

**THE CONSTITUTION (DECLARATION OF COMMUNITY)
(TEMPORARY PROVISIONS) ACT 2014**

Act No. 3 of 2014

I assent

RAJKESWUR PURRYAG

President of the Republic

14 July 2014

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Application of Act
4. Declaration as to community not mandatory

An Act

**To make special provision as to the declaration of community
by a candidate at the next general election**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Constitution (Declaration of Community) (Temporary Provisions) Act 2014.

2. Interpretation

In this Act –

“additional seats” means the seats to be allocated by the Electoral Supervisory Commission under paragraph 5 of the First Schedule to the Constitution.

3. Application of Act

This Act shall only apply to the first general election after the commencement of this Act.

4. Declaration as to community not mandatory

(1) Notwithstanding paragraph 3 of the First Schedule to the Constitution, a candidate at the next general election may elect not to declare the community to which he belongs.

(2) (a) Where a candidate at that election has not declared his community, he shall be deemed to have opted not to be considered for the purpose of the allocation of additional seats and no additional seat shall be allocated to him.

(b) (i) Where a candidate has not declared his community and is returned as member, the Electoral Supervisory Commission shall, for the sole purposes of determining the appropriate community and allocating additional seats, proceed on the basis of the average number of returned members belonging to each community at all general elections held since 1976.

(ii) In the event that no candidate belonging to a community has been returned as member to represent a constituency and the allocation of additional seats pursuant to subparagraph (i) will result in no additional seat being allocated to any available unreturned candidate belonging to that community, the first additional seat required to be allocated shall be allocated to the most successful unreturned candidate belonging to that community and belonging to a party.

(c) Where all candidates who are returned as members have declared their community, the allocation of additional seats shall be effected under paragraph 5 of the First Schedule to the Constitution.

Passed by the National Assembly on the eleventh day of July two thousand and fourteen.

B. S. Lotun (Mrs)

Clerk of the National Assembly

This is to certify that the Constitution (Declaration of Community) (Temporary Provisions) Bill (No. V of 2014) was passed by the National Assembly at the above sitting and was, at the final voting, carried by a majority of sixty three votes in favour thereof out of the sixty nine members of the Assembly, in compliance with the requirements of section 47 of the Constitution.

Dated this 14th day of July 2014.

Abdool Razack M. A. Peeroo, SC, GOSK

Speaker