

# THE POLITICAL FINANCING BILL

(No. .... of 2024)

## Explanatory Memorandum

The object of this Bill is to make provisions for accountability and transparency with regard to the financing of political parties, members of the National Assembly and persons nominated to stand as candidates at a general election with a view to promoting a level playing field to ensure fair competition and preventing improper influence and corruption.

2. In addition, the Representation of the People Act is being amended to provide, inter alia –

- (a) for an increase in election expenses that a candidate may incur during an election campaign; and
- (b) for the regulation of temporary political headquarters and campaign quarters commonly known as “*baz*” during an election campaign.

**P. K. JUGNAUTH**

*Prime Minister, Minister of Defence, Home Affairs  
and External Communications, Minister for  
Rodrigues, Outer Islands and Territorial Integrity*

..... 2024.

---

# THE POLITICAL FINANCING BILL

(No. .... of 2024)

## ARRANGEMENT OF CLAUSES

### *Clause*

- |  |   |
|--|---|
| <b>PART I – PRELIMINARY</b>            | 7. Political donations                          |
| 1. Short title                         | 8. Prohibited donations                         |
| 2. Interpretation                      | 9. Suspicious donations                         |
| <b>PART II – POLITICAL PARTIES</b>     | 10. Political donations by private entity       |
| 3. Registration of political parties   | 11. Register of Political Donations             |
| 4. Application for registration        | <b>PART IV – REPORTING ON DONATIONS IN KIND</b> |
| 5. Deregistration of political parties | 12. Limit of donations in kind                  |
| 6. Change in office bearers            |   |
| <b>PART III – POLITICAL FINANCING</b>  |   |

13. Report of political donations during campaign period

**PART V – ACCOUNTING RECORDS AND STATEMENT OF ACCOUNTS**

14. Accounting records

15. Statement of accounts

16. Restatement of non-compliant statement of accounts

17. Report of Electoral Commissioner

18. Application of Part V

**PART VI – SUPERVISORY ROLE OF ELECTORAL SUPERVISORY COMMISSION AND POWERS OF ELECTORAL COMMISSIONER**

19. Supervisory role of Commission

20. Functions and powers of Electoral Commissioner

21. Powers of investigation

22. Powers of entry and search

23. Directives and warnings

24. Compliance with directives

**PART VII – MISCELLANEOUS**

25. Offences

26. Jurisdiction

27. Regulations

28. Consequential amendment

29. Commencement

SCHEDULE

---

**A BILL**

**To provide for accountability and transparency with regard to political financing**

ENACTED by the Parliament of Mauritius, as follows –

**PART I – PRELIMINARY**

**1. Short title**

This Act may be cited as the Political Financing Act 2024.

**2. Interpretation**

In this Act –

“authorised officer” means an officer of the Office of the Electoral Commissioner who is authorised by the Electoral Commissioner;

“campaign period”, with respect to –

(a) a political party, means the period between the date on which the writs of election are issued and the date on which the election results are proclaimed;

(b) a candidate, means the period starting on the date on which he is nominated to stand as candidate at a general election and ending on the date on which the election results are proclaimed for that general election;

“candidate” means a party candidate or an independent candidate;

"Commission" means the Electoral Supervisory Commission;

"donation in kind" –

- (a) means any of the following sponsorship provided to a recipient –
  - (i) publicity in the media and on billboards;
  - (ii) elections paraphernalia, including banners, flags, buntings or posters;
  - (iii) campaign promotion shirts, t-shirts, polo shirts and caps;
  - (iv) advertising materials, such as sample ballot papers, pamphlets or stationery;
  - (v) transport facilities;
  - (vi) public address system;
  - (vii) equipment, goods, services or facilities, including marquees and halls; but
- (b) does not include –
  - (i) services rendered personally by a volunteer; or
  - (ii) free air-time for political broadcast;

"election agent" means a person appointed as such under section 49 of the Representation of the People Act;

"financial year" means the period of 12 months ending on 30 June in every year;

"independent candidate" means a person, who does not belong to any political party, nominated to stand as candidate at a general election;

"independent member" means a member of the National Assembly who does not belong to any political party;

"member of National Assembly" means a party member or an independent member;

"non-resident citizen" means a citizen –

- (a) whose permanent residence is outside Mauritius; and

- (b) who is not registered as an elector for the purpose of a general election;

“party candidate” means a person who is nominated to stand as a candidate for a political party at a general election;

“party member” means a member of the National Assembly who belongs to a political party;

“political donation” –

- (a) with respect to a political party –
  - (i) includes any money lent to that party which has been written off by the lender; but
  - (ii) does not include a membership fee paid to that party; and
- (b) includes a donation in kind;

“political party” –

- (a) means a party registered pursuant to section 4(3); and
- (b) includes, for the purpose of Part IV, a party alliance of 2 or more political parties;

“private entity” –

- (a) means an association, a company, a foundation, a limited liability partnership, a partnership, a *société*, a trust or such other private entity as may be prescribed, incorporated or registered in Mauritius; and
- (b) includes a body of persons incorporated in Mauritius or an unincorporated body operating in Mauritius;

“qualified auditor” has the same meaning as in the Companies Act;

“recipient” means –

- (a) a political party;
- (b) a party member;

- (c) an independent member;
- (d) a party candidate or his election agent; or
- (e) an independent candidate or his election agent;

“Register” means the Register of Political Donations required to be kept under section 11;

“religious body” –

- (a) means a body constituted or established for a religious purpose; and
- (b) includes –
  - (i) a religious federation, specified in item (u)(i) of the Eighth Schedule to the Land (Duties and Taxes) Act, which is eligible to a per capita subsidy from Government;
  - (ii) a religious body which is registered under the Registration of Associations Act and affiliated to a religious federation specified in item (u)(i) of the Eighth Schedule to the Land (Duties and Taxes) Act;
  - (iii) a religious body, specified in item (u)(ii) of the Eighth Schedule to the Land (Duties and Taxes) Act, which is eligible to an annual fixed grant from Government;

“statement of accounts” means a statement of accounts in the form set out in the Schedule;

“treasurer”, with respect to a political party, means the person appointed by the party to keep the accounting records of the party, including the administration or management of the financial assets and liabilities of the party.

## **PART II – POLITICAL PARTIES**

### **3. Registration of political parties**

Every political party in Mauritius, being a lawful association, shall, for the purposes of this Act, be registered with the Commission.

#### **4. Application for registration**

(1) Subject to subsection (2), an application for registration as a political party shall be made to the Commission in such form as may be prescribed and shall contain the following particulars –

- (a) the name and symbol of identification of the political party;
- (b) the official address of the political party;
- (c) the names, signature and residential address of the leader, president, secretary, treasurer and other office-bearers of the political party;
- (d) whether the political party is represented by any member in the National Assembly;
- (e) evidence that the political party holds a bank account; and
- (f) such other information or document as the Commission may determine.

(2) Where a writ of election has been issued, no application for registration as a political party shall be entertained by the Commission during the period starting 5 days after the day on which the writ is issued and ending on the day on which the election results are proclaimed.

(3) An application made under subsection (1) shall –

- (a) be accompanied by a copy of the memorandum of rules and regulations of the political party, by whatever name called, if any; and
- (b) be signed, in the presence of the Electoral Commissioner or any person authorised by him, by the president, secretary and treasurer of the political party.

(4) The Commission may, after considering all the particulars of the application and any other necessary and relevant factors –

- (a) register the political party and shall, as soon as practicable, give notice of such registration by publication in the Gazette and in such other manner as the Commission may determine; or
- (b) reject the application.

(5) Any party aggrieved by the decision of the Commission not to register it as a political party may, within 24 hours of such decision, appeal to the Supreme Court and the appeal shall, subject to subsection (6), be heard and determined by a Judge within 14 days of the appeal.

(6) Where the Commission rejects an application for registration as a political party which has been made not later than 5 days after the day on which a writ of election has been issued, an appeal against the decision of the Commission shall be heard and determined by a Judge not later than 2 days before nomination day.

(7) The determination of a Judge under subsections (5) and (6) shall not be subject to appeal.

## **5. Deregistration of political parties**

(1) Where a political party ceases to exist, the secretary of that party shall inform the Commission accordingly and such notification shall be supported by a certified extract of the minutes of proceedings of the meeting at which such decision was taken.

(2) The Commission shall –

- (a) upon notification under subsection (1) that the political party has ceased to exist; or
- (b) notwithstanding subsection (1), where it is satisfied on the basis of other information available to it that a political party has ceased to exist,

deregister that party for the purposes of this Act.

## **6. Change in office bearers**

The treasurer of a political party shall, at the time of submitting the statement of accounts for any financial year, notify the Commission of the changes, if any, to the office bearers of the party.

# **PART III – POLITICAL FINANCING**

## **7. Political donations**

(1) Notwithstanding any other enactment but subject to subsections (2) and (3), no political donation shall be made to a non-registered political party or to any other person, other than to a recipient.

(2) Where any person receives a monetary donation on behalf of his political party, he shall, not later than 7 days of receipt of such monetary donation, remit the donation to the leader or treasurer of that party, with all required information as may be necessary for proper recording and reporting.

(3) Where any person receives a donation in kind on behalf of his political party, he shall, not later than 7 days of receipt of such donation in kind, inform the leader or treasurer of that party with all required information as may be necessary for proper recording and reporting.

(4) Any person who makes or receives a political donation in contravention of subsection (1), (2) or (3) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

## **8. Prohibited donations**

(1) Subject to subsection (2), a recipient shall not accept any political donation, whether directly or indirectly, from –

- (a) an anonymous person;
- (b) a State-owned enterprise;
- (c) a statutory corporation;
- (d) a religious body;
- (e) a non-governmental organisation which is in receipt of any subsidy or grant from the Government;
- (f) any CSR Fund set up under section 50L of the Income Tax Act;
- (g) a non-resident citizen;
- (h) a non-citizen;
- (i) a foreign Government or foreign entity; or
- (j) such other bodies as may be prescribed.

(2) A recipient who accepts a political donation in contravention of subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.



## **9. Suspicious donations**

(1) A recipient shall not accept a political donation that he knows, or ought reasonably to have known, is a donation which originates from the proceeds of a crime

(2) A recipient who knows that a political donation originates from a crime shall report the matter to the relevant investigatory body.

(3) A recipient who accepts a political donation in contravention of subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(4) Where the Electoral Commissioner has reasonable grounds to suspect that a political donation made to a recipient originates from the proceeds of a crime, he shall refer the matter to the relevant investigatory body for investigation.

## **10. Political donations by private entity**

(1) Notwithstanding any other enactment, no private entity shall make a donation to a recipient unless there is a resolution authorising it to do so.

(2) A private entity which makes a political donation pursuant to subsection (1) shall disclose, in its financial statement, the amount of donation made to a recipient.

(3) Any monetary donation by a private entity shall be made by cheque or electronic means.

(4) A private entity which fails to comply with subsection (1), (2) or (3) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

## **11. Register of Political Donations**

(1) Every recipient shall, for the purpose of any political donation received, keep a Register to be known as the Register of Political Donations and that Register shall, in the case of –

- (a) a political party, be kept, subject to subsection (2), at all times whilst the party is duly registered under this Act;
- (b) a member of the National Assembly, be kept during the campaign period and his tenure of office as member of the National Assembly;

(c) an unelected candidate, be kept during the campaign period;

(d) an election agent, be kept during the campaign period.

(2) The treasurer of a political party shall, on behalf of his party, be responsible to keep the Register required under subsection (1).

(3) The Register shall contain –

(a) the amount of monetary donations received, whether in cash, by cheque or by electronic means;

(b) the nature and the monetary value of the donation in kind received;

(c) the date the political donations were received;

(d) the names and addresses of donors; and

(e) such other particulars as may be prescribed.

(4) (a) The treasurer of a political party or any other recipient who fails to comply with subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(b) It shall be a defence to the treasurer of a political party or to any other recipient that he took all reasonable steps to comply with subsection (1).

#### **PART IV – REPORTING ON DONATIONS IN KIND**

##### **12. Limit of donations in kind**

(1) A political party, a party candidate and his election agent, or an independent candidate and his election agent shall, during a campaign period, not accept donation in kind of a value exceeding the threshold of 50 per cent of the total allowable expenditure of that party or candidate under the Representation of the People Act.

(2) A political party, a party candidate and his election agent, or an independent candidate or his election agent who fails to comply with subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

### **13. Report of political donations during campaign period**

(1) Subject to this section, the treasurer of a political party, a candidate or an election agent shall, at the time of submitting the returns of election expenditure under the Representation of the People Act, also submit to the Electoral Commissioner a report indicating the nature and monetary value of any donation in kind received during the campaign period, in such form and manner as the Electoral Commissioner may approve.

(2) In the case of a party alliance, the report referred to in subsection (1) shall be submitted jointly by the respective treasurer of each party constituting the party alliance.

(3) This section shall, with respect to a political party, apply provided that party has fielded at least one candidate at the general election.

(4) Any person who fails to comply with subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

## **PART V – ACCOUNTING RECORDS AND STATEMENT OF ACCOUNTS**

### **14. Accounting records**

(1) The treasurer of every political party shall ensure that the accounting records of the party are kept in accordance with subsections (2) and (3) so as to show and explain the party's transactions.

(2) The accounting records shall –

- (a) disclose, at any time, with reasonable accuracy, the financial position of the political party; and
- (b) enable the treasurer to ensure that any statement of accounts prepared by him complies with this Act.

(3) The accounting records shall, in particular, contain –

- (a) entries showing all political donations received and any payment made by the political party and the matters in respect of which the receipts and payments take place; and
- (b) a record of the assets and liabilities of the party, if any.

(4) The treasurer of every political party shall ensure that the accounting records are preserved for at least 5 years from the end of the financial year in which they are made.

(5) (a) The treasurer of a political party who fails to comply with subsection (1) or (4) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(b) It shall be a defence to the treasurer of a political party that he took all reasonable steps to comply with subsection (1) or (4), as the case may be.

## **15. Statement of accounts**

(1) Subject to subsections (2) and (3), the treasurer of every political party shall prepare a statement of accounts in respect of each financial year, which shall be duly audited.

(2) The statement of accounts shall be signed by the leader and treasurer of the political party.

(3) (a) The treasurer of a political party shall, not later than 60 days after the end of every financial year, submit the party's audited statement of accounts and the auditor's report to the Electoral Commissioner.

(b) The treasurer of a political party who fails to comply with paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(c) It shall be a defence to the treasurer of a political party that he took all reasonable steps to comply with paragraph (a).

(4) (a) Where it appears to the Electoral Commissioner that a statement of account has not been audited, he may appoint a qualified auditor to audit those accounts.

(b) The expenses of an audit carried out by an auditor appointed by the Electoral Commissioner under paragraph (a), including the auditor's remuneration, may be recovered by the Electoral Commissioner from the funds of the party concerned as a debt due to the Office of the Electoral Commissioner.

(5) (a) Every auditor appointed to carry out an audit under subsection (4)(a) –

(i) shall have a right of access, at all reasonable times, to the political party's books, documents and other records; and

(ii) may require from the treasurer, or any other office bearer of the political party, such information and explanations as he deems necessary in the performance of his duty as auditor.

(b) Where a person fails to provide an auditor with an access, information or explanation to which the auditor is entitled to pursuant to paragraph (a), the Electoral Commissioner may direct that person to comply with the auditor's request.

(c) Any person who fails to comply with any directive of the Electoral Commissioner under paragraph (b) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(6) (a) The treasurer of a political party shall ensure that the party's statement of accounts prepared under this section is preserved for at least 5 years from the end of the financial year to which the statement relates.

(b) The treasurer of a political party who fails to comply with paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(c) It shall be a defence to the treasurer of a political party that he took all reasonable steps to comply with paragraph (a).

(7) The Electoral Commissioner shall make all statement of accounts submitted under this Act available for consultation by the public.

## **16. Restatement of non-compliant statement of accounts**

(1) Where it appears to the Electoral Commissioner that a statement of accounts filed by any political party for any financial year is not compliant with this Act, he may require that party to restate the statement of accounts.

(2) A restatement under subsection (1) shall be confined to –

(a) the correction of those aspects in which the statement did not comply with this Act; and

(b) the making of any necessary consequential alterations.

## **17. Report of Electoral Commissioner**

(1) The Electoral Commissioner shall, based on the statement of accounts of all political parties, prepare a report setting out –

(a) any amount received by each party in respect of –

(i) subscription and membership fees from its members;

(ii) interests;

- (iii) donations in cash or in-kind received from any person, private entity or from any other source;
- (iv) any other activity;
- (b) any expenditure incurred and the reason for such expenditure;
- (c) any asset, including any amount in cash, together with the name of the bank where the money is deposited;
- (d) any liability.

(2) A report referred to in subsection (1) shall be laid before the National Assembly not later than 120 days after the end of every financial year.

#### **18. Application of Part V**

(1) This Part shall, in addition, apply with such adaptations and modifications as may be necessary to a member of the National Assembly.

(2) A member of the National Assembly shall, in accordance with this Part, have the same responsibilities as are conferred upon the treasurer of a political party.

### **PART VI – SUPERVISORY ROLE OF ELECTORAL SUPERVISORY COMMISSION AND POWERS OF ELECTORAL COMMISSIONER**

#### **19. Supervisory role of Commission**

The Commission shall have general responsibility for, and shall supervise, matters relating to political financing under this Act.

#### **20. Functions and powers of Electoral Commissioner**

(1) The Electoral Commissioner shall have such powers and other functions relating to political financing under this Act and he shall keep the Commission fully informed concerning the exercise of his functions.

(2) The Secretary to Cabinet and Head of the Civil Service may, subject to the approval of the Public Service Commission, designate such public officers as may be necessary to assist the Electoral Commissioner in the discharge of his functions or in the exercise of his powers under this Act.

## **21. Powers of investigation**

(1) Where the Electoral Commissioner requires a person for the purpose of an investigation, he may –

- (a) order any person to attend before him for the purpose of being examined orally in relation to any matter;
- (b) order any person to produce before him any book, document, record or article;
- (c) order that information which is stored in a computer, a disc, a cassette or on a microfilm, or preserved by any mechanical or electronic device, be communicated in a form in which it can be taken away and which is visible and legible; or
- (d) by written notice, order a person to furnish a statement in writing made under oath or affirmation setting out all information which may be required under the notice.

(2) A person on whom an order under subsection (1) is served shall –

- (a) comply with the order;
- (b) attend before the Electoral Commissioner in accordance with the terms of the order;
- (c) continue to attend on such other days as the Electoral Commissioner may direct until the examination is completed; and
- (d) subject to subsection (4), answer any question, produce any book, document, record or article, or give such information or statement as the Electoral Commissioner may order.

(3) Where the Electoral Commissioner has reasonable grounds to suspect that any book, document, record or article produced under subsection (2)(d) may provide evidence relevant to an investigation under this Act, he may –

- (a) where the book, document, record or article is not reasonably required for the purpose of performing any duty under any enactment, retain the book, document, record or article, as the case may be, until its production in Court or until such earlier time as may be required; or

(b) make certified copies of, or take records from, the book, document or record.

(4) A person may refuse to answer any question put to him, produce any book, document, record or article, or give any information or statement where the answer to the question, the production of the book, document, record or article, or the giving of the information or statement may incriminate him.

(5) Subsection (4) shall not apply where the Electoral Commissioner gives an undertaking in writing to a person that any answer given, any book, document, record or article produced, or any information or statement given will not be used in evidence in any criminal proceedings against him for an offence other than proceedings for perjury.

(6) Where an undertaking is given under subsection (5), no Court shall admit the answer, book, document, record, article, information or statement referred to in the undertaking in any criminal proceedings against the person to whom the undertaking was given, except in proceedings for perjury.

(7) Any person who, after having been served with an order under subsection (1) –

- (a) fails, without reasonable excuse, to comply with any of the terms of the order;
- (b) conceals, destroys, alters, tampers with, removes from the place where it is habitually kept, or otherwise disposes of, a book, document, record or article referred to in the order,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

## **22. Powers of entry and search**

(1) A Magistrate may, where he is satisfied on sworn information that there is reasonable ground to suspect that there is, on any premises, evidence which may assist the Electoral Commissioner in an investigation, issue a warrant to an officer authorising him to enter and search, at all reasonable times, the said premises.

(2) A search under subsection (1) shall, so far as is practicable, be carried out in the presence of the owner or occupier of the premises, or his duly authorised agent.

(3) An authorised officer shall, prior to a search under subsection (1), deliver a photocopy of the warrant to the owner or occupier of the premises, or



his duly authorised agent against receipt acknowledged by a signature on the original of the warrant.

(4) Where a search is effected under subsection (1), the authorised officer effecting the search may –

- (a) seize and take possession of any book, document, record, article, disk, computer system or other article, whether in electronic or digital record, or any electronic or communication device;
- (b) inspect, make copies of, or take extracts from, any book, document or record;
- (c) search any person who is on the premises, detain him for the purpose of the search, and seize any article found on such person; or
- (d) break open, examine, and search any article, safe, container or receptacle.

(5) Notwithstanding any other enactment, the Electoral Commissioner shall have the power to examine any book, document, record, article, disk, computer system or other article, whether in electronic or digital record, or any electronic or communication device seized under this section and any information obtained shall be admissible as evidence in any Court.

### **23. Directives and warnings**

(1) Where the Electoral Commissioner has reasonable grounds to believe that a person has contravened or is likely to contravene this Act, he may issue to that person such written directive or warning as he may, in the circumstances, determine.

(2) Without prejudice to the generality of subsection (1), the Electoral Commissioner may direct a person, in the case of a contravention of this Act, to do a specified act, or refrain from doing a specified act, for the purpose of –

- (a) remedying the effects of the contravention; or
- (b) taking such measures as may be necessary to ensure that the contravention does not occur.

(3) A directive issued under this section may specify the time by which, or the period during which, it shall be complied with.

(4) The Electoral Commissioner may revoke a directive issued under this section at any time, by written notice to the person.

(5) (a) No person shall knowingly hinder or prevent a person from complying with a directive issued to him under this section.

(b) Any person who contravenes paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

## **24. Compliance with directives**

(1) (a) Subject to paragraph (b), a person to whom a directive is issued under this Act shall comply with the directive.

(b) Where a directive is issued to a political party, the treasurer of the party shall comply with the directive.

(2) Where a person fails to comply with a directive under this Act and a time period is specified for compliance, the person shall commit a separate offence for each day for which the directive is not complied with after the time period for compliance has elapsed and shall, on conviction with respect of each offence, be liable to a fine of 5,000 rupees per day, provided that the total fine shall not exceed 5 million rupees.

(3) It shall be a defence to any person referred to in subsection (2) that he took all reasonable steps to comply with the directive.

## **PART VII – MISCELLANEOUS**

### **25. Offences**

(1) Any person who hinders or prevents the Electoral Commissioner, or any officer of the Office of the Electoral Commissioner, in the discharge of his functions or in the exercise of his powers under this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(2) Any person who otherwise contravenes this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(3) Where an offence is committed by a political party, the person who, at the time of the commission of the offence, was the treasurer of the party or, where there is no treasurer, every person who, at the time of the commission of the offence, was concerned in the administration or management of the financial assets and liabilities of the party, shall also commit the like offence, unless he proves that the offence was committed without his knowledge or

consent, or that he took all reasonable steps to prevent the commission of the offence.

## **26. Jurisdiction**

Notwithstanding –

- (a) section 114 of the Courts Act; and
- (b) section 72(5) of the District and Intermediate Courts (Criminal Jurisdiction) Act,

a Magistrate shall have jurisdiction to try an offence under this Act and may impose any penalty provided therefor.

## **27. Regulations**

(1) The President may, after consultation with the Commission and the Electoral Commissioner, make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for any matter which is required to be prescribed under this Act.

## **28. Consequential amendment**

The Representation of the People Act is amended –

- (a) in section 51(1) –
  - (i) by repealing paragraph (b) and replacing it by the following paragraph –
    - (b) The maximum amount of election expenses to be incurred –
      - (i) at a National Assembly election –
        - (A) shall, in respect of a party, be one million rupees per constituency;
        - (B) shall, in respect of a candidate who is not the only candidate belonging to a party at the election in the

constituency, be one million rupees per constituency;

(C) shall, in respect of a candidate who does not belong to a party, or in case there is no other candidate belonging to the same party at the election in a constituency, be 1,500,000 rupees;

(ii) at a Municipal City Council or Municipal Town Council election shall, in respect of a candidate, be 300,000 rupees;

(iii) at a Village Council election shall, in respect of a candidate, be 200,000 rupees;

(iv) at a local region election or an Island region election in Rodrigues shall, in respect of a candidate, be 200,000 rupees.

(ii) by adding the following new paragraph –

(c) In this subsection –

“party” includes a party alliance of 2 or more parties.

(b) in section 53(1) –

(i) in paragraph (a), by deleting the words “25,000 rupees” and replacing them by the words “150,000 rupees”;

(ii) in paragraph (b), by deleting the words “2,500 rupees” and replacing them by the words “25,000 rupees”;

(c) in section 56 –

(i) in subsection (2), by deleting the words “30 rupees” and replacing them by the words “5,000 rupees”;

- (ii) in subsection (8), by deleting the words “1,000 rupees” and replacing them by the words “50,000 rupees”;
- (d) by inserting, after section 56, the following new section –

**56A. Return by party**

(1) Within 60 days after the proclamation of the results of an election, the treasurer of every party which has fielded at least one candidate at such election shall make an election return to the Electoral Commissioner in such form as the Electoral Commissioner may approve.

(2) A return made under this section shall contain a full statement under the appropriate head specified in the return of all expenditure incurred in connection with the election by the party and shall be supported by vouchers for all payments in excess of 5,000 rupees.

(3) (a) Every return under subsection (1) shall be supported by a declaration, in Form L, by the treasurer of the party stating that, to the best of his knowledge, information and belief, the return is a full and accurate return of all expenditure incurred by the party at such election.

(b) In the case of a party alliance, the declaration referred to in paragraph (a) shall be made jointly by the respective treasurer of each party constituting the party alliance.

(4) The Electoral Commissioner shall, within 10 days after he receives a return under this section, publish in a daily newspaper and on the website of the Office of the Electoral Commissioner a notice of the time and place at which the return and the documents in support thereof can be inspected.

(5) The treasurer of any party who fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees.

(6) In this section –

“party” includes a party alliance of 2 or more parties.

- (e) in section 63(2), by deleting the words “1,000 rupees” and replacing them by the words “50,000 rupees”;

- (f) in section 66, by deleting the words “2,000 rupees” and replacing them by the words “50,000 rupees”;
- (g) in section 71(1), by deleting the words “2,000 rupees” and “500 rupees” and replacing them by the words “50,000 rupees” and “20,000 rupees”, respectively;
- (h) by inserting, after section 72A, the following new sections –

**72B. Restriction on temporary political headquarters and campaign quarters commonly known as “baz”**

(1) No party, group or candidate who does not belong to a party or group shall for the purpose of a National Assembly election, a Municipal City Council election, a Municipal Town Council election, a Village Council election or a local region election in Rodrigues, as the case may be, set up –

- (a) more than one political headquarters per constituency, ward, village or local region, as the case may be; and
- (b) more than one temporary political campaign quarter, commonly known as “baz”, per polling station.

(2) Notwithstanding subsection (1), no political headquarters or temporary political campaign quarter shall be set up before the date on which a writ of election is issued.

(3) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

(4) The President may, for the purposes of this section, make such regulations as he thinks fit.

(5) In this section –

“group” –

- (a) has the same meaning as in the Local Government Act; and
- (b) includes a group alliance of 2 or more groups;

“party” includes a party alliance of 2 or more parties.

## **72C. Directives and warnings**

(1) Where the Commission has reasonable grounds to believe that a person has contravened or is likely to contravene section 72B(1) or (2), it may issue to that person such written directive or warning as it may, in the circumstances, determine.

(2) Without prejudice to the generality of subsection (1), the Commission may direct a person, in the case of a contravention of section 72B(1) or (2), to do a specified act, or refrain from doing a specified act, for the purpose of –

- (a) remedying the effects of the contravention; or
- (b) taking such measures as may be necessary to ensure that the contravention does not occur.

(3) A directive issued under this section may specify the time by which, or period during which, it shall be complied with.

(4) The Commission may revoke a directive issued under this section at any time, by written notice to the person.

(5) The functions and powers of the Commission under this section shall be discharged and exercised by the Electoral Commissioner.

(6) (a) No person shall knowingly hinder or prevent a person from complying with a directive issued to him under this section.

(b) Any person who contravenes paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees.

## **72D. Compliance with directives**

(1) (a) Subject to paragraph (b), a person to whom a directive is issued under section 72C shall comply with the directive.

(b) Where a directive is issued to a political party, the secretary of the party or, where there is no secretary, every person who is concerned in the management of the party shall comply with the directive.

(2) Where a person fails to comply with a directive under section 72C and a time period is specified for compliance, the person shall commit a separate offence for each day for which the directive is not complied with after the time period for compliance has elapsed, and shall, on conviction, in respect of each offence, be liable to a fine of 5,000 rupees per day, provided that the total fine shall not exceed 500,000 rupees.

(3) It shall be a defence to any person referred to in subsection (2) that he took all reasonable steps to comply with the directive.

- (i) in section 74(1), by deleting the words "1,000 rupees" and replacing them by the words "50,000 rupees";
- (j) in the Schedule, by adding the following new Form L –

**FORM L**

[Section 56A(3)]

**DECLARATION BY TREASURER OF PARTY/PARTY ALLIANCE\***

I/we\*, ..... of .....  
(names and surnames) (address)

treasurer/treasurers\* of the ....., which  
(party/party alliance\*)

has fielded candidates at the election of members of the National Assembly held on the ..... day of ....., do declare that to the best of my/our\* knowledge, information and belief that the attached return is a full and accurate return of all expenditure incurred by the said party/party alliance\* at the said election between the issue of the writs for the said election and the proclamation of the election results.

.....  
Signature(s) \*

Dated this ..... day of .....

\*Delete as appropriate



**29. 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**  
[Section 2]

**STATEMENT OF ACCOUNTS**

**ANNUAL STATEMENT OF ACCOUNTS FOR FINANCIAL YEAR  
ENDING 30 JUNE .....**

Name of political party .....

Official address .....

**STATEMENT OF RECEIPTS AND PAYMENTS FOR FINANCIAL  
YEAR ENDING .....**

<b>Balance as at 1 July .....</b>	<b>(Rs cs)</b>	<b>(Rs cs)</b>
(1) Cash	.....	.....
(2) Bank(s)		
Name of bank(s) and type of bank account		
.....	.....	
.....	.....	
.....	.....	.....
<b>Receipts</b>		
Subscription fees from members of party	.....	
Interest	.....	
Donations	.....	
Others (please specify)	.....	
<b>Total</b>	.....	.....
<b>Payments</b>		
.....	.....	
.....	.....	
.....	.....	
.....	.....	
<b>Total</b>		
<b>Balance at 30 June .....</b>		
(1) Cash	.....	
(2) Bank(s)		
Name of bank(s) and type of bank account		
.....	.....	
.....	.....	
.....	.....	.....

STATEMENT OF ASSETS AND LIABILITIES AS AT 30 JUNE .....		
<b>Assets</b>		
.....		.....
.....		.....
.....		.....
.....		.....
Cash and bank balances		.....
<b>Liabilities</b>		
.....		.....
.....		.....
.....		.....
.....		.....
Accumulated fund		.....

.....  
Name of Leader

.....  
Name of Treasurer

.....  
Signature of Leader

.....  
Signature of Treasurer

.....  
Date

**CERTIFICATE OF AUDITOR/S**

I/We, the undersigned, having had access to all the books and accounts and having examined the foregoing return and verified same with the accounts and vouchers relating thereto, sign same as found to be correct and duly vouched.

.....  
Name(s) of Auditor(s)

.....  
Signature(s) of Auditor(s)

.....  
Date

**STATEMENT OF NAMES AND ADDRESSES OF OFFICERS FOR FINANCIAL  
YEAR ENDING 30 JUNE .....**

(This statement is for the **financial year in respect of which this return** is being made.)

POST	NAME	ADDRESS	PHONE NO.
Leader	..... .....	..... .....	.....
President	..... .....	..... .....	.....
Vice-President	..... .....	..... .....	.....
Secretary	..... .....	..... .....	.....
Assistant Secretary	..... .....	..... .....	.....
Treasurer	..... .....	..... .....	.....
Assistant Treasurer	..... .....	..... .....	.....
Committee members	..... .....	..... .....	.....
	..... .....	..... .....	.....
	..... .....	..... .....	.....
	..... .....	..... .....	.....
Auditors	..... .....	..... .....	.....
	..... .....	..... .....	.....

.....  
Name of Secretary

.....  
Signature of Secretary

.....  
Date

**RETURN OF MEMBERSHIP AS AT 30 JUNE .....**

Total Number of members on **Roll** .....

Total Number of **Paid-up** members .....

.....  
Name of Secretary

.....  
Signature of Secretary

.....  
Date

**CONSOLIDATED COPY OF RULES**

The last amendment, if any, brought to the rules of the political party was made on .....

(Please note that if the last amendment was made in the financial year in which this return is being made, a **CONSOLIDATED COPY** of the rules shall be submitted along with this return.)

.....  
Name of Secretary

.....  
Signature of Secretary

.....  
Date

\_\_\_\_\_