Mauritius

Public Service Commission Act

Act 23 of 1953

Legislation as at 30 June 2017

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Public Service Commission Act
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Mauritius

Public Service Commission Act

Act 23 of 1953

Commenced on 11 May 1955

[This is the version of this document at 30 June 2017.]

1. Short title

This Act may be cited as the Public Service Commission Act.

2. Interpretation

In this Act—

"**Chairperson**" means the person holding the office of Chairperson of the Commission;

"**Commission**" means the Public Service Commission referred to in section 88 of the Constitution;

"**Commissioner**" means a person holding office of a Commissioner other than that of Chairperson;

"**Secretary**" means the Secretary of the Commission.

3. Resignation

The Chairperson or a Commissioner may resign his office, and, from the date of the receipt of his resignation by the President, shall cease to be Chairperson or Commissioner, as the case may be.

4. ***

5. ***

6. Secretary of Commission

(1) The Commission shall appoint a fit and proper person to be its Secretary.

(2) The Secretary—

(a) may be a public officer; but

(b) shall not take part in the proceedings of the Commission nor vote on any question which is the subject matter of its deliberations.

7. Emoluments

(1) (a) The Chairperson and the Commissioners shall receive by way of annual emoluments the sums specified in regulations made by the President and approved by the Assembly.

(b) The sums payable under paragraph (a) shall be charged on the Consolidated Fund and paid by the Accountant-General out of the Fund upon warrant directed to him by the President.

(2) Subsection (1) shall not prevent the payment to the Chairperson or a Commissioner of any greater or other sums by way of salary or other emoluments for which provision may be made.

(3) —

[S. 7 amended by Act 48 of 1991.]

8. Commissioners amenable to prosecution

(1) Subject to subsection (2), any enactment relating to the disciplinary control of public officers shall not apply to the Chairperson and the Commissioners.

(2) Notwithstanding this Act, the Prevention of Corruption Act shall apply to the Chairperson and the Commissioners.

9. ***

10. Taking of oath

(1) The Chairperson and every Commissioner shall on appointment take an oath or make an affirmation in the form set out in the Schedule.

(2) The oath or affirmation shall be administered by the Chief Justice or a Judge.

11. Giving false information to Commission

Any person who in connection with—

(a) an application by any other person for employment or promotion in the public service; or

(b) a matter upon which it is the duty of the Commission to determine, wilfully gives to—

(i) the Commission;

(ii) the Chairperson;

(iii) a Commissioner; or

(iv) a person or body of persons appointed to assist the Commission in the exercise of its functions or the discharge of its duties,

any information which is false or misleading by reason of the falsity of, or of the omission of, a material particular, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years.

12. Privileged communication

No person shall, in any legal proceedings, be permitted or compelled to produce or disclose any—

(a) communication, written or oral, which has taken place between the Commission or the Chairperson or a Commissioner and Government or the President or the head of a department of Government; or

(b) communication between a Commissioner and the Chairperson or between the Commissioners in the exercise of or in connection with the exercise of the functions of the Commission,

unless the President consents in writing to the production or disclosure.

[S. 12 amended by Act 48 of 1991.]

13. Disclosure of information

(1) (a) No person shall, without the written permission of the President, publish or disclose to an unauthorised person, or otherwise than in the course of duty, the contents of a document, communication or information which has come to his knowledge in the course of his duties under this Act in respect of any matter referred to the Commission under this Act.

(b) Any person who knowingly acts in contravention of this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding one year.

(2) Any person who, having possession of any information which to his knowledge has been disclosed in contravention of this section, publishes or communicates that information to any other person, otherwise than for the purpose of any prosecution under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding one year.

[S. 13 amended by Act 48 of 1991.]

14. Protection of Commissioners

The Chairperson and the Commissioners shall have such protection and privileges in case of an action or suit brought against them for an act or omission in the execution of his duty as is by law given to a Magistrate acting in the execution of his office.

15. Influencing Commission

(1) Subject to subsection (2), every person who, otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner attempts to influence a decision of the Commission, the Chairperson or a Commissioner shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) Nothing in this section shall prohibit any person from giving a certificate or testimonial to an applicant or candidate for a public office.

16. Prosecution of offenders

A prosecution under this Act shall not be instituted except by, or with the consent of, the Director of Public Prosecutions.

Schedule (Section 10)

I _____ having been appointed as Chairperson/Commissioner of the Public Service Commission do swear/solemnly and sincerely declare and affirm that I will freely and without fear or favour, affection or ill will, give my counsel and advice in connection with all such matters as may be referred to the Public Service Commission under the Public Service Commission Act, and that I will not directly or indirectly reveal any such matters to any unauthorised person or otherwise than in the course of duty.

Sworn/Affirmed before me on _____ 20 _____

_____

Chief Justice/Judge