THE SECRETARIAT OF THE INDEPENDENT ADVISORY PANEL BILL
(No. XIX of 2026)

Explanatory Memorandum

The object of this Bill is to provide for the establishment of the Secretariat of the Independent Advisory Panel, which will assist and support the Independent Advisory Panel in the discharge of its functions and exercise of its powers under the Constitution and the National Crime Agency Act 2026, more particularly for –

(a) the appointment of the Director-General of the National Crime Agency; and

(b) evaluating and reporting on the functioning of the National Crime Agency.

DR. N. RAMGOOLAM, G.C.S.K., F.R.C.P.
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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(No. XIX of 2026)

ARRANGEMENT OF CLAUSES

Clause

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SCHEDULE

A BILL

To provide for the establishment of the Secretariat of the Independent Advisory Panel

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Secretariat of the Independent Advisory Panel Act 2026.

2. Interpretation

In this Act –

"Chief Executive Officer" means the Chief Executive Officer of the Secretariat;

"Independent Advisory Panel" means the Independent Advisory Panel established under section 95A of the Constitution;

"Minister" means the Minister to whom responsibility for the Secretariat of the Independent Advisory Panel is assigned;

"NCA" means the National Crime Agency established under the National Crime Agency Act 2026;

"officer" –

(a) means an officer of the Secretariat; and

(b) includes the Chief Executive Officer and the Secretary to the Independent Advisory Panel;

"Secretariat" means the Secretariat of the Independent Advisory Panel established under section 3.

PART II – SECRETARIAT OF INDEPENDENT ADVISORY PANEL

3. Establishment of Secretariat

(1) There is established, for the purposes of this Act, the Secretariat of the Independent Advisory Panel, which will assist and support the Independent Advisory Panel in the discharge of its functions and exercise of its powers under the Constitution, the National Crime Agency Act 2026 and any other relevant enactment.

(2) The Secretariat shall be a body corporate.

4. Evaluation of NCA

(1) The Independent Advisory Panel shall, after 12 months of the coming into operation of the National Crime Agency Act 2026, evaluate and report on the functioning of the NCA and thereafter, subject to subsection (4), for every subsequent period of 2 years.

(2) The members of the Independent Advisory Panel or any officer of the Secretariat shall be afforded such facilities and access to the NCA as may be necessary to make a thorough evaluation of its systems and operations and shall prepare a report, which shall include an assessment of the –

(a) performance, strengths and weaknesses of the NCA, suggesting areas for improvement and rating the NCA's performance as excellent, good, adequate or inadequate, or such other rating as it may determine;

(b) NCA's ability to discharge its functions free from political pressure or influence; and

(c) leadership of the NCA.

(3) Where the Independent Advisory Panel has, in its report, concluded that the performance of the NCA is inadequate, it shall make recommendations as to whether the Director-General should continue in office.

(4) Where the Independent Advisory Panel has, in its report, concluded that the performance of the NCA is inadequate, or where it thinks it is otherwise desirable, it may, on its own initiative, decide to carry out an evaluation earlier than 2 years after the date of its last evaluation.

(5) The report of the Independent Advisory Panel shall be submitted to the President and the Prime Minister, and the Prime Minister shall lay the report of the Independent Advisory Panel before the Assembly not later than 90 days after its receipt.

(6) Subject to the Constitution, where the Independent Advisory Panel recommends that the Director-General should no longer continue in his office, the President may, acting in accordance with the advice of the Independent Advisory Panel after consultation with the Prime Minister and the Leader of the Opposition, terminate the appointment of the Director-General.

PART III – STAFF OF SECRETARIAT

5. Chief Executive Officer

(1) There shall be a Chief Executive Officer of the Secretariat, who shall be responsible for the administration of the Secretariat.

(2) The Chief Executive Officer 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 Chief Executive Officer shall be appointed for a period of 4 years and on such other terms and conditions as the Prime Minister may determine.

(4) Notwithstanding section 21 of the Finance and Audit Act, the Chief Executive Officer shall be the accounting officer of the Secretariat and he shall be responsible for controlling expenditure on any service in respect of which public funds have been appropriated for the Secretariat.

(5) The Chief Executive Officer shall not be subject to the direction or control of any person or authority.

(6) The Chief Executive Officer may attend any meeting of the Independent Advisory Panel and may participate in its deliberations but shall have no right to vote.

6. Administrative support and experts

(1) The Secretariat shall consist of such administrative support and experts as may be necessary to assist and support the Independent Advisory Panel in the discharge of its functions and exercise of its powers.

(2) The staff of the Secretariat shall be –

(a) persons who have proven expertise in administration, accountancy, law, finance, technology or inspection in law enforcement bodies; and

(b) appointed by the Independent Advisory Panel on such terms and conditions as it may determine.

(3) The Chief Executive Officer shall, with regard to the staff of the Secretariat –

(a) establish their pay structures and conditions of service; and

(b) establish their grading structures.

(4) Every officer of the Secretariat shall be under the administrative control of the Chief Executive Officer.

7. Secretary to Independent Advisory Panel

(1) There shall be a Secretary to the Independent Advisory Panel who shall service and support it in its meetings.

(2) The Secretary to the Independent Advisory Panel shall be appointed by the Independent Advisory Panel on such terms and conditions as it may determine.

(3) The Secretary to the Independent Advisory Panel shall –

(a) prepare and attend every meeting of the Panel;

(b) keep minutes of the proceedings of every meeting of the Panel;

(c) follow up on the implementation of the decisions of the Panel; and

(d) perform such other duties as may be conferred upon him by the Panel.

PART IV – FINANCIAL PROVISIONS AND ACCOUNTS

8. Secretariat Fund

There shall be a Secretariat 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 Secretariat and all charges on the Secretariat shall be effected.

9. Estimate of income and expenditure

(1) The Secretariat 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 Secretariat to amend the estimate.

10. Annual report

(1) The Secretariat 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 Secretariat, 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 Secretariat before the Assembly.

11. Audit report

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

(2) For the purpose of this section, the first financial year of the Secretariat 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 Secretariat.

PART V – MISCELLANEOUS

12. Confidentiality

(1) Every officer of the Secretariat, including the Chief Executive Officer and an officer referred to in section 15(1) and (2), shall, on assuming office, take the oath of confidentiality in the form set out in the Schedule.

(2) No member of the Independent Advisory Panel or officer of the Secretariat shall, except in accordance with this Act, or as otherwise authorised by law or directed by a Court disclose any information obtained in the discharge of his functions or exercise of his powers under this Act and the National Crime Agency Act 2026.

(3) Any person who contravenes subsection (2), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.

13. Repeal

The Secretariat of the Independent Advisory (Interim) Panel Act 2026 is repealed.

14. Consequential amendment

The Statutory Bodies (Accounts and Audit) Act is amended, in the Schedule –

(a) by deleting the following item and its corresponding entry –

Secretariat of the Independent Advisory (Interim) Panel	Secretariat of the Independent Advisory (Interim) Panel Act 2026

(b) by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

Secretariat of the Independent Advisory Panel	Secretariat of the Independent Advisory Panel Act 2026

15. Savings and transitional provisions

(1) The Chief Executive Officer of the Interim Secretariat shall, on the commencement of this Act, be the Chief Executive Officer of the Secretariat on the same terms and conditions of his appointment under the repealed enactment.

(2) Any other officer of the Interim Secretariat shall, on the commencement of this Act, be an officer of the Secretariat on the same terms and conditions of his appointment under the repealed enactment.

(3) All rights, obligations and liabilities subsisting in favour of or against the Interim Secretariat shall, on the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Secretariat.

(4) The assets and funds of the Interim Secretariat shall, on the commencement of this Act, vest in the Secretariat.

(5) Any act done by the Interim Secretariat shall, on the commencement of this Act, be deemed to have been done, and shall continue to be done, by the Secretariat.

(6) Any reference in any enactment or document to the Interim Secretariat shall be construed as a reference to the Secretariat.

(7) Where this Act does not make provision for any saving or transition, the Prime Minister may make such regulations as may be necessary for such saving or transition.

(8) In this section –

"Interim Secretariat" means the Secretariat of the Independent Advisory (Interim) Panel established under the repealed enactment;

"repealed enactment" means the Secretariat of the Independent Advisory (Interim) Panel Act 2026 repealed under section 13.

16. Commencement

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

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SCHEDULE

[Section 12(1)]

OATH OF CONFIDENTIALITY

I, ..., hereby make oath/solemn affirmation as a ..... and declare that in the discharge of my functions and exercise of my powers under the National Crime Agency Act 2026 and the Secretariat of the Independent Advisory Panel Act 2026, I shall deal with and regard all documents and information relating to the operations of the Secretariat of the Independent Advisory Panel and to which I have access as SECRET AND CONFIDENTIAL and refrain from disclosing any such document and information to any unauthorised person.

Sworn/solemnly affirmed by the abovenamed before me at ..... this ..... day of ..... 20.....

Before me

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District Magistrate of

..... Court

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