly do swear/solemnly affirm that I will -

(a) uphold the Constitution and the law; and

(b) bear true faith and allegiance to Rodrigues; and

(c) will conscientiously, impartially and to the best of my knowledge, judgment and ability discharge the duties and responsibilities of Member that I am now about to assume.

SECOND SCHEDULE

(section 13)

OATH (OR AFFIRMATION) OF OFFICE FOR THE

CHAIRPERSON OF THE REGIONAL ASSEMBLY/

DEPUTY CHAIRPERSON OF THE REGIONAL ASSEMBLY

I..... having been elected Chairperson of the Regional Assembly/Deputy Chairperson of the Regional Assembly for the Rodrigues Regional Assembly do swear/ solemnly affirm that I will -

(a) uphold the Constitution and the law; and

(b) bear true faith and allegiance to Rodrigues; and

(c) will conscientiously, impartially and to the best of my knowledge, judgment and ability discharge the duties and responsibilities that I am now about to assume.

THIRD SCHEDULE

(sections 14 and 34)

OATH (OR AFFIRMATION) OF OFFICE FOR THE CHIEF

COMMISSIONER/ DEPUTY CHIEF COMMISSIONER AND

COMMISSIONERS

I..... having been elected

Chief Commissioner, Deputy Chief Commissioner or appointed

Commissioner do swear/solemnly affirm that I will -

(a) uphold the Constitution and the law; and

(b) bear true faith and allegiance to Rodrigues; and

(c) will conscientiously, impartially and to the best of my knowledge judgment and ability discharge the duties and responsibilities that I am now about to assume and do right to all manner of people without fear or favour affection or ill will.

FOURTH SCHEDULE

(section 26)

AREAS OF RESPONSIBILITY TO BE EXERCISED BY

THE REGIONAL ASSEMBLY

- (1) Agriculture;
- (2) Arts and culture;
- (3) Central administration;
- (4) Child development
- (5) Civil Aviation (administration);
- (6) Civil status;
- (7) Community development;
- (8) Consumer Protection;
- (9) Co-operatives;
- (10) Customs and Excise (administration);
- (11) Education (administration);
- (12) Employment;
- (13) Environment;
- (14) Family Welfare;
- (15) Fire Services;
- (16) Fisheries;
- (17) Food Production;
- (18) Forestry;
- (19) Handicraft;
- (20) Health (administration);
- (21) Housing;
- (22) Industrial Development;

- (23) Information Technology and Telecommunications;
- (24) Infrastructure including Highways and roads and Public Buildings and Utilities;
- (25) Judicial (administration);
- (26) Legal Services
- (27) Labour and Industrial Relations;
- (28) Marine parks;
- (29) Library services;
- (30) Marine Services (administration);
- (31) Meteorology (administration);
- (32) Museums, archives, historical sites and buildings;
- (33) Plant and animal quarantine;
- (34) Postal services (administration);
- (35) Prisons and Reform Institutions (administration);
- (36) Registration;
- (37) Social Security (administration);
- (38) State lands;
- (39) Statistics in respect of Rodrigues;
- (40) Town and Country Planning;
- (41) Tourism;
- (42) Trade, Commerce and Licensing ;
- (43) Transport;
- (44) Vocational Training;
- (45) Water Resources;
- (46) Women's Affairs;
- (47) Youth and Sports;

(48) Any other matter which the Chairperson may, by Proclamation, assign to the Regional Assembly.

FIFTH SCHEDULE

(section 26)

LEVY OF RATES

1. (a) The Regional Assembly may levy a general rate on the owner or, where the owner cannot be found or ascertained, the occupier of any building or land held in freehold exceeding such minimum area (superficie) as the Regional Assembly may determine.

(b) The rate leviable under paragraph (a) shall be such sum per square meter or part thereof an immovable property as the Regional Assembly may fix by regulations.

(c) The Regional Assembly may fix different rates per square meter, depending whether the properties are being used for residential, business, commercial or industrial purposes.

(d) The general rate shall not be levied in respect of:-

(i) any property the ownership of which is vested in the Regional Assembly;

(ii) any property belonging to and occupied by a foreign government or any organisation or body accorded diplomatic immunity under any enactment;

(iii) any church, chapel, mosque, temple or similar building used solely as a place of worship;

(iv) any property used for the purpose of an approved secondary school registered under the Education Act;

(v) any property belonging to and occupied solely by a religious institution;

(vi) any property belonging to a charitable institution and used solely as an orphanage, infirmary or crèche;

(vii) any agricultural building or agricultural land; and

(viii) any other property to which the Regional Assembly decides to grant an exemption in the public interest.

2. The Regional Assembly may remit the whole or part of the general rate payable by any person on the ground of his poverty.

SIXTH SCHEDULE

(section 59)

Meetings of standing committees

1. Membership of any standing committee shall not exceed 9 except the Finance Committee, which shall consist of 12 members.
2. Standing committees once constituted shall not be recast except to fill any casual vacancy that may arise on any committee.
3. (a) Each standing committee shall hold a monthly meeting.

(b) A special meeting of a standing committee may be called by the Chairperson of the standing committee, the Clerk or 3 members of the standing committee.
4. Every meeting of a standing committee shall be convened in writing by the Clerk.
5. (a) The meeting shall be convened by notice stating the business to be transacted at such meeting and shall be signed by the Clerk.

(b) The notice shall, at least 3 days before a meeting, be left at or sent by registered post to the usual place of residence or business of every member and shall, as far as practicable, be accompanied by copies of the minutes of proceedings of the previous meeting and of reports, if any, to be considered at the meeting.

(c) No business shall be transacted at any meeting other than that specified in the notice relating to it, but a member may, before the commencement of business, give notice of his intention to raise at the adjournment a matter of urgent public importance and he shall be given a minimum of 5 minutes to do so.
6. (a) Minutes of the proceedings of a standing committee shall be drawn up in English or French and entered in a book kept for that purpose by the Clerk or, in his absence, by any other officer appointed for that purpose by the Clerk.

(b) A copy of the minutes of proceedings shall be circulated to the members of the standing committee, to the other members, the Island Chief Executive and to any public officer designated by him within 15 days of the meeting.

(c) Any member not being a member of a standing committee who wishes to comment on the minutes shall so inform the Chairperson of the standing committee and the Clerk in writing at least 3 days before the date at which these minutes will be confirmed.
7. All reports of standing committees which have been subsequently confirmed shall be sent to every member.
8. A matter dealt with or brought before a standing committee shall not be disclosed without the permission of the committee until such matter is discussed in the Regional Assembly or is otherwise disposed of.
9. Every standing committee, shall, at its first meeting and before proceeding to any other business, elect from amongst its members a Chairperson and a Deputy Chairperson, but no member shall be Chairperson of more than one standing committee.
10. In the absence of the Chairperson or Deputy Chairperson of the standing committee, the members present shall elect from amongst themselves a Chairperson for that meeting.

11. Every Chairperson and Deputy Chairperson of a standing committee shall remain in office until the appointment of a new Chairperson or Deputy Chairperson, as the case may be.
12. All questions shall be determined by a majority of the members of the standing committee present and voting.
13. Unless 2 or more members request a vote by secret ballot, voting shall be by show of hands.
14. In the case of an equality of votes, the Chairperson of the standing committee shall have a casting vote.
15. The quorum of -
- (a) the Finance committee shall be 7;
- (b) every other standing committee shall be 5.
16. The Regional Assembly may, if it thinks proper, fill any casual vacancy that may arise on any standing committee.
17. (a) No proposal for additional expenditure shall be submitted to the Regional Assembly by a standing committee unless the committee has had before it a report prepared by the Island Chief Executive showing the initial expenditure, details of annual loan charges and running expenses in the current year and in a full year, details of any consequential effect and any other relevant information.
- (b) The approval by the Regional Assembly of a general scheme for future policy shall not be regarded as approval of a proposal for expenditure within the meaning of sub-paragraph (a).
- (c) Notwithstanding the duty of the Finance Committee to watch generally over the finances and accounts of the Regional Assembly, each standing committee of the Regional Assembly shall comply, in the conduct of its financial business, with financial instructions from time to time issued by the Finance Committee with the approval of the Regional Assembly.
18. (a) Any standing committee may appoint such subcommittees from among its members as may be required to facilitate the transaction of any business, but shall not delegate to such subcommittees any of its powers.
- (b) The subcommittees which shall not comprise more than 5 members shall report to the committees which appoint them.
19. The standing orders of the Regional Assembly as to rules of debate at the meetings of the Regional Assembly (other than those relative to standing and speaking more than once) and the provisions of the Act concerning disability of members because of interest shall apply to members of standing committees and sub-committees.
20. (a) No person other than a member of the standing committee or an officer of the Regional Assembly shall attend a meeting of a standing committee.
- (b) Any other member of the Regional Assembly may, upon request, be allowed to be present and may speak at the express wish of the committee, but shall not vote.

21. All notices, reports and other documents and all documents and all proceedings of standing committees and subcommittees shall be treated as confidential unless and until they become public either in the ordinary course of the business of the Regional Assembly or in accordance with any instruction or authority issued or given by the Regional Assembly.