



MAURITIUS NATIONAL ASSEMBLY

ANNOUNCEMENT 1 SITTING OF 05 DECEMBER 2023

Notice of Motion in the name of Hon. Shakeel Mohamed for disallowing Government Notice No. 93 of 2023 – Information and Communication Technologies (Registration of SIM) Regulation 2023 disallowed being out of the prescribed delay.

Hon. Members,

I have to inform the House that Hon. Shakeel Mohamed who had given notice of a Motion of Disallowance on Monday 27 November 2023, chose to report the matter to the press whilst the matter was being considered by my Office.

In an article which appeared in the edition of Le Mauricien dated Friday 01 December 2023 under the caption – SIM Cards: Motion of Disallowance déposée. The Hon. Member is reported to have stated, inter alia, that he deplored the fact that the Office of the Speaker did not reply to him as at Thursday afternoon.

In fact, Hon. Shakeel Mohamed had given notice of the following Motion –

“This Assembly resolves that Government Notice No. 93 of 2023 more specifically with respect to Clause 4, Clause 7, Clause 8 and Clause 10 and all related Clauses that contravene the rationale in the Supreme Court judgement of Mahadhewoo v the State be disallowed.”

I wish to draw the attention of the House that section 20(3) of the Interpretation and General Clauses Act (IGCA) stipulates that a subsidiary enactment may be disallowed by the Assembly on motion made to that effect by resolution passed within 30 days after the subsidiary enactment is laid before the Assembly.

In the case at hand, I wish to point out that Government Notice No. 93 of 2023 – The Information and Communication Technologies (Registration of SIM) Regulations 2023 was laid on the Table of the National Assembly on 04 July 2023.

On 21 July 2023, the Assembly was adjourned to 17 October 2023.

For the purposes of computation of the 30 days as prescribed in section 20(3) of the IGCA, the provisions of section 38(1)(a) and (d) of the IGCA and, taking into account the fact that the Assembly was adjourned on Friday 21 July 2023, the provisions of section 122(b) of the Constitution were also resorted to in reckoning the period of 30 days.

Hon. Members,

Based on the above legal premise, the delay of 30 days within which Government Notice No. 93 of 2023 could be disallowed by the Assembly had expired on Monday 30 October 2023.

In the light of the aforesaid, I rule that the notice of Motion of disallowance of Hon. Shakeel Mohamed is time bared and cannot be entertained.

I thank you.