

**RODRIGUES REGIONAL ASSEMBLY ACT**

Act 39 of 2001 – 18 January 2002  
(unless otherwise indicated)

ARRANGEMENT OF SECTIONS

SECTION

- |     |                                                                     |                                                                                  |
|-----|---------------------------------------------------------------------|----------------------------------------------------------------------------------|
|     | <b>PART I – PRELIMINARY</b>                                         | 28. Administration of certain services                                           |
| 1.  | Short title                                                         | 29. Regional Assembly subject to Central Tender Board                            |
| 2.  | Interpretation                                                      | 30. Rodrigues Regional Assembly Laws                                             |
|     | <b>PART II – THE RODRIGUES REGIONAL ASSEMBLY</b>                    | 31. Regional Assembly Regulations                                                |
| 3.  | Establishment of Rodrigues Regional Assembly                        | 32. References to Ministers and departments                                      |
| 4.  | Membership of Regional Assembly                                     | 33. Annual report                                                                |
| 5.  | Qualifications of electors                                          | <b>PART III – EXECUTIVE COUNCIL OF REGIONAL ASSEMBLY</b>                         |
| 6.  | Qualifications of members                                           | 34. Establishment of Executive Council                                           |
| 7.  | Time of ordinary elections                                          | 35. Duties and powers of Executive Council                                       |
| 8.  | Voting at ordinary elections                                        | 36. Motion of no confidence                                                      |
| 9.  | Party lists for Island region                                       | 37. Tenure of office of members of Executive Council                             |
| 10. | Calculation of Island region figures                                | 38. Powers of Commissioner                                                       |
| 11. | Return of Island region members                                     | 39. Policy                                                                       |
| 12. | Swearing in of members                                              | 40. Prime Minister to be informed concerning matters of Executive Council        |
| 13. | Election of Chairperson and Deputy Chairperson of Regional Assembly | <b>PART IV – FINANCE</b>                                                         |
| 14. | Election of Chief Commissioner and Deputy Chief Commissioner        | 41. Application of Finance and Audit Act                                         |
| 15. | Election procedure                                                  | 42. Rodrigues Consolidated Fund                                                  |
| 16. | Appointment of Minority Leader                                      | 43. —                                                                            |
| 17. | Assumption of office                                                | 44. Annual estimates                                                             |
| 18. | Time limit for swearing in                                          | 45. Annual estimates transmitted after 15 April                                  |
| 19. | Declaration of vacancy                                              | 46. Criteria to be considered for allocation of financial resources to Rodrigues |
| 20. | Proceedings in respect of disqualifications                         | 47. Annual statements                                                            |
| 21. | Vacant local region seats                                           | 48. Audit of accounts                                                            |
| 22. | Vacant Island region seats                                          | 49. Release of monies                                                            |
| 23. | Remuneration of members                                             | 50. Revenue to be paid into Rodrigues Consolidated Fund or Consolidated Fund     |
| 24. | Tenure of office                                                    |                                                                                  |
| 25. | Exemption from jury service                                         |                                                                                  |
| 26. | Responsibility of Regional Assembly                                 |                                                                                  |
| 27. | Government matters for which Regional Assembly is not responsible   |                                                                                  |

SECTION

51. Power to borrow	<b>PART VI – STAFF AND RELATED MATTERS</b>
52. Financial instructions	
52A. –	66. Island Chief Executive
53. Description of property	67. Clerk of Regional Assembly
54. Vesting of powers, rights and property in Regional Assembly	68. Supervision of departments
54A. Vesting back of aerodrome at Plaine Corail	69. Other offices
55. Continuation of legal proceedings	70. Appointment on contract
<b>PART V – MEETINGS AND PROCEEDINGS OF REGIONAL ASSEMBLY</b>	71. Transfer
56. First meeting	<b>PART VIA – POWERS OF PRESIDENT</b>
57. Chairperson of Regional Assembly to have casting vote	71A. Powers of President
58. Absence of Chairperson of Regional Assembly	<b>PART VII – CONSEQUENTIAL AMENDMENTS</b>
59. Meetings	72. – 78. –
60. Notice of meetings	<b>PART VIII – COMMENCEMENT</b>
61. Record of proceedings	79. –
62. Quorum	FIRST SCHEDULE
63. Disability because of interest	SECOND SCHEDULE
64. Rules and Standing Orders	THIRD SCHEDULE
65. Privileges and immunities	FOURTH SCHEDULE
	FIFTH SCHEDULE
	SIXTH SCHEDULE
	SEVENTH SCHEDULE

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**RODRIGUES REGIONAL ASSEMBLY ACT**

**PART I – PRELIMINARY**

**1. Short title**

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

**2. Interpretation**

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

“capital project” means an intervention relating to acquisition or preservation, or to both acquisition and preservation, of non-financial assets for meeting defined objectives and consisting of a set of interrelated activities to be carried out within a specified budget and a time-schedule;

“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;

“estimates” –

- (a) means the annual estimates of revenue and expenditure, both recurrent and capital, prepared on a 3-fiscal year rolling basis, the estimates for the first year of every such period of 3 fiscal years requiring approval by the Regional Assembly; and
- (b) includes any supplementary estimates so approved;

“financial year” has the meaning assigned to it by section 111 of the Constitution and section 2A of the Finance and Audit Act;

“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;

“Mauritius” means the State of Mauritius;

“member” means any member of the Regional Assembly whether elected as a local region member as provided by section 8 or returned as an Island region member as provided by section 11;

“Minister” means the Minister to whom responsibility for Rodrigues is assigned;

“President” means the President of the Republic of Mauritius;

“public officer” has the meaning assigned to it by section 111 of the Constitution;

“Regional Assembly” –

- (a) means the Rodrigues Regional Assembly established under section 3; and
- (b) includes the Executive Council established under section 34;

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

“Rodrigues Regional Assembly Law” means a law voted in accordance with the provisions of section 30;

“Vice-President” means the Vice-President of the Republic of Mauritius.

(2) Nothing in this Act or in a Rodrigues 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 7 of the Maritime Zones Act.

[S. 2 amended by s. 20 (a) of Act 1 of 2009 w.e.f. 1 July 2009; 1 September 2009; 1 January 2011; s. 3 of Act 12 of 2004 w.e.f. 26 June 2004; s. 17 (3) (a) of Act 1 of 2015 w.e.f. 1 January 2016.]

## **PART II – THE RODRIGUES REGIONAL ASSEMBLY**

### **3. Establishment of Rodrigues Regional Assembly**

(1) There is established for the purposes 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 at least 17 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 5 shall be Island region members.

(4) For the purpose 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.

[S. 3 amended by s. 3 of Act 29 of 2016 w.e.f. 28 December 2016.]

#### **4. Membership of Regional Assembly**

(1) The Regional Assembly shall consist—

- (a) of 2 members for each of the 6 local regions; and
- (b) subject to the provisions of section 11 (10), of 5 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.

[S. 4 amended by s. 4 of Act 29 of 2016 w.e.f. 28 December 2016.]

#### **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 a 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 an 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.

[S. 7 amended by s. 5 of Act 29 of 2016 w.e.f. 28 December 2016.]

### **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 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 shall 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.

(8) (a) Each registered party presenting more than 2 candidates at an ordinary election shall ensure that not more than two-thirds of the number of candidates of that party in the 6 local regions are of the same sex.

(b) Where a registered party forms part of an alliance, it shall be sufficient for the alliance to comply with paragraph (a) without each party forming part of the alliance necessarily complying with that paragraph.

[S. 8 amended by s. 6 of Act 29 of 2016 w.e.f. 28 December 2016.]

## **9. Party lists for 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) The list shall—

- (a) contain the names of not more than 12 persons;
- (b) not include the name of a person—
  - (i) whose name is included on any other list submitted by a registered party for election as a member for the Island region;
  - (ii) who is an individual or a registered party candidate for election as a member for a local region;
- (c) not comprise more than two thirds of persons of the same sex; and
- (d) indicate the order of precedence of each of the candidates appearing on the list, provided that not more than 2 consecutive candidates on the list shall be of the same sex.

(4) —

[S. 9 amended by s. 7 of Act 29 of 2016 w.e.f. 28 December 2016.]

## **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 (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 per cent 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 party having obtained 7 or more of the 12 local region seats, finally finds itself with a total of less than 10 of the 17 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 an overall majority of 3 seats.

[S. 11 amended by s. 8 of Act 29 of 2016 w.e.f. 28 December 2016.]

## **12. Swearing in of members**

The President or the Vice-President shall administer to the Members at a meeting held for the purpose 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 Regional Assembly**

(1) (a) Immediately after the swearing in 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 purpose 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 newly 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 President or Vice-President shall, in accordance with the provisions of section 34, administer the oath of office set out in the Third Schedule.

[S. 14 amended by s. 3 of Act 29 of 2002 w.e.f. 8 October 2002.]

## **15. Election procedure**

(1) In the case of 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.

*continued on page S10 – 11*



(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 extend 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 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 18 (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 from being, a member of the Regional Assembly, or from 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 this 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 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 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 50 (2) of the Local Government Act.

(b) (i) No person shall carry out, in Rodrigues, any activity specified in the Twelfth Schedule to the Local Government Act 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 10,000 rupees together with the amount of the fee prescribed for the required licence.

[S. 26 amended by s. 165 (18) of Act 36 of 2011 w.e.f. 15 December 2011.]

## **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) 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 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 and any other relevant enactment or procedure.

### **30. Rodrigues 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 from 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) The Chief Commissioner shall, not later than 3 months after the end of every financial year, forward to the Minister, for presentation to the President, a report reviewing the activities of the Regional Assembly during that financial year.

(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.

(3) This section shall apply to the period of 6 months ending 31 December 2009.

[S. 33 amended by s. 20 (b) of Act 1 of 2009 w.e.f. 16 April 2009.]

### **PART III – EXECUTIVE COUNCIL OF REGIONAL ASSEMBLY**

#### **34. Establishment of 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 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 its members 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 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 judgment, 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 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 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.

(S. 41 came into operation on 30 September 2002.)

#### **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.

[S. 42 amended by s. 20 (c) of Act 1 of 2009 w.e.f. 1 January 2010; s. 17 (3) (b) of Act 1 of 2015 w.e.f. 1 January 2015.]

(S. 42 came into operation on 30 September 2002.)

#### **43. —**

[S. 43 repealed by s. 20 (d) of Act 1 of 2009 w.e.f. 1 January 2010.]

(S. 43 came into operation on 30 September 2002.)

#### **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 function, draft estimates of recurrent revenue, recurrent expenditure, 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—

- (a) transmit to the Minister the draft estimates approved by the Regional Assembly under subsection (2) for consideration by Cabinet; and
- (b) at the same time, transmit to the Minister to whom responsibility for the subject of finance is assigned, a copy of the draft estimates referred to in paragraph (a).

(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 estimates in the Appropriation Bill for the financial year.

(6) Notwithstanding subsection (1), the Commissioner to whom responsibility for the subject of finance is assigned shall, not later than 30 April 2009, in respect of the period of 6 months ending 31 December 2009, 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 that period.

(7) This section and section 45, as enacted before being amended by the Additional Stimulus Package (Miscellaneous Provisions) Act, shall apply to the draft estimates submitted in accordance with subsection (6), subject to the time limit of 15 April being construed as 15 May 2009.

(8) Notwithstanding subsection (1), the Commissioner to whom responsibility for the subject of finance is assigned shall, not later than 31 October 2015, in respect of the period of 6 months ending 30 June 2016, 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 that period.

[S. 44 amended by s. 20 (e) of Act 1 of 2009 w.e.f. 16 April 2009; 1 September 2009; s. 17 (3) (c) of Act 1 of 2015 w.e.f. 1 January 2016.]

(S. 44 came into operation on 30 September 2002.)

#### **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.

[S. 45 amended by s. 20 (f) of Act 1 of 2009 w.e.f. 1 September 2009; s. 17 (3) (d) of Act 1 of 2015 w.e.f. 1 January 2016.]

(S. 45 came into operation on 30 September 2002.)

#### **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.

(S. 46 came into operation on 30 September 2002.)

#### **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.

(S. 47 came into operation on 30 September 2002.)

#### **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.

(S. 48 came into operation on 30 September 2002.)



#### 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.

(S. 49 came into operation on 30 September 2002.)

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

(1) 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;
- (b) all receipts from public utilities or public services referred to in the estimate of recurrent revenue and capital revenue as approved under section 44 (2) by the Regional Assembly shall be collected in Rodrigues and paid into the Rodrigues Consolidated fund; and
- (c) 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.

(2) —

[S. 50 amended by 20 (g) of Act 1 of 2009 w.e.f. 1 January 2010; s. 26 of Act 20 of 2002 w.e.f. 10 August 2002; s. 17 (3) (f) of Act 1 of 2015 w.e.f. 1 January 2015.]

(S. 50 came into operation on 30 September 2002.)

#### 51. Power to borrow

The Commissioner responsible for the subject of finance may —

- (a) —
- (b) with the approval of the Regional Assembly, apply to the Minister of Finance for a warrant authorising disbursements from the provision for contingencies made pursuant to the Finance and Audit Act 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 3 (5) of the Public Debt Management Act 2008, be tabled both before the National Assembly and the Regional Assembly.

[S. 51 amended by s. 22 (4) (a) of Act 4 of 2008 w.e.f. 1 July 2008; s. 14 (2) of Act 5 of 2008 w.e.f. 1 July 2008.]

(S. 51 came into operation on 30 September 2002.)

## **52. Financial instructions**

(1) All financial instructions, including the Financial Management Manual (FMM) under section 22 and instructions under section 22A, of the Finance and Audit Act, shall apply to Rodrigues and the Regional Assembly with such modifications and adaptation as may be necessary.

(1A) —

(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.

(3) Every public officer shall, in the performance of his duties, comply with the instructions referred to in subsection (1).

(4) Where a public officer does not comply with the instructions referred to in subsection (1), the responsible officer may refer the matter to the appropriate Service Commission for disciplinary action.

[S. 52 amended by s. 20 (h) of Act 1 of 2009 w.e.f. 1 January 2010; s. 22 (4) (b) of Act 4 of 2008 w.e.f. 1 July 2008; s. 17 (3) (g) of Act 1 of 2015 w.e.f. 1 January 2016.]

(S. 52 came into operation on 30 September 2002.)

## **52A. —**

[S. 52A inserted by s. 22 (4) (c) of Act 4 of 2008 w.e.f. 1 July 2008; repealed by s. 20 (i) of Act 1 of 2009 w.e.f. 16 April 2009.]

## **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.

(S. 53 came into operation on 30 September 2002.)

## **54. Vesting of powers, rights and property in 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.

(S. 54 came into operation on 30 September 2002.)

## **54A. Vesting back of aerodrome at Plaine Corail**

(1) Notwithstanding section 54, the undertaking of Government relating to the aerodrome at Plaine Corail, Rodrigues, and specified in the Civil Aviation (Transfer of Undertaking) (Rodrigues) Act, transferred to the Rodrigues Assembly in the manner specified in section 54 shall, with effect from 25 November 2006, vest back in the State.

(2) This section shall not affect the operation of sections 54 (b) and 55 in respect of the undertaking referred to in subsection (1) for period between 30 September 2002 and 25 November 2006.

[S. 54A inserted by s. 3 of Act 23 of 2006 w.e.f. 25 November 2006.]

**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.

(S. 55 came into operation on 30 September 2002.)

**PART V – MEETINGS AND PROCEEDINGS OF 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 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.

*continued on page R30 – 25*



## 58. Absence of Chairperson of 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—

- (a) a Committee of the Whole Assembly; and
- (b) such other Committee as it thinks fit.

(6) —

(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.

[S. 59 amended by s. 4 of Act 23 of 2006 w.e.f. 25 November 2006.]

## 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.

(4) The Standing Orders and Rules set out in the Seventh Schedule to this Act shall, until such time as the Regional Assembly would have made its own Standing Orders and Rules, to be the Standing Orders and Rules of the Regional Assembly.

(5) Subject to Part V, the practice of the National Assembly shall be followed where Standing Orders and Rules made under subsections (1) and (4) do not make provision for any matter arising in Regional Assembly.

(6) For the purposes of subsection (5), in cases of doubt, a certificate under the hand of the Clerk of the National Assembly shall be sufficient evidence of the practice followed at the Assembly.

[S. 64 amended by s. 3 of Act 28 of 2002.]

#### **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.

(4) Any reference to the Island Secretary in any enactment shall be construed as a reference to the Island Chief Executive.

(S. 66 came into operation on 28 June 2002.)

[S. 66 amended by s. 4 of Act 29 of 2002 w.e.f. 8 October 2002.]

#### **67. Clerk of Regional Assembly**

(1) 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.



(2) The Clerk of the Regional Assembly shall be a public officer and shall be considered as having held his public office as from 28 June 2002.

[S. 67 amended by s. 4 of Act 12 of 2004 w.e.f. 26 June 2004.]

(S. 67 came into operation on 28 June 2002.)

#### **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.

(S. 68 came into operation on 28 June 2002.)

#### **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 offices referred to in subsection (1), the Regional Assembly shall have such offices as are necessary for the efficient discharge of its functions under this Act.

(3) Any office referred to in this section shall be a public office as from 28 June 2002, and any officer holding an office on the coming into operation of this Act, shall be considered to have held such office as from the date of his transfer to the Regional Assembly, or from the date of his appointment to serve the Regional Assembly, as the case may be.

[S. 69 amended by s. 5 of Act 12 of 2004 w.e.f. 26 June 2004.]

(S. 69 came into operation on 28 June 2002.)

#### **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, in respect of an office referred to in section 89 (3) (h) of the Constitution, appoint on contract such persons as it thinks fit.

[S. 70 amended by s. 6 of Act 12 of 2004 w.e.f. 26 June 2004.]

(S. 70 came into operation on 28 June 2002.)

#### **71. Transfer**

(1) A public officer may, with the approval of the appropriate Service Commission, 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 Regional Assembly and the person transferred.

(2) Nothing in this section shall be construed as preventing the Secretary to Cabinet and Head of the Civil Service and the Island Chief Executive from agreeing to an officer on the Civil Establishment of the Island of Mauritius serving on a tour of service in Rodrigues.

[S. 71 amended by s. 5 of Act 29 of 2002 w.e.f. 8 October 2002; s. 7 of Act 12 of 2004 w.e.f. 26 June 2004.]

(S. 71 came into operation on 28 June 2002.)

**PART VIA – POWERS OF PRESIDENT**

[Part VIA inserted by s. 6 of Act 29 of 2002 w.e.f. 8 October 2002.]

**71A. Powers of President**

The President may –

- (a) by Proclamation, fix the place, date and time at which the Regional Assembly shall meet for the purposes of sections 12, 13, 14 and 56;
- (b) make such regulations as he may determine for the purposes of this Act; and
- (c) address the Regional Assembly at the sitting specified in section 12 or any ordinary meeting of the Regional Assembly.

[Section 71A inserted by s. 6 of Act 29 of 2002 w.e.f. 8 October 2002.]

**PART VII – CONSEQUENTIAL AMENDMENTS**

72. – 78. –

**PART VIII – COMMENCEMENT**

79. –

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**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;
- (b) bear true faith and allegiance to Rodrigues; and
- (c) 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.

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**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 Rodrigues Regional Assembly/Deputy Chairperson of the Rodrigues Regional Assembly do swear / solemnly affirm that I will –

- (a) uphold the Constitution and the law;
- (b) bear true faith and allegiance to Rodrigues; and

**SECOND SCHEDULE—continued**

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

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**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;
- (b) bear true faith and allegiance to Rodrigues; and
- (c) 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.

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**FOURTH SCHEDULE**

[Section 26]

**AREAS OF RESPONSIBILITY TO BE EXERCISED BY THE REGIONAL ASSEMBLY**

Agriculture  
Arts and culture  
Central administration  
Child development  
Civil Aviation (administration)  
Civil status  
Community development  
Consumer Protection  
Co-operatives  
Customs and Excise (administration)  
Education (administration)  
Employment  
Environment  
Family Welfare  
Fisheries  
Food Production  
Forestry  
Handicraft

**FOURTH SCHEDULE—continued**

Health (administration)  
Housing  
Industrial Development  
Information Technology and Telecommunications  
Infrastructure including Highways and Roads and Public Buildings and Utilities  
Judicial (administration)  
Labour and Industrial Relations  
Legal Services  
Library services  
Marine parks  
Marine Services (administration)  
Mauritius Fire and Rescue Service  
Meteorology (administration)  
Museums, archives, historical sites and buildings  
Plant and animal quarantine  
Postal services (administration)  
Prisons and Reform Institutions (administration)  
Registration  
Social Security (administration)  
State lands  
Statistics in respect of Rodrigues  
Town and Country Planning  
Tourism  
Trade, Commerce and Licensing  
Transport  
Vocational Training  
Water Resources  
Women's Affairs  
Youth and Sports

Any other matter which the President may, by Proclamation, assign to the Regional Assembly.

[Fourth Sch. amended by s. 7 of Act 29 of 2002 w.e.f. 8 October 2002.]

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**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 metre, 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 is 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.

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#### SIXTH SCHEDULE

[Sixth Sch. repealed by s. 5 of Act 23 of 2006 w.e.f. 25 November 2006.]

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#### SEVENTH SCHEDULE

[Section 64]

#### RODRIGUES REGIONAL ASSEMBLY STANDING ORDERS AND RULES

##### 1. Title

These Orders shall be known as the Standing Orders and Rules of the Rodrigues Regional Assembly.

##### 2. Interpretation

In these Orders and Rules, unless the context otherwise requires—

“Act” means the Rodrigues Regional Assembly Act;

“Assembly” means the Rodrigues Regional Assembly;

“Chairperson” includes the Deputy Chairperson or any other person called upon to preside the Assembly or a Committee, other than one of the Standing Committees mentioned in section 59 of the Act;

“Clerk” means the Clerk of the Assembly;

“House” means all the buildings under the Chairperson’s management;

“Member” means a Member of the Assembly;

“Sitting” means a period during which the Assembly is sitting continuously without adjournment, and includes any period during which the Assembly is in Committee;

“Visitor” means any person other than the Chairperson, the Deputy Chairperson, a member or an officer of the Assembly.

### **3. Reading of President’s Proclamation**

At the first sitting of the Assembly after an ordinary election, Members having assembled at the time and place duly appointed, the Clerk shall read the Proclamation of the President of the Republic summoning the Assembly.

### **4. Oath of Allegiance**

(1) No Member shall take part in the proceedings of the Assembly, other than proceedings necessary for the purposes of this Order, until he has made and subscribed the Oath prescribed in the First Schedule to the Act.

(2) For the purposes of paragraph (1) of this Order, instead of taking the oath any person may make an affirmation or a declaration in like terms.

### **5. Language**

The proceedings and debates of the Assembly shall be in the English or French language.

### **6. Seating of Members**

The allocation of seats to Members in the Assembly Chamber shall be made by the Chairperson.

### **7. Election of the Chairperson and Deputy Chairperson**

(1) No business shall be transacted in the Assembly, other than the election of a Chairperson, at any time when the Office of Chairperson is vacant.

(2) The Assembly shall—

(a) at its first sitting after any ordinary election; and

(b) if the Office of the Chairperson becomes vacant at any time before the next dissolution of the Assembly, at its next sitting after the occurrence of the vacancy.

elect a Chairperson and Deputy Chairperson as provided by sections 13 and 15 of the Act.

### **8. Presiding in the Assembly**

(1) The Chairperson, or in his absence, the Deputy Chairperson, or in the absence of both, a Member of the Assembly, not being a Commissioner, elected by the Assembly for the purpose, shall preside at the sittings of the Assembly and he shall exercise the same authority as the Chairperson.

(2) Unless the Chairperson desires to act as chairperson of a Committee of the whole Assembly, the chairperson of such a Committee shall be the Deputy Chairperson or, in the absence of both, a Member of the Assembly elected by the Assembly for that particular purpose.

#### **9. Sitings**

(1) Subject to the terms of any Proclamation issued by the President fixing the time and place for the beginning of any sitting of the Assembly and any unavoidable cause, the Assembly shall sit on Tuesdays at 10.30 a.m. or on such other day and at such time as it may decide.

(2) Where by reason of any unavoidable cause, the Assembly cannot sit on the day and at the time appointed or decided, then it shall sit on the Tuesday following at 10.30 a.m.

(3) The Chairperson may at any time suspend a sitting until such a time to be fixed by him.

(4) A motion that a sitting be suspended for a period may be made at any time, by permission of the Chairperson, without notice.

(5) A motion made under paragraph (4) shall fix the period of suspension.

(6) Subject to the provisions of paragraph (7) of this Order, the Assembly shall not be adjourned except in pursuance of a resolution.

(7) When a substantive motion for the adjournment of the Assembly (other than a motion made immediately after the conclusion of Questions) has been made by a Commissioner, the Chairperson shall, after the expiration of half an hour after that motion has been made, or at the conclusion of the debate, whichever occurs first, adjourn the Assembly without question put.

(8) The Assembly shall not be adjourned *sine die*.

(9) Whenever the Assembly stands adjourned and the Chief Commissioner informs the Chairperson that public interest requires that the Assembly should meet earlier than the time to which it stands adjourned, the Chairperson, may give notice that he appoints a time for the Assembly to meet and the Assembly shall accordingly meet at the time stated in the notice for the exclusive transaction of government business.

(10) All business undisposed of at the adjournment of the Assembly shall be placed on the Order Paper for the subsequent sitting of the Assembly, in accordance with directions given by the Chairperson.

(11) Any debate interrupted under this Order shall on coming again before the Assembly, be resumed at the point where it was interrupted as if it were a continuous debate, and any Member whose speech was interrupted shall have the right to speak first on such resumption. If he does not avail himself of such right, his speech shall be deemed to have been concluded.

#### **10. Adjournment – definite matter of urgent public importance**

(1) A substantive motion for the adjournment of the Assembly shall not be made at any sitting before the conclusion of Questions, and thereafter no such motion shall be made except by a Commissioner.

(2) Notwithstanding the provisions of paragraph (1), a Member may, before the commencement of public business, request leave to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance, whereupon he shall state the matter briefly.

(3) Before the commencement of the sitting, the matter for discussion shall be reduced to writing and handed to the Chairperson who may refuse to allow same unless he is satisfied that the matter is definite and urgent and that leave of the Assembly is given without any dissentient voice.

(4) The Chairperson shall then call the Member to make his motion.

(5) Discussion under paragraph (3) of this Order shall not be raised upon any matter standing on the Order Paper nor upon any matter which cannot be debated without a substantive motion.

(6) No second motion under this Order shall be made on the same day.

#### **11. Quorum**

(1) No business shall be transacted if objection is taken by any Member that there are less than 7 members besides the Chairperson or the person presiding.

(2) If at any time the attention of the Chairperson shall be directed to the fact that a quorum is not present he shall order the division bells to be rung and if at the expiration of 5 minutes a quorum be not present he shall adjourn the Assembly without question put.

(3) A quorum of a Committee of the whole Assembly shall be 7 Members in addition to the Chairperson. If the absence of a quorum be noticed in Committee of the whole Assembly the Chairperson shall proceed in the manner prescribed in paragraph (2) and if a quorum be not present he shall leave the Chair and, the Assembly being resumed, report the fact to the Chairperson.

(4) If, from the number of Members taking part in a division, including those Members who declined to vote, it appears that a quorum is not present, the division shall be invalid. The business then under consideration shall stand over until the next sitting.

(5) The meetings of any Select Committee at which no quorum is present 15 minutes after the time scheduled for the meeting shall automatically stand adjourned to a date to be fixed by the Chairperson, but not less than 5 days after the date of the original meeting.

#### **12. Visitors**

(1) Visitors shall be allowed to be present in the Assembly Chamber in the places set apart for them by the Chairperson.

(2) The Chairperson may order the withdrawal of strangers from any part of the Assembly Chamber, whenever he thinks it fit to do so.

#### **13. Duties of the Clerk**

(1) The Clerk shall, not less than 3 days before the commencement of any sitting of the Assembly, send to each Member a copy of the Order Paper, stating the business to be dealt with at the sitting.

(2) In case of a special meeting of the Assembly, the Clerk shall give to the Members at least 24 hours notice, as provided by section 60 (2) of the Act.

(3) The Clerk shall be responsible for the safe custody of records of the Assembly and all papers laid before it.

(4) All records and papers of the Assembly shall, at all reasonable times, be opened for inspection and perusal for the benefit of Members or other persons under such arrangements as may be decided by the Chairperson.



#### **14. Minutes**

(1) The Clerk shall keep the minutes of the proceedings of the Assembly and of Committees of the whole Assembly, and shall circulate a copy of such minutes as soon as possible after each sitting of the Assembly.

(2) The minutes shall include the names of Members attending and the decisions of the Assembly.

(3) In the case of divisions of the Assembly or the Committee of the whole Assembly, the minutes shall include the numbers voting for and against the question, or declining to vote, and the names of the Members so voting or declining to vote.

#### **15. Arrangement of business**

(1) The business of the Assembly at each sitting shall be set down upon the Order Paper and transacted in the following order—

- (a) administration of Oath/Affirmation by a new Member;
- (b) messages from the President of the Republic;
- (c) announcements;
- (d) presentation of papers, including reports of committees, by laying on the Table;
- (e) Assembly Bills enacted by Parliament;
- (f) Regional Assembly Regulations negatived by the National Assembly;
- (g) questions, except as provided for under Standing Orders 9 (9) and at the sitting convened for the purposes of section 12, 13 and 14 of the Act;
- (h) statements by Commissioner;
- (i) requests for leave to move motions for the Adjournment for the Assembly on matters of urgent public importance;
- (j) personal explanations;
- (k) any motion, Bill or other business which, in the opinion of the Chairperson, should precede the remaining business of the day;
- (l) motions of which notice has been given;
- (m) Bills.

(2) The Chairperson may, at any time, allow the Orders of Business set out on the Order Paper, to be altered in respect of any particular sitting or sittings.

(3) Notwithstanding anything in these Standing Orders, a Commissioner may, without notice, move to take the time of the Assembly for urgent business and such question shall be decided without amendment or debate.

#### **16. Messages**

The Chairperson shall, before any other business, read to the Assembly any Message from the President of the Republic delivered to him.

#### **17. Papers**

(1) A list of all papers required to be laid before the Assembly by statute, and reports and other documents presented by Commissioners shall be distributed to Members at each sitting together with the relevant papers.

(2) The presentation of all papers shall be entered in the minutes.

(3) When any paper is laid on the Table of the Assembly, no opinion shall be expressed, no debate shall take place and no question shall be put.

#### **18. Questions to Commissioners**

(1) The proper object of a question shall be to obtain information on a matter of fact within the special cognisance of the Commissioner to whom it is addressed.

(2) Questions may be asked of Commissioners relating to public affairs with which they are officially connected, or any matter of administration for which they are responsible.

(3) When a question has been refused or amended, and the Member concerned wishes to make representations to the Chairperson on the matter, these shall be made privately to the Chairperson and not raised by way of a point of order in the Assembly.

(4) Questions shall consist of one set which shall include questions—

- (a) to the Chief Commissioner; and
- (b) from the Minority Leader.

(5) The Clerk shall have full power to sub-edit questions.

#### **19. Content of questions**

(1) Every question, including a supplementary question shall, conform to the rules as hereunder provided.

(2) No question shall—

- (a) cover more than one subject;
- (b) refer to any debate that has occurred or to any answer that has been given within the last year;
- (c) be asked seeking for information set forth in official publications, statute books or accessible works of reference;
- (d) seek information about any matter which is by its nature secret;
- (e) be asked about proceedings in a Committee before that Committee has made its report to the Assembly;
- (f) reflect on the decision of a Court of Law or be so drafted as to be likely to prejudice a case on which a judicial decision is pending;
- (g) ask for an expression of opinion, or for the solution of an abstract legal question or of an hypothetical proposition;
- (h) include the names of persons or statements of facts unless they are necessary to make the question intelligent and, in the case of statements of facts, can be authenticated by the Member concerned;
- (i) contain charges which the Member asking the question is not prepared to substantiate;
- (j) contain any arguments, expression of opinion, references, imputations, quotations and extracts from newspapers and periodicals, epithets or controversial, ironical or offensive expressions or hypothetical cases;

- (k) be asked which makes or implies a charge of a personal character or which reflects upon the character or conduct of persons except in their official or public capacity;
- (l) reflect on the character of conduct of any person whose conduct can only be challenged on a substantive motion;
- (m) be asked as to whether statements in the press or of private individuals or unofficial bodies are accurate;
- (n) ask, renew or repeat in substance a question already answered or to which an answer has been refused or which falls within a class of questions which a Commissioner has refused to answer;
- (o) be asked on a matter within the jurisdiction of the Chairperson.

(3) The Chairperson may reject any question which he considers to be unduly long.

(4) Not more than 4 questions shall be placed on the Order Paper by the same Member for the same day.

(5) Questions shall be put only at Tuesday sittings and question time shall not exceed 3 hours.

(6) Replies to questions not put within the time limit prescribed in paragraph (5) of this Order shall be circulated to Members.

(7) No question shall be made a pretext for debate.

## **20. Notice of questions**

(1) Notice of questions given in writing and signed by the Member may be handed to the Clerk at any time when the Assembly is sitting or may be sent to or left at his office not less than 4 working days before the sitting.

(2) All questions of which notice has been received by the Clerk within the time prescribed in paragraph (1) of this Order shall, unless the Chairperson rules the question out of order, be placed on the Order Paper.

(3) Notice of questions shall indicate the precise subject on which information is sought.

## **21. Manner of asking and answering questions**

(1) A question shall be answered by laying an answer on the Table of the Assembly, unless the Member in notice of the question, states that he requires an oral answer.

(2) Where an oral answer is required, the Chairperson, when the question is reached on the Order Paper, shall call upon the Member in whose name the question stands and the Member so called shall ask the question by reference to its number on the Order Paper and the Commissioner concerned shall give his reply.

(3) If any question remains unanswered when the Assembly adjourns, a written answer shall be sent to the Member who put the question, and shall be printed in the Official Report.

(4) An answer to a question cannot be insisted upon if the answer is refused by the Commissioner.

(5) A question which one Commissioner has refused to answer shall not be addressed to another Commissioner and a question answered by one Commissioner may not be put to another.

## **22. Supplementary questions**

(1) Supplementary questions may only be put for the further elucidation of the information requested, and shall be subject to the ruling of the Chairperson, both as to relevance and number.

(2) A supplementary question must not introduce matter not included in the original question.

## **23. Admissibility of questions**

(1) The Chairperson shall decide whether a question is or is not admissible under these Orders and may disallow any question which, in his opinion, is an abuse of the right of questioning or is calculated to obstruct or affect prejudicially the proceedings of the Assembly or infringes any of these Orders.

(2) Where a question is disallowed, the question shall not appear on the Order Paper or in any report of the proceedings of the Assembly.

(3) Any notice which contains unbecoming expressions or offends against any of these Orders may be amended by the Chairperson and may thereupon appear on the Order Paper.

## **24. Personal explanations**

(1) By leave of the Chairperson, a Member may make a personal explanation, although there is no question before the Assembly, but no controversial matter may be brought forward, nor may debate arise again upon the explanation.

(2) The precise contents of the proposed personal explanations shall be submitted in advance to the Chairperson to ensure that they are appropriate.

(3) The Member granted the privilege of making a personal explanation shall not depart from the text approved by the Chairperson.

(4) Notwithstanding paragraph (2) and the arrangements mentioned in Standing Order 15 (1), the Chairperson may, at any time, allow a Member to offer a personal explanation.

## **25. Motions**

(1) Unless otherwise provided by these Standing Orders, notice shall be given of any motion which it is proposed to make, except—

- (a) a motion made in a Committee of the Assembly;
- (b) a motion to amend any motion upon which the question has already been proposed from the Chair;
- (c) a motion for the adjournment of the Assembly or of a debate;
- (d) a motion for the withdrawal of visitors;
- (e) a motion for the suspension of a Member;
- (f) a motion arising out of any item of business immediately after that item is disposed of and before any fresh matter is entered upon;

- (g) a motion for the suspension of any Standing Order made with the permission of the Chairperson.

(2) A motion of no confidence in the Chief Commissioner, if any, shall be debated as early as possible but not later than one month after notice thereof has been received.

#### **26. Notices of motion**

(1) A notice of motion signed by the Member giving the notice shall be handed to the Clerk, or addressed to his Office, within the time prescribed for the purpose.

(2) The Chairperson may disallow a notice which, in his opinion—

- (a) contains unbecoming expressions;
- (b) infringes the rules of debate; or
- (c) is otherwise irregular.

(3) Any notice may be amended by the Chairperson, with the consent of the Member who gave the notice, and may thereupon appear on the Order Paper.

(4) All motions of which notice has been received by the Clerk not less than 5 days before a sitting shall, unless the Chairperson rules the motion out of order, be circulated to all Members.

(5) If a Member desires to vary the terms of a motion standing in his name, he may do so by giving to the Clerk an amended notice of motion, provided such amendment does not, in the opinion of the Chairperson, materially alter any principle embodied in the original motion or the scope thereof.

(6) Motions whose contents are cognate may be debated together.

#### **27. Lapse of motions**

(1) A motion of which notices has been given shall lapse—

- (a) if not moved at the proper time, unless the Assembly directs that it shall be moved at some other time;
- (b) if not seconded.

(2) A Member who has a motion standing in his name may authorise in writing some other Member to move same in his stead.

(3) A motion standing in the name of a Commissioner may be moved by another Commissioner.

#### **28. Balloting of motions**

The order in which Private Members' Motions shall be decided by ballot conducted in such manner as the Chairperson may direct.

#### **29. Withdrawal of motions**

(1) (a) A Member may, by leave of the Assembly, withdraw a motion in respect of which a question has been proposed if there is no dissentient voice.

(b) Where an amendment has been proposed, the original motion shall not be withdrawn until the amendment has been disposed of.

(2) A motion which has been withdrawn by leave of the Assembly may be made again on notice given, provided that a Private Member's Motion order of priority shall again be subject to ballot.

**30. Motion disposed of in current year**

No Member shall, without the leave of the Chairperson, offer a motion raising a question substantially identical with a question on a motion or an amendment to a motion which has been disposed of less than a year before.

**31. Amendments to motions**

(1) A question, when proposed from the Chair, may be amended—

- (a) by leaving out certain words in order to insert or add other words;
- (b) by leaving out certain words; or
- (c) by inserting or adding other words.

(2) An amendment must be relevant to the question to which it is proposed.

(3) No amendment shall raise any question which, according to these Orders, can only be raised by a substantive motion after notice.

(4) No amendment shall be moved if substantially identical with an amendment already disposed of.

(5) No amendment shall be moved if it is, substantially, a direct negative of the original proposition or of the words which it is proposed to amend.

(6) Amendments shall be moved in the order of the words of the Bill or Motion to which they relate and when an amendment of any part of a question has been proposed from the Chair an earlier part cannot be amended unless the amendments so proposed have been withdrawn.

(7) Unless otherwise permitted by the Chair, any proposed amendment of which notice has not been given shall be handed to the Chair in writing before they are moved.

(8) Before proposing an amendment the Chairperson may call upon the Member to offer such explanations as may be necessary to enable him to form a judgment upon it.

(9) The mover of an amendment shall address himself to the main question and shall lose the right to speak again on the main motion after the amendment has been disposed of.

**32. Method of dealing with amendments**

(1) If the amendment is to leave out certain words in order to insert others, the Chairperson, after stating the amendment, shall first propose the question "that the words proposed to be left out stand part of the question (or clause)" and if the question is put and negatived, he shall propose the question that the words proposed by the amendment be there inserted.

(2) If the amendment is to leave out certain words the Chairperson, after stating the amendment, shall propose the question that the words proposed to be left out stand part of the question (or clause).

(3) If the amendment is to insert or add certain words, the Chairperson, after stating the amendment, shall propose the question that the proposed words be there inserted or added.

(4) If an amendment is moved to a proposed amendment, the last mentioned shall be dealt with as if it were the original question until all amendments thereto have been disposed of.

**33. Withdrawal of amendments**

An amendment may be withdrawn by leave of the Assembly, provided there is no dissentient voice, before the question is fully put.

**34. Seconding of motions and amendments**

(1) The question or any motion or amendment shall not be proposed from the Chair in the Assembly unless it has been seconded.

(2) No secondment shall be required in Committee.

**35. Rules of debate**

(1) A Member desiring to speak shall rise in his place and, if called upon, shall address his observations to the Chair.

(2) When the Member has finished his observations, he shall resume his seat and any other Member wishing to address the Assembly or Committee may rise.

(3) If two or more Members rise at the same time, the Chairperson shall call the Member who first catches his eye.

(4) The mover of any motion or amendment may speak in support thereof, but no further debate shall be allowed, nor shall any question thereon be put to the Assembly until the motion or amendment is seconded.

(5) Except in Committee—

(a) no Member shall, without special leave from the Chair, speak more than once on any question;

(b) any Member may second a motion or amendment by rising in his place and bowing to the Chair, without prejudice to his right to speak at a later period of the debate.

(6) A Member who has spoken on a main question may speak again when a new question has been proposed from the Chair, such as a proposed amendment.

(7) A Member who has spoken on a question may again be heard to offer explanation of some material part of his speech which has been misunderstood, but he shall not introduce new matter.

(8) No Member may speak on any question after it has been put from the Chair.

(9) The discretion of the Chairperson or the person presiding in calling Members to address the Assembly shall not be challenged.

(10) No Member shall interrupt any other Member except—

(a) on a point of order;

(b) to elucidate some matter raised by the Member speaking in the course of his speech, provided that the Member speaking is willing to give way and resume his seat, and that the Member wishing to interrupt is called by the Chairperson.

(11) Whenever the person presiding rises during a debate, any Member then speaking shall sit down and the Assembly or Committee shall allow the person presiding to be heard without interruption.

**36. Content of speeches**

(1) A Member shall confine his observations to the subject under discussion and shall not introduce matter not relevant thereto.

(2) No Member shall use unbecoming words or expressions or use offensive language about Members of the Assembly.

(3) No Member shall impute improper motives to any other Member.

(4) No Member shall refer to any matter on which a judicial decision is pending if, in the opinion of the Chair, it may prejudice the interest of the parties.

(5) The conduct of the President and the Vice-President of the Republic or the person performing the functions of the President's Office, the Chairperson, Members of the Assembly, Judges, or other persons engaged in the administration of Justice shall not be raised except upon a substantive motion moved for that purpose: and in any amendment, questions to a Commissioner, or remarks in a debate dealing with any other subject, reference to the conduct of the persons aforesaid shall be out of order.

(6) No Member shall attempt to reconsider any specific question upon which the Assembly has come to a conclusion within the last twelve months except upon a substantive motion for rescission.

(7) The proceedings and report of a Committee shall not be referred to before they have been presented to the Assembly.

**37. Point of order**

(1) Any member infringing the provisions of these Orders shall be immediately called to order by the Chairperson or by Member rising to a point of order.

(2) A Member rising to a point of order shall direct attention to the point he desires to bring to notice to the Chairperson.

(3) When the point of order has been stated, the Member who raises it shall resume his seat, and no other Member, except with the leave of the Chairperson, shall rise until the Chairperson has decided the point.

(4) The Chairperson, whose decision shall be final, may reserve such decision under subsection (3) to a later stage of the proceedings or another sitting.

(5) No debate shall be allowed on a remark which has been ruled out of order by the Chairperson.

(6) The Chairperson shall be responsible for the observance of the rules of order in the Assembly or in any Committee thereof and his decision upon any point of order shall be final.

**38. Relevancy in debate**

Debate upon any matter shall be relevant to such matter.

**39. Dilatory motions**

(1) Any motion made during a debate for the purpose of postponing to some future occasion the further discussion of a question which has been proposed from the Chair shall be known as a dilatory motion.



(2) The debate on a dilatory motion shall be confined to the matter of such motion and no Member, having moved or seconded such a motion, may move or second any similar motion until a new question has been proposed from the Chair.

(3) Where the Chairperson considers such dilatory motion to be an abuse of the rules of the Assembly, he may decline to propose it.

(4) No amendment shall be made to a motion for the adjournment of the Assembly or of a debate.

(5) A Member who has spoken to a main question shall not be entitled to move a dilatory motion.

#### **40. The question**

On the conclusion of the debate on a question, the Chairperson shall state the question either in its original form or in its amended form, as the case requires, and shall put the question.

#### **41. Closure**

(1) After a question has been proposed, a Member may move "that the question be now put".

(2) Unless the Chairperson considers the motion to be an abuse of the rules of the Assembly or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith and decided without amendment or debate.

(3) When the motion "that the question be now put" has been carried and the question consequent thereon has been decided, any Member may claim that any other question already proposed from the Chair "be now put", and if the Chair assents, such question shall be put forthwith and decided without amendment or debate.

#### **42. Anticipation**

(1) It shall be out of order to anticipate—

- (a) Bill by discussion of a motion dealing with the subject matter of the Bill on a day before that appointed for the consideration of that Bill;
- (b) a Bill or a motion by discussion upon an amendment or a motion for the adjournment of the Assembly.

(2) In determining whether a discussion is out of order on the ground of anticipation, the Chairperson shall have regard to the probability of the matter anticipated being brought before the Assembly within a reasonable time.

#### **43. Irrelevance or repetition**

The Chairperson, after having called the attention of the Members to the conduct of a Member who persists in irrelevance or tedious repetition of his own argument or of the arguments used by other Members in debate, may direct such Member to discontinue his speech.

#### **44. Disorderly conduct**

(1) The Chairperson shall order any Member whose conduct is grossly disorderly to withdraw immediately from the Chamber during the remainder of that day's sitting.

(2) Where the Chairperson considers that his powers under paragraph (1) are inadequate, he may name such Member in which case Standing Order 45 shall apply.

#### **45. Suspension of Members**

(1) Where a Member has been named, the Chairperson shall forthwith put the question, on a motion being made, "that such Member be suspended from the service of the Assembly".

(2) Where the offence has been committed in a Committee of the whole Assembly, the Chairperson shall suspend the proceedings of the Committee and report the circumstances to the Assembly, and the Chairperson shall, on a motion being made forthwith, put the same question, as if the offence had been committed in the Assembly itself.

(3) If any Member be suspended under paragraph (1) of this Order, his suspension shall last until such time as the Assembly, by resolution, shall decide provided that under no circumstance shall a suspension last more than 75 days.

(4) Not more than one Member shall be named at the same time, unless 2 or more Members present have jointly disregarded the authority of the Chair.

(5) Suspension from the service of the Assembly shall not, unless the Assembly so decides, exempt the Member so suspended from serving on any committee to which he may have been appointed before his suspension.

(6) Members who are ordered to withdraw or are suspended from the service of the Assembly shall forthwith withdraw from the precincts of the House.

(7) In the case of grave disorder arising in the Assembly, the Chairperson may adjourn the Assembly without putting any question or suspend the sitting up to the time to be named by him on the same day.

#### **46. Short speeches**

(1) The Chairperson may announce at the commencement of public business or at any time during the sitting that, because of the number of Members wishing to speak in a debate on a motion, he will limit the time during which a Member shall address the Assembly.

(2) Where the Chairperson makes an announcement under paragraph (1) he may at any time direct a Member to resume his seat.

#### **47. Voting**

(1) Save as otherwise provided in these Orders, all questions proposed for decision in the Assembly shall be determined by a majority of the votes of the Members present and voting as hereafter provided in this section.

(2) The question shall be put by the Chairperson or, in a Committee by the chairperson and the vote shall be taken by voices, Ayes and Noes, and the result shall be declared by the Chairperson or the chairperson.

(3) If the opinion of the Chairperson or the chairperson as to the decision on the question is challenged by any Member, the division on the question is challenged by any Member, the division bells shall be rung for 2 minutes and a division shall, subject to the provisions of paragraph (2) of this Order, be taken by the Clerk asking each Member separately in accordance with precedence, beginning with the Member who stands last in that order.

(4) A Member may state that he declines to vote and in such case the Clerk shall record his name as having declined to vote.

(5) No Member of the Assembly shall be precluded from so voting by reason only that he holds the Office of Chairperson or Deputy Chairperson or is presiding in the Assembly.

(6) If the votes cast are equally divided, the vote and the casting vote of the Chairperson or the person presiding shall be exercised as laid down in sections 15 and 57 of the Act.

(7) If the Chairperson or the Chairperson is of opinion that a division is unnecessarily claimed, he may, as soon as the division bells have ceased to ring, take the votes of the Assembly by calling successively upon those Members who support and upon the Members who challenge his decision to rise in their places, and may thereupon, as he thinks fit, either declare the determination of the Assembly or direct the Clerk to proceed in paragraph (1) of this Order.

(8) If a Member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered, provided that his claim is made as soon as the numbers of the votes have been announced and before the Chairperson or the chairperson has declared the result of the division.

(9) A Member shall not vote on any matter in which he may have a direct personal pecuniary interest, but a motion to disallow a Member's vote on this ground shall be made only as soon as the numbers of the Members voting on the question shall have been declared.

(10) If the motion for the disallowance of a Member's vote shall be agreed to, the Chairperson or the person presiding shall direct the Clerk to correct the numbers voting in the division accordingly.

(11) In deciding whether a motion for the disallowance of a Member's vote shall be proposed from the Chair, the Chairperson, shall have regard to the provision of section 56 of the Act.

#### **48. Introduction of Bills**

(1) A Public Bill may be introduced into the Assembly after notice without any order.

(2) Notice of introduction of a Bill shall, except as provided by Standing Order 61 (Urgent Bills), be given to every Member not less than 15 days before it is to be read for the first time, and a copy of the Bill shall be distributed to every Member.

(3) No Private Bill or Private Members' Bill shall be introduced into the Regional Assembly.

(4) A Commissioner in charge of a Bill shall on the first reading thereof move formally that the Bill be read a first time. Upon such motion being seconded, the Bill shall be read a first time without question put.

#### **49. Reading of Bills**

Upon an order being made for a Bill to be read the Clerk shall, at the first reading and adoption stage, read the short title of the Bill only and, at the second reading, the long title only.

**50. Printing of Bills**

(1) The Clerk shall be responsible for the printing of a Bill from the draft handed over to him by the Member in charge of the Bill, and he shall satisfy himself that—

- (a) the Bill is divided into clauses numbered consecutively;
- (b) a title for each clause is printed before each clause, and
- (c) the provisions of the Bill do not go beyond its long title.

(2) Every Bill published shall be accompanied by a printed statement signed by the Member in charge of the Bill. Such statement shall state fully the objects of and the reasons for the Bill. Where a Bill amends the whole or part of a section of an Act already in existence, the relevant part of such section shall be set out in full.

**51. Stages of Bills**

A Bill may be proceeded with through all its stages at the same sitting.

**52. Debate on second reading**

On a motion being made and seconded "That a Bill be now read a second time", a debate may arise covering the principles and general merits of the Bill. An amendment may be made to this motion by omitting all or some of the words after "That" and substituting words which state some special reason against the second reading of the Bill, but such words must be strictly relevant to the principles of the Bill and not deal with the details.

**53. Committal of Bills**

(1) When a Bill, has been read a second time it shall stand committed to a Committee of the whole Assembly unless the Assembly, on motion made, commits it to a Select Committee to be nominated by the Chairperson. Such motion shall not require notice, must be made immediately after the Bill is read a second time and may be made by any Member.

(2) A Bill while under consideration in Committee of the whole Assembly may on motion made in the Assembly, be withdrawn from that Committee and be referred to a Select Committee to be nominated by the Chairperson, and the reference to the Select Committee may be in respect of the Bill as a whole or of a specified clause or clauses.

**54. Committee Stage of Bills**

(1) When a motion that the Assembly do resolve itself into a Committee on a Bill has been agreed to, or whenever the Committee Stage of a Bill is reached on the Order Paper, the Chairperson shall leave the Chair without question put.

(2) Any Committee to which a Bill is committed shall not discuss the principles of the Bill but only its details.

(3) Any such Committee shall have power to amend or delete any clause and to add any new clause or schedule, provided that any amendments and additions shall comply with the following conditions—

- (a) they must be relevant to the subject matter of the Bill and to the subject matter of the clause to which they relate;

- (b) they must not be inconsistent with any clause already agreed to or any decision already come to by the Committee;
- (c) if they refer to, or are not intelligible without a subsequent amendment or schedule, notice of the subsequent amendment or schedule, unless the Chairperson permits otherwise, must be given before or when the first amendment is moved, so as to make the series of amendments intelligible;
- (d) if an amendment is not within the title of the Bill, the title shall be amended accordingly and the same shall be reported to the Assembly.

**55. Procedure in Committee of the whole Assembly on Bills**

At the Committee Stage of Bill—

- (a) the Clerk shall call the number of each clause in succession and shall read the heading to each clause and if no amendment is offered, the Chairperson shall, after a convenient number of clauses has been called, put the question "That clauses to stand part of the Bill";
- (b) if any Member announces, while the clauses are being called that he wishes to move an amendment to, or make some comment on, a clause, the Chairperson shall forthwith put the question with regard to all the clauses which have been called but not yet agreed to, excluding the clause indicated by the Member which shall then be considered;
- (c) after the clause has been so considered, and after any proposed amendment thereto has been agreed to or negatived, the Chairperson shall put the question "That clause..... (or clause..... as amended) stand part of the Bill";
- (d) the consideration of the schedule (or schedules), if any, including new schedules, if any, and the long title shall follow the consideration of the clauses, including new clauses;
- (e) a clause in the Bill as printed may be postponed, unless upon an amendment thereto a question shall have been fully put from the Chair;
- (f) such postponed clauses shall be considered after the remaining clauses of the Bill and before any new clauses which may have been deferred for consideration have been brought up;
- (g) new clauses may be considered at their appropriate places in the Bill, or they may be deferred for consideration until after the clauses in the Bill as printed have been disposed of;
- (h) on the title of any new clause being read by the Clerk, the clause shall be deemed to have been read the first time. The question shall then be proposed "That the clause be read a second time", and if it is agreed to, amendments may then be proposed to the new clause. The final question to be proposed shall be "That the clause (or the clause as amended) be added to the Bill";
- (i) new schedules shall be considered and treated in the same way as new clauses;

- (j) when a clause or schedule has been agreed to by the Committee or amended and agreed to, it shall not be competent for the Committee to resume consideration thereof;
- (k) before the proceedings have terminated, any Member may move to report progress, and if such motion is carried the Chairperson shall leave the Chair and make his report to the Assembly, and shall ask leave to sit again;
- (l) at the conclusion of the proceedings, the Chairperson shall put the question "That I do report the Bill (or the Bill as amended) to the Assembly", which shall be decided without amendment or debate.

#### **56. Select Committee on Bills**

(1) The provisions of Standing Order 55 (a) to (j) and (l) shall apply to the consideration of Bills by a Select Committee.

(2) A Select Committee to which a Bill shall have been referred shall present a report to the Assembly explaining its recommendations, and if the recommendations involve any amendments a reprint of the Bill shall be attached to the report with all amendments printed in italics and all deletions clearly indicated, and a copy of the Bill so amended shall be distributed to every Member.

(3) The report of a Select Committee upon a Bill shall be presented by the Chairperson of the Committee and the report shall be set down for consideration on a day appointed by the Chairperson.

(4) Consideration of a Bill reported from a Select Committee shall take place upon a motion "That the report from the Select Committee be approved".

(5) Upon consideration of a Bill reported from a Select Committee, the Assembly shall consider only those amendments, if any, made by the Committee, but may further amend those amendments.

(6) (a) Upon consideration of a Bill reported from a Select Committee, a motion may be made by any Member that the Bill be recommitted to the Select Committee with reference to particular amendments made by the Select Committee.

(b) Upon consideration of a Bill reported from a Select Committee, a motion may be made by any Member that the Bill be recommitted to a Committee of the whole Assembly either wholly or in respect of some particular part or parts or of some proposed new clause or new schedule.

(c) A motion made under paragraph (1) or (2) of this Order shall be in the form of an amendment to a motion made under paragraph (4) of this Order by adding the words "subject to the re-committal of the Bill . . . ." (to the Select Committee of the whole Assembly, as the case may be, or for the purpose indicated).

#### **57. Reporting of Bills from Committee of whole Assembly**

Every Committee of the whole Assembly shall proceed to consider the Bill or Bills referred to it. The Chairperson shall report every Bill which the Committee has ordered to be reported, with or without amendment as the case may be, and, if so ordered, shall also report progress.

### **58. Adoption stage of Bills**

(1) A Bill having passed through a Committee of the whole Assembly, or having been reported to the Assembly by a Select Committee and the report of the Select Committee having been approved by the Assembly, may, on motion made forthwith, be adopted, or, if the Assembly so directs, the adoption stage may be postponed.

(2) If, at the adoption stage of a Bill, any Member who desires to amend or delete any provision contained in the Bill or to introduce any fresh provision, may move that the Bill be recommitted to a Committee of the whole Assembly. At the conclusion of the proceedings of a Committee on a Bill so recommitted, the provisions of Standing Order 56 (1) and paragraph (1) of this Order shall apply:

Provided that with the Chairperson's permission, amendments for the correction of errors or oversights may be made to a Bill on a motion for the adoption stage without being recommitted.

### **59. Withdrawal of Bills**

The Commissioner in charge of a Bill standing on the Order Paper may make a motion without notice for its withdrawal either before the commencement of public business or when any stage of the Bill is reached.

### **60. Endorsement of Bills**

Where a Bill has been adopted, it shall be—

- (a) endorsed with a certificate from the Chairperson to that effect;
- (b) sealed up in one single document, and
- (c) transmitted to the Chief Commissioner for submission to the Minister in accordance with section 30 of the Act.

### **61. Urgent Bills**

Notwithstanding anything in any Standing Order, when a Certificate of Urgency signed by the Chief Commissioner in respect of a proposed Bill has been laid upon the Table by a Commissioner, the Bill to which the certificate relates may be introduced forthwith and may, provided that copies are available for the use of Members, be proceeded with throughout all its stages at the same sitting.

### **62. Committee of the whole Assembly**

(1) A Committee of the whole Assembly shall be appointed by resolution that the Assembly resolves itself into Committee.

(2) When such resolution has been agreed to, the Chairperson shall leave the Chair without question put, unless he wishes to preside over the proceedings.

(3) The rules as to the procedure in the Assembly shall apply to procedure in Committee of the whole Assembly except that—

- (a) a motion shall not require notice;
- (b) a motion need not be seconded; and
- (c) a Member may speak more than once to the same question.

(4) The proceedings in Committee shall be recorded in the Minutes.

**63. Public Accounts Committee**

(1) There shall be a committee to be known as the Public Accounts Committee to consist of a Chairperson to be appointed by the Chairperson and not more than 4 other Members to be elected by the Assembly.

(2) The Committee shall examine the audited accounts showing the appropriation of the sums granted by the Assembly to meet the public expenditure and other accounts laid before the Assembly together with the Director of Audit's report thereon.

(3) The Committee may, in the exercise of the duties mentioned above, send for persons and records, to take evidence, and to report from time to time.

(4) Where the Chairperson is unable to be present at any meeting, the Committee shall elect a chairperson for the day only.

(5) In discharging its duties under this Order, while examining accounts showing the appropriation of funds granted by the Assembly and such other accounts which the Assembly had referred to it, the Committee shall satisfy itself that—

- (a) the monies shown in the accounts as having been disbursed were legally available for, and applicable to, the services or purpose to which they have been applied or charged;
- (b) the expenditure conformed to the Authority which governed it;
- (c) every re-appropriation has been made in accordance with the provisions made in this behalf under appropriate rules; and
- (d) cases involving negative expenditure and financial irregularities wherever they have occurred in the financial year under study, having regard to the financial report and the estimates as approved by the Assembly, are subjected to scrutiny.

**64. Standing Orders Committee**

(1) There shall be a Standing Orders Committee to consist of the Chairperson, the Deputy Chairperson and three other Members to be elected by the Assembly.

(2) The Committee shall consider from time to time and report on all matters relating to the Standing Orders which may be referred to them by the Assembly.

(3) If a notice of motion involves any proposal for the amendment of Standing Orders, the notice shall be accompanied by a draft of the proposed amendments and the motion when proposed and seconded shall stand referred to the Standing Orders Committee and no further proceedings shall be taken on any such motion until the Standing Orders Committee has reported thereon.

**65. Financial resolutions**

Except upon the recommendations of a Commissioner, the Assembly shall not—

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, makes provision for any of the following purposes—
  - (i) for the imposition of taxation or the alteration of taxation otherwise than by reduction;



- (ii) for the imposition of any charge upon the Rodrigues Consolidated Fund or other public funds of Rodrigues or the alteration of any such charge otherwise than by reduction;
  - (iii) for the payment, issue or withdrawal from the Rodrigues Consolidated Fund or other public funds of Rodrigues of any monies not charged thereon or any increase in the amount of such payment, issue or withdrawal; or
  - (iv) for the composition or remission of any debt due to the Government;
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes; or
  - (c) receive any petition that, in the opinion of the person presiding, requests that provision be made for any of those purposes.

#### **66. Regional Assembly Regulations**

Regulations required to be made under section 31 of the Act shall be introduced by way of motion.

#### **67. Miscellaneous**

(1) On motion made with the permission of the Chairperson and question put and carried, any one of these Standing Orders may be suspended at any sitting to enable any special business to be considered or disposed of.

(2) No Member of the Assembly shall appear before the Assembly or any Committee thereof as advocate, solicitor or counsel for any party or in any capacity for which he is to receive a fee or reward.

(3) The Chairperson shall have power to regulate the conduct of business in the Assembly in all matters not provided for in these Orders.

(4) The Chairperson shall be responsible for the management of the buildings and the general administration of the Assembly Chamber.

(5) The Chairperson shall not be bound to give any reason in support of any of his decisions.

#### **68. Contempt of the Assembly**

Offences provided for in the National Assembly (Privileges, Immunities and Powers) Act which have been extended to the Assembly under section 65 of the Act shall be dealt with in the following manner—

- (a) a Member who wishes to raise a privilege complaint shall give written notice of the matter to the Chairperson on a sitting day as soon as reasonably practicable after the Member had notice of the alleged contempt or breach of privilege;
- (b) in case the Chairperson considers that the matter is of an urgent character (e.g. that it raises a continuing contempt which needs rapid intervention or that the offender is entitled to know that he might be committing a contempt), he will inform the Member that he is prepared to rule on the same day;
- (c) if the Chairperson decides that there is no urgency, he will so inform the Member in writing and it will not be in order for the latter to raise the matter with the Chairperson in the Assembly. The Chairperson

will indicate the day on which he will announce his decision, which will be within his discretion but as soon as reasonably practicable after the receipt of the complaint;

- (d) on the day appointed by the Chairperson for his decision in case he considers that the circumstances reported to him amount to an offence, he will so inform the Assembly and the Member who raised the matter with him will immediately table a motion, no amendment, adjournment or debate being allowed, setting out briefly the nature of the complaint and seeking that the matter be referred to the Director of Public Prosecutions for appropriate action;
- (e) where the Chairperson is of opinion that the circumstances reported to him does not amount to an offence, the matter shall lapse;
- (f) a Member who reports a privilege complaint to the Chairperson may, at any time before the Chairperson announces his decision to the Assembly, withdraw his complaint.

[Seventh Sch. added by s. 4 of Act 28 of 2002 w.e.f. 21 September 2002.]

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