

THE OMBUDSPERSON FOR CHILDREN (AMENDMENT) BILL

(No. V of 2005)

Explanatory Memorandum

The main object of this Bill is to –

- (a) empower the Ombudsperson for Children to compel witnesses to attend and give evidence on oath before, and produce documents to, the Ombudsperson in connection with investigations conducted under the Act; and
- (b) provide for various offences, including failure to attend and take the oath before the Ombudsperson, giving false evidence, insulting the Ombudsperson and willfully interrupting proceedings conducted before the Ombudsperson.

18 February 2005

A. NAVARRE-MARIE (Mrs)
*Minister of Women's Rights, Child
Development and Family Welfare*

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ARRANGEMENT OF CLAUSES

Clause

- | | | | |
|----|------------------------------------|----|----------------------------------------|
| 1. | Short title | 4. | New section 11A added to principal act |
| 2. | Interpretation | | |
| 3. | Section 7 of principal Act Amended | | |

A BILL

To amend the Ombudsperson for Children Act 2004

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

The Act may be cited as the Ombudsperson for Children (Amendment) Act 2005.

2. Interpretation

In this Act -

“principal Act”, means the Ombudsperson for Children Act 2003.

3. Section 7 of principal Act amended

Section 7 of the principal Act is amended in subsection (2), by inserting immediately after paragraph (f), the following new paragraphs -

- (g) summon witnesses and examine them on oath;
- (h) call for the production of any document or other exhibit; and
- (i) obtain such information, file or other record, upon application to the Judge in Chambers whenever necessary under any law, as may be required for the investigation.

4. New section 11A added to principal ac

The principal Act is amended by inserting immediately after section 11, the following new section -

11A Offences

- (1) A person shall commit an offence -
 - (a) where he -
 - (i) fails to attend before the Ombudsperson;

(ii) refuses to take the oath before the Ombudsperson;
or

(iii) willfully refuses to furnish any information or to
produce any document, record, file or exhibit,

(b) where he -

(i) refuses to answer to the best of his knowledge any
question lawfully put to him by the Ombudspersons; or

(ii) knowingly gives to the Ombudsperson false evidence or
evidence which he knows to be misleading,

in connection with an investigation under section 7.

(c) where at any sitting held for the purposes of an
investigation under section 7, he-

(i) insults the Ombudsperson; or

(ii) willfully interrupts the proceedings.

(2) Any person who commits an offence under this section shall, on
conviction, be liable to a fine not exceeding 10,000 rupees and to
imprisonment for a term not exceeding 12 months.

