

# SOCIAL AID ACT 1983

Act 2/1983

Proclaimed by [\[Proclamation No. 7 of 1983\]](#) w.e.f. 1<sup>st</sup> December 1983

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To make provision for the grant of Social Aid

### 1. Short title

This Act may be cited as the Social Aid Act 1983.

### 2. Interpretation

In this Act -

“approved medical practitioner” means a medical practitioner approved by the Minister;

“child”, in relation to a claimant –

(a) means –

- (i) an unmarried person who is under the age of 20; or
- (ii) an unmarried person of the age of 20 but not above the age of 23, who is pursuing a full-time course at a tertiary education institution; and

(b) includes a step-child or an adopted child who is living with the claimant;

“claimant” means any person specified in section 3 (1) and (1A);

“dependents” means the spouse and any child of a claimant;

“Minister” means the Minister to whom responsibility for the subject of social security is assigned;

“parent”-

(a) means the father or mother of a child;

(b) includes any person who is in charge of a child;

“Permanent Secretary” means the Permanent Secretary of the Ministry for Employment and of Social Security and National Solidarity or any public officer designated by him;

“requirements”, in relation to a claimant, means the requirements specified in section 3 (4) (a);

“resources”, in relation to a claimant, means the resources specified in section 3 (4) (b);

“spouse” includes a person who is living with a man or woman as his wife or husband;

“stepchild”, in relation to a claimant, means a child of his spouse or deceased spouse who is not his own child.

**Amended by [\[Act No. 14 of 2009\]](#)**

### **3. Social aid**

(1) Subject to the other provisions of this section, any person who, as a result of –

(a) any physical or mental disability;

(b) any sickness or accident certified by an approved medical practitioner; or

(c) **Deleted by [\[Act No. 14 of 2009\]](#)**

(d) any sudden loss of employment which has lasted continuously for not less than 6 months,

is temporarily or permanently incapable of earning adequately his livelihood and has insufficient means to support himself and his dependents, shall be qualified to claim social aid.

(1A) Subject to this section, where a person who –

- (a) as a result of abandonment by his spouse; or
- (b) is the spouse of the head of a household who is in police custody, has been remanded to jail or is serving a term of imprisonment and, is temporarily or permanently incapable of earning adequately his livelihood and has insufficient means to support himself and his dependants, he shall be qualified to claim social aid.

**Amended by [\[Act No. 14 of 2009\]](#)**

- (2) A claimant shall -
  - (a) apply for social aid to the Minister in the prescribed manner;
  - (b) furnish, in support of his application, such information and documents as the Minister may require.
- (3) Where the Minister is satisfied that a claimant is qualified to claim social aid under subsection (1) or (1A), he may, subject to such conditions as he thinks fit to impose, grant to the claimant such amount of social aid as meets his requirements.

**Amended by [\[Act No. 14 of 2009\]](#)**

- (4) For the purpose of this section -
  - (a) the requirements of a claimant –
    - (i) under subsection (1) shall be computed in the manner specified in Part I of the First Schedule; or
    - (ii) under subsection (1A) shall be computed in the manner specified in Part III of the First Schedule;

**Amended by [\[Act No. 14 of 2009\]](#)**

- (b) the resources of a claimant shall be determined by the Permanent Secretary in accordance with such criteria as may be prescribed.
- (5) (a) Subject to paragraph (b), the social aid payable to a claimant shall be the amount by which the resources of the claimant fall short of his requirements after deducting from that amount any benefit or allowance received by the claimant under the National Pensions Act or the Family Allowance Act respectively.
- (b) The social aid payable under paragraph (a) shall not be less than the amount specified in Part 11 of the Schedule.
- (6) Notwithstanding the other provisions of this section, the Minister may grant social aid in such circumstances as may be prescribed.

**Amended by [\[Act No. 27 of 1983\]](#); [\[Act No. 14 of 2009\]](#)**

#### **4. Recovery**

- (1) The Permanent Secretary may recover from the spouse of a claimant or any person who under any enactment is liable to maintain the claimant the amount of social aid paid to the claimant under section 3.
- (2) In any proceedings under this section, the onus of proving that a person is unable or not liable to maintain a claimant shall lie on the person from whom the amount paid is sought to be recovered.

**5. Repealed by [\[Act No. 30 of 1994\]](#)**

#### **6. Summons**

- (1) Where a claimant is, under any enactment, entitled to be maintained by any person, the Permanent Secretary may issue to that person a summons requiring him to pay every month to the Permanent Secretary for the benefit of the claimant such amount of money as the Permanent Secretary may decide to grant to the claimant under section 3 (3).
- (2) Where a person fails to comply with a summons issued under subsection (1), the Permanent Secretary may, on behalf of the claimant, enter an action before the appropriate District Court for an order compelling that person to pay to the Permanent Secretary the amount of money specified in the summons issued under subsection (1) or such sum as the court may determine.
- (3) Notwithstanding any other enactment, in any proceedings under this section, the onus of proving that a person is unable or not liable to pay the amount of money specified in a summons issued under subsection (1) shall lie upon him.
- (4) Where the court makes an order under this section, the court may order payment with retrospective effect to the date on which it should have been made in compliance with any summons issued under subsection (1).
- (5) Where the court makes an order under this section, the Permanent Secretary may by warrant under his hand in the form specified in the Second Schedule, attach in the hands of the employer of the person against whom the order is made one third of that person's remuneration or the sum awarded by the court, whichever is the lesser.
- (6) Any employer who receives an attachment under subsection (5) shall deduct from the remuneration of his employee the sum specified in the warrant and pay that sum to the Permanent Secretary.

- (7) Where there is any change in the circumstances of the person on whom an order has been made under this section, the court may, on application by any interested party, vary the order.

## **7. Power to summon witnesses**

- (1) The Permanent Secretary may in connection with the determination of any claim for social aid -
- (a) by summons under his hand, require the attendance of any person at such time and place as may be specified in the summons; and
  - (b) examine any person on oath on any matter relating to the administration of this Act.
- (2) Any person who, without reasonable cause or justification, fails to comply with a summons issued under subsection (1) shall commit an offence.
- (3) A summons under this section shall be -
- (a) issued at least 10 days before the date on which the attendance of a person is required; and
  - (b) served by registered post.

## **8. Offences**

- (1) Any person who -
- (a) for the purpose of, or in connection with, any claim for social aid, either for himself or on behalf of any other person, knowingly -
    - (i) makes a false statement or a statement which he knows or ought to have known to be false in any material particular;

(ii) makes a false representation;

(iii) fails to disclose any material fact; or

(b) otherwise fails to comply with this Act or any subsidiary enactment made under this Act,

shall commit an offence.

(2) Any person who commits an offence under this Act shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

Amended by [\[Act No. 26 of 2013\]](#)

#### **9. Recovery of excess payment**

Where a person has received under this Act social aid to which he was not entitled or which he was not qualified to receive, the amount of that social aid may, notwithstanding the restriction imposed by section 5 of the Recovery of State Debts Act, be recovered by the Permanent Secretary in the manner provided for the recovery of a small State debt under that Act.

Amended by [\[Act No. 48 of 1991\]](#)

#### **10. Powers of Minister**

The Minister may -

(a) provide for the establishment and management of institutions to look after the care and maintenance of persons who through age, physical or mental disability are unable to support themselves;



- (b) provide to any private or charitable institutions looking after the care and maintenance of persons unable to support themselves such grants and contributions as are specified in the Third Schedule;
- (c) establish for the purposes of this Act such advisory committees as he thinks fit.

## **11. Regulations**

The Minister may -

- (a) make such regulations as he thinks fit for the purposes of this Act;
- (b) by regulations, amend the Schedules.

## **12. Repeal**

The Social Aid Act is repealed.

## **13. Commencement**

Proclaimed by [\[Proclamation No. 7 of 1983\]](#) w.e.f. 1<sup>st</sup> December 1983

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## FIRST SCHEDULE

(section 3 (4) (a) and (5) (b))- Amended by [\[Act No. 14 of 2009\]](#)

### PART I

	<b>Requirements of Claimants</b>	Amount per month
1.	Claimant's Allowance	Rs 1,315
2.	Spouse's Allowance (limited to one spouse)	1,315
3.	(a) under the age of 3	510
	(b) aged not less than 10 and under the age of 10	490
	(c) aged not less than 10 and under the age 15	600
	(d) who is receiving full-time education, aged not less than 15 and until the end of the school year in which the child attains the age of 20	750
	(e) aged not less than 15 nor more than 20 and who is unable to earn a living through physical or mental disability and is not in receipt of a benefit under the National Pensions Act	1,315
	(f) aged not less than 20 nor more than 23, who is pursuing a full-time course at a tertiary education institution	750

4. Compassionate allowance where the claimant or any of his dependants satisfies the Minister that he is suffering from any serious illness certified by an approved medical practitioner up to a maximum of 780
5. Rent Allowance 50% of the rent paid by claimant up to a maximum of 990
6. Examination fees in respect of a child for -
- (a) Cambridge School Certificate
  - (b) Higher School Certificate
  - (c) General Certificate of Education, London (Ordinary and Advanced)
  - (d) General Certificate of Education, Cambridge (Ordinary and Advanced)
  - (e) IVTB examinations conducted by the Mauritius Examination Syndicate
7. Issue of spectacles to the Claimant and his dependants where the spectacles have been prescribed by the Ministry of Health.
8. Refund to the claimant and his dependants of travelling expenses incurred in attending any hospital or dispensary for medical treatment

9. Assistance in kind where the Minister is satisfied that the claimant deserves it.
10. Funeral grant in the event of the death of the claimant or that of any of his dependants. 4,950

Amended by [\[GN No. 132 of 1985\]](#); [\[GN No. 134 of 1985\]](#); [\[GN No. 140 of 1985\]](#); [\[GN No. 98 of 1986\]](#); [\[GN No. 34 of 1987\]](#); [\[GN No. 45 of 1987\]](#); [\[GN No. 82 of 1987\]](#); [\[GN No. 7 of 1989\]](#); [\[GN No. 185 of 1989\]](#); [\[GN No. 210 of 1990\]](#); [\[GN No. 187 of 1991\]](#); [\[GN No. 49 of 1993\]](#); [\[GN No. 37 of 1994\]](#); [\[GN No. 122 of 1995\]](#); [\[GN No. 209 of 1995\]](#); [\[GN No. 145 of 1996\]](#); [\[GN No. 123 of 1997\]](#); [\[GN No. 157 of 1998\]](#); [\[GN No. 175 of 1998\]](#); [\[GN No. 144 of 1999\]](#); [\[GN No. 177 of 2000\]](#); [\[GN No. 152 of 2001\]](#); [\[GN No. 108 of 2002\]](#); [\[GN No. 214 of 2003\]](#); [\[GN No. 73 of 2005\]](#); [\[GN No. 68 of 2006\]](#); [\[GN No. 236 of 2006\]](#); [\[GN No. 18 of 2008\]](#); [\[GN No. 272 of 2008\]](#); [\[GN No. 174 of 2009\]](#); [\[GN No. 216 of 2010\]](#); [\[GN No. 109 of 2011\]](#); [\[GN No. 49 of 2012\]](#); [\[GN No. 31 of 2015\]](#); [\[GN No. 32 of 2015\]](#); [\[GN No. 33 of 2015\]](#)

**Part II - Amended by [\[Act No. 14 of 2009\]](#)**

Minimum Social Aid ..... 935

Amended by [\[GN No. 134 of 1985\]](#); [\[GN No. 140 of 1985\]](#); [\[GN No. 98 of 1986\]](#); [\[GN No. 82 of 1987\]](#); [\[GN No. 7 of 1989\]](#); [\[GN No. 185 of 1989\]](#); [\[GN No. 210 of 1990\]](#); [\[GN No. 187 of 1991\]](#); [\[GN No. 49 of 1993\]](#); [\[GN No. 37 of 1994\]](#); [\[GN No. 122 of 1995\]](#); [\[GN No. 209 of 1995\]](#); [\[GN No. 145 of 1996\]](#); [\[GN No. 123 of 1997\]](#); [\[GN No. 157 of 1998\]](#); [\[GN No. 175 of 1998\]](#); [\[GN No. 144 of 1999\]](#); [\[GN No. 177 of 2000\]](#); [\[GN No. 152 of 2001\]](#); [\[GN No. 108 of 2002\]](#); [\[GN No. 214 of 2003\]](#); [\[GN No. 73 of 2005\]](#); [\[GN No. 68 of 2006\]](#); [\[GN No. 236 of 2006\]](#); [\[GN No. 18 of 2008\]](#); [\[GN No. 272 of 2008\]](#); [\[GN No. 174 of 2009\]](#); [\[GN No. 216 of 2010\]](#); [\[GN No. 109 of 2011\]](#); [\[GN No. 49 of 2012\]](#); [\[GN No. 31 of 2015\]](#); [\[GN No. 32 of 2015\]](#); [\[GN No. 33 of 2015\]](#)

**PART III**

	<b>Amount per month Rs</b>
1. Claimant's allowance	1,375
2. Child's allowance for every child	

(a)	Under the age of 3	535
(b)	aged not less than 3 and under the age of 10	515
(c)	aged not less than 10 and under the age of 15	625
(d)	aged not less than 15 and who is receiving full-time education , until the end of the school year in which the child attains the age of 20	785
(e)	aged not less than 15 not more than 20 and who is unable to earn a living through any physical or mental disability and is not in receipt of a benefit under the National Pensions Act	1,375
(f)	aged not less than 20 nor more than 23, who is pursuing a full-time course at a tertiary education institution	739
3.	Compassionate allowance where the claimant or any of his dependants satisfies the Minister that he is suffering from any serious illness certified by an approved medical practitioner up to a maximum of	820
4.	Rent allowance -	50% of the rent paid by claimant up to a maximum of 1,040
5.	Examination fees in respect of a child for -	
(a)	Cambridge School Certificate	
(b)	Higher School Certificate	
(c)	General Certificate of Education, London (Ordinary and	
(d)	Advanced)	
(e)	General Certificate of Education, Cambridge (Ordinary and Advanced)	
	IVTB examinations conducted by the Mauritius Examination Syndicate	

6. Issue of spectacles to the claimant and his dependants where the spectacles have been prescribed by the Ministry of Health
7. Refund to the claimant and his dependants of travelling expenses incurred in attending any hospital or dispensary for medical treatment
8. Assistance in kind where the Minister is satisfied that the claimant
9. deserves it

4950

Funeral grant in the event of the death of the claimant or that of any of his dependants

**Amended by** [\[Act No. 14 of 2009\]](#); [\[GN No. 214 of 2010\]](#); [\[GN No. 216 of 2010\]](#)  
[\[GN No. 109 of 2011\]](#); [\[GN No. 49 of 2012\]](#); [\[GN No. 31 of 2015\]](#); [\[GN No. 32 of 2015\]](#); [\[GN No. 33 of 2015\]](#)

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**SECOND SCHEDULE**  
**(section 6 (5))**  
**WARRANT**

WHEREAS ..... hereinafter called the debtor, is indebted to the Permanent Secretary

in the sum of ..... rupees for the maintenance of his spouse/dependants and which sum is due by the debtor to the Permanent Secretary in virtue of an Order of the District Court of .....dated .....

NOW, THEREFORE, in order to secure and enforce payment of that sum so due by the debtor for the maintenance of his spouse/dependants 1, the Permanent Secretary, do hereby arrest and attach in the hands of you . ..... the employer, hereinafter called the garnishee, all salary or other sum of money not exceeding in amount the sum of ..... rupees as may be owing by you to the debtor

provided that the attachment does not exceed one third of any such sum of money to which the debtor may be entitled, warning you not to pay over that sum, or any part of that sum, to any person other than myself.

AND I further order you, the garnishee, within 8 days from the service of this attachment, to make and deliver to me a declaration in writing, signed by you specifying the amount due by you to the debtor, the nature of your debt, and payments on account, which you may have made in respect thereof, and also any attachment which, prior to the time of this attachment upon you, may have been lodged in your hands by any third parties claiming to be creditors, of the debtor.

The Permanent Secretary Ministry for Employment and of Social Security Date:  
and National Solidarity

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### **THIRD SCHEDULE**

[Section 10(b)]

#### **PRIVATE OR CHARITABLE INSTITUTIONS**

	<b>(Rs)</b>
<b>1.</b> Inmate's allowance —	210 per day
(a) for every inmate under the age of 60	
(b) for every inmate aged 60 years or more but under the age of 90	235 per day
(c) for every inmate aged 90 or more but under the age of 100	600 per day
(d) for every inmate aged 100 and over	620 per day
<b>2.</b> Grant for maintenance of building	2,535 per month
<b>3.</b> Grant for such staff as the Minister may Approve	5,605 per month
<b>4.</b> Contribution in respect of every inmate	2,535 per

5. Contribution in kind	annum
6. Inmate's allowance for every inmate who is qualified to receive social aid before his admission in a charitable institution and is not in receipt of an inmate's allowance under the National Pensions Act	595 per month
7. Funeral or burial expenses	9,690

**Amended by [\[GN No. 132 of 1985\]](#); [\[GN No. 134 of 1985\]](#); [\[GN No. 140 of 1985\]](#); [\[GN No. 98 of 1986\]](#); [\[GN No. 82 of 1987\]](#); [\[GN No. 7 of 1989\]](#); [\[GN No. 185 of 1989\]](#); [\[GN No. 210 of 1990\]](#); [\[GN No. 187 of 1991\]](#); [\[GN No. 49 of 1993\]](#); [\[GN No. 37 of 1994\]](#); [\[GN No. 122 of 1995\]](#); [\[GN No. 209 of 1995\]](#); [\[GN No. 123 of 1997\]](#); [\[GN No. 157 of 1998\]](#); [\[GN No. 175 of 1998\]](#); [\[GN No. 144 of 1999\]](#); [\[GN No. 177 of 2000\]](#); [\[GN No. 152 of 2001\]](#); [\[GN No. 108 of 2002\]](#); [\[GN No. 214 of 2003\]](#); [\[GN No. 73 of 2005\]](#); [\[GN No. 68 of 2006\]](#); [\[GN No. 236 of 2006\]](#); [\[GN No. 18 of 2008\]](#); [\[GN No. 272 of 2008\]](#); [\[GN No. 174 of 2009\]](#); [\[GN No. 216 of 2010\]](#); [\[GN No. 109 of 2011\]](#); [\[GN No. 49 of 2012\]](#); [\[GN No. 31 of 2015\]](#); [\[GN No. 32 of 2015\]](#); [\[GN No. 33 of 2015\]](#)**