

THE SOCIAL INTEGRATION AND EMPOWERMENT BILL
(No. XXVIII of 2016)

Explanatory Memorandum

The main object of this Bill is to promote social integration and empowerment of persons living in absolute poverty within the philosophy of enhancing social justice and national unity.

2. The Bill provides for the setting up of such empowerment programmes or schemes as may be necessary to –

- (a) combat absolute poverty;
- (b) provide support and other services to persons living in absolute poverty; and
- (c) support persons living in absolute poverty to integrate the mainstream society.

P. ROOPUN

*Minister of Social Integration and
Economic Empowerment*

25 November 2016

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ARRANGEMENT OF CLAUSES

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A BILL

**To promote, within the philosophy of enhancing social justice and national unity,
social integration and empowerment of persons living in absolute poverty**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Social Integration and Empowerment Act 2016.

2. Interpretation

In this Act –

“applicant” means a person who makes an application under section 7;

“assessed monthly income” or “combined assessed monthly income” means income assessed pursuant to section 6(2);

“beneficiary” means a person who enters into a social contract with the Ministry;

“Minister” means the Minister to whom responsibility for the subjects of social integration and economic empowerment is assigned;

“Ministry” means the Ministry responsible for the subjects of social integration and economic empowerment;

“National Empowerment Foundation” or “NEF” means the body referred to in section 5 and incorporated as a company under the Companies Act;

“person living in absolute poverty” means –

- (a) an adult or, as the case may be, the 2 or 3 adults living under the same roof referred to in the first column of the Schedule, whose assessed monthly income, or as the case may be, the combined assessed monthly income of the 2 or 3 adults is less than the corresponding amount specified in the second column of the Schedule; or
- (b) notwithstanding paragraph (a), a person living in such other conditions as may be prescribed;

“social contract” means an agreement referred to in section 8;

“Social Register of Mauritius” means the register referred to in section 4;

“supervising officer” means the supervising officer of the Ministry;

“support” means –

- (a) financial support; or
- (b) such other support as the Minister may approve.

3. Social integration and empowerment

(1) The Minister shall, in order to encourage social integration and the empowerment of persons living in absolute poverty, set up such empowerment programmes or schemes as may be necessary.

(2) An empowerment programme or scheme set up under subsection (1) shall make provision for –

- (a) combating absolute poverty;
- (b) providing support to persons living in absolute poverty; and
- (c) encouraging persons living in absolute poverty to integrate the mainstream society.

4. Social Register of Mauritius

(1) There shall be, for the purposes of this Act, a register to be known as the Social Register of Mauritius in which shall be registered the names and other relevant particulars of every person who lives in absolute poverty.

(2) The Social Register of Mauritius shall be kept and maintained by the Minister to whom responsibility for the subject of social security is assigned or by such other body as may be prescribed.

5. Assignment of responsibilities

(1) The Minister may assign to the National Empowerment Foundation, or to such other body as he may determine, responsibility for –

- (a) identifying persons living in absolute poverty and assessing their needs;
- (b) implementing and harmonising any integration and empowerment programme or scheme;
- (c) monitoring and evaluating any empowerment programme or scheme;
- (d) keeping under review any change in the social or financial circumstances of any person who is receiving support;
- (e) entering into an agreement with any person for the provision of support and other services, and for monitoring and evaluating compliance with such agreement; and
- (f) such other matters as may be necessary for the proper implementation of this Act.

(2) Where the Minister assigns any responsibility referred to in subsection (1) to any body other than the NEF, any reference in this Act to the NEF shall be construed as including a reference to that other body.

(3) The Minister may issue to the appropriate stakeholders such general directives as may be necessary for the proper implementation of this Act.

6. Persons eligible for support

(1) Every person shall be eligible to receive support under an empowerment programme or scheme where –

- (a) he lives in absolute poverty;
- (b) his name is included in the Social Register of Mauritius; and
- (c) he meets such other eligibility criteria as may be prescribed.

(2) In assessing the monthly income or combined monthly income of an adult or, as the case may be, the 2 or 3 adults living under the same roof referred to in the first column of the Schedule, the following shall be taken into consideration –

- (a) any income derived by any of them;
- (b) any social aid being received under the Social Aid Act by any of them and, as the case may be, by any child living under the same roof;
- (c) any pension being received under the Pensions Act by any of them;
- (d) his or their living conditions; and
- (e) such other financial aid received by any of them and, as the case may be, by any child living under the same roof.

(3) Subject to subsection (4) or (5), where an applicant is the adult or, as the case may be, one of the adults referred to in the first column of the Schedule, and his assessed monthly income or, as the case may be, the combined assessed monthly income of the 2 or 3 adults living under the same roof is less than the corresponding amount specified in the second column of the Schedule, he shall be entitled to an amount of financial support which will top up for the monthly income so as to reach the amount specified in the second column, or to such other amount as may be prescribed.

(4) An adult shall not be entitled to the financial support referred to in subsection (3) where another adult living under the same roof receives such financial support.

(5) Notwithstanding subsection (3), the Minister may, by way of regulations, prescribe such other eligibility criteria for the obtention of financial support.

(6) The Minister may, where he so determines, provide assistance in such form as may be appropriate to an applicant in lieu of, or in addition to, any financial support.

7. Application for support

(1) A person may apply for support to the Minister in such form and manner as he may approve.

(2) On receipt of an application made under subsection (1), the Minister may –

- (a) request such additional information or conduct such investigation as may be necessary to verify whether the applicant is eligible to receive that support; and
- (b) where necessary, liaise with such other Ministry or body as he may determine.

(3) The supervising officer shall, as soon as possible, inform the applicant, in writing, whether or not he is eligible for support.

(4) (a) Where an applicant is informed, pursuant to subsection (3), that he is not eligible for support, he shall, within 21 days of receipt of the notice, make an appeal to the Minister.

(b) The Minister shall, for the purpose of an appeal under paragraph (a), set up an ad hoc committee which shall consist of –

- (i) a representative of the Ministry;
- (ii) a representative of the Ministry responsible for the subject of finance; and
- (iii) a representative of the Ministry responsible for the subject of social security.

(c) The ad hoc committee shall, within 21 days of the appeal, endeavour to determine the appeal.

8. Social contract

(1) Where a person who is found to be eligible for support under section 7(3) agrees to receive it, he shall, before doing so, enter into an agreement, with the Ministry, which shall be known as a social contract.

(2) A social contract shall be for a limited duration and for a specific purpose.

(3) Where there is any change in the social or financial circumstances of a person who receives support, he shall, as soon as possible, inform the supervising officer of such change.

9. Suspension, cancellation or termination of support

(1) Subject to subsection (2), the Minister may suspend, cancel or terminate the support provided to a beneficiary –

- (a) where that support was obtained through fraud or misrepresentation, or granted by error;
- (b) where the beneficiary is using that support for a purpose other than that agreed in his social contract;
- (c) where the beneficiary is otherwise not abiding by his social contract;
- (d) where there is any change in the social or financial circumstances of the beneficiary;
- (e) where the beneficiary is absent from Mauritius for a continuous period of 6 months;
- (f) where the beneficiary dies; or
- (g) in such other circumstances as may be prescribed.

(2) The Minister shall, before the suspension, cancellation or termination of any support, request the beneficiary by written notice to submit to the supervising officer, within 21 days of receipt of the notice, the reason why the support is not to be suspended, cancelled or terminated.

(3) Where the financial support granted to a beneficiary is suspended pursuant to subsection (1)(e), the Minister may, where the applicant returns to Mauritius, resume payment of that support to the applicant.

10. Recovery of excess payment

Where an applicant has received financial support to which he is not entitled or which he is not qualified to receive, the amount may, notwithstanding section 5 of the Recovery of State Debts Act, be recovered by the supervising officer in the manner provided for the recovery of a small State debt under that Act.

11. Offences

(1) Any person who –

- (a) for the purpose of, or in connection with, any claim for support, 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 a false in any material particular;
 - (ii) makes a false representation;
 - (iii) fails to disclose any material fact; or
- (b) otherwise contravenes this Act,

shall commit an offence.

(2) Any person who commits an offence under subsection (1) shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

12. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) The Minister may, by regulations, amend the Schedule.

13. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

SCHEDULE
[Sections 2 and 6]

ABSOLUTE POVERTY

	(Rs)
One adult	2,720
One adult and one child	4,080
One adult and 2 children	5,440
One adult and 3 children	6,800
Two adults	5,440
Two adults and one child	6,800
Two adults and 2 children	8,160
Two adults and 3 children	9,520
Three adults	8,160
Three adults and one child	9,520
Three adults and 2 children	9,520
Three adults and 3 children	9,520
