Mauritius

National Assembly (Vacation of Office and Membership) Act

Act 30 of 1993

Legislation as at 30 June 2017

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National Assembly (Vacation of Office and Membership) Act
Contents

1. Short title 1

2. Determination of questions as to membership 1

3. Time limit for application 1

4. Appeal 1

5. Rules of Court 1

6. Regulations 1

Mauritius

National Assembly (Vacation of Office and Membership) Act

Act 30 of 1993

Commenced on 14 August 1993

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

1. Short title

This Act may be cited as the National Assembly (Vacation of Office and Membership) Act.

2. Determination of questions as to membership

(1) An application to the Supreme Court for the determination of any question under section 37 (1) (b) or (c) of the Constitution shall be made by way of a petition presented to a Judge in Chambers, who shall fix a day on which the Court shall hear the petition.

(2) The petition shall state with precision the ground on which the application is being made.

(3) At the time of the presentation of the petition, the Judge shall fix the amount and manner of the security to be given on behalf of the petitioner for the payment of any costs that may become payable by him.

(4) The petition shall be heard and determined by a Court consisting of at least 2 Judges.

3. Time limit for application

No petition shall be presented later than 3 months after the occurrence of the event referred to in section 32 or 35 of the Constitution which forms the ground on which the application is being made.

4. Appeal

(1) An appeal shall lie as of right to the Judicial Committee from the determination of the Supreme Court of any question under section 37 (1) (c) of the Constitution.

(2) Where an appeal is made under subsection (1), the judgment of the Supreme Court shall be stayed.

5. Rules of Court

Subject to this Act and to any regulations made under it, the Chief Justice may make rules with respect to the practice and procedure of the Supreme Court in relation to an application under this Act.

6. Regulations

The President may make such regulations as he deems necessary for the purposes of this Act.

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