

<p style="text-align: center;">CHAPTER VIII –</p>	<p style="text-align: center;">SAPIT VIII –</p>
<p style="text-align: center;">SERVICE COMMISSIONS AND THE PUBLIC SERVICE</p>	<p style="text-align: center;">KOMISION SERVIS EK FONKSION PIBLIK</p>
<p>Article 85 Judicial and Legal Service Commission</p> <p>(1) There shall be a Judicial and Legal Service Commission which shall consist of the Chief Justice, who shall be chairman, and the following members –</p> <ul style="list-style-type: none"> (a) the Senior Puisne Judge; (b) the chairman of the Public Service Commission; and (c) one other member (in this section referred to as “the appointed member”) appointed by the President, acting in accordance with the advice of the Chief Justice. <p>(2) The appointed member shall be a person who is or has been a Judge of a court having unlimited jurisdiction in civil or criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court.</p> <p>(3) Where the office of the appointed member is vacant or the appointed member is for any reason unable to perform the functions of his office, the President, acting in accordance with the advice of the Chief Justice, may appoint a person qualified for appointment as such a member to act as a member of the Commission and any person so appointed shall continue to act until his appointment is revoked by the President, acting in accordance with the advice of the Chief Justice.</p> <p>[Amended 48/91]</p>	<p>Lartik 85. <i>Judicial and Legal Service Commission</i></p> <p>(1) Pou ena enn <i>Judicial and Legal Service Commission</i> ki pou konpoze par Sef-Ziz, ki pou ofisie antan ki prezidan, ek bann manb swivan:</p> <ul style="list-style-type: none"> (a) Senior Ziz Pwine; (b) Prezidan <i>Public Service Commission</i>; ek (c) enn lot manb (ki nou pe apel “manb nome” dan sa seksion-la) e ki pou nome par Prezidan Repiblik, ki pou azir lor rekomandasion Sef-Ziz. <p>(2) “Manb nome” par Prezidan, li pou enn dimounn ki pe ou ki finn exers antan ki Ziz dan enn lakour ki ena ziridiksion ilimite dan bann zafer sivil ou penal dan enn parti Commonwealth ouswa dan enn lakour ki ena ziridiksion pou ekout bann apel lor bann desizyon ki vinn depi enn lakour ki tom dan sa kategori-la.</p> <p>(3) Si post “manb nome” vinn vakan ouswa ki, pou enn rezon ou enn lot, manb nome la trouv li dan inkapsite pou exers so bann fonksion, Prezidan Repiblik, ki pou azir lor rekomandasion Sef-Ziz, pou kapav nomm enn dimounn ki kalifie pou okip sa pozision-la pou azir antan ki manb Komision-la, ek ninport ki dimounn ki nome dan sa fason-la pou kontigne azir dan pozision-la ziska ki so manda revoke par Prezidan Repiblik lor rekomandasion Sef-Ziz.</p> <p>[Amandman 4/91]</p>

<p>Article 86. Appointment of judicial and legal officers</p> <p>(1) Power to appoint persons to hold or act in offices to which this section applies (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the vest in the Judicial and Legal Service Commission.</p> <p>(2) The offices to which this section applies are the offices specified in the Second Schedule and such other offices as may be prescribed:</p> <p>Provided that –</p> <p>(a) where the name of any such office is changed, or any such office is abolished, this section and that Schedule shall have effect accordingly;</p> <p>(b) this section shall also apply to such other offices, being offices that in the opinion of the Judicial and Legal Service Commission are offices similar to those specified in the Second Schedule, as may be prescribed by the Commission, acting with the concurrence of the Prime Minister.</p>	<p>Lartik 86. Nominasion bann ofisie responsab bann zafer zidisier ek legal</p> <p>(1) Se <i>Judicial and Legal Service Commission</i> ki pou ena pouvwar pou nomm bann dimounn ki pou okip bann post ouswa pou azir dan bann fonksion ki konserne par sa seksion-la (inklian pouvwar pou konfirm bann nominasion), pou exers enn kontrol disipliner lor bann dimounn ki pou okip ouswa ki pou azir dan sa bann fonksion-la ek ousi pou revok sa bann dimounn-la depi zot bann fonksion.</p> <p>(2) Bann post ki konserne par sa seksion-la se bann post ki spesifie dan Deziem Sedil ek ousi bann lezot post ki finn preskrir:</p> <p>Lor kondision etabli ki: –</p> <p>(a) kan nom enn sa bann post-la sanze, ouswa ki li finn aboli, sa seksion-la ek sa Sedil-la pou sanze an-konsekans;</p> <p>(b) sa seksion-la konsern ousi bann lezot post ki, dapre <i>Judicial and Legal Commission</i>, zot bann post ki parey kouma seki finn spesifie dan Deziem Sedil, kouma Komision-la finn preskrir, lor rekomandasion Premie Minis.</p>
<p>Article 87 Appointments of principal representatives of Mauritius abroad</p> <p>The power to appoint persons to hold the offices of Ambassador, High Commissioner or other principal representative of Mauritius in any other country or accredited to any international organisation and to remove such persons from office shall vest in the President, acting in accordance with the advice of the Prime Minister:</p> <p>Provided that, before advising the President to appoint to any such office a person who holds or is acting in some other public office, the Prime Minister shall consult the Public Service Commission.</p> <p>[Amended 48/91]</p>	<p>Lartik 87 Nominasion bann prinsipal reprezantan Moris dan bann pei etranze</p> <p>Se Prezidan Repiblik Moris ki pou gagn drwa, lor rekomandasion Premie Minis, nomm bann dimounn pou okip fonksion Anbasader, <i>High-Commissioner</i> ouswa ninport ki lot reprezantan prinsipal Moris dan ninport ki lot pei ouswa bann dimounn ki pou ena akreditasion dan bann organizasion internasional ek ousi pou revok zot depi zot fonksion:</p> <p>Lor kondision etabli ki si li pe rekomann dan sa post-la enn dimounn ki pe deza okip, ouswa ki pe deza exers, enn lot fonksion piblik, Premie Minis pou bizin konsilte <i>Public Service Commission</i> avan ki li fer so rekomandasion ek Prezidan Repiblik.</p> <p>[Amandman 48/91]</p>

<p>Article 88. Public Service Commission</p> <p>(1) There shall be a Public Service Commission, which shall consist of a Chairman, 2 Deputy Chairmen and 4 other Commissioners appointed by the President.</p> <p>(2) No person shall be qualified for appointment as a Commissioner of the Public Service Commission if he is a member of, or a candidate for election to, the Assembly or any local authority, a public officer or a local government officer.</p> <p>(3) Where the office of Chairman of the Public Service Commission is vacant or the Chairman is for any reason unable to perform the functions of his office, those functions shall be performed by such one of the Deputy-Chairmen or Commissioners of the Commission as the President may appoint.</p> <p>(4) Where at any time there are less than 3 Commissioners of the Public Service Commission besides the Chairman or where any such Commissioner is acting as Chairman or is for any reason unable to perform the functions of his office, the President may appoint a person qualified for appointment as a Commissioner of the Commission to act as a Commissioner, and any person so appointed shall continue to act until his appointment is revoked by the President.</p> <p>(5) The functions of the President under this section shall be exercised by him after consultation with the Prime Minister and the Leader of the Opposition.</p> <p>[Amended 48/91; 5/97]</p>	<p>Lartik 88. Public Service Commission</p> <p>(1) Pou ena enn <i>Public Service Commission</i> ki pou konpoze par enn Prezidan, 2 Vis-Prezidan ek 4 lezot Komiser ki pou nome par Prezidan Repiblik.</p> <p>(2) Enn dimounn pa pou kapav nome antan ki Komiser <i>Public Service Commission</i> si li enn manb, ou enn kandida ki pe partisip dan eleksion pou vinn, manb Lasanble Nasional ouswa enn otorite lokal, ouswa si li enn fonksioner ou ofisie enn otorite lokal.</p> <p>(3) Si post Prezidan <i>Public Service Commission</i> vinn vakan ouswa si, pou enn rezon ou enn lot, Prezidan-la dan inkapasite pou exers so bann fonksion, bann fonksion-la pou exerse par enn parmi bann Vis-Prezidan-la ouswa par enn bann Komiser Komision-la depandan lor kisann-la Prezidan Repiblik pou nome.</p> <p>(4) Kan, dan ninport ki moman, ena mwins ki 3 Komiser <i>Public Service Commission</i> andeor so Prezidan ouswa kan ninport lekel parmi bann Komiser-la pe azir antan ki Prezidan ouswa ki li, pou enn rezon ou enn lot, dan inkapsite pou exers bann fonksion ki tom sou so responsabiite, Prezidan Repiblik pou kapav nomm enn dimounn ki kalifie pou ranpli sa rol-la antan ki Komiser <i>Public Service Commission</i> e dimounn-la pou kontign azir dan sa pozision-la ziska ki li revoke par Prezidan Repiblik</p> <p>(5) Bann fonksion Prezidan Repiblik sou sa seksion-la pou exerse par li apre konsiltasion avek Premie Minis ek Leader Lopozision.</p> <p>[Amandman 48/91; 5/97]</p>
<p>Article 89. Appointment of public officers</p> <p>(1) Subject to this Constitution, power to appoint persons to hold or act in any offices in the public service (including power to confirm appointments), to exercise disciplinary control over persons holding or acting such offices and to remove such persons from office shall vest in the Public Service Commission.</p>	<p>Lartik 89. Nominasion ofisye piblik</p> <p>(1) Sou rezerv sa Konstitisyon-la, se <i>Public Service Commission</i> ki pou ena pouvwar pou nomm bann dimounn pou okip ou pou exers ninport ki post dan Fonksion Piblik (inklian pouvwar pou konfirm bann nominasion), pou exers enn kontrol disiplinier lor bann dimounn ki pou okip ou ki pou azir dan sa bann fonksion-la e pou revok sa bann dimounn-la depi zot fonksion.</p>

(2) (a) The Public Service Commission may, subject to such conditions as it thinks fit, delegate any of its powers under this section by directions in writing to any Commissioner of the Commission or to any public officer.

(b) The Public Service Commission may, subject to such conditions as it may prescribe, delegate by directions in writing, its powers under this section to enquire and report to it –

(i) in the case of any professional misconduct or negligence committed by a public officer in the performance of his duties, to any appropriate statutory disciplinary body;

(ii) in the case of a public officer who has been seconded for duty or transferred to a body corporate established by law for public purposes, to that body corporate.

(3) This section shall not apply to –

(a) the office of Chief Justice or Senior Puisne Judge;

(b) except for the purpose of making appointments thereto or to act therein, the office of Director of Audit;

(c) the office of Ombudsman;

(d) any office, appointments to which are within the functions of the;

(e) any office to which section 87 applies;

(f) any ecclesiastical office;

(g) – (Repealed 5/97)

(h) any office of a temporary nature, the duties attaching to which are mainly advisory and which is to be filled by a person rving under a contract on non-pensionable terms.

(2) (a) *Public Service Commission*, sou rezerv bann kondision ki li pou konsidere kouma apropriye, pou ena drwa, atraver bann instriksion ekri, deleg ninport lekel parmi bann pouvwar ki li ena sou sa seksion-la, avek ninport ki Komiser *Public Service Commission* ouswa ninport ki fonksioner.

(b) *Public Service Commission*, sou rezerv bann kondision ki li kapav preskrir, pou ena drwa, atraver bann instriksion ekri, deleg bann pouvwar ki li ena sou sa seksion-la, pou fer lanket ek raport ek li:

(i) ninport ki organn disipliner statiter ki li konsidere kouma apropriye, dan ka kot enn fot ou enn neglizans profesyonel finn komet par enn fonksioner dan lexisis so bann fonksion, ek;

(ii) ninport ki antite legal ki finn kree avek bann obzektif piblik dan ka enn fonksioner ki finn detase tanporerman ou ki finn transfere dan sa antite-la.

(3) Sa seksion-la pa pou aplike dan bann ka ki konsern: –

a) post Sef-Ziz ou Senior Ziz Pwine;

b) post Direkter Odit, sof dan ka kot ena bann nominasion ou actingship;

(c) post Ombudsman;

(d) ninport ki post kot nominasion fer par *Judicial and Legal Service Commission* ouswa *Disciplined Forces Service Commission*;

e) ninport ki post ki konserne par seksion 87;

(f) ninport ki post ekleziastik;

(g) [Abroze 5/97]

h) ninport ki post ki ena enn karakter tanporer e kot dimounn ki pe asim fonksion-la ena zis pou fer bann rekomandasion lor baz enn kontra ki pa donn li drwa enn pansion.

(4) Before any appointment is made to the office of Secretary to the Cabinet, of Financial Secretary, of a Permanent Secretary or of any other supervising officer within the meaning of section 68, the Public Service Commission shall consult the Prime Minister and no appointment to the office of Secretary to the Cabinet, of Financial Secretary or of a Permanent Secretary shall be made unless the Prime minister concurs in it.

(5) Notwithstanding subsections (1) to (4), the power to transfer any person holding any such office as is mentioned in subsection (4) to any other such office, being an office carrying the same emoluments, shall vest in the President, acting in accordance with the advice of the Prime Minister.

(6) Before the Public Service Commission appoints to or to act in any public office any person holding or acting in any office the power to make appointments to which is vested in the, the Public Service Commission shall consult that Commission.

(7) Before making any appointment to any office on the staff of the Ombudsman, the Public Service Commission shall consult the Ombudsman.

(8) The Public Service Commission shall not exercise any of its powers in relation to any office on the personal staff of the President, or in relation to any person holding or acting in any such office, without the concurrence of the President, acting in his own deliberate judgment.

(9) References in this section to the office of Financial Secretary or of a Permanent Secretary are references to that office as established on 11 March 1968 and include references to any similar office established after that date that carries the same or higher emoluments.

[Amended 19/90; 48/91; 5/97; 31/00; 33/01]

(4) Avan ki fer ninport ki nominasion konsernan post Sekreter Konsey Minis (*Secretary to Cabinet*), Sekreter Finansie (*Financial Secretary*), Sekreter Permanan (*Permanent Secretary*) ouswa ninport ki lot ofisie responsab dan sans ki Seksion 68 konpran li, *Public Service Commission* pou bizin konsilte Premie Minis ek okenn nominasion konsernan post Sekreter Konsey Minis, Sekreter Finansie ouswa Sekreter Permanan pa pou kapav fer san konsantman Premie Minis.

(5) San ki sa fer obstak ek sou-seksion ki trouv ant (1) ek (4), se Prezidan Repiblik, lor rekomandasion Premie Minis, ki pou ena pouvwar pou transfer ninport ki dimounn depi enn post ki mansione dan sou-seksion (4) pou avoy li dan enn lot post similer, e kot nouvo fonksion-la pou ena mem kondision salaryal ki premie-la.

(6) Avan ki *Public Service Commission* nomm dan enn post piblik ouswa pou azir dan enn post piblik, ninport ki dimounn ki pe deza okip ou ki pe azir dan enn post kot pouvwar nominasion tom sou *Judicial and Legal Service Commission* ouswa *Disciplined Forces Service Commission*, *Public Service Commission* pou bizin dabor konsilte sa Komision-la.

(7) Avan ki *Public Service Commission* fer bann nominasion dan ninport ki post ki konsern personel Ombudsman, li pou bizin konsilte Ombudsman.

(8) *Public Service Commission* pa pou gagn drwa exers okenn so bann pouvwar ki an lien avek ninport post ki konsern personel ki travay sou Prezidan Repiblik, ouswa ki an lien avek enn dimounn ki pe okip ou ki pe azir dan enn sa bann post-la, san lakor Prezidan Repiblik ki pou azir dapre so prop zizman delibere.

(9) Bann referans ki ena dan sa seksion-la konsernan post Sekreter Finansie ouswa Sekreter Permanan zot bann referans ki an lien avek sa post-la tel ki zot finn dekrete le 11 Mars 1968 e zot inklir bann referans ki an lien avek ninport ki post similer ki finn kree apre sa dat-la e ki implik bann kondision salaryal ki swa idantik, swa siperyer ek seki zot ti ete avan.

[Amandman 9/90; 48/91; 5/97; 33/00; 33/01]

90 Disciplined Forces Service Commission

(1) There shall be for Mauritius a Disciplined Forces Service Commission which shall consist of the Chairman of the Public Service Commission as Chairman and 4 Commissioners who shall be appointed by the President.

(2) No person shall be qualified for appointment as a Commissioner of the Disciplined Forces Service Commission where he is a member of or a candidate for election to, the Assembly or any local authority, a public officer or a local government officer.

(3) Where at any time there are less than 2 Commissioners of the Disciplined Forces Service Commission besides the Chairman or where any such Commissioner is for any reason unable to perform the functions of his office, the President may appoint a person who is qualified for appointment as a Commissioner of the Commission to act as a Commissioner, and any person so appointed shall continue to act until his appointment to act is revoked by the President.

(4) The functions of the President under this section shall be exercised by him after consultation with the Prime Minister and the Leader of the Opposition.

[Amended 48/91; 5/97]

90 Disciplined Forces Service Commission

(1) Pou enan dan Moris enn *Disciplined Forces Service Commission* ki pou konpoze par Prezidan *Public Service Commission* antan ki Prezidan ek 4 Komiser ki pou nome par Prezidan Repiblik.

(2) Enn dimounn pa pou kapav nome antan ki Komiser *Disciplined Forces Service Commission* si li enn manb, ouswa enn kandida ki pe partisip dan eleksion pou vinn manb, Lasanble Nasional ouswa enn otorite lokal, ouswa si li enn fonksioner ou enn ofisie dan enn otorite lokal.

(3) Kan, dan ninport ki moman, ena mwins ki 2 Komiser *Disciplined Forces Service Commission* andeor so Prezidan ouswa kan ninport ki Komiser, pou enn rezon ou enn lot, dan inkapsite pou exers bann fonksion ki tom sou so responsabiite, Prezidan Repiblik pou kapav nomm enn dimounn ki kalifie pou ranpli sa rol-la antan ki Komiser *Disciplined Forces Service Commission* e dimounn ki pou nome la pou kontigne azir dan sa pozision-la ziska ki li revoke depi so fonksion par Prezidan Repiblik

(4) Prezidan Repiblik pou ranpli so bann fonksion sou sa seksion-la apre konsiltasion avek Premie Minis ek Leader Lopoision.

[Amandman 48/91; 5/97]

Article 91 Appointment in the Disciplined forces

(1) Subject to section 93, power to appoint persons to hold or act in any office in the disciplined forces (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Disciplined Forces Service Commission:

Provided that appointments to the office of Commissioner of Police shall be made after consultation with the Prime Minister.

Lartik 91. Nominasion dan bann fors displiner

(1) Sou rezerv seksion 93, se *Disciplined Forces Service Commission* ki pou ena pouvwar pou nomm bann dimounn ki pou okip, ouswa ki pou azir dan, ninport ki post dan bann lafors disipliner (inklian pouvwar pou konfirm bann nominasion), pou exers enn kontrol disipliner lor bann dimounn ki pou okip, ouswa ki pou azir dan, sa bann post-la ek ousi ki pou revok sa bann dimounn depi zot post:

Lor kondision etabli ki bann nominasion ki konsern post Komiser Polis pou fer apre konsiltasion avek Premie Minis.

(2) The Disciplined Forces Service Commission may, subject to such conditions as it thinks fit, by directions in writing delegate any of its powers of discipline or removal from office to the Commissioner of Police or to any other officer of the disciplined forces, but no person shall be removed from office except with the confirmation of the Commission.

[Amended 5/97]

Article 91A Public Bodies Appeal Tribunal

(1) There shall be a Public Bodies Appeal Tribunal which shall, notwithstanding section 119 but subject to subsection (3), have jurisdiction to hear and determine appeals made by public officers against such final decisions of such Commission established under this Constitution, as may be prescribed, or of any Commissioner or other person exercising powers delegated by that Commission.

(2) The Public Bodies Appeal Tribunal may also hear and determine appeals made against final decisions of such other public bodies as may be prescribed.

(3) No appeal shall lie to the Public Bodies Appeal Tribunal from any decision taken by a Commission prescribed under subsection (1) or by a public body prescribed under subsection (2), where the decision has been taken after consultation with, or with the concurrence of, or on the advice of, the Prime Minister.

(4) The Public Bodies Appeal Tribunal shall consist of –

- (a) a Chairperson who is a barrister of not less than 10 years' standing;
- (b) 2 other members who hold such qualifications as may be prescribed.

(2) *Disciplined Forces Service Commission* pou kapav, sou rezerv bann kondision ki li konsidere kouma apropiye ek atraver bann instruksion ekri, deleg ninport lekel so bann pouvwar disiplinier ouswa pouvwar revokasion ek Komiser Polis oubien ninport ki ofisie ki travay dan lafors disiplinier, me personn pa pou kapav revoke depi so fonksion san konfirmasion depi Komision-la.

[Amandman 5/97]

Lartik 91A Tribinal Apel pou bann Organism Piblik

(1) Pou ena enn Tribinal Apel pou bann Organism Piblik ki, san ki sa fer obstak ek seksion 119, me sou rezerv sou-seksion (3), pou ena ziridiksion pou ekout, ek pran desizyon dan, bann apel ki finn loze par bann ofisie piblik kont bann desizyon final ki finn pran enn Komision ki finn met anplas dan kad sa Konstitision-la, tel ki li finn preskrir, ouswa par ninport ki Komiser ouswa enn lot dimounn ki pe exers bann pouvwar ki Komision-la finn deleg ek li.

(2) Tribinal Apel pou bann Organism Piblik pou kapav ouisi ekout ek pran desizyon dan bann apel ki finn loze kont bann desizyon final bann lezot organism piblik tel ki finn preskrir.

(3) Pa pou ena okenn apel ki pou loze devan Tribinal Apel pou bann Organism Piblik kont ninport ki desizyon ki finn pran par enn Komision ki finn preskrir dan kad sou-seksion (1) ouswa par enn organism piblik ki finn preskrir dan kad sou-seksion (2), kan desizyon-la finn pran apre konsiltasion avek, ouswa avek lakor, ou lor rekomandasion, Premie Minis.

(4) Tribinal Apel pou bann Organism Piblik pou konpoze par sa bann dimounn-la:

- (a) enn Prezidan ki enn avoka ki pe exerse depi omwin 10 an;
- (b) 2 lezot manb ki posed bann kalifikasion ki konform ek seki finn preskrir.

(5) (a) The members of the Public Bodies Appeal Tribunal shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

(b) Where any of the 3 members of the Public Bodies Appeal Tribunal is unable to take part in the proceedings of the Tribunal on account of a direct interest in any appeal before the Tribunal, or of any other reason, another member shall be appointed, on an ad hoc basis, in the manner provided for under paragraph (a), to replace that member in the appeal.

(6) No person shall be appointed under subsection (5) where –

(a) he is a member of the Assembly or a local authority;

(b) he is an office bearer of a political party or other political organisation;

(c) at any time during the 10 years preceding such proposed appointment, he was engaged in politics;

(d) he is a public officer, a local government officer or an employee of a statutory body; or

(e) he is a person who receives, or is entitled to receive, fees or allowances specified in section 112(3).

(7) A member of the Public Bodies Appeal Tribunal shall cease to hold office as such where any circumstances arise that, if he did not hold that office, would cause him to be disqualified for appointment.

(8) Where an appointment lapses or is terminated under subsection (7), no compensation shall or become payable to the holder for loss of office by reason of the lapse or termination of his appointment.

(5) (a) Bann manb Tribinal Apel pou bann Organism Piblik pou nome par Prezidan Repiblik apre konsiltasion avek Premie Minis ek Leader Lopoizion.

(b) Si ninport lekel parmi sa 3 manb Tribinal Apel pou bann Organism Piblik napa an-mezir pou partisip dan bann prosedir Tribinal-la, akoz zot ena enn lintere direk dan enn apel devan Tribinal-la, ouswa pou ninport ki lot rezon, enn lot manb pou bizin nome pou ranplas li dan apel-la, lor enn baz ad hoc, konformeman ek seki finn preskrir dan paragraf (a).

(6) Personn pa pou gagn drwa nome dan kad sou-seksion (5) si:

(a) li enn manb Lasanble ouswa enn otorite lokal;

(b) li enn manb komite exekitif enn parti politik ouswa enn lot organizasion politik;

(c) ninport ki moman pandan sa 10 an ki finn presed propozison pou nomm li, li finn angaz limem dan politik;

(d) li enn ofisie piblik, ouswa ofisie enn otorite lokal ouswa enn anlwaye dan enn organism statiter; ouswa

(e) li enn dimounn ki resevwar, ouswa ki ena drwa resevwar, bann fees ouswa bann alokasion ki finn spesifie dan seksion 112(3).

(7) Enn manb Tribinal Apel pou bann Organism Piblik pou aret exers so bann fonksion dan sa post-la kan enn sikonstans arive, kot, si li pa ti deza dan post-la, li ti pou diskalifie pou okip post-la.

(8) Kan enn manda finn expire ouswa finn revoke dan kad sou-seksion (7), dimounn ki okip pozision-la pa pou gagn okenn konpansasion pou lefet ki li finn perdi so post, an-rezon so dat expirasion ouswa askoz sa revokasion-la.

(9) Notwithstanding any other provision of the Constitution –

(a) proceedings before the Public Bodies Appeal Tribunal shall not be held in public, except where the Tribunal decides otherwise with the agreement of the parties to an appeal;

(b) the Public Bodies Appeal Tribunal shall not be bound to communicate to any other person the contents of any report, document or other material produced by any Commission or public body and, except where necessary for the purpose of making its decision, the Tribunal shall make no reference to the contents thereof in its decision.

(10) A member of the Public Bodies Appeal Tribunal shall hold office for such term and on such conditions as may be determined by the President.

(11) A member of the Public Bodies Appeal Tribunal may be removed from office only for inability to discharge the functions of his office whether arising from infirmity of body or mind, or any other causes, or for misbehaviour and shall not be removed except in accordance with subsections (12) to (14).

(12) A member of the Public Bodies Appeal Tribunal shall be removed from office by the President where the question of his removal from that office has been referred to a tribunal appointed under subsection (13) and the tribunal has recommended to the President that he ought to be removed from office for inability to discharge the functions of his office or for misbehaviour.

(13) Where the President, acting in his own deliberate judgment, considers that the question of removing a member of the Public Bodies Appeal Tribunal ought to be investigated –

(a) the President, acting in his own deliberate judgment, shall appoint a tribunal which shall consist of a Chairperson and not less than 2 other members, being persons who hold or have held

(9) San ki sa fer obstak ek okenn provizion ki ena dan Konstitisyon: –

(a) bann prosedir ki devan Tribinal Apel pou bann Organism Piblik pa pou deroul an piblik, sof si Tribinal-la desid otreman avek lakor bann diferan parti ki angaze dan apel-la;

(b) Tribinal Apel pou bann Organism Piblik pena okenn obligasion pou kominik ek ninport kisann-la konteni ninport ki rapor, dokiman ouswa lezot materyo ki finn prodir par enn Komision ouswa enn organism piblik e, amwin ki li trouv li neserer pou ki li kapav rann so desizyon, Tribinal-la pa pou fer okenn referans ek zot konteni dan so desizyon.

(10) Enn manb Tribinal Apel pou bann Organism Piblik pou exers so bann fonksyon pandan dire, ek dapre kondisyon, ki determine par Prezidan Repiblik.

(11) Enn manb Tribinal Apel pou bann Organism Piblik pou kapav revoke depi so pozisyon inikman si li dan inkapasite pou exers bann fonksyon ki tom sou so responsabilite, ki li akoz enn infirmite fizik ou mantal, ouswa akoz enn lot rezon ou enn move konportman, li pa gagn drwa revoke, sof dan kad ki spesifie ant sou-seksyon (12) ek sou-seksyon (14).

(12) Enn manb Tribinal Apel pou bann Organism Piblik pou revoke depi so bann fonksyon par Prezidan Repiblik kan kestion konsernan so revokasyon finn soumet ek enn tribinal ki finn nome dan kad sou-seksyon (13) e kot tribinal-la finn rekomann ek Prezidan Repiblik ki manb-la bizin revoke depi so bann fonksyon akoz so inkapasite pou exers bann fonksyon ki tom sou so responsablite ouswa akoz enn move konportman.

(13) Kan Prezidan Repiblik, lor baz so prop zizman delibere, estime ki bizin fer enn lanket lor kestion konsernan revokasyon enn manb Tribinal Apel pou bann Organism Piblik: –

(a) Prezidan Repiblik, lor baz so proz zizman delibere, pou bizin nomm enn tribinal ki pou konpoze par enn Prezidan ek omwin 2 lezot manb, ki pou bann dimounn ki pe, ou ki finn, okip bann

<p>office as a Judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or of a court having jurisdiction in appeals from such a court; and</p> <p>(b) that tribunal shall enquire into the matter and report on the facts to the President and recommend to the President whether the member of the Public Bodies Appeal Tribunal ought to be removed under this section.</p> <p>(14) Where the question of removing a member has been referred to a tribunal under subsection (13), the President, acting in his own deliberate judgment, may suspend the member from performing the functions of his office and any such suspension may at any time be revoked by the President, acting in his own deliberate judgment, and shall in any case cease to have effect where the tribunal recommends to the President that the member should not be removed.</p> <p>(15) The offices of the staff of the Public Bodies Appeal Tribunal shall be public offices.</p> <p>(16) There shall be such provision as may be prescribed for such supplementary or ancillary matters as may appear necessary or expedient in consequence of any of the provision of this section.</p> <p>[Added 9/08]</p>	<p>fonksion antan ki enn Ziz dan enn lakour ki ena ziridiksion ilimite dan bann zafer sivil ek penal dan enn parti Commonwealth ouswa devan enn lakour ki ena ziridiksion pou ekout bann apel ki finn loze devan lakour-la; e</p> <p>(b) sa tribinal-la pou fer lanket lor zafer-la ek li pou remet ek Prezidan Repiblik so rapor lor bann fe ki finn pase, ek li pou rekomann ek Prezidan repiblik si manb Tribinal Apel pou bann Organism Piblik la bizin revoke sou sa seksion-la.</p> <p>(14) Kan kestion konsernan revokasion enn manb finn soumet ek enn tribinal dan kad sou-seksion (13), Prezidan Repiblik, lor baz so prop zizman delibere, pou kapav sispann enn manb depi bann fonksion ki tom sou so responsabilite, e enn sispansion parey pou kapav revoke ninport kan par Prezidan Repiblik, ki azir lor baz so prop zizman delibere, e li pou antouka aret ena lefe kan tribinal-la pou rekomann Prezidan Repiblik ki fode pa revok manb-la.</p> <p>(15) Bann post ki okipe par bann manb personel Tribinal Apel, zot bann post piblik.</p> <p>(16) Pou ena, an fonksion seki finn preskrir, bann provizion pou tret bann kestion konplemanter ou akseswar, dan mezir kot zot paret neserer ouswa pertinan kan finn met an aplikasion ninport ki provizion ki ena dan sa seksion-la.</p> <p>[Azoute 9/08]</p>
<p>92 Tenure of office of members of Commissions and the Ombudsman</p> <p>(1) Notwithstanding any provision to the contrary in this Constitution but subject to this section, a person holding an office to which this section applies (referred to in this section as a “Commissioner”) –</p> <p>(a) subject to paragraph (b), shall vacate his office –</p>	<p>Lartik 92. Dire manda bann manb Komision ek Ombudsman</p> <p>(1) San ki sa fer obstak ek okenn provizion ki dir lekotrer dan Konstitision, me sou rezerv sa seksion-la, enn dimounn ki okip enn post ki konserne par sa seksion-la (ki finn dezigne dan sa seksion par term “Komiser”) pou:</p> <p>(a) sou rezerv paragraf (b), bizin kit so bann fonksion: –</p>

<p>(i) at the expiration of 3 years from the date of his appointment; or</p> <p>(ii) where any circumstances arise that, if he did not hold that office, would cause him to be disqualified for appointment;</p> <p>(b) except in the case of the appointed member of the Judicial and Legal Service Commission, may be required to vacate his office at any time after a general election held after the appointment.</p> <p>(1A) Where an appointment is terminated under subsection (1)(b) no compensation shall be payable to the holder for loss of office by reason of the termination of his appointment, other than such compensation as may be prescribed under the Labour Act and he shall not be entitled to any other damages or compensation under any other law whatsoever.</p> <p>(2) A Commissioner may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with this section.</p> <p>(3) A Commissioner shall be removed from office by the President where the question of his removal from that office has been referred to a tribunal appointed under subsection (4) and the tribunal has recommended to the President that he ought to be removed from office for inability as aforesaid or for misbehaviour.</p> <p>(4) Where the President, acting in his own deliberate judgment, considers that the question of removing a Commissioner ought to be investigated –</p> <p>(a) the President, acting in his own deliberate judgment, shall appoint a tribunal which shall consist of a chairman and not less than 2 other members, being persons who hold or have held</p>	<p>(i) kan enn dele 3 an finn expire apartir dat so nominasion; ouswa</p> <p>(ii) kan bann sirkontans finn arrive kot, si li pa ti pe okip sa post-la, ti pou antrenn so diskalifikaison pou sa nominasion-la;</p> <p>(b) sof dan ka manb ki nome depi <i>Judicial and Legal Service Commission</i>, kapav bizin kit so post dan ninport ki moman apre enn eleksion zeneral ki finn ena apre so nominasion.</p> <p>(1A) Kan enn manda termine dan kad aplikasion sou-seksion (1)(b), dimounn ki ti pe okip post-la napa pou gagn okenn konpansasion par lefet ki li finn perdi so post aköz terminasion so manda, andeor konpansasion ki finn deza preskrir dan lalwa travay (<i>Labour Act</i>), e li pa pou gagn okenn lezot dedomazman ouswa konpansasion dan kad ninport ki lalwa.</p> <p>(2) Enn Komiser pou kapav revoke depi so bann fonksion aköz enn inkapasite pou exers bann fonksion ki tom sou so resposabilite (ki inkapasite-la li fizik ou mantal ouswa pou ninport ki lot rezon) ouswa aköz enn move konportman e li pa pou kapav revoke depi so bann fonksion, sof an-akor avek sa seksion-la.</p> <p>(3) Enn Komiser pou kapav revoke depi so bann fonksion par Prezidan Repiblik kan kestion konsernan so revokasion finn soumet ek enn tribinal dan kad aplikasion sou-seksion (4) e ki tribinal-la finn rekomann Prezidan Repiblik ki li bizin revoke depi so bann fonksion aköz enn inkapasite, kouma finn manson pli lao, ouswa aköz enn move konportman.</p> <p>(4) Kan Prezidan Repiblik, lor baz so prop zizman delibere, estime ki kestion konsernan revokasion enn Komiser bizin pas per enn lanket: –</p> <p>(a) Prezidan Repiblik, lor baz so prop zizman delibere, pou nomm enn tribinal ki pou konpoze par enn prezidan ek omwin 2 lezot manb, ki pou bann dimounn ki pe okip ouswa ki finn okip bann fonksion Ziz dan enn lakour ki ena ziridiksion ilimite dan bann</p>
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office as a Judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or of a court having jurisdiction in appeals from such a court; and

(b) that tribunal shall enquire into the matter and report on the facts to the President and recommend to the President whether the Commissioner ought to be removed under this section.

(5) Where the question of removing a Commissioner has been referred to a tribunal under this section, the President, acting in his own deliberate judgment, may suspend the Commissioner from performing the functions of his office and any such suspension may at any time be revoked by the President, acting in his own deliberate judgment, and shall in any case cease to have effect if the tribunal recommends to the President that the Commissioner should not be removed.

(6) The offices to which this section applies are those of appointed member of the Judicial and Legal Service Commission, Chairman or Commissioner of the Public Service Commission and Commissioner of the Disciplined Forces Service Commission:

Provided that, in its application to the appointed member of the Judicial and Legal Service Commission, subsection (4) shall have effect as if for the words "acting in his own deliberate judgment there were substituted the words "acting in accordance with the advice of the Chief Justice".

(7) This section shall apply to the office of Ombudsman as it applies to a person specified in subsection (6):

Provided that subsection (1) shall have effect as if the words "4 years" were substituted for the words "3 years".

[Amended 2/82; 48/91; 5/97]

zafer sivil ek penal dan enn parti Commonwealth ouswa devan enn tribinal ki ena ziridiksion pou ekout bann apel ki finn loze devan enn tel tribinal; ek

(b) sa tribinal-la pou fer lanket lor zafer-la ek li pou soumet ek Prezidan Repiblik enn rapor lor bann fe ki finn deroule ek li pou rekomande si Komiser-la bizin revoke ouswa non dan kad sa seksion-la.

(5) Kan enn kestion konsernan revokasion enn Komiser finn refere ek enn tribinal dan kad sa lartik-la, Prezidan Repiblik, lor baz so prop zizman delibere, pou kapav sispann Komiser-la depi so bann fonksion, e sa sispansion-la pou kapav revoke ninport kan par Prezidan Repiblik, lor baz so prop zizman delibere, e li pou, dan ninport ki ka, aret ena lefe si tribinal-la rekomann Prezidan Repiblik pou pa revok Komiser-la.

(6) Bann fonksion ki konserne par sa lartik-la, se bann fonksion ki tom sou responsabilite manb nome depi *Judicial and Legal Service Commission*, Prezidan ouswa Komiser *Public Service Commission* ek *Disciplined Forces Service Commission*:

Lor kondision ki, konsernan manb ki nome depi *Judicial and Legal Service Commission*, sou-seksion (4) pou ena lefe koumadir bann mo "lor baz so prop zizman delibere" finn ranplase par "konformeman ek rekomandasion Sef-Ziz".

(7) Sa lartik-la li konsern post Ombudsman, tel ki li aplike ek enn dimounn ki koresponn ek seki finn spesifie dan sou-seksion (6):

Lor kondision ki sou-sesksion (1) pou ena lefe koumadir bann mo "4 an" finn ranplase bann mo "3 an"

[Amandman 2/82; 48/91; 5/97]

Article 93 Removal of certain officers

(1) Subject to this section, a person holding an office to which this section applies shall vacate that office on attaining the retiring age.

(2) Any such person may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with this section.

(3) Any such person shall be removed from office by the President if the question of his removal from that office has been referred to a tribunal appointed under subsection (4) and the tribunal has recommended to the President that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(4) Where the appropriate Commission considers that the question of removing any such person ought to be investigated –

(a) the President, acting in his own deliberate judgment, shall appoint a tribunal which shall consist of a chairman and not less than 2 other members, being persons who hold or have held office as a Judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; and

(b) that tribunal shall enquire into the matter and report on the facts to the President and recommend to the President whether he ought to be removed under this section.

(5) Where the question of removing any such person has been referred to a tribunal under this section, the President, acting in his own deliberate judgment, may suspend him from performing the functions of his office and any such suspension may at any time be revoked by the President, acting in his own deliberate judgment, and shall in any case

Lartik 93. Revokasion sertin ofisie

(1). Sou rezerv bann provizion ki ena dan sa lartik-la, enn dimounn ki pe okip enn fonksion ki konserne par sa seksion-la, pou bizin liber so post kan li gagn laz retret.

(2). Enn dimounn ki dan sa sitiasion-la pou kapav revoke depi so post inikman si li dan inkapasite pou exers so bann fonksion (ki li pou enn inkapasite fizik, mantal ouswa pou ninport ki lot rezon) ouswa pou enn move konportman e li pou kapav revoke inikman si revokasion-la, li an konformite avek sa seksion-la.

(3). Enn dimounn ki dan sa sitiasion-la pou kapav revoke depi so post par Prezidan Repiblik si kestion lor so revokasion finn refere ek enn tribinal ki finn nome an konformite ek sou-seksion 4 sa lartik-la e ki tribinal-la finn rekomann Prezidan Repiblik ki bizin revok li lor baz so inkapasite ouswa enn move konportman.

4. Kan Komision apropriye finn estime ki kestion lor revokasion enn dimounn ki konserne par sa lartik-la bizin fer lobze enn lanket –

(a) Prezidan Repiblik, lor baz so prop zizman delibere, pou nomm enn tribinal ki pou konpoze ek enn prezidan ek omwin 2 lezot dimounn ki pe exers ou ki finn exers fonksion enn Ziz dan enn lakour ki ena ziridiksion ilimite dan bann zafer sivil ou penal dan enn parti Commonwealth ouswa dan enn lakour ki ena ziridiksion apel kont bann desizion ki sorti depi sa tip lakour-la;

b) sa tribinal-la pou fer enn lanket e li pou soumet enn rapor Prezidan Repiblik lor bann fe ki finn arive ek pou rekomann Prezidan Repiblik si bizin revok dimounn ki okip post-la dapre sa seksion-la.

(5). Kan kestion konsernan revokasion enn dimounn ki dan sa sitiasion-la finn refere ek enn tribinal, konformeman ek sa seksion-la, Prezidan Repiblik, lor baz so prop zizman delibere, pou kapav sispans sa dimounn-la depi so bann fonksion, e ninport ki sispansion ki tom dan sa kategori-la pou kapav, ninport ki moman, revoke par Prezidan Repiblik,

<p>cease to have effect if the tribunal recommends to the President that he should not be removed.</p> <p>(6) The offices to which this section applies are those of Electoral Commissioner, Director of Public Prosecutions, Commissioner of Police and Director of Audit.</p> <p>[Amendé, lois n° 31 de 2000 et 33 de 2001.]</p> <p>(7) In this section “the appropriate Commission” means –</p> <p>(a) in relation to a person holding the office of Electoral Commissioner or Director of Public Prosecutions, the Judicial and Legal Service Commission;</p> <p>(b) in relation to a person holding the office of Commissioner of Police, the Disciplined Forces Service Commission;</p> <p>(c) in relation to a person holding the office of Director of Audit, the Public Service Commission.</p> <p>(8) The retiring age for holders of the offices mentioned in subsection (6) shall be 60 or such other age as may be prescribed:</p> <p>Provided that a provision of any law, to the extent that it alters the age at which persons holding such offices shall vacate their offices, shall not have effect in relation to any such person after his appointment unless he consents to its having effect.</p> <p>[Amended 48/91; 5/97; 31/00; 33/01]</p>	<p>ki pou azir lor baz so pro zizman delibere, e li pou, dan ninport ki ka, nepli ena lefe si tribinal-la rekomann Prezidan Repiblik pou pa revok dimounn-la.</p> <p>6. Bann fonksion ki konserne par sa seskion-la, se bann fonksion Komiser Elektoral, Direkter Pourswit Piblik, Komiser Lapolis ek Direkter Lodit.</p> <p>[Amandman 31/00; 33/01.]</p> <p>(7). Dan sa seksion-la, expresion “Komision aproprye” vedir:</p> <p>(a) ki an lien ek dimounn ki okip post Komiser Elektoral ouswa Direkter Pourswit Piblik, <i>Judicial and Legal Service Commission</i>;</p> <p>(b) ki an lien ek dimounn ki okip post Komiser Lapolis, <i>Disciplined Forces Service Commission</i>;</p> <p>(c) Ki an lien ek dimounn ki okip post Direkter Lodit, <i>Public Service Commission</i>.</p> <p>(8). Laz retret bann dimounn ki okip bann fonksion ki mansione dan sou-seksion (6) pou 60 an oubien ninport ki laz ki finn preskrir:</p> <p>Lor kondision etabli ki okenn provizion dan okenn lalwa, dan limit kot li kapav modifie laz retret bann dimounn ki okip sa bann post-la, pa pou aplikab lor enn dimounn apre ki li finn nome, amwin ki dimounn-la donn so konsantman pou ki provizion-la ena lefe.</p> <p>[Amandman 48/91; 5/97; 31/00; 33/01.]</p>
<p>Article 94 Pension laws and protection of pension rights</p> <p>(1) The law to be applied with respect to any pension benefits that were granted to any person before 12 March 1968 shall be the law that was in force at the date on which those benefits were granted or any law in force at a later date that is not less favourable to that person.</p>	<p>Lartik 94. Lalwa pansion ek proteksion drwa pansion</p> <p>(1) Lalwa ki pou aplike lor ninport ki alokasion pansion ki enn dimounn ti pe gagne avan le 12 Mars 1968, li pou lalwa ki ti anviger dat kot bann alokasion-la ti verse, ouswa ninport ki lalwa ki finn vinn anviger apre, lor kondision ki li pa mwinn favorab pou dimounn-la.</p>

<p>(2) The law to be applied with respect to any pension benefits (not being benefits to which subsection (1) applies) shall –</p> <p>(a) in so far as those benefits are wholly or partly in respect of a period of service as a public officer that commenced before 12 March 1968, be the law that was in force immediately before that date; and</p> <p>(b) in so far as those benefits are wholly or partly in respect of a period of service as a public officer that commenced after 11 March 1968, be the law in force on the date on which that period of service commenced, or any law in force at a later date that is not less favourable to that person.</p> <p>(3) Where a person is entitled to exercise an option as to which of 2 or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.</p> <p>(4) All pensions benefits (except so far as they are a charge on some other fund and have been duly paid out of that fund to the person or authority to whom payment is due) shall be a charge on the Consolidated Fund.</p> <p>(5) In this section, “pensions benefits” means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers or for the widows, children, dependants or personal representatives of such persons in respect of such service.</p> <p>(6) References in this section to the law with respect to pensions benefits include (without prejudice to their generality) references to the law regulating the circumstances in which such benefits may be granted or in which the grant of such benefits may be refused, the law regulating the circumstances in which any such benefits that have been granted may be withheld, reduced in amount or suspended and the law regulating the amount of any such benefits.’</p>	<p>(2). Lalwa ki pou aplike lor ninport ki alokasion pansion (apart bann pansion ki konserne par sou-seksion (1)) li pou:</p> <p>(a) dan limit kot bann alokasion-la, zot an lien, an totalite ou an parti, avek tan-servis enn ofisie piblik, ki finn koumans travay avan le 12 Mars 1968, lalwa ki ti anviger zis avan sa dat-la;</p> <p>(b) dan limit kot bann alokasion-la, zot an lien, an totalite ou an parti, avek tan-servis enn ofisie piblik, ki finn koumans travay apre le 11 Mars 1968, lalwa ki ti anviger dat kot sa tan-servis-la ti koumanse, ouswa ninport ki lot lalwa ki finn vinn anviger apre, e ki pa mwinn favorab pou dimounn-la.</p> <p>(3). Kan enn dimounn an-drwa fer enn swa ant 2 ouswa plizier lalwa ki aplikab dan so ka, lalwa ki li pou swazir dan kad sa seksion-la, pou konsidere kouma lalwa ki pli favorab pou li.</p> <p>(4) Tou bann alokasion pansion (sof dan limit kot zot sorti depi bann lezot fon e ki zot finn peye depi sa bann fon-la ek dimounn ouswa lotorite ki bizin gagn zot) pou lor sarz <i>Consolidated Fund</i>.</p> <p>(5). Dan sa seksion-la, “alokasion pansion” konpran tou bann pansion, konpansasion, gratifikasion ouswa lezot alokasion ki tom dan mem kategori e ki bizin pey sartin dimounn pou servis ki zot finn ofer antan ki ofisie piblik ouswa bann vev, bann zanfan, bann dimounn depandan ouswa bann reprezantan sa bann dimounn-la.</p> <p>(6). Dan kad sa seksion-la, ninport ki referans ki fer ek bann alokasion pansion, inklir (san ki sa port prezidis lor zot porte zeneral) bann referans ek, premierman, lalwa ki determinn bann sirkonstans kot sa bann alokasion-la kapav akorde ouswa refize, ek, deziemman, lalwa ki determinn bann sirkonstans kot bann alokasion ki finn deza akorde, kapav swa siprime, swa diminie, swa sispann, ek trwaziemman, lalwa ki determinn montan sa bann alokasion-la.</p>
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Article 95 Power of Commissions in relation to pensions

- (1) Where under any law any person or authority has a discretion –
- (a) to decide whether or not any pensions benefits shall be granted; or
 - (b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the appropriate Commission concurs in the refusal to grant the benefits or, as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

(2) Where the amount of any pensions benefits that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him shall be the greatest amount for which he is eligible unless the appropriate Commission concurs in his being granted benefits of a smaller amount.

(3) The appropriate Commission shall not concur under subsection (1) or (2) in action taken on the ground that any person who holds or has held the office of Electoral Commissioner, Director of Public Prosecutions, Judge of the Supreme Court, Commissioner of Police, Ombudsman or Director of Audit has been guilty of misbehaviour unless he has been removed from office by reason of such misbehaviour.

- (4) In this section, “the appropriate Commission” means –
- (a) in the case of benefits for which any person may be eligible in respect of the service in the public service of a person who, immediately before he ceased to be a public officer, was subject to the disciplinary control of the Judicial and Legal Service Commission or that have been granted in respect of such service, the Judicial and Legal Service Commission;

Lartik 95 Pouvwar bann Komision konsernan pansion

(1) Kan, dan kad ninport ki lalwa, enn dimounn ouswa enn otorite ena enn pouvwar diskresioner -:

- (a) pou deside si bizin donn alokasion pansion ouswa non; oubien
- (b) pou aret done, pou diminie montan ouswa pou sispann bann lavantaz ki finn done,

sa bann alokasion-la pou bizin verse, e pa pou gagn drwa refiz peye, diminie zot montan ouswa sispann peyman, amwin ki Komision apropiye dakor pou pa donn pansion ouswa, depandan lor ka, pou diminie zot montan ouswa pou sispann zot peyman.

(2) Kan montan ninport ki pansion ki bizin donn enn dimounn napa fixe par lalwa, montan ki pou done pou bizin koresponn ek montan pli elve ki dimounn-la ena drwa gagne, amwin ki Komision apropiye dakor ki bizin donn li enn montan inferyer.

(3) Dan kad sou-seksion (1) ouswa sou-seksion (2), Komision apropiye pa pou gagn drwa aksepté enn desizion ki pran lor motif ki enn dimounn ki pe okip ou ki finn okip bann fonksion Komision Elektoral, Direkter Pourswit Piblik, Ziz Lakour Siprem, Komiser Lapolis, Ombudsman ouswa Direkter Lodit, finn deklare koupab pou move kondwit, amwin ki li finn revoke depi so bann fonksion aköz sa move kondwit-la.

- (4) Dan sa sou-seksion-la, “Komision apropiye” vedit:
- (a) *Judicial and Legal Service Commission*, dan ka bann alokasion ki ninport ki dimounn ena drwa gagne lor baz servis ki finn ranpli dan fonksion piblik par enn dimounn ki, zis avan ki li ti aret exerse antan ki enn ofisie piblik, ti soumet lor kontrol disipliner *Judicial and Legal Service Commission* ouswa pansion ki li finn gagne lor baz sa servis-la;

(b) in the case of benefits for which any person may be eligible in respect of the service in the public service of a person who, immediately before he ceased to be a public officer, was a member of a disciplined force, the Disciplined Forces Service Commission; and

(c) in any other case, the Public Service Commission.

(5) Any person who is entitled to the payment of any pensions benefits and who is ordinarily resident outside Mauritius may, within a reasonable time after he has received that payment, remit the whole of it (free from any deduction, charge or tax made or levied in respect of its remission) to any country of his choice outside Mauritius:

Provided that nothing in this subsection shall be construed as preventing—

(a) the attachment, by order of a court, of any payment or part of any payment to which a person is entitled in satisfaction of the judgment of a court or pending the determination of civil proceedings to which he is a party to the extent to which such attachment is permitted by the law with respect to pensions benefits that applies in the case of that person; or

(b) the imposition of reasonable restrictions as to the manner in which any payment is to be remitted.

(6) In this section, “pensions benefits” means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers or for the widows, children, dependants or personal representatives of such persons in respect of such service.

[Amended 5/97]

(b) *Disciplined Forces Service Commission*, dan ka bann alokasion ki ninport ki dimounn ena drwa gagne lor baz servis ki finn ranpli dan fonksion piblik par enn dimounn ki, zis avan ki li ti aret exerse antan ki enn ofisie piblik, ti enn manb Lafors Disipliner; ek

(c) *Public Service Commission* dan tou lezot ka.

(5) Enn dimounn ki ena drwa gagn enn alokasion pansion alor ki li res normalman andeor Moris kapav, dan enn dele rezonab apre ki li finn gagn so kas, vers totalite sa som-la (ki pou exanpte depi ninport ki dedikasion, sarz ouswa tax ki kapav inpoze dan kad sa versman-la) an direksion ninport ki pei ki li anvi, andeor Moris:

Lor kondision etabli ki nanye dan sa sou-seksion-la pa pou interprete koumadir li pe anpes:

(a) lefet ki kapav sezi, apartir lord enn lakour, ninport ki peyman ou parti enn peyman ki enn dimounn ena drwa gagne parski li finn satisfere zizman enn lakour, ouswa, an-atandan regleman enn prosedir sivil kot li angaze antan ki enn parti, dan limit kot sa sezi-la otorize par lalwa dan kad bann alokasion pansion ki aplike dan ka sa dimounn-la; ouswa

(b) lefet ki kapav inpoz bann restriksion rezonab konsernan fason pou fer sa versman-la.

(6) Dan sa seksion-la, “alokasion pansion” vedir ninport ki pansion, konpansasion, gratifikasion ouswa lezot alokasion ki tom dan mem kategori e ki bann dimounn ena drwa gagne lor baz zot tan-servis antan ki ofisie piblik ouswa antan ki vev, zanfan, enn dimounn ki depandan ouswa ki reprezantan sa bann dimounn-la par rapor ek sa bann servis-la.

[Amandman 5/97]