

Unemployment Hardship Relief Regulations 1983

GN 43/1983

Regulations made by the Minister under section 8 of the unemployment Hardship Relief Act 1983

1. These regulations may be cited as the Unemployment Hardship Relief Regulations 1983.

2. In these regulations-

"Act" means the Unemployment Hardship Relief Act 1983;

"approved form" means a form approved by the Minister;

"citizen" means a citizen of Mauritius;

"income" means income derived from any source;

"premises"-

(a) means any place where the Visiting Officer has reason to believe that a person-

(i) is or has been employed;

(ii) derives or has derived any income;

(b) includes a dwelling house;

"Visiting Officer" means a public officer designated as such by the Minister.

3. (1) Every claimant shall register for employment at such place and times and in such manner as the Minister may determine.

(2) Every claimant shall submit his claim to the Awarding Officer for determination.

(3) A claim shall be made on an approved form at such place and times as the Minister may determine.

(4) The determination of the Awarding Officer under paragraph (2) shall be communicated to the claimant in writing.

(5) Where the Awarding Officer is satisfied that there has been-

(a) a material change in the circumstances of the claimant: or

(b) a mistake relating to a material fact,

he shall amend his determination and any amended determination, together with the reason, shall

be communicated in writing to the claimant.

Amended by [\[GN No. 57 of 1986\]](#)

4. (1) Where hardship relief is to be paid to a claimant, the Minister shall specify-

- (a) the place at which;
- (b) the time and day of the month on which,
- (c) the manner in which,

the payment of the relief shall be made.

(2) No hardship relief shall be paid to a claimant-

- (a) otherwise than in accordance with paragraph (1);
- (b) unless he reports every month at such place and times as the Minister may determine; and
- (c) unless he has registered for employment under regulation 3 (1).

(3) The hardship relief payable to a claimant shall, in respect of any period of less than a month, be calculated, in respect of any day in that period, at the rate of one-thirtieth of the amount payable per month.

5. Where a determination of an Awarding Officer is amended under regulation 3 (5) and, by reason of that amendment, a person has received an amount of money to which he is not entitled, the Awarding Officer shall, unless he is satisfied that the person acted in good faith in receiving that amount of money, require repayment of that amount of money and may recover it in such manner as he thinks fit from any benefit or allowance payable to that person under the National Pensions Act or the Family Allowance Act.

6. (1) For the purpose of section 3(3) (b) of the Act, the resources of a claimant shall, subject to paragraph (2), consist of-

- (a) 20 per cent of the total monthly income of all his children, after deduction of a sum of 100 rupees from that income; and
- (b) 50 per cent of his total monthly income and that of his wife.

(2) Where the children of a claimant do not derive any monthly income or derive a monthly income which is less than 100 rupees, the resources of the claimant shall consist of 50 per cent of his total income and that of his wife, after deduction of a sum of 100 rupees or such amount as represents the difference between 100 rupees and the income of those children.

(3) Where the claimant, his wife or any of his children does not derive a regular monthly income, the Awarding Officer shall determine the monthly income of the claimant, his wife or any of his children on the basis of the income derived by the claimant, his wife or any of his children over a period not exceeding 12 months before the date of the claim.

7. (1) For the purpose of section 3(1) (c) of the Act, the conditions relating to residence shall be the following-

(a) a citizen must have resided in Mauritius for a continuous period of not less than 12 months immediately before the date on which he claims hardship relief; and

(b) a non-citizen must have resided in Mauritius for a continuous period of not less than 5 years immediately before the date on which he claims hardship relief.

(2) Any period spent outside Mauritius-

(a) by a citizen-

(i) not exceeding one month in aggregate; or

(ii) who is employed outside Mauritius on a vessel or in continuation of employment in Mauritius; or

(b) by a non-citizen, not exceeding 3 months in aggregate, shall not be taken into consideration in calculating the period specified in paragraph (1).

8. (1) For the purpose of section 3 (5) (a) of the Act and subject to paragraph (4), a day on which the claimant is-

(a) engaged as an employee in any remunerative employment or following any course of education or training for more than 3 hours;

(b) self-employed;

(c) engaged in an industrial dispute;

(d) in a hospital, clinic or charitable institution;

(e) serving a term of imprisonment;

(f) outside Mauritius;

(g) engaged in any activity which, in the opinion of the Awarding Officer, makes him unavailable for full-time remunerative employment,

(h) not registered for employment under regulation 3 (1); or

(i) in the opinion of the Awarding Officer, unavailable for full-time remunerative employment,

shall not be reckoned as a day of unemployment.

(2) Any period of unemployment shall run from the day on which the claim for hardship relief is received by the Awarding Officer.

(3) A public holiday shall be deemed to be a day of unemployment unless it is the first or last day

of a period of unemployment. Where a claimant starts an enterprise by means of a loan granted to him by the Development Bank of Mauritius under the Small Entrepreneur Financing Scheme, paragraphs (1) (b), (g), (h) and (i) shall not apply for a period not exceeding nine months from the date of final disbursement of the loan to the claimant.

Amended by [\[GN No. 33 of 1987\]](#)

9. (1) The claimant shall be disqualified from receiving any hardship relief for his personal entitlement for a period of 30 days of unemployment where the Awarding Officer is satisfied that-

(a) the claimant's employment was terminated by his employer on account of misconduct;

(b) the claimant left his employment without good and sufficient cause;

(c) the claimant, without reasonable cause or justification, refuses to take advantage of, or to make himself available for, any reasonable offer of employment;

(d) the claimant has not taken any reasonable steps to obtain a remunerative employment; or

(e) the claimant is a drug addict or an alcoholic and refuses, without reasonable cause or justification, to follow treatment at any hospital.

(2) No claimant shall be disqualified under paragraph (1) unless the Awarding Officer has made all the necessary inquiries and given an opportunity to the claimant to answer any charges made against him.

(3) Where the claimant is disqualified from receiving any hardship relief under paragraph (1) on more than one occasion, the claimant shall be disqualified from receiving any hardship relief for his personal entitlement for a period of 60 days of unemployment.

10. (1) A Visiting Officer may enter at all reasonable times any premises to make such examination and inquiry as he thinks fit in order to ascertain whether-

(a) any hardship relief ought to be paid in respect of any person; or

(b) any provision of the Act or of these regulations has been contravened.

(2) Any person-

(a) who is the occupier of any premises;

(b) whom the Visiting Officer has reasonable cause to believe is or has been employing a claimant, his wife or child;

(c) from whom the Visiting Officer has reasonable cause to believe the claimant, his wife or child is deriving or has derived any income;

(d) who is the employee or agent of a person specified in paragraphs (a) to (c),

shall give such information or produce such documents for inspection as the Visiting Officer may

reasonably require for the purpose of examination or inquiry under paragraph (1).

11. Any person who-

(a) wilfully obstructs a Visiting Officer in the exercise of his functions under these regulations; or

(b) without sufficient cause or justification, refuses to answer any question or give any information or produce any document when required to do so under regulation 10,

shall commit an offence.

12. These regulations shall be deemed to have come into operation on 2 January 1983.

FIRST SCHEDULE

[Sections 3(3)(a) and (4)(b)]

PART I

	Amount per month Rs
1. Claimant's allowance	346
2. Wife's allowance (limited to one wife)	346
3. Child's allowance -	
(a) for every child under the age of 10	139
(b) for every child between the ages of 10 and 15	166
(c) for every child between the ages of 15 and 20 who -	
(i) is receiving full-time education; or	
(ii) is unable to earn a living through physical or mental disability and is not in receipt of a benefit under the	

	National Pensions Act or of social aid under the Social Aid Act	233	
4.	Rent allowance	50% of the rent paid by the claimant up to a maximum of	272

PART II

	Minimum Hardship Relief	200
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Amended by [\[Reprint No. 2 of 1989\]](#)

Amended by [\[GN No. 151 of 2001\]](#); [\[GN No. 110 of 2002\]](#); [\[GN No. 110 of 2011\]](#)