Note: The authoritative version of the Act is the one published in the Government Gazette of Mauritius

SOCIAL AID ACT 1983 (with amendments as at January 2015)
Act 2 of 1983 - 1 December 1983 (by Proclamation No. 7 of 1983 w.e.f 1 December 1983)

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Social aid
4. Recovery
5. [Repealed 30/94]
6. Summons
7. Power to summon witnesses
8. Offences
9. Recovery
10. Powers of Minister
11. Regulations
12. Repealed
13. Commencement

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 and an adopted child, who is living with the claimant;

(Amended by Act 14 of 2009)

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

(Amended by Act 14 of 2009)
“dependants” 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 child.

(Sec 2 amended by Act 14 of 2009 w.e.f 1 July 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,

(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, shall be qualified to claim social aid.

(Amended by Act 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 Ministry 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.

(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 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 II of the
    Schedule.

(6) Notwithstanding the other provisions of this section, the Minister may grant social aid in such
    circumstances as may be prescribed.

[S 3 amended by Act 27 of 1983; Act 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 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 make 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 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 State Debts Act, be recovered by the Permanent Secretary in the manner provided for the recovery of a small State debt under that Act.

[S. 9 amended by Act 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

Updated by Z. Arlanda May 2015
This Act shall come into operation on a day to be fixed by Proclamation.

[Proclamation 7 of 1983]
# FIRST SCHEDULE

*(section 3(4)(a) and (5)(b)) (amended by Act 14 of 2009)*

## Part I

### Requirements of Claimants

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Amount per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Claimant’s allowance</td>
<td>Rs 1,482</td>
</tr>
<tr>
<td>2. Spouse’s allowance (limited to one spouse)</td>
<td>Rs 1,482</td>
</tr>
<tr>
<td>3. Child’s allowance for every child—</td>
<td></td>
</tr>
<tr>
<td>(a) under the age of 3</td>
<td>Rs 576</td>
</tr>
<tr>
<td>(b) aged not less than 3 and under the age of 10</td>
<td>Rs 553</td>
</tr>
<tr>
<td>(c) aged not less than 10 and under the age of 15</td>
<td>Rs 678</td>
</tr>
<tr>
<td>(d) is receiving full-time education, aged not less than 15 and until the</td>
<td>Rs 846</td>
</tr>
<tr>
<td>end of the school year in which the child attains the age of 20</td>
<td></td>
</tr>
<tr>
<td>(e) aged not less than 15 nor more than 20 and who is unable to earn a</td>
<td>Rs 1,482</td>
</tr>
<tr>
<td>living through physical or mental disability and is not in receipt of</td>
<td></td>
</tr>
<tr>
<td>a benefit under the National Pensions Act</td>
<td></td>
</tr>
<tr>
<td>(f) aged not less than 20 nor more than 23, who is pursuing a full-time</td>
<td>Rs 846</td>
</tr>
<tr>
<td>course at a tertiary education institution</td>
<td></td>
</tr>
<tr>
<td>4. Compassionate allowance where the claimant or any of his dependants</td>
<td>Rs 879</td>
</tr>
<tr>
<td>satisfies the Minister that he is suffering from any serious illness</td>
<td></td>
</tr>
<tr>
<td>certified by an approved medical practitioner up to a maximum of</td>
<td></td>
</tr>
<tr>
<td>5. Rent allowance</td>
<td>50% of the rent paid by claimant up to a maximum of 1,088</td>
</tr>
<tr>
<td>6. Examination fees in respect of a child for—</td>
<td></td>
</tr>
<tr>
<td>(a) Cambridge School Certificate</td>
<td></td>
</tr>
<tr>
<td>(b) Higher School Certificate</td>
<td></td>
</tr>
<tr>
<td>(c) General Certificate of Education, London (Ordinary and Advanced)</td>
<td></td>
</tr>
<tr>
<td>(d) General Certificate of Education, Cambridge (Ordinary and Advanced)</td>
<td></td>
</tr>
<tr>
<td>(e) IVTB examinations conducted by the Mauritius Examinations Syndicate</td>
<td></td>
</tr>
<tr>
<td>7. Issue of spectacles to the claimant and his dependants where the</td>
<td></td>
</tr>
<tr>
<td>spectacles have been prescribed by the Ministry of Health</td>
<td></td>
</tr>
<tr>
<td>8. Refund to the claimant and his dependants of travelling expenses</td>
<td></td>
</tr>
<tr>
<td>incurred in attending any hospital or dispensary for medical treatment.</td>
<td></td>
</tr>
<tr>
<td>9. Assistance in kind where the Minister is satisfied that the claimant</td>
<td></td>
</tr>
<tr>
<td>deserves it</td>
<td></td>
</tr>
<tr>
<td>10. Funeral grant in the event of the death of the claimant or that of</td>
<td>Rs 10,000</td>
</tr>
<tr>
<td>any of his dependants</td>
<td></td>
</tr>
</tbody>
</table>

Part II (amended by Act 14 of 2009)

Minimum Social Aid

1,054


Part III

<table>
<thead>
<tr>
<th>Amount per month</th>
<th>Rs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Claimant’s allowance</td>
<td>1,550</td>
</tr>
</tbody>
</table>
| 2. Child’s allowance for every child—
  (a) under the age of 3 | 603 |
  (b) aged not less than 3 and under the age of 10 | 581 |
  (c) aged not less than 10 and under the age of 15 | 706 |
  (d) for every child between the age of 15 to 23 who is receiving full time education | 887 |
  (e) for every child between the age of 15 to 20 who is unable to earn a living on account of any physical or mental disability and is not in receipt of a benefit under National Pensions Act | 1,550 |
| 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 | 925 |
| 4. Rent allowance | 50% of the rent paid by claimant up to a maximum of 1143 |
| 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 Advanced) | |
  (d) General Certificate of Education, Cambridge (Ordinary and Advanced) | |
  (e) IVTB examinations conducted by the Mauritius Examinations 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 deserves it | |
| 9. Funeral grant in the event of the death of the claimant or that of any of his dependants | 10,000 |
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

**PRIVATE OR CHARITABLE INSTITUTIONS**

1. **Inmate’s allowance—**
   - (a) for every inmate under the age of 60 ......................................................... 238 Rs per day
   - (b) for every inmate aged 60 years or more but under the age of 90 ........... 266 Rs per day
   - (c) for every inmate aged 90 or more but under the age of 100 .................... 676 Rs per day
   - (d) for every inmate aged 100 and over ............................................................ 699 Rs per day

2. **Grant for maintenance of building.................................................................** 2,855 Rs per month

3. **Grant for such staff as the Minister may approve...........................................** 8,840 Rs per month

4. **Contribution in respect of every inmate.........................................................** 2,855 Rs per annum

5. **Contribution in kind .......................................................................................**

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 ........................................ 671 Rs per month

7. **Funeral or burial expenses ...............................................................................** 9,884 Rs

---

Proclamation No. 7 of 1983

TO FIX THE DATE OF THE COMING INTO OPERATION OF THE SOCIAL AID ACT 1983

D. BURRENCHOBAY
Governor-General

IN THE NAME of Her Majesty ELIZABETH II, Queen of Mauritius and of Her other Realms and Territories, Head of the Commonwealth,
&c., &c., &c.,

DAYENDRANATH BURRENCHOBAY – By His Excellency SIR DAYENDRANATH BURRENCHOBAY, Knight Commander of the Civil Division of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Commander of the Royal Victorian Order, Governor-General and Commander-in-Chief of Mauritius,
&c., &c., &c.,

WHEREAS by section 13 of the Social Aid Act 1983, it is enacted that the said Act shall come into operation on a day to be fixed by Proclamation.

NOW, THEREFORE, by virtue of the said provision, I do hereby proclaim that the said Act shall come into operation on 1 December 1983.

Given at Government House, Le Réduit, on 27 October 1983.

GOD SAVE THE QUEEN!