THE NATIONAL CRIME (INTERIM) AGENCY BILL
(No. XVIII of 2026)

Explanatory Memorandum

The object of this Bill is to provide for the establishment of the National Crime (Interim) Agency which will discharge such functions and exercise such powers as may be necessary or desirable to enable and facilitate the coming into operation of the National Crime Agency Act 2026 on its commencement.

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Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister of Finance, Minister for Rodrigues and Outer Islands

16 October 2026

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A BILL

To provide for the establishment of the National Crime (Interim) Agency

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Crime (Interim) Agency Act 2026.

2. Interpretation

In this Act –

"Director" means a Director of a Division of the NCA;

"Director-General" means the Director-General of the Interim Agency;

"Director-General of FCC" includes, where the office of the Director-General of the FCC is vacant, the person acting as Director-General of the FCC;

"FCC" means the Financial Crimes Commission established under the Financial Crimes Commission Act 2023;

"Interim Agency" means the National Crime (Interim) Agency established under section 3;

"investigative body" means the Gambling Regulatory Authority established under the Gambling Regulatory Authority Act, the Mauritius Police Force, the Mauritius Revenue Authority established under the Mauritius Revenue Authority Act, the Financial Services Commission established under the Financial Services Act or such other investigative body as may be prescribed;

"Minister" means the Minister to whom responsibility for the National Crime (Interim) Agency is assigned;

"NCA" means the National Crime Agency to be established under the National Crime Agency Act 2026.

PART II – NATIONAL CRIME (INTERIM) AGENCY

3. Establishment of National Crime (Interim) Agency

(1) There is established, for the purposes of this Act, the National Crime (Interim) Agency.

(2) The Interim Agency shall discharge such functions and exercise such powers as may be necessary or desirable to enable and facilitate the coming into operation of the National Crime Agency Act 2026 on its commencement

(3) The Interim Agency shall be a body corporate.

4. Director-General of Interim Agency

(1) There shall be a Director-General of the Interim Agency, who shall be responsible for the administration of the Interim Agency.

(2) The Director-General shall be appointed by the President acting in accordance with the advice of the Prime Minister after consultation with the Leader of the Opposition.

(3) The Director-General shall be appointed on such terms and conditions as the Prime Minister may determine.

(4) Notwithstanding section 21 of the Finance and Audit Act, the Director-General shall be the accounting officer of the Interim Agency and he shall

be charged with the duty of controlling expenditure on any service in respect of which public funds have been appropriated for the Interim Agency.

(5) The Director-General shall not be subject to the direction or control of any person or authority.

5. Powers of Director-General

(1) Subject to subsection (2), the Director-General may, for the purposes of this Act and for the National Crime Agency Act 2026 –

(a) evaluate, or inquire, into the administrative and operational functions of the FCC; and

(b) request any information and assistance from the FCC and the Director-General of the FCC shall furnish such information and provide such assistance.

(2) Nothing in this Act shall be construed as empowering the Director-General to –

(a) direct on administrative and operational matters of the FCC or an investigative body; or

(b) inquire into, or otherwise engage with, an investigation of the FCC or an investigative body or any other related matter, including any other criminal investigation.

6. Officers of Interim Agency

The Interim Agency may, for the purpose of exercising its powers under this Act –

(a) employ such officers as may be necessary or desirable; and

(b) make use of the services of such public officers, or officers of the FCC, as the Secretary to Cabinet and Head of the Civil Service or the Director-General of the FCC, as the case may be, may designate.

PART III – STAFF OF NCA

7. Recruitment of Directors and officers of Secretariat of NCA

(1) The Director-General shall be responsible for a selection exercise to recruit the Directors and the officers of the Secretariat of the NCA.

(2) The Director-General shall –

(a) establish and review the pay structures and conditions of service of NCA officers; and

(b) establish and review the grading structures of NCA officers.

8. Experts of NCA

The Director-General may retain the services of any expert, consultant or specialised body from Mauritius or abroad, including foreign investigators, for the NCA.

9. Organisational structure of NCA

The Director-General shall establish the organisational structure of the NCA.

PART IV – OTHER POWERS OF DIRECTOR-GENERAL

10. Guidelines, standing orders, directives and Codes

The Director-General shall prepare such guidelines, standing orders, directives and Codes as may be necessary which will govern the general manner in which NCA officers should discharge their functions and exercise their powers under the National Crime Agency Act 2026 and under any other relevant enactment.

11. National Flagging Database

The Director-General shall put in place the National Flagging Database and, for that purpose, consult such person or authority as may be necessary for its implementation.

12. Operational Protocol

The Director-General shall, with the assistance of the Commissioner of Police, prepare the Operational Protocol governing the effective exercise of the responsibilities of the NCA and the Police, and establishing mechanisms for operational collaboration between them under the National Crime Agency Act 2026 and under any other relevant enactment.

13. Surveillance and Interception Code of Practice

The Director-General shall, with the assistance of the Commissioner of Police, prepare the Surveillance and Interception Code of Practice which will govern the manner by which NCA investigative officers and police officers should safeguard the dissemination, copying, storage and destruction of private

information obtained through covert intelligence human source, intrusive and interception of data.

PART V – FINANCIAL PROVISIONS AND ACCOUNTS

14. Interim Agency Fund

There shall be an Interim Agency Fund –

(a) into which shall be paid all sums received from the Consolidated Fund; and

(b) out of which all payments required to be made by the Interim Agency and all charges on the Interim Agency shall be effected.

15. Estimate of income and expenditure

(1) The Interim Agency shall submit to the Minister, not later than 31 March in every year, an estimate of its income and expenditure in respect of the following financial year for his approval.

(2) The Minister may –

(a) give his approval under subsection (1); or

(b) approve only part of the estimate and direct the Interim Agency to amend the estimate.

16. Annual report

(1) The Interim Agency shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Minister, together with an audited statement of accounts on the operations of the Interim Agency, in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and the audited statement of accounts of the Interim Agency before the Assembly.

17. Audit report

(1) The auditor of the Interim Agency shall be the Director of Audit.

(2) For the purpose of this section, the first financial year of the Interim Agency shall be the period starting on the commencement of this Act and ending on 30 June of the following year.

(3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the NCA.

PART VI – MISCELLANEOUS

18. Confidentiality

Every officer of the Interim Agency shall maintain the confidentiality and secrecy of any matter, document, report and other information relating to the administration of this Act that becomes known to him, or comes in his possession or under his control.

19. Consequential amendment

The Statutory Bodies (Accounts and Audit) Act is amended, in the Schedule, by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

National Crime (Interim) Agency	National Crime (Interim) Agency Act 2026

20. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

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