

## THE SOCIAL AID ACT 1983

Act No. 2 of 1983

Proclaimed by [\[Proclamation No. 7 of 1983\]](#) w.e.f 1 December

I assent,

25th February 1983

D.BURRENCHOBAY  
Governor-General

### ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Social aid.
4. Recovery
5. Committal order
6. Summons
7. Power to summon witnesses
8. Offences
9. Recovery of excess payment
10. Powers of Minister
11. Regulations
12. Repeal
13. Commencement

### To make provision for the grant of Social Aid

(26 February 1983)

ENACTED by the Parliament of Mauritius, as follows-

#### 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 an unmarried person who is under the age of 20

(b) includes a step-child and an adopted child, who is living with a claimant,

"claimant" means any person specified in section 3(1);

"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 her husband;

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

### **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;

(c) abandonment by his spouse; or

(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.

(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), 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.
- (4) For the purpose of this section-
  - (a) the requirements of a claimant shall be computed in the manner specified in Part I of the First Schedule;
  - (b) the resources of a claimant shall be determined by the Permanent Secretary in accordance with such criteria as may be prescribe
- (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 II of the Schedule.

#### **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. Committal order.\***

- (1) Where the Permanent Secretary is satisfied that a child-
  - (a) is ill-treated or neglected by his parent;
  - (b) has been abandoned by his parent; or
  - (c) is destitute and is in need of social aid,he may apply to the District Magistrate for an order to commit that child to an institution established under section 1
- (2) Where the District Magistrate makes an order under subsection (1), the order shall specify the period during which a child may be committed to an institution and may be varied at the instance of any interested party.

- (3) Subject to subsection (4) the Permanent Secretary may provide for the care and protection of any child committed to an institution under Subsection (1).
- (4) Any expenses incurred for the care and protection of a child who has been committed to an institution under subsection (1) may be recovered from the parent of the child.
- (5) Any parent who ill-treats, neglects or abandons a child whom he is liable to maintain shall commit an offence.

## **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 sub-section (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) An 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 2,000 rupees and to imprisonment for a term not exceeding one year.

### **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 Crown Debts Act, be recovered by the Permanent Secretary in the manner provided for the recovery of a small crown debt under that Act

### **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 December**

This Act shall come into operation on a day to be fixed by Proclamation.

FIRST SCHEDULE\*

(section 3(4) and (5) (b))

PART I  
REQUIREMENTS OF CLAIMANTS

	Amount per month
1. Claimant's allowance	86
2. Spouse's allowance (limited to one spouse)	56
3. Child's allowance-	
(a) for every child under the age of 10	30
(b) for every child between the ages of 10 to 15	39
(c) for every child between the ages of 15 to 20 who-	
(i) is receiving full-time education; or	
(ii) is unable to earn a living through any physical or liability and is not in receipt of a benefit under the National Pensions Act	50
4. Compassionate allowance where the claimant or any of his dependents satisfies the Minister that he is	

suffering from any serious illness certified by an approved medical practitioner	Up to a maximum of 50 rupees
5. Rent allowance	50 per cent of the rent paid by claimant up to a maximum of 45 rupees

PART II

	Amount per month Rs
Minimum social aid	25

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 I, 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 and  
National Solidarity

Date:

THIRD SCHEDULE\*  
(Section 10(b))  
PRIVATE OR CHARITABLE INSTITUTIONS

- |  |               |
|--|---------------|
| 1. Grant for every inmate                                  | 9 daily       |
| 2. Grant for maintenance of buildings                      | 150 per month |
| 3. Grant for such staff as may be approved by the Minister | 378 per month |
| 4. Contribution in respect of every inmate                 | 170 per annum |

\* Repealed Act No. 30 of 1994

\*\* Repealed and Replaced GN No. 37 of 1994