

PROPOSED AMENDMENTS TO THE NATIONAL CRIME AGENCY BILL 2026

Volume I - Clause-by-Clause Comparative Text and Legislative Rationale

PHASE IV — CLAUSES 60 TO 85 AND SCHEDULE

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Purpose	Phase IV technical submission for parliamentary scrutiny and consideration
Source text	The National Crime Agency Bill 2026 as circulated
Date	27 September 2026
Submitted to	Leader of the Opposition
Copy to	Opposition Whip
Scope	Clauses 60–85 and Schedule: flagging/data governance, inter-agency coordination, finance, confidentiality, repeal, transition and commencement

This Phase IV completes the clause-by-clause proposed amendments to the principal National Crime Agency Bill 2026. It covers clauses 60–85 and the Schedule, including the National Flagging Database, operational collaboration and inter-agency coordination, declarations of assets, funds and audit, confidentiality and disclosure offences, statutory liability, regulation-making, repeal, transfer of FCC and Interim Agency staff, savings and transitional provisions, commencement, and the oath of confidentiality. A separate phase will address the 20-clause National Crime (Interim) Agency Bill 2026.

Drafting Key and Method

BLACK	Government text retained or reproduced for comparison.
~~RED STRIKETHROUGH~~	Government wording proposed for deletion or replacement.
BLUE BOLD	New or replacement legislative wording proposed.
BLUE SHADED RATIONALE	Reason for the amendment, including independence, accountability, due-process, privacy, proportionality or drafting considerations.

The Government Bill remains the baseline text. Clauses are classified as RETAIN, AMEND or REWRITE / INSERT. Deletions from the circulated text are shown in red strikethrough, proposed insertions in blue bold, and each substantive change is accompanied by a concise legislative rationale.

Legal reference points used in this Phase include relevant provisions of the Constitution of Mauritius; the Data Protection Act 2017; the Declaration of Assets Act; the Statutory Bodies (Accounts and Audit) Act; the Public Officers' Protection Act; the Interpretation and General Clauses Act; and the constitutional role of the Director of Public Prosecutions. These reference points guide the proposed safeguards and transitional drafting but do not replace final reconciliation by Parliamentary Counsel with all related enactments and any Bills enacted as part of the same legislative package.

Clauses 60-75: Amendment Matrix

Cl.	Subject	Status	Principal issue
60	National Flagging Database	REWRITE	Limit purpose, entry threshold, data fields, retention and use; prohibit open-ended monitoring.
61	Markers	REWRITE	Written reasons, time-limited covert markers, periodic review and delayed notice safeguards.
62	Searches of register	AMEND	Role-based access, purpose limitation, audit logging and prohibition on curiosity searches.
63	Audit and review	REWRITE	Independent audit, periodic review, correction/deletion, breach reporting and aggregate transparency.
64	Operational Protocol	AMEND	Protocol cannot confer powers, override statutory independence or bypass data-protection duties.
65	Inter-Agency Coordination Board	AMEND	Preserve institutional independence, confidentiality,

Cl.	Subject	Status	Principal issue
			conflicts rules and case-specific limits.
66	Coordination in investigations	REWRITE	Strategic coordination without directing individual investigations or prosecutions.
67	Declarations by NCA officers	AMEND	Annual confirmation, material-change reporting, verification, confidentiality and consistent definitions.
68	Internal Affairs declarations	AMEND	Independent handling and conflict safeguards for officers who police integrity inside the NCA.
69	General Fund	AMEND	Ring-fence public funds, statutory purpose and auditable expenditure.
70	Recovered Assets Fund	REWRITE	Avoid institutional self-financing incentives; independent custody and rule-based disbursement.
71	Accounts and virtual asset wallet	AMEND	Treasury controls, segregation, key management, no speculative use and full audit trail.
72	Estimates	REWRITE	Align deadline and process with the Statutory Bodies (Accounts and Audit) Act and protect operational independence.
73	Annual report	AMEND	Fixed reporting content, timely laying, publication and aggregate accountability data.
74	Audit report	AMEND	Retain Director of Audit and remove unnecessary first-year reporting exemption.
75	Exemptions	AMEND	Limit exemptions to the NCA itself and preserve third-party, AML, accounting and reporting obligations.

CLAUSE 60 — SETTING UP AND PURPOSE OF NATIONAL FLAGGING DATABASE

STATUS	REWRITE	Purpose limitation, threshold, data minimisation and non-evidential status
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Government text

60. Setting up of National Flagging Database

(1) The Director-General shall set up and maintain a National Flagging Database, which shall be in electronic format, with a view to -

- (a) promoting operational coordination and efficiency and avoiding duplicity in investigations between the NCA and the Police; and
- (b) identifying and monitoring entities of interest.

(2) Notwithstanding any other enactment, the National Flagging Database shall include a register of entities of interest and such other information as may be reasonably required.

(3) Where the NCA or the Police Force considers that a crime, which has been, is being, or is likely to be, committed relates to a financial crime, a cybercrime or other complex, serious and organised crime, or any other crime, it shall conduct a search on the register and, if required, make an entry therein.

(4) An entry under subsection (3) shall be supported by a justification and shall state whether it relates to a new investigation, a new entity of interest or such other matter as the Director-General may require.

(5) Where a new entity comes to notice during the course of an investigation, the NCA or the Police shall immediately check the register for that entity, and where no marker exists, the NCA or the Police, as the case may be, shall create a new entry.

(6) An entity of interest under this section includes any person, arrangement, property, premises, vehicle or such other thing as the Director-General may determine.

Proposed amendment

~~60. Setting up of National Flagging Database~~

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~~(a) promoting operational coordination and efficiency and avoiding duplicity in investigations between the NCA and the Police; and~~
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~~(2) Notwithstanding any other enactment, the National Flagging Database shall include a register of entities of interest and such other information as may be reasonably required:~~

~~(3) Where the NCA or the Police Force considers that a crime, which has been, is being, or is likely to be, committed relates to a financial crime, a cybercrime or other complex, serious and organised crime, or any other crime, it shall conduct a search on the register and, if required, make an entry therein.~~

~~(4) An entry under subsection (3) shall be supported by a justification and shall state whether it relates to a new investigation, a new entity of interest or such other matter as the Director-General may require.~~

~~(5) Where a new entity comes to notice during the course of an investigation, the NCA or the Police shall immediately check the register for that entity, and where no marker exists, the NCA or the Police, as the case may be, shall create a new entry.~~

~~(6) An entity of interest under this section includes any person, arrangement, property, premises, vehicle or such other thing as the Director-General may determine.~~

60. Setting up and purpose of National Flagging Database

(1) The Director-General shall establish and maintain, in secure electronic form, a National Flagging Database for the limited purposes of -

- (a) avoiding duplication or conflict between lawful investigations conducted by the NCA and the Police;
- (b) enabling authorised officers to identify whether a specified entity is already connected with a current investigation or intelligence assessment falling within the lawful functions of the NCA or the Police; and
- (c) facilitating lawful operational coordination under section 64.

(2) An entry may be created only where an authorised officer has reasonable grounds, recorded in writing, to believe that the entity is materially relevant to -

- (a) a specified current investigation; or
- (b) a specified intelligence assessment concerning a financial crime, cybercrime or other complex, serious and organised crime within the jurisdiction of the NCA.

(3) No person shall be entered in the Database solely by reason of that person's lawful political opinion, lawful association, occupation, journalistic activity, legal representation, whistleblowing, complaint against a public authority or exercise of a constitutional right, unless the activity itself forms part of conduct reasonably suspected to constitute an offence.

(4) Every entry shall identify -

- (a) the legal and operational basis for the entry;
- (b) the investigation or intelligence reference;
- (c) the officer and agency responsible for the entry;
- (d) the date of entry and the date on which it must be reviewed;
- (e) whether the marker is overt or covert;
- (f) the source and assessed reliability of material information, so far as practicable; and
- (g) the minimum information necessary to identify the entity and coordinate the investigation.

(5) The Database shall not contain information merely because it may be convenient or potentially useful. Personal data shall be adequate, relevant and limited to what is necessary for the purpose for which the entry is made.

(6) No automated risk score, predictive profile or bulk import of personal data shall be used to create or maintain an entry unless expressly authorised by law and subject to a documented data-protection and human-rights impact assessment and independent oversight.

(7) An entry or marker is an operational coordination tool and shall not, by itself, constitute evidence of guilt or sufficient ground for arrest, search, seizure, interception or any other coercive measure.

(8) Access to the Database shall be restricted by role, authenticated, logged and protected by appropriate technical and organisational security measures.

(9) The Database shall be operated in accordance with the Data Protection Act and any other enactment governing the lawful processing, retention, disclosure and security of personal data.

Rationale

The circulated clause gives the Database a very broad purpose of identifying and monitoring "entities of interest", allows "such other information as may be reasonably required", extends searching to "any other crime" and permits the Director-General to determine further categories. A flagging system can be useful for deconfliction, but its legal purpose and entry threshold should be narrow and auditable. The amendment therefore limits the Database to coordination, requires recorded reasonable grounds, applies data-minimisation safeguards and makes clear that a marker is not evidence of guilt or an independent basis for coercive action. Section 44 of the Data Protection Act permits criminal-investigation exceptions only where they are necessary and proportionate in a democratic society.

CLAUSE 61 — MARKERS

STATUS	REWRITE	Time-limited covert markers and recorded necessity
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Government text

61. Markers

- (1) Each entry in the register shall be flagged with either an overt marker or a covert marker.
- (2) In relation to an overt marker, a person making an entry in the register shall be notified that such a marker exists, and shall be provided with the contact details of the NCA officer or Police officer that placed the marker.
- (3) In relation to a covert marker, a person checking the register shall not be informed that a marker exists and the NCA officer or Police officer that placed the marker shall be notified that there has been an entry on the register.
- (4) A covert marker may only be placed with the written authorisation of -
 - (a) the Director-General or Deputy Director-General; or
 - (b) the Deputy Commissioner of Police or such senior officer of the Police as the Commissioner of Police may authorise.

Proposed amendment

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~~(2) In relation to an overt marker, a person making an entry in the register shall be notified that such a marker exists, and shall be provided with the contact details of the NCA officer or Police officer that placed the marker.~~
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~~(a) the Director-General or Deputy Director-General; or~~
~~(b) the Deputy Commissioner of Police or such senior officer of the Police as the Commissioner of Police may authorise.~~

61. Overt and covert markers

- (1) Each entry shall carry either an overt marker or a covert marker.
- (2) An overt marker shall identify the agency and authorised contact point responsible for the marker and shall permit authorised users to coordinate directly with that contact point.
- (3) A covert marker may be used only where disclosure of the existence of the marker would create a real and identifiable risk of -
- (a) prejudice to an investigation or prosecution;
 - (b) destruction, concealment or alteration of evidence;
 - (c) flight, intimidation or harm to a person; or
 - (d) serious compromise of a lawful covert technique.
- (4) A covert marker shall require prior written authorisation, with reasons, by -
- (a) the Director-General or Deputy Director-General, in the case of an NCA marker; or
 - (b) the Deputy Commissioner of Police or another senior officer expressly authorised in writing by the Commissioner of Police, in the case of a Police marker.
- (5) A covert marker shall expire after 90 days unless renewed in writing on fresh grounds. Each renewal shall record why continued concealment remains necessary and proportionate.
- (6) A person conducting an ordinary search of the Database shall not be shown the existence or content of a covert marker unless that person is specifically authorised to receive it. The responsible contact officer shall instead be alerted to the search.
- (7) When the reason for covert status ceases, the marker shall be converted to an overt marker, closed or deleted as appropriate. Where notification to an affected person is required by law, it shall be given without unreasonable delay, subject to any lawful postponement authorised by a Court.
- (8) Nothing in this section limits any right of access, correction, complaint or judicial remedy available under the Constitution, the Data Protection Act or any other enactment, subject to lawful restrictions necessary to protect an ongoing investigation.

Rationale

The circulated clause permits covert markers but contains no expiry, periodic review or express necessity test. The amendment preserves covert coordination where operationally necessary while requiring written reasons, a defined risk, 90-day review cycles and controlled disclosure. It also links any eventual notification or challenge to existing law rather than creating an absolute right that could compromise an active investigation.

CLAUSE 62 — SEARCHES OF REGISTER

STATUS	AMEND	Authorised access and auditable purpose limitation

Government text

62. Searches of register

- (1) Every search of the register shall be logged and supported by a written justification.
- (2) A search shall only be conducted in relation to a new investigation or a new entity of interest.

Proposed amendment

~~62. Searches of register~~

- ~~(1) Every search of the register shall be logged and supported by a written justification.~~
- ~~(2) A search shall only be conducted in relation to a new investigation or a new entity of interest.~~

62. Searches of register

- (1) A search of the Database may be conducted only by an officer specifically authorised for that purpose and only where the search is necessary for a lawful investigation, intelligence assessment, deconfliction check or other purpose expressly permitted by this Act.
- (2) Every search shall be automatically logged and shall record -
 - (a) the identity and agency of the officer;
 - (b) the date and time;
 - (c) the investigation, intelligence or operational reference;
 - (d) the search terms used; and
 - (e) the written justification for the search.
- (3) No person shall access or search the Database for personal curiosity, political, commercial or private advantage, or for any purpose unrelated to official duties.
- (4) Search logs shall be tamper-evident, retained for audit and made available to the persons or bodies lawfully responsible for oversight under section 63.

Rationale

The circulated clause already requires logging and written justification, which should be retained. The amendment adds role-based authorisation, specifies legitimate purposes, prohibits non-official searches and requires tamper-evident logs. These controls are particularly important because a covert-marker database may itself reveal highly sensitive investigative information even where the underlying marker is not disclosed to the searching officer.

CLAUSE 63 — AUDIT, REVIEW, CORRECTION AND RETENTION

STATUS	REWRITE	Independent oversight, retention controls and aggregate transparency
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Government text

63. Audit and review of entries and searches

- (1) The Director-General shall ensure that all entries and searches are subject to audit and review.
- (2) An annual report on the use of overt and covert markers shall be submitted to the Independent Advisory Panel.

Proposed amendment

~~63. Audit and review of entries and searches~~

~~(1) The Director-General shall ensure that all entries and searches are subject to audit and review.~~

~~(2) An annual report on the use of overt and covert markers shall be submitted to the Independent Advisory Panel.~~

63. Audit, review, correction and retention

(1) Every entry, marker and search shall be subject to regular internal audit and to independent oversight.

(2) Each active entry shall be reviewed at intervals not exceeding 6 months. On review, the responsible officer shall record whether the entry remains necessary, accurate and proportionate and whether it should be retained, corrected, converted, restricted, closed or deleted.

(3) An entry shall not remain active merely because an investigation once existed. Where the legal or operational basis no longer exists, the entry shall be deleted or, where preservation is required for evidential, audit or legal purposes, moved to a restricted archive inaccessible to ordinary operational searches.

(4) The Director-General shall ensure at least annual independent audit of -

(a) a representative sample of entries and covert-marker authorisations;

(b) searches and attempted unauthorised access;

(c) compliance with review and retention periods;

(d) security controls, data breaches and remedial action; and

(e) compliance with the Data Protection Act and this Act.

(5) The independent audit report shall be submitted to the Independent Advisory Panel. Any matter falling within the statutory jurisdiction of the Data Protection Commissioner, Director of Audit, Police or another competent authority shall be referred or made available to that authority as required by law.

(6) The NCA shall publish annually, without identifying any person or compromising an investigation, aggregate information on -

(a) the number of active overt and covert markers;

(b) the number created, renewed, converted, closed and deleted;

(c) the number of searches;

(d) the number of substantiated unauthorised-access incidents; and

(e) remedial measures taken.

(7) A person who becomes aware of an inaccurate overt entry concerning him may request correction through the responsible agency. This subsection does not require disclosure of information lawfully withheld for the protection of an ongoing investigation or another person.

Rationale

The circulated clause leaves audit and review entirely to the Director-General and requires only an annual report to the Independent Advisory Panel. The amendment introduces regular review of each active entry, independent auditing, correction and deletion principles, restricted archiving and aggregate public reporting. It preserves operational secrecy while reducing the risk that inaccurate or obsolete markers become permanent intelligence records.

CLAUSE 64 — ESTABLISHMENT OF OPERATIONAL PROTOCOL

STATUS	AMEND	Operational coordination without conferring extra-statutory powers
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Government text

64. Establishment of Operational Protocol

(1) The NCA shall enter into an Operational Protocol with the Police and other investigative bodies governing the effective

exercise of their respective responsibilities and establishing mechanisms for operational collaboration in the exercise of those responsibilities.

- (2) The mechanisms for operational collaboration to be established pursuant to subsection (1) shall include, but not limited to -
- (a) the process by which investigations and matters impacting investigations are to be communicated, discussed and resolved;
 - (b) scope of work, investigations, arrest, seizure and recovery;
 - (c) strategic and operational structure;
 - (d) prioritisation, flagging process, sharing of information and intelligence;
 - (e) resource sharing and operational support of equipment, materials, techniques and infrastructure;
 - (f) handling of sensitive material and intelligence;
 - (g) handling of persons and items on the register of entity of interest;
 - (h) handling of complaints;
 - (i) operational mechanism for joint and parallel investigations;
 - (j) operation mechanism for handing over in relation to matters taken over or referred; and
 - (k) any other matter which is connected or related to an investigation into a financial crime, a cybercrime and other complex, serious and organised crime.

Proposed amendment

~~64. Establishment of Operational Protocol~~

~~(1) The NCA shall enter into an Operational Protocol with the Police and other investigative bodies governing the effective exercise of their respective responsibilities and establishing mechanisms for operational collaboration in the exercise of those responsibilities.~~

~~(2) The mechanisms for operational collaboration to be established pursuant to subsection (1) shall include, but not limited to -~~

- ~~(a) the process by which investigations and matters impacting investigations are to be communicated, discussed and resolved;~~
- ~~(b) scope of work, investigations, arrest, seizure and recovery;~~
- ~~(c) strategic and operational structure;~~
- ~~(d) prioritisation, flagging process, sharing of information and intelligence;~~
- ~~(e) resource sharing and operational support of equipment, materials, techniques and infrastructure;~~
- ~~(f) handling of sensitive material and intelligence;~~
- ~~(g) handling of persons and items on the register of entity of interest;~~
- ~~(h) handling of complaints;~~
- ~~(i) operational mechanism for joint and parallel investigations;~~
- ~~(j) operation mechanism for handing over in relation to matters taken over or referred; and~~
- ~~(k) any other matter which is connected or related to an investigation into a financial crime, a cybercrime and other complex, serious and organised crime.~~

64. Establishment of Operational Protocol

(1) The NCA shall enter into a written Operational Protocol with the Police and, where appropriate, other investigative bodies governing lawful operational collaboration, deconfliction and the allocation or transfer of matters.

(2) The Protocol shall include procedures for -

- (a) notification, referral and transfer of investigations;**
- (b) joint and parallel investigations;**
- (c) arrest, seizure, recovery and chain of custody;**
- (d) sharing and protection of information and intelligence;**
- (e) access to and use of the National Flagging Database;**
- (f) resource and specialist support;**
- (g) handling of legally privileged, classified, sensitive or personal data;**
- (h) complaints and allegations concerning officers;**
- (i) preservation of evidence, continuity of warrants and handover records; and**
- (j) resolving operational disagreement between agencies.**

(3) The Protocol shall not -

- (a) confer any power that is not conferred by an enactment;**
- (b) enlarge or diminish the constitutional or statutory powers of the Commissioner of Police, Director of Public Prosecutions or any other authority;**
- (c) authorise the disclosure of information contrary to law; or**
- (d) permit an agency to direct another agency in the exercise of a function that the law requires that agency to exercise independently.**

(4) Data sharing under the Protocol shall be necessary, proportionate, secure and limited to a lawful purpose, with an auditable record of disclosures.

(5) A non-sensitive version of the Protocol, omitting operational methods and information whose disclosure would prejudice law enforcement, shall be published on the website of the NCA.

(6) The Protocol shall be reviewed at least once every 2 years and whenever a material change in law, institutional responsibility or technology makes review necessary.

Rationale

The Operational Protocol is necessary for an agency that overlaps with Police and regulatory bodies, but an administrative protocol should not become a secondary source of coercive power. The amendment therefore states expressly that the Protocol cannot override legislation, institutional independence or legal confidentiality. It also requires auditable data sharing and publication of a non-sensitive version so that the constitutional architecture remains visible even where operational details must remain confidential.

CLAUSE 65 — SETTING UP OF INTER-AGENCY COORDINATION BOARD

STATUS	AMEND	Coordination while preserving each institution's legal independence
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Government text

65. Setting up of Inter-Agency Coordination Board

(1) There is set up, for the purposes of this Act, an Inter-Agency Coordination Board.

(2) The Inter-Agency Coordination Board shall comprise -

(a) the Director-General, as chairperson;

(b) the Solicitor-General or his representative who shall not be below the rank of Assistant Parliamentary Counsel;

(c) the Director of Public Prosecutions or his representative who shall not be below the rank of Assistant Director of Public Prosecutions;

(d) the Commissioner of Police or his representative who shall not be below the rank of Deputy Commissioner of Police;

(e) the Director-General of the Mauritius Revenue Authority or his representative who shall be a senior officer;

(f) the Governor of the Bank of Mauritius or his representative who shall not be below the rank of Deputy Governor;

(g) the Chief Executive of the Financial Services Commission or his representative who shall be a senior officer;

(h) the Chief Executive of the Gambling Regulatory Authority or his representative who shall be a senior officer; and

(i) the Director of the Financial Intelligence Unit or his representative who shall be a senior officer.

(3) The Inter-Agency Coordination Board may co-opt such other persons who have special knowledge or experience in financial crime, cybercrime and other complex, serious and organised crime, or any other crime.

(4) At any meeting of the Inter-Agency Coordination Board, 5 members shall constitute a quorum.

(5) The Inter-Agency Coordination Board shall regulate its meetings and proceedings in such manner as it deems fit.

Proposed amendment

65. Setting up of Inter-Agency Coordination Board

~~(1) There is set up, for the purposes of this Act, an Inter-Agency Coordination Board:~~

~~(2) The Inter-Agency Coordination Board shall comprise-~~

~~(a) the Director-General, as chairperson;~~

~~(b) the Solicitor-General or his representative who shall not be below the rank of Assistant Parliamentary Counsel;~~

~~(c) the Director of Public Prosecutions or his representative who shall not be below the rank of Assistant Director of Public Prosecutions;~~

~~(d) the Commissioner of Police or his representative who shall not be below the rank of Deputy Commissioner of Police;~~

~~(e) the Director-General of the Mauritius Revenue Authority or his representative who shall be a senior officer;~~

~~(f) the Governor of the Bank of Mauritius or his representative who shall not be below the rank of Deputy Governor;~~

~~(g) the Chief Executive of the Financial Services Commission or his representative who shall be a senior officer;~~

- ~~(h) the Chief Executive of the Gambling Regulatory Authority or his representative who shall be a senior officer; and~~
~~(i) the Director of the Financial Intelligence Unit or his representative who shall be a senior officer.~~
~~(3) The Inter-Agency Coordination Board may co-opt such other persons who have special knowledge or experience in financial crime, cybercrime and other complex, serious and organised crime, or any other crime.~~
~~(4) At any meeting of the Inter-Agency Coordination Board, 5 members shall constitute a quorum.~~
~~(5) The Inter-Agency Coordination Board shall regulate its meetings and proceedings in such manner as it deems fit.~~

65. Setting up of Inter-Agency Coordination Board

- (1) There is set up an Inter-Agency Coordination Board for strategic and operational coordination under this Part.
- (2) The Board shall comprise the office-holders or representatives specified in paragraphs (a) to (i) of subsection (2) of the circulated Bill, and the Director-General shall chair the Board.
- (3) Membership of the Board shall not subordinate any member to the Director-General. Each member shall continue to exercise his constitutional or statutory functions independently and in accordance with the enactment governing his office.
- (4) The Board may co-opt a person with relevant specialist knowledge only for a specified agenda item. A co-opted person shall be bound by the same duties of confidentiality and conflict disclosure as a member and shall receive no case-specific information beyond what is necessary for that purpose.
- (5) Five members shall constitute a quorum, but where the agenda materially concerns the allocation or coordination of a criminal investigation, the quorum shall include the Director-General or Deputy Director-General and the Commissioner of Police or his representative. Where the agenda materially concerns prosecution policy or a matter requiring prosecutorial input, the Director of Public Prosecutions or his representative shall be invited and given all reasonable opportunity to participate.
- (6) A member shall disclose any actual or reasonably perceived conflict of interest and shall not participate in a decision where that conflict could reasonably call the integrity of the process into question.
- (7) The Board shall keep minutes recording strategic decisions and action points, but shall not record or circulate operational detail beyond what is necessary. Minutes containing sensitive information shall be stored and disclosed in accordance with law.
- (8) The Board may regulate its procedure consistently with this Act and shall not adopt a procedure that authorises it to direct an individual investigation, arrest, search, prosecution or decision of an independent office-holder.

Rationale

The circulated clause brings together the principal investigative, prosecutorial, regulatory and intelligence bodies. That can improve coordination, but membership of a common Board must not blur the legal independence of the DPP, Police or regulators. The amendment preserves the existing institutional representation while adding non-subordination, confidentiality, conflict and quorum safeguards and limiting co-opted persons to what is necessary.

CLAUSE 66 — FUNCTIONS OF INTER-AGENCY COORDINATION BOARD

STATUS	REWRITE	Strategic coordination without case-direction powers
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Government text

66. Coordination in parallel and complex investigations

The Inter-Agency Coordination Board shall, for the purpose of combating financial crime, cybercrime and other complex, serious and organised crime, or any other crime -

- (a) ensure effective coordination and collaboration regarding parallel and complex investigations with investigative bodies and supervisory authorities, and assist in overcoming any challenges;
- (b) follow up and coordinate matters relating to mutual legal assistance and extradition relating to such crime;

- (c) harness intelligence and capabilities from across different sectors, including the private sector, to tackle such crime;
- (d) develop strategic oversight to enable agencies involved in the fight against such crime to prioritise activity better, drive performance and align funding and capability;
- (e) identify and prioritise the most appropriate type of enquiries, whether criminal or regulatory, to ensure maximum impact;
- (f) organise and coordinate training needs for its members, the investigative bodies or any other relevant bodies;
- (g) carry out research in new trends in such crime in order to develop new typologies and methodologies to address those trends;
- (h) carry out risk assessments related to such crime in order to develop risk-based approach to combating such crime; and
- (i) be responsible to develop and promote cooperation between the public and private sector in combating such crime;
- (j) strengthen the fight against such crime with the collaboration and partnership of the public and private sectors; and
- (k) make recommendations to the Minister for legislative, regulatory and policy reforms for the purpose of combating such crime, or any other crime.

Proposed amendment

~~66. Coordination in parallel and complex investigations~~

~~The Inter-Agency Coordination Board shall, for the purpose of combating financial crime, cybercrime and other complex, serious and organised crime, or any other crime—~~

- ~~(a) ensure effective coordination and collaboration regarding parallel and complex investigations with investigative bodies and supervisory authorities, and assist in overcoming any challenges;~~
- ~~(b) follow up and coordinate matters relating to mutual legal assistance and extradition relating to such crime;~~
- ~~(c) harness intelligence and capabilities from across different sectors, including the private sector, to tackle such crime;~~
- ~~(d) develop strategic oversight to enable agencies involved in the fight against such crime to prioritise activity better, drive performance and align funding and capability;~~
- ~~(e) identify and prioritise the most appropriate type of enquiries, whether criminal or regulatory, to ensure maximum impact;~~
- ~~(f) organise and coordinate training needs for its members, the investigative bodies or any other relevant bodies;~~
- ~~(g) carry out research in new trends in such crime in order to develop new typologies and methodologies to address those trends;~~
- ~~(h) carry out risk assessments related to such crime in order to develop risk-based approach to combating such crime; and~~
- ~~(i) be responsible to develop and promote cooperation between the public and private sector in combating such crime;~~
- ~~(j) strengthen the fight against such crime with the collaboration and partnership of the public and private sectors; and~~
- ~~(k) make recommendations to the Minister for legislative, regulatory and policy reforms for the purpose of combating such crime, or any other crime.~~

66. Functions of Inter-Agency Coordination Board

(1) The Board shall promote strategic coordination in relation to financial crime, cybercrime and other complex, serious and organised crime by -

- (a) facilitating lawful coordination of parallel and complex investigations;**
- (b) identifying duplication, capability gaps and operational conflicts;**
- (c) coordinating, through the competent authorities, matters concerning mutual legal assistance and extradition;**
- (d) promoting lawful intelligence-sharing and specialist capability;**
- (e) coordinating training, research, typology development and strategic risk assessment;**
- (f) promoting appropriate public-private cooperation subject to confidentiality, data-protection and legal restrictions; and**
- (g) making recommendations for legislative, regulatory or policy reform.**

(2) The Board may identify the need for a lead agency or joint investigation, but any allocation, referral, transfer or assumption of an investigation shall be made only in accordance with this Act, the Operational Protocol and the enactment governing the agency concerned.

(3) The Board shall not -

- (a) direct the commencement, discontinuance, outcome or evidential theory of an individual investigation;**
- (b) direct an arrest, search, seizure, interception or prosecution;**
- (c) require the Director of Public Prosecutions to disclose privileged prosecutorial material or to exercise a constitutional function in a particular manner; or**
- (d) require any member to disclose information which that member is prohibited by law from disclosing.**

(4) Any private-sector participation shall be advisory or technical only and shall not confer access to law-enforcement information unless access is lawful, necessary and specifically authorised.

(5) The Board may publish strategic assessments and recommendations in a form that does not identify persons, prejudice investigations or disclose protected intelligence.

Rationale

The circulated clause gives the Board a wide mandate extending to "any other crime", prioritisation of enquiries and performance. The amendment focuses the Board on coordination and strategy, while reserving coercive, investigative and prosecutorial decisions to the bodies legally responsible for them. This avoids a coordination mechanism becoming a collective command structure for constitutionally or statutorily independent functions.

CLAUSE 67 — DECLARATION OF ASSETS BY NCA OFFICERS

STATUS	AMEND	Verification, annual confirmation and consistency with principal assets law
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Government text

67. Declaration of assets by NCA officers, other than NCA officers of Internal Affairs Division

(1) Notwithstanding section 4(5) of the Declaration of Assets Act, every NCA officer shall, not later than 30 days after -

(a) his employment or appointment; and

(b) leaving office,

make a declaration of his assets and liabilities, including the assets and liabilities of his spouse and his minor children, with the Internal Affairs Division.

(2) Every person who is, pursuant to section 82, transferred from the FCC to the NCA, shall not later than 30 days after such transfer, make a declaration of his assets and liabilities, including the assets and liabilities of his spouse and his minor children, with the Internal Affairs Division.

(3) Where an NCA officer makes a declaration under this section, he shall specify any property sold, transferred or donated to his children of age and grandchildren, in any form or manner whatsoever, including income or benefits from any account, partnership or trust.

(4) Every NCA officer shall, within a period of 30 days, make a declaration to the Internal Affairs Division where he, his spouse or minor child -

(a) acquires, or disposes of, an item of jewellery, precious stone or metal, or watch or gold coin exceeding 500,000 rupees in value;

(b) acquires, or disposes of, a work of art, the value of which exceeds 500,000 rupees;

(c) acquires, or disposes of, any freehold or leasehold immovable property registered in Mauritius or abroad;

(d) dedicates waqf property under the Waqf Act;

(e) acquires, or disposes of, a motor vehicle, a boat, a ship or an aircraft.

(5) Every NCA officer shall make a fresh declaration with the Internal Affairs Division -

(a) at every interval of 5 years following the date of his first declaration; and

(b) within a period of 30 days after leaving office.

(6) A declaration under subsection (2) or (5) may be made electronically and in such form as the Director-General may approve.

(7) (a) Subject to paragraph (c), where an NCA officer fails, without reasonable excuse, to submit a declaration within the specified period, he shall be liable to pay a penalty representing 5,000 rupees per month or part of the month, until such time as the declaration is submitted, provided that the total penalty payable shall not exceed 50,000 rupees.

(b) An NCA officer who is dissatisfied with a decision relating to the imposition of a penalty pursuant to subsection (1), may apply for a judicial review of the imposition of the penalty in accordance with Sub-part VIA of Part II of the Courts Act.

(c) Notwithstanding paragraph (a), where an NCA officer fails to submit a declaration within the specified period and thereafter, makes a voluntary declaration, he shall not be liable to any penalty, provided that he is not the subject matter of an investigation under this Act.

(8) In this section -

"assets" has the same meaning as in the Declaration of Assets Act;

"NCA officer" does not include an officer of the Internal Affairs Division;

"spouse" means a person who is civilly or religiously married to a person of the opposite sex.

Proposed amendment

67. Declaration of assets by NCA officers, other than NCA officers of Internal Affairs Division

~~(1) Notwithstanding section 4(5) of the Declaration of Assets Act, every NCA officer shall, not later than 30 days after—~~

~~(a) his employment or appointment; and~~

~~(b) leaving office;~~

~~make a declaration of his assets and liabilities, including the assets and liabilities of his spouse and his minor children, with the Internal Affairs Division.~~

~~(2) Every person who is, pursuant to section 82, transferred from the FCC to the NCA, shall not later than 30 days after such transfer, make a declaration of his assets and liabilities, including the assets and liabilities of his spouse and his minor children, with the Internal Affairs Division.~~

~~(3) Where an NCA officer makes a declaration under this section, he shall specify any property sold, transferred or donated to his children of age and grandchildren, in any form or manner whatsoever, including income or benefits from any account, partnership or trust.~~

~~(4) Every NCA officer shall, within a period of 30 days, make a declaration to the Internal Affairs Division where he, his spouse or minor child—~~

~~(a) acquires, or disposes of, an item of jewellery, precious stone or metal, or watch or gold coin exceeding 500,000 rupees in value;~~

~~(b) acquires, or disposes of, a work of art, the value of which exceeds 500,000 rupees;~~

~~(c) acquires, or disposes of, any freehold or leasehold immovable property registered in Mauritius or abroad;~~

~~(d) dedicates waqf property under the Waqf Act;~~

~~(e) acquires, or disposes of, a motor vehicle, a boat, a ship or an aircraft.~~

~~(5) Every NCA officer shall make a fresh declaration with the Internal Affairs Division—~~

~~(a) at every interval of 5 years following the date of his first declaration; and~~

~~(b) within a period of 30 days after leaving office.~~

~~(6) A declaration under subsection (2) or (5) may be made electronically and in such form as the Director-General may approve.~~

~~(7) (a) Subject to paragraph (c), where an NCA officer fails, without reasonable excuse, to submit a declaration within the specified period, he shall be liable to pay a penalty representing 5,000 rupees per month or part of the month, until such time as the declaration is submitted, provided that the total penalty payable shall not exceed 50,000 rupees.~~

~~(b) An NCA officer who is dissatisfied with a decision relating to the imposition of a penalty pursuant to subsection (1), may apply for a judicial review of the imposition of the penalty in accordance with Sub-part VIA of Part II of the Courts Act.~~

~~(c) Notwithstanding paragraph (a), where an NCA officer fails to submit a declaration within the specified period and thereafter, makes a voluntary declaration, he shall not be liable to any penalty, provided that he is not the subject matter of an investigation under this Act.~~

~~(8) In this section—~~

~~"assets" has the same meaning as in the Declaration of Assets Act;~~

~~"NCA officer" does not include an officer of the Internal Affairs Division;~~

~~"spouse" means a person who is civilly or religiously married to a person of the opposite sex.~~

67. Declaration of assets by NCA officers other than officers of Internal Affairs Division

(1) Every NCA officer, other than an officer of the Internal Affairs Division, shall make declarations of assets and liabilities to the Internal Affairs Division in accordance with this section and, except where this section expressly provides otherwise, in accordance with the Declaration of Assets Act.

(2) The initial declaration, declaration on transfer from the FCC and declaration on leaving office shall be made within 30 days and shall include the assets and liabilities required by the Declaration of Assets Act, including those of the officer's spouse and minor children where required by that Act.

(3) The officer shall disclose property transferred, sold or donated to children of age or grandchildren and any relevant beneficial interest, account, partnership, trust or other arrangement to the extent required for effective verification of the declaration.

(4) The material-change declarations specified in subsection (4) of the circulated Bill shall be retained, and the applicable categories and thresholds shall be interpreted consistently with the Declaration of Assets Act as amended from time to time.

(5) In addition to a full fresh declaration at every interval of 5 years and within 30 days after leaving office, every NCA officer shall submit annually a signed confirmation stating either that no material declarable change has occurred or identifying any change not already declared under subsection (4).

(6) Declarations may be made electronically in a secure form approved for the purpose. The approval of the form shall not permit the Director-General to alter the substantive information required by this Act or the Declaration of Assets Act.

(7) The Internal Affairs Division shall establish risk-based verification procedures, including verification against information lawfully available from registries and competent authorities, with enhanced review for senior office-holders and officers occupying functions assessed as presenting higher corruption or conflict-of-interest risk.

- (8) A declaration shall be treated as confidential except to the extent that disclosure is required by law. Access shall be limited to officers performing verification, investigation, audit or lawful oversight functions.
- (9) The penalty, judicial-review and voluntary-compliance provisions shall apply consistently with the Declaration of Assets Act, and no internal NCA policy shall reduce a statutory penalty or immunity condition.
- (10) Unless expressly defined otherwise in this Act, terms including "assets" and "spouse" shall have the same meaning as in the Declaration of Assets Act, thereby avoiding conflicting definitions if that Act is later amended.

Rationale

The circulated clause substantially reproduces the current declaration framework but creates its own definitions and gives the Director-General control over the form. The current Declaration of Assets Act itself uses a 5-year cycle for specified categories and contains material-change obligations. The amendment keeps that statutory architecture, adds an annual confirmation rather than a full annual re-declaration, requires risk-based verification and confidentiality, and cross-refers definitions to the principal Act so that the NCA legislation does not become inconsistent after future amendments.

CLAUSE 68 — DECLARATION OF ASSETS BY OFFICERS OF INTERNAL AFFAIRS DIVISION

STATUS	AMEND	Avoid self-review and strengthen integrity verification
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Government text

68. Declaration of assets by NCA officers of Internal Affairs Division
Every officer of the Internal Affairs Division shall, in accordance with the Declaration of Assets Act, make a declaration of his assets and liabilities, including the assets and liabilities of his spouse and his minor children, to the Declaration of Assets Unit.

Proposed amendment

~~68. Declaration of assets by NCA officers of Internal Affairs Division
Every officer of the Internal Affairs Division shall, in accordance with the Declaration of Assets Act, make a declaration of his assets and liabilities, including the assets and liabilities of his spouse and his minor children, to the Declaration of Assets Unit.~~

68. Declaration of assets by officers of Internal Affairs Division

- (1) Every officer of the Internal Affairs Division shall make the declarations required by the Declaration of Assets Act to the Declaration of Assets Unit.
- (2) A declaration by the Director of the Internal Affairs Division, or by an officer responsible for verifying declarations within that Division, shall be allocated for verification in a manner that avoids self-review or review by a direct subordinate where reasonably practicable.
- (3) The Independent Advisory Panel may, where necessary to avoid an actual conflict of interest, require verification of a declaration under subsection (2) by an appropriately cleared independent officer or expert bound by statutory confidentiality.
- (4) The same security, confidentiality, verification and retention standards applicable under section 67 shall apply to declarations under this section.

Rationale

The circulated clause correctly separates Internal Affairs officers from the unit that receives declarations of ordinary NCA officers. The amendment adds a specific conflict-of-interest safeguard for the Director and for officers who themselves perform verification, so that

the integrity-control function is not required to review its own declaration through a direct subordinate without an alternative mechanism.

CLAUSE 69 — GENERAL FUND

STATUS	AMEND	Separation of ordinary funding, recovered assets and custodial property
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Government text

69. General Fund
 There shall be a General Fund for the NCA -
 (a) into which shall be paid all sums received from the Consolidated Fund; and
 (b) out of which all payments required to be made by the NCA and all charges on the NCA shall be effected.

Proposed amendment

~~69. General Fund~~
~~There shall be a General Fund for the NCA -~~
~~(a) into which shall be paid all sums received from the Consolidated Fund; and~~
~~(b) out of which all payments required to be made by the NCA and all charges on the NCA shall be effected.~~

69. General Fund
(1) There shall be a General Fund for the NCA into which shall be paid all sums lawfully appropriated or otherwise lawfully payable to the NCA for its ordinary operations.
(2) All expenditure from the General Fund shall -
(a) be for a function authorised by this Act or another enactment;
(b) be incurred in accordance with the approved estimates, applicable public-finance law and procurement requirements; and
(c) be supported by proper accounting records and internal controls.
(3) No money derived from recovered, restrained, seized or forfeited property shall be treated as ordinary operating revenue of the NCA except through the arrangements expressly provided by section 70 and applicable appropriation law.
(4) The General Fund shall be maintained separately from the NCA Recovered Assets Fund and from property held in custody pending judicial determination.

Rationale

The amendment preserves the General Fund but makes the separation between ordinary public funding, recovered assets and property held in custody explicit. This helps prevent accounting ambiguity and ensures that coercive asset-recovery powers do not automatically generate operating revenue for the investigating agency.

CLAUSE 70 — NCA RECOVERED ASSETS FUND

STATUS	REWRITE	Separate investigative incentives from recovered-asset spending
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Government text

70. NCA Recovered Assets Fund

There shall be an NCA Recovered Assets Fund -

- (a) into which shall be paid all moneys derived from the enforcement of any Order issued under the Asset Recovery and Unexplained Wealth Act 2026;
- (b) out of which -
 - (i) payments may be made for any reward;
 - (ii) payments may be made to compensate victims who suffered losses as a result of an unlawful activity;
 - (iii) payments may be made to satisfy a Compensation Order;
 - (iv) payments may be made to transfer a recovered property to a foreign State or share it pursuant to any treaty or arrangement;
 - (v) payments may be made for expenses relating to the recovery, management or disposition of property under this Act, including mortgages and liens against relevant property, and the fees for other professionals providing assistance to the NCA;
 - (vi) payments may be made to pay third parties for interests in property as appropriate;
 - (vii) payments may be made for the costs associated with the administration of the Fund, including the costs of external audit;
 - (viii) payments may be made to fund, for the purposes of this Act, such training or other capacity building activity, or such other expenditure, as the NCA considers appropriate.

Proposed amendment

~~70. NCA Recovered Assets Fund~~

~~There shall be an NCA Recovered Assets Fund-~~

- ~~(a) into which shall be paid all moneys derived from the enforcement of any Order issued under the Asset Recovery and Unexplained Wealth Act 2026;~~
- ~~(b) out of which-~~
 - ~~(i) payments may be made for any reward;~~
 - ~~(ii) payments may be made to compensate victims who suffered losses as a result of an unlawful activity;~~
 - ~~(iii) payments may be made to satisfy a Compensation Order;~~
 - ~~(iv) payments may be made to transfer a recovered property to a foreign State or share it pursuant to any treaty or arrangement;~~
 - ~~(v) payments may be made for expenses relating to the recovery, management or disposition of property under this Act, including mortgages and liens against relevant property, and the fees for other professionals providing assistance to the NCA;~~
 - ~~(vi) payments may be made to pay third parties for interests in property as appropriate;~~
 - ~~(vii) payments may be made for the costs associated with the administration of the Fund, including the costs of external audit;~~
 - ~~(viii) payments may be made to fund, for the purposes of this Act, such training or other capacity building activity, or such other expenditure, as the NCA considers appropriate.~~

70. NCA Recovered Assets Fund

(1) There shall be a Recovered Assets Fund into which shall be paid money finally recovered or realised pursuant to a final or enforceable Order under the Asset Recovery and Unexplained Wealth Act 2026 or another enactment expressly providing for payment into the Fund.

(2) Property that is merely seized, restrained, frozen or held pending final determination shall not be treated as an asset of the Fund and shall be separately accounted for as property in custody.

(3) The Fund shall be held and administered under public-finance arrangements that are institutionally separate from decisions to investigate, restrain, seize or seek forfeiture. The NCA shall not acquire a beneficial entitlement to recovered assets merely because it investigated or recovered them.

(4) Money from the Fund may be applied, in the order and manner prescribed by law, for -

- (a) compensation or restitution to victims and satisfaction of Compensation Orders;**
- (b) satisfaction of lawful third-party interests;**
- (c) treaty-based sharing or transfer to a foreign State;**
- (d) necessary and reasonable costs of preserving, managing, realising or disposing of recovered property;**
- (e) administration and independent audit of the Fund; and**
- (f) such crime-prevention, victim-support, capacity-building or law-enforcement purposes as Parliament may authorise by appropriation or regulations subject to subsection (5).**

(5) No payment shall be made for a reward, training, capacity building or other discretionary NCA expenditure solely on the decision of the investigating officers or Division responsible for the recovery. Criteria, authorisation levels and conflict safeguards shall be prescribed and published.

(6) The annual accounts of the Fund shall state the opening balance, amounts received, categories of disbursement, management costs, amounts transferred abroad, victim compensation and closing balance, without disclosing information that would unlawfully identify protected persons or prejudice proceedings.

(7) The Director of Audit shall audit the Fund, including compliance with the legal basis for receipts and disbursements.

Rationale

The circulated clause permits recovered assets to finance rewards, training and "such other expenditure" as the NCA considers appropriate. That creates a structural risk of linking the agency's operational resources to the value of assets it seeks to recover. The amendment keeps a recovered-assets mechanism but separates custody, final recovery, investigation and spending decisions; prioritises victims and third-party rights; and subjects discretionary use to published criteria, appropriation or regulations and external audit.

CLAUSE 71 — ACCOUNTS AND VIRTUAL ASSET CUSTODY

STATUS	AMEND	Public-finance controls and secure virtual-asset custody
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Government text

71. Accounts of NCA
The NCA may -
(a) open and maintain such account as it thinks fit with any bank, in the name of the NCA; and
(b) create and maintain a virtual asset wallet in the name of the NCA.

Proposed amendment

~~71. Accounts of NCA~~

~~The NCA may -~~

- ~~(a) open and maintain such account as it thinks fit with any bank, in the name of the NCA; and
(b) create and maintain a virtual asset wallet in the name of the NCA.~~

71. Accounts and virtual asset custody

- (1) The NCA may open and maintain such bank accounts as are necessary for its lawful functions, subject to applicable public-finance requirements and documented approval by the officer or body prescribed for that purpose.**
- (2) The NCA may create or maintain a virtual asset wallet only where necessary to receive, preserve, transfer or realise virtual assets lawfully held or recovered in the exercise of its functions.**
- (3) A virtual asset wallet shall not be used for speculative investment, proprietary trading or any purpose unrelated to lawful custody, preservation, recovery or disposal.**
- (4) The NCA shall maintain -**
- (a) segregation between operational funds and assets held in custody;**
 - (b) secure key-management and access-control procedures, including appropriate multi-person authorisation;**
 - (c) a complete transaction and valuation audit trail;**
 - (d) procedures for loss, compromise, fork, airdrop and other material virtual-asset events; and**
 - (e) reconciliation with court orders, case records and financial accounts.**
- (5) The Director of Audit shall have access, through secure procedures, to the records necessary to audit accounts and virtual asset custody without requiring public disclosure of secret keys or operational credentials.**

Rationale

The circulated clause authorises bank accounts and a virtual asset wallet but contains no custody or audit framework. Virtual assets introduce specific risks around private keys, irreversible transfers, valuation and separation of seized property from NCA money. The

amendment therefore limits wallets to statutory custody and recovery, prohibits speculative use and requires secure access, segregation and an auditable transaction trail.

CLAUSE 72 — ANNUAL ESTIMATES

STATUS	REWRITE	Align with prevailing statutory-body finance law and protect case independence
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Government text

72. Estimate of income and expenditure
 (1) The NCA shall submit to the Minister, not later than 31 March in every year, an estimate of its income and expenditure in respect of the following financial year for his approval.
 (2) The Minister may -
 (a) give his approval under subsection (1); or
 (b) approve only part of the estimate and direct the NCA to amend the estimate.

Proposed amendment

~~72. Estimate of income and expenditure~~

~~(1) The NCA shall submit to the Minister, not later than 31 March in every year, an estimate of its income and expenditure in respect of the following financial year for his approval:~~

~~(2) The Minister may -~~

~~(a) give his approval under subsection (1); or~~

~~(b) approve only part of the estimate and direct the NCA to amend the estimate.~~

72. Annual estimates

(1) The NCA shall prepare and submit its annual estimates in accordance with section 4B of the Statutory Bodies (Accounts and Audit) Act and any applicable public-finance legislation.

(2) The estimates shall distinguish, so far as practicable, between -

(a) ordinary administration and support;

(b) investigative and operational capability;

(c) capital and technology expenditure;

(d) independent oversight, internal affairs and audit; and

(e) the administration of recovered assets.

(3) The Minister may require clarification, justification or lawful amendment of the estimates in accordance with public-finance legislation, but no financial direction shall require the NCA to commence, discontinue, accelerate, delay or alter the outcome of a particular investigation.

(4) Where the approved provision materially differs from the estimate submitted by the NCA in a manner that may affect its statutory functions, the Director-General may record the operational effect in the annual report without disclosing sensitive investigative information.

Rationale

The circulated clause requires submission by 31 March. The current Statutory Bodies (Accounts and Audit) Act requires annual estimates by 28 February and, under section 9A, that Act prevails in the event of inconsistency with an enactment establishing a statutory body. The amendment therefore cross-refers the controlling Act rather than creating a competing deadline. It also preserves normal ministerial budget scrutiny while preventing budget directions from being used to direct a particular investigation.

CLAUSE 73 — ANNUAL REPORT

STATUS	AMEND	Aggregate accountability for intrusive powers and institutional performance
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Government text

73. Annual report

- (1) The NCA shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Minister, together with an audited statement of accounts on the operations of the NCA, in respect of every financial year.
- (2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and the audited statement of accounts of the NCA before the Assembly.

Proposed amendment

~~73. Annual report~~

- ~~(1) The NCA shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Minister, together with an audited statement of accounts on the operations of the NCA, in respect of every financial year.~~
- ~~(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and the audited statement of accounts of the NCA before the Assembly.~~

73. Annual report

- (1) The NCA shall prepare and submit its annual report, audited financial statements and related reports in accordance with the Statutory Bodies (Accounts and Audit) Act.
- (2) In addition to the information required by that Act, the annual report shall include, in aggregate form and so far as publication would not prejudice an investigation, prosecution, national security, the safety of a person or a lawful confidentiality obligation -
- (a) the principal categories of investigations commenced, completed, referred, transferred and jointly conducted;
 - (b) aggregate use of the principal coercive and surveillance powers under this Act;
 - (c) aggregate statistics concerning the National Flagging Database under section 63;
 - (d) complaints against NCA officers and the number substantiated, without identifying protected persons;
 - (e) material data or cybersecurity incidents and remedial measures;
 - (f) declarations-of-assets compliance;
 - (g) recovered-assets receipts and disbursements; and
 - (h) implementation of recommendations made by the Director of Audit and other competent oversight bodies.
- (3) The Minister shall lay the annual report and audited financial statements before the Assembly in accordance with the Statutory Bodies (Accounts and Audit) Act and shall not alter, redact or withhold the report except where expressly authorised by law.
- (4) The NCA shall publish the report on its website promptly after it has been laid before the Assembly, together with any separate public version lawfully prepared to protect sensitive operational information.

Rationale

The circulated clause relies on the general statutory-body reporting framework, which is appropriate, but a national crime agency also exercises unusually intrusive powers. The amendment therefore requires aggregate operational accountability without disclosing cases or intelligence. It preserves the statutory route through the Minister and Assembly and makes clear that operational secrecy should be protected by lawful redaction or a public version, not by suppressing the report as a whole.

CLAUSE 74 — AUDIT

STATUS	AMEND	Retain external audit and avoid a blanket first-year reporting exemption
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Government text

74. Audit report

- (1) The auditor of the NCA shall be the Director of Audit.
- (2) For the purpose of this section, the first financial year of the NCA shall be the period starting on the commencement of this Act and ending on 30 June of the following year.
- (3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the NCA.

Proposed amendment

~~74. Audit report~~

- ~~(1) The auditor of the NCA shall be the Director of Audit.~~
- ~~(2) For the purpose of this section, the first financial year of the NCA shall be the period starting on the commencement of this Act and ending on 30 June of the following year.~~
- ~~(3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the NCA.~~

74. Audit

- (1) The auditor of the NCA shall be the Director of Audit.
- (2) The first financial year of the NCA shall be the period starting on the commencement of this Act and ending on 30 June of the following year, unless another period is required by applicable public-finance legislation.
- (3) The requirements of the Statutory Bodies (Accounts and Audit) Act relating to preparation, submission and audit of the annual report shall apply to the first financial year, with such lawful modification of dates as is strictly necessary to accommodate the date of commencement.
- (4) Operational secrecy, confidentiality or national-security classification shall not prevent the Director of Audit from obtaining financial records necessary for the audit, provided that access and reporting shall be handled under secure procedures consistent with law.
- (5) Where the Director of Audit identifies expenditure, custody or control issues involving recovered property, virtual assets or confidential operations, the NCA shall provide the information and explanations lawfully required for audit while protecting operational details from unnecessary public disclosure.

Rationale

The Director of Audit should remain the external auditor. The circulated Bill exempts the first financial year from section 7(1) of the Statutory Bodies (Accounts and Audit) Act, which ordinarily requires the chief executive to submit the annual report to the Board within 3 months after the financial year. A new agency may need transitional timing, but a blanket exemption weakens the first period of accountability. The amendment instead permits only the minimum lawful adjustment necessary for commencement and confirms secure access for the Director of Audit.

CLAUSE 75 — LIMITED EXEMPTIONS

STATUS	AMEND	Confine exemptions to the NCA and preserve third-party legal obligations
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Government text

75. Exemptions

- (1) No registration fee shall be payable in respect of any document signed or executed by the NCA under which the NCA is a beneficiary.
- (2) Notwithstanding any other enactment, the NCA shall, in realising a property under any enactment, be exempt from any duty, levy, charge, tax or any other related fee.

Proposed amendment

75. Exemptions

- ~~(1) No registration fee shall be payable in respect of any document signed or executed by the NCA under which the NCA is a beneficiary.~~
- ~~(2) Notwithstanding any other enactment, the NCA shall, in realising a property under any enactment, be exempt from any duty, levy, charge, tax or any other related fee.~~

75. Limited exemptions

- (1) No registration fee shall be payable by the NCA in respect of a document signed or executed in the lawful exercise of its statutory functions under which the NCA, the Recovered Assets Fund or the State is the beneficiary or statutory custodian.
- (2) Where the NCA lawfully realises property under an enactment, the NCA may be exempt from a duty, levy, charge, tax or related fee to the extent expressly necessary to prevent public funds from being charged merely because the NCA acts as statutory custodian or realising authority.
- (3) An exemption under this section shall not -
- (a) exempt a private purchaser, transferee, beneficial owner or other third party from a tax, duty, levy, reporting or registration obligation otherwise applicable to that person;
 - (b) disapply anti-money laundering, suspicious-transaction, accounting, audit, procurement or beneficial-ownership requirements;
 - (c) convert property held pending judicial determination into property of the NCA; or
 - (d) affect any compensation, restitution or third-party right determined by a Court.
- (4) The value and nature of material exemptions applied under this section shall be recorded in the financial records of the NCA and be available to the Director of Audit.

Rationale

The circulated clause gives broad fiscal exemptions when the NCA realises property. The amendment preserves the practical objective of avoiding circular public charges while ensuring that the exemption belongs to the NCA in its statutory capacity and does not migrate to private buyers or displace AML, registration, accounting, third-party or court-ordered obligations.

Consolidated Observations — Clauses 60–75

The National Flagging Database should be treated as a sensitive law-enforcement data system, not as a general-purpose intelligence registry. The amendments therefore tie every entry to a recorded lawful purpose, review cycle and audit trail.

The Inter-Agency Coordination Board is designed as a coordination forum. The proposed text repeatedly preserves the independent legal functions of the Police, DPP, regulators and other authorities so that collaboration does not become collective control over individual cases.

The recovered-assets provisions are separated from ordinary NCA funding. This preserves victim compensation and lawful asset-management functions while reducing any structural incentive for an investigating agency to finance itself directly from the value of assets it seeks to recover.

The financial provisions are aligned to the Statutory Bodies (Accounts and Audit) Act. In particular, the annual-estimates provision should not create a competing statutory deadline where the general Act already supplies one and expressly prevails in case of inconsistency.

The following section addresses clauses 76–85 and the Schedule, including confidentiality, disclosure offences, statutory immunity, regulation-making, repeal, transfer of FCC and Interim Agency staff, continuity of pending matters, commencement sequencing and the oath of confidentiality.

Official legal reference points used in this Part: Constitution of Mauritius; Data Protection Act 2017, section 44; Declaration of Assets Act (current revised edition); Statutory Bodies (Accounts and Audit) Act, including sections 4B, 5-9 and 9A. The circulated National Crime Agency Bill remains the source text reproduced in the Government-text boxes.

Clauses 76-85: Amendment Matrix

Cl.	Subject	Status	Principal issue
76	Confidentiality	REWRITE	Protect genuine secrecy while preserving lawful oversight, whistleblowing, court and DPP disclosures.
77	Inducing unlawful disclosure	REWRITE	Replace overbroad persuasion offence with intentional corrupt or knowing solicitation of unlawful disclosure.
78	Breach of Codes	REWRITE	Codes should guide discipline and compliance, not create vague standalone criminal liability.
79	Protection from liability	AMEND	Preserve good-faith protection without excluding constitutional, public-law or bad-faith remedies.
80	Regulations	REWRITE	Prevent subsidiary legislation from creating coercive powers or imprisonment and strengthen parliamentary scrutiny.
81	Repeal	AMEND	Sequence repeal only when NCA institutions and transfer arrangements are operational.
82	FCC staff transfer	REWRITE	Protect continuity, accrued employment rights, fair options and case-team handover.
83	Interim Agency staff transfer	REWRITE	Prevent interim appointments from bypassing permanent merit-based recruitment safeguards.
84	Savings and transition	REWRITE	Expressly preserve investigations, proceedings, appeals, orders, evidence, deadlines, assets and DPP authority.
85	Commencement	REWRITE	Bring safeguards and oversight into force before coercive powers and before repeal of predecessor institutions.
Schedule	Oath of Confidentiality	AMEND	Align oath with lawful disclosure, oversight and protected reporting.

CLAUSE 76 - CONFIDENTIALITY

STATUS	REWRITE	Lawful oversight, protected disclosures and controlled public/foreign release
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Government text

76. Confidentiality

- (1) Every NCA officer shall, on assuming office, take the oath of confidentiality in the form set out in the Schedule.
- (2) No NCA officer or member of any Board shall, except in accordance with this Act, or as otherwise authorised by law or directed by a Court -
 - (a) disclose any information obtained in the discharge of his functions or exercise of his powers under this Act, the Asset Recovery and Unexplained Wealth Act 2026, the Declaration of Assets Act, the Financial Crime Act 2026 and any other relevant enactment;
 - (b) disclose the source of such information or the identity of any informer or the maker, writer or issuer of a report given to the NCA.
- (3) Every NCA officer and member of any Board shall maintain the confidentiality and secrecy of any matter, document, report and other information relating to the administration of this Act, the Asset Recovery and Unexplained Wealth Act 2026, the Declaration of Assets Act, the Financial Crime Act 2026 and under any other relevant enactment that becomes known to him, or comes in his possession or under his control.
- (4) Notwithstanding subsections (2) and (3), the Director-General may disclose, for the purpose of publication in the press, or to an investigative body, such information as he considers necessary in the public interest.
- (5) For the purpose of an investigation in respect of a financial crime, a cybercrime or other complex, serious and organised crime committed in Mauritius or abroad, or for any asset recovery investigation, the Director-General may disclose to any authority in Mauritius or abroad, such information, other than the source of the information, as may appear to him to be necessary to assist the investigation.
- (6) Any person who, without lawful excuse, contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

Proposed amendment

~~76. Confidentiality~~

- ~~(1) Every NCA officer shall, on assuming office, take the oath of confidentiality in the form set out in the Schedule.~~
- ~~(2) No NCA officer or member of any Board shall, except in accordance with this Act, or as otherwise authorised by law or directed by a Court -~~
 - ~~(a) disclose any information obtained in the discharge of his functions or exercise of his powers under this Act, the Asset Recovery and Unexplained Wealth Act 2026, the Declaration of Assets Act, the Financial Crime Act 2026 and any other relevant enactment;~~
 - ~~(b) disclose the source of such information or the identity of any informer or the maker, writer or issuer of a report given to the NCA.~~
- ~~(3) Every NCA officer and member of any Board shall maintain the confidentiality and secrecy of any matter, document, report and other information relating to the administration of this Act, the Asset Recovery and Unexplained Wealth Act 2026, the Declaration of Assets Act, the Financial Crime Act 2026 and under any other relevant enactment that becomes known to him, or comes in his possession or under his control.~~
- ~~(4) Notwithstanding subsections (2) and (3), the Director-General may disclose, for the purpose of publication in the press, or to an investigative body, such information as he considers necessary in the public interest.~~
- ~~(5) For the purpose of an investigation in respect of a financial crime, a cybercrime or other complex, serious and organised crime committed in Mauritius or abroad, or for any asset recovery investigation, the Director-General may disclose to any authority in Mauritius or abroad, such information, other than the source of the information, as may appear to him to be necessary to assist the investigation.~~
- ~~(6) Any person who, without lawful excuse, contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.~~

76. Confidentiality and lawful disclosure

- (1) Every NCA officer shall, on assuming office, take the oath of confidentiality in the form set out in the Schedule.**
- (2) An NCA officer or member of a Board shall protect information obtained by reason of office and shall not disclose it except -**
 - (a) for the lawful discharge of functions under this Act or another enactment;**
 - (b) pursuant to an Order or direction of a Court;**
 - (c) to the Director of Public Prosecutions for the exercise of constitutional or statutory functions;**

- (d) to the Independent Advisory Panel, Director of Audit, Data Protection Commissioner, Ombudsman, Police or other competent authority where the disclosure falls within that authority's lawful jurisdiction;
- (e) for the purpose of obtaining legal advice or representation, subject to legal professional privilege and confidentiality;
- (f) as a protected disclosure or report of suspected illegality, corruption, serious misconduct, abuse of power, unlawful surveillance, evidence manipulation or serious risk to the public, made in good faith to an authority authorised by law to receive it; or
- (g) as otherwise expressly authorised by law.
- (3) The identity of an informer, covert source, whistleblower or other protected source shall not be disclosed except where disclosure is required by law or by a Court and, where practicable, after appropriate protective measures have been considered.
- (4) The Director-General may authorise public disclosure of operational information only where the disclosure -
- (a) serves a legitimate public-interest purpose connected with the functions of the NCA;
 - (b) is necessary and proportionate to that purpose;
 - (c) does not prejudice a fair trial, an ongoing investigation, the safety of a person, legal professional privilege or an applicable Court Order; and
 - (d) is limited to information reasonably necessary for the purpose.
- (5) Information may be disclosed to a foreign authority only where there is a lawful basis for the disclosure, the disclosure is necessary for a specified investigation, prosecution, asset-recovery or mutual-assistance purpose, and appropriate safeguards exist for confidentiality, purpose limitation, personal data and onward disclosure.
- (6) A person who, being subject to a duty under this section, knowingly and without lawful authority discloses protected information in circumstances where the disclosure causes or creates a substantial risk of serious prejudice to an investigation, proceeding, protected source or person shall commit an offence and shall, on conviction, be liable to the penalty prescribed by this Act.
- (7) No person shall incur criminal, civil or disciplinary liability under this section solely for making a disclosure expressly permitted by subsection (2).

Rationale

The circulated clause appropriately protects sensitive information but combines a broad secrecy duty with an equally broad discretion for the Director-General to disclose material to the press or to foreign authorities. The proposed text preserves operational confidentiality while specifying lawful disclosure channels, including courts, the DPP and statutory oversight bodies. It also prevents confidentiality from being used to suppress protected reporting of illegality or serious misconduct, and introduces necessity, proportionality and fair-trial safeguards for public or foreign disclosures.

CLAUSE 77 - INCITING OR PERSUADING NCA OFFICER TO DISCLOSE CONFIDENTIAL INFORMATION

STATUS	REWRITE	Target corrupt inducement, not ordinary lawful requests for information
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Government text

77. Inciting or persuading NCA officer to disclose confidential information
Any person who, for personal, political or any other advantage, incites, attempts to incite or seeks to persuade an NCA officer or any other person to disclose confidential information, which that officer or person has obtained in the course of his duties in connection with the NCA, or in any manner to breach the NCA Code or the Surveillance and Interception Code of Practice as it applies to the officer or person, shall commit an offence and shall, on conviction be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

Proposed amendment

~~77. Inciting or persuading NCA officer to disclose confidential information~~

~~Any person who, for personal, political or any other advantage, incites, attempts to incite or seeks to persuade an NCA officer or any other person to disclose confidential information, which that officer or person has obtained in the course of his duties in connection with the NCA, or in any manner to breach the NCA Code or the Surveillance and Interception Code of Practice as it applies to the officer or person, shall commit an offence and shall, on conviction be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years:~~

77. Corrupt or knowing inducement of unlawful disclosure

(1) A person shall commit an offence where that person intentionally offers, gives, promises, requests or provides a financial or other improper advantage to an NCA officer, or knowingly uses coercion, threat or deception, for the purpose of causing the officer to make a disclosure that the person knows would be unlawful under section 76.

(2) A person shall not commit an offence under this section merely by -

- (a) requesting information through a lawful access, court, parliamentary, journalistic, legal, regulatory or oversight process;
- (b) asking an officer to report suspected wrongdoing to a competent authority;
- (c) receiving information without having procured its unlawful disclosure by conduct described in subsection (1); or
- (d) exercising a right or function conferred by the Constitution or any other enactment.

(3) A person convicted under subsection (1) shall be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

Rationale

The circulated offence is framed around seeking to persuade a person to disclose information for any personal, political or other advantage, and also extends to persuading a breach of internal codes. That wording is capable of reaching ordinary requests for information or legitimate oversight activity even where no bribery, threat, deception or knowing procurement of an unlawful disclosure is present. The proposed offence targets corrupt or knowing inducement while expressly preserving lawful requests and oversight.

CLAUSE 78 - BREACH OF NCA CODE OR SURVEILLANCE AND INTERCEPTION CODE OF PRACTICE

STATUS	REWRITE	Separate code compliance from criminal liability
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Government text

78. Breach of NCA Code or Surveillance and Interception Code of Practice

An NCA officer who breaches the NCA Code or the Surveillance and Interception Code of Practice in any manner that tends to bring the NCA into serious disrepute shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 2 years.

Proposed amendment

~~78. Breach of NCA Code or Surveillance and Interception Code of Practice~~

~~An NCA officer who breaches the NCA Code or the Surveillance and Interception Code of Practice in any manner that tends to bring the NCA into serious disrepute shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 2 years:~~

78. Breach of NCA Code or Surveillance and Interception Code of Practice

(1) A breach of the NCA Code or the Surveillance and Interception Code of Practice shall constitute a disciplinary or governance matter in accordance with applicable procedures, unless the conduct also constitutes an offence under this Act or another enactment.

(2) No person shall be convicted of a criminal offence solely because conduct is said to have brought the NCA into disrepute or because it breached a code that does not itself define an offence enacted by Parliament.

(3) Nothing in this section prevents disciplinary proceedings, civil liability, exclusion of unlawfully obtained evidence, referral to a competent authority or prosecution for an independently defined criminal offence arising from the same conduct.

Rationale

A criminal offence should be defined by legislation with sufficient clarity. The phrase "tends to bring the NCA into serious disrepute" is evaluative and the Codes may be amended outside primary legislation. The amendment keeps Codes enforceable through discipline and governance, while ensuring that imprisonment follows only from a statutory offence whose elements have been enacted by Parliament.

CLAUSE 79 - PROTECTION FROM LIABILITY

STATUS	AMEND	Good-faith protection without immunity from unlawful abuse or public-law review
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Government text

79. Protection from liability

(1) Every NCA officer shall, in the discharge of his functions or exercise of his powers under this Act, be deemed to be a public officer for the purposes of sections 1, 2, 3 and 4(1) and (2) of the Public Officers' Protection Act.

(2) No action shall lie against the NCA, an NCA officer or any member of a Board in respect of any act done or omission made by it or him in good faith in the discharge of its or his functions, or exercise of its or his powers, under this Act, the Asset Recovery and Unexplained Wealth Act 2026, the Declaration of Assets Act, the Financial Crime Act 2026 and under any other relevant enactment.

Proposed amendment

~~79. Protection from liability~~

~~(1) Every NCA officer shall, in the discharge of his functions or exercise of his powers under this Act, be deemed to be a public officer for the purposes of sections 1, 2, 3 and 4(1) and (2) of the Public Officers' Protection Act.~~

~~(2) No action shall lie against the NCA, an NCA officer or any member of a Board in respect of any act done or omission made by it or him in good faith in the discharge of its or his functions, or exercise of its or his powers, under this Act, the Asset Recovery and Unexplained Wealth Act 2026, the Declaration of Assets Act, the Financial Crime Act 2026 and under any other relevant enactment.~~

79. Protection from liability

(1) Every NCA officer shall, in the discharge of lawful functions or exercise of lawful powers under this Act, be deemed to be a public officer for the purposes expressly stated in the Public Officers' Protection Act.

(2) No personal action for damages shall lie against an NCA officer or member of a Board for an act or omission done honestly, in good faith, on reasonable grounds and within the lawful scope of that person's functions.

(3) Subsection (2) shall not apply to fraud, corruption, malice, bad faith, gross negligence, knowing or reckless abuse of power, fabrication or suppression of evidence, unlawful interception or surveillance, or any act knowingly done without lawful authority.

(4) Nothing in this section shall -

(a) bar judicial review, constitutional redress, habeas corpus, an application to exclude evidence, an appeal, a complaint to an oversight body or any other public-law remedy;

(b) prevent an action against the NCA or the State where liability otherwise arises by law; or

(c) limit any right to compensation expressly conferred by the Constitution or another enactment.

Rationale

The Public Officers' Protection Act currently contains special procedural protections, including a two-year limitation period and notice requirements for actions against public officers. The Bill then adds a separate broad good-faith immunity. The proposed amendment preserves reasonable protection for officers acting honestly and lawfully but makes clear that immunity does not shield bad faith, serious abuse or unconstitutional conduct and does not oust judicial or constitutional remedies.

CLAUSE 80 - REGULATIONS

STATUS	REWRITE	Limit delegated legislation and preserve primary-law safeguards
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Government text

80. Regulations
The NCA may, with the approval of the Minister, make such regulations as may be necessary for the purposes of this Act, including regulations -
(a) for the levying of fees and taking of charges;
(b) for the amendment of the Schedules; and
(c) to provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding one year.

Proposed amendment

~~80. Regulations~~

~~The NCA may, with the approval of the Minister, make such regulations as may be necessary for the purposes of this Act, including regulations -~~

~~(a) for the levying of fees and taking of charges;~~

~~(b) for the amendment of the Schedules; and~~

~~(c) to provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding one year.~~

80. Regulations

(1) The Minister may, after consultation with the Governance Advisory Board and such constitutional or statutory authority as is materially affected, make regulations necessary for the administrative implementation of this Act.

(2) Regulations may provide for fees, forms, records, administrative procedures, security standards, retention schedules and other matters expressly contemplated by this Act.

(3) Regulations shall not -

(a) create or enlarge a power of arrest, detention, search, seizure, interception, surveillance, equipment interference, compulsory disclosure or asset deprivation;

(b) reduce a statutory threshold, judicial safeguard, privilege, right of review or independent oversight requirement;

(c) amend the substance of the oath in the Schedule; or

(d) retrospectively validate an act or omission that was unlawful when done.

(4) A regulation may create an offence only where the Act expressly identifies the duty or prohibition to which the offence relates; no regulation under this section shall impose a sentence of imprisonment.

(5) Regulations shall be published in the Gazette and laid before the Assembly in accordance with the Interpretation and General Clauses Act. A regulation materially affecting privacy, surveillance, personal data or procedural rights shall be accompanied by a statement of its purpose and safeguards.

Rationale

The circulated clause allows the NCA itself, with ministerial approval, to amend the Schedule and create offences carrying imprisonment. The amendment places regulation-making with the Minister after consultation, confines subsidiary legislation to implementation, prevents regulations from creating new coercive powers or weakening statutory safeguards, and relies on the existing parliamentary laying and disallowance framework under the Interpretation and General Clauses Act.

CLAUSE 81 - REPEAL

STATUS	AMEND	No repeal before operational and legal continuity is secured
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Government text

81. Repeal
The following enactments are repealed -
(a) the Financial Crimes Commission Act 2023; and
(b) the National Crime (Interim) Agency Act 2026.

Proposed amendment

~~81. Repeal~~

~~The following enactments are repealed -~~

~~(a) the Financial Crimes Commission Act 2023; and~~

~~(b) the National Crime (Interim) Agency Act 2026.~~

81. Repeal and transfer date

(1) The Financial Crimes Commission Act 2023 and the National Crime (Interim) Agency Act 2026 shall be repealed on the transfer date fixed by Proclamation.

(2) The transfer date shall not be fixed earlier than the date on which -

(a) the National Crime Agency is lawfully established and capable of exercising the functions transferred to it;

(b) the offices and oversight arrangements necessary for lawful governance and accountability are operational;

(c) arrangements required by section 84 for the transfer of pending cases, evidence, records, orders, assets and liabilities have been completed or are capable of taking effect without interruption; and

(d) the functions of the Director of Public Prosecutions in pending and future criminal proceedings can continue without legal or administrative interruption.

(3) The repeal shall be subject to section 84 and to the savings contained in the Interpretation and General Clauses Act.

Rationale

The Bill permits different commencement dates under clause 85, while clause 81 repeals both predecessor statutes. A sequenced transfer date reduces the risk of a period in which an institution is repealed before the successor, its oversight or its case-transfer machinery is fully operational. The general savings in section 17 of the Interpretation and General Clauses Act remain applicable, but the NCA transition should also be explicit.

CLAUSE 82 - TRANSFER OF OFFICERS OF FCC TO NCA

STATUS	REWRITE	Employment continuity, accrued rights and operational case handover
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Government text

82. Transfer of officers of FCC to NCA

- (1) Notwithstanding any other enactment, every person employed by the FCC shall, on the commencement of section 81, be dealt with in accordance with this section.
- (2) Subject to this section, every person who -
- (a) is employed on the permanent and pensionable establishment of the FCC may, not later than 30 days after the commencement of section 81, opt to be transferred on the permanent and pensionable establishment of the NCA; and
- (b) is employed on contract by the FCC may, not later than 30 days after the commencement of section 81, opt to be transferred to the NCA.
- (3) (a) Where a person does not opt to be transferred to the NCA under subsection (2)(a), he shall be deemed to have retired on ground of abolition of office and he shall be paid his pension benefits in accordance with such pension schemes and such other benefits as may be applicable to him.
- (b) Where a person does not opt to be transferred to the NCA under subsection (2)(b), his contract of employment shall be terminated and he shall be paid such benefits as provided in any relevant enactment or his contract, whichever is more favourable.
- (4) (a) Where a person is transferred to the NCA under subsection (2)(a), his period of service with the FCC shall be deemed to be an unbroken period of service with the NCA and he shall be deemed to have been transferred on the same terms and conditions as those of his previous employment.
- (b) Where a person is transferred to the NCA under subsection (2)(b), his contract with the FCC shall be deemed to have been entered with the NCA and he shall be deemed to have been transferred on the same terms and conditions of his contract.
- (5) No person referred to in this section shall, on account of his transfer to the NCA, be entitled to claim that his employment has been terminated or adversely affected in breach of any enactment.

Proposed amendment

~~82. Transfer of officers of FCC to NCA~~

- ~~(1) Notwithstanding any other enactment, every person employed by the FCC shall, on the commencement of section 81, be dealt with in accordance with this section:~~
- ~~(2) Subject to this section, every person who-~~
- ~~(a) is employed on the permanent and pensionable establishment of the FCC may, not later than 30 days after the commencement of section 81, opt to be transferred on the permanent and pensionable establishment of the NCA; and~~
- ~~(b) is employed on contract by the FCC may, not later than 30 days after the commencement of section 81, opt to be transferred to the NCA:~~
- ~~(3) (a) Where a person does not opt to be transferred to the NCA under subsection (2)(a), he shall be deemed to have retired on ground of abolition of office and he shall be paid his pension benefits in accordance with such pension schemes and such other benefits as may be applicable to him:~~
- ~~(b) Where a person does not opt to be transferred to the NCA under subsection (2)(b), his contract of employment shall be terminated and he shall be paid such benefits as provided in any relevant enactment or his contract, whichever is more favourable:~~
- ~~(4) (a) Where a person is transferred to the NCA under subsection (2)(a), his period of service with the FCC shall be deemed to be an unbroken period of service with the NCA and he shall be deemed to have been transferred on the same terms and conditions as those of his previous employment:~~
- ~~(b) Where a person is transferred to the NCA under subsection (2)(b), his contract with the FCC shall be deemed to have been entered with the NCA and he shall be deemed to have been transferred on the same terms and conditions of his contract:~~
- ~~(5) No person referred to in this section shall, on account of his transfer to the NCA, be entitled to claim that his employment has been terminated or adversely affected in breach of any enactment:~~

82. Transfer of officers of FCC to NCA

- (1) Every person employed by the FCC immediately before the transfer date shall remain employed on existing terms during the statutory option period and shall be given a written statement of the terms applicable if the person transfers to the NCA.**
- (2) A person employed on the permanent and pensionable establishment, or on contract, may within 30 days of receipt of the written statement opt in writing to transfer to the NCA.**

(3) A transferred officer shall -

- (a) have continuous and unbroken service;**
- (b) retain accrued pension, gratuity, leave, salary, seniority and contractual rights, subject only to a lawful and no-less-favourable transition arrangement; and**
- (c) not be required to accept a materially less favourable term merely because of the institutional transfer.**

(4) A permanent officer who does not opt to transfer shall be dealt with as an abolition-of-office case in accordance with the applicable pension and public-service framework. A contract officer who does not opt to transfer shall receive the benefits required by the contract or applicable law, whichever is more favourable.

(5) Pending disciplinary, grievance, integrity or employment proceedings concerning an FCC officer shall not lapse by reason of the transfer and shall continue under the law and procedure applicable when they were commenced, subject to any procedural adaptation necessary to substitute the NCA for the FCC.

(6) The NCA shall, so far as reasonably practicable and consistent with operational integrity, preserve continuity of specialist case teams during the transfer of pending investigations. No officer shall acquire a personal right to remain assigned to a particular case, but a change of case team shall be recorded where it materially affects continuity or chain of custody.

(7) No officer shall be selected for adverse treatment, exclusion, transfer, demotion or dismissal on political, personal or retaliatory grounds or because the officer lawfully participated in or reported an investigation.

(8) The institutional transfer itself shall not be treated as a termination of employment for an officer who opts to transfer; however, nothing in this section shall prevent an officer from enforcing any accrued employment right or challenging a subsequent unlawful adverse change in terms or treatment.

Rationale

The circulated text preserves continuity for employees who opt to transfer, but subsection (5) could be read too broadly by preventing any claim of adverse effect linked to the transition. The amendment keeps the opt-in structure while protecting accrued rights, pending employment matters and operational case continuity. It also avoids turning transfer protection into immunity for a later unlawful employment decision.

CLAUSE 83 - TRANSFER OF OFFICERS OF INTERIM AGENCY TO NCA

STATUS	REWRITE	Continuity without bypassing permanent merit-based appointment safeguards
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Government text

83. Transfer of officers of Interim Agency to NCA

- (1) Notwithstanding any other enactment, every person employed by the Interim Agency shall, on the commencement of section 81, be dealt with in accordance with this section.
- (2) Any officer appointed under the repealed National Crime (Interim) Agency Act 2026 shall, on the commencement of section 81, be an officer of the NCA on the same terms and conditions of his appointment as an officer of the Interim Agency.
- (3) Any officer recruited for the NCA under the repealed National Crime (Interim) Agency Act 2026 shall, on the commencement of section 81, be an officer of the NCA.

Proposed amendment

~~83. Transfer of officers of Interim Agency to NCA~~

- ~~(1) Notwithstanding any other enactment, every person employed by the Interim Agency shall, on the commencement of section 81, be dealt with in accordance with this section:~~
- ~~(2) Any officer appointed under the repealed National Crime (Interim) Agency Act 2026 shall, on the commencement of section 81, be an officer of the NCA on the same terms and conditions of his appointment as an officer of the Interim Agency.~~

~~(3) Any officer recruited for the NCA under the repealed National Crime (Interim) Agency Act 2026 shall, on the commencement of section 81, be an officer of the NCA.~~

83. Transfer of officers of Interim Agency to NCA

(1) An officer of the Interim Agency serving immediately before the transfer date may transfer to the NCA on the same terms and conditions, subject to this section.

(2) A person recruited by the Interim Agency expressly for a permanent NCA post shall be treated as substantively appointed only where the recruitment process was open, merit-based and materially equivalent to the appointment safeguards applicable to that post under this Act.

(3) Where subsection (2) is not satisfied, the person may continue temporarily in the corresponding function for a period not exceeding 6 months after the transfer date, during which the substantive post shall be filled under the permanent appointment procedure. The person may apply and compete for the post.

(4) A public officer or FCC officer merely seconded or designated to serve the Interim Agency shall not by reason of that temporary service acquire an automatic permanent NCA appointment, but the person's accrued employment and pension rights shall be preserved.

(5) Nothing in this section shall convert the acting service of the Interim Director-General, a senior officer or any other interim office-holder into an automatic substantive appointment where this Act requires a separate appointment or selection process.

Rationale

The purpose of an Interim Agency is to prepare the permanent institution, but automatic conversion of every interim appointment can bypass the safeguards applicable to permanent recruitment. The amendment protects legitimate staff continuity while ensuring that senior or permanent appointments remain subject to the open and merit-based processes proposed in Part B of this Volume.

CLAUSE 84 - OTHER SAVINGS AND TRANSITIONAL PROVISIONS

STATUS	REWRITE	Comprehensive continuity of cases, appeals, orders, evidence, rights and DPP authority
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Government text

84. Other savings and transitional provisions

(1) Any proceedings, whether judicial or extra-judicial, started by or against the FCC or the Interim Agency, or taken over by the FCC under any repealed enactment, which are pending on the commencement of section 81 shall be deemed to have been started by or against the NCA or the Interim Agency, or taken over by the NCA.

(2) Any investigation or enquiry started by the FCC or taken over by the FCC under any repealed enactment and pending on the commencement of section 81 shall be taken over and continued by the NCA.

(3) Any prosecution in respect of any act or allegation instituted under the FCC Act, or taken over and continued by the FCC under any repealed enactment shall, on the commencement section 81, be taken over and continued by the Director of Public Prosecutions under the FCC Act or the repealed enactment, as the case may be, as if this Act had not come into operation.

(4) Where the NCA detects an offence which may have been committed under the FCC Act or any repealed enactment prior to the commencement of section 81, the NCA shall have all the powers conferred under this Act to investigate into that offence.

(5) A prosecution in respect of any act or allegation so investigated under the FCC Act or any repealed enactment may, on the commencement of section 81, be instituted by the Director of Public Prosecutions under the FCC Act or that repealed enactment, as the case may be, as if this Act had not come into operation.

(6) The Court shall, in respect of any prosecution under subsection (3) or (5) have all the powers that it could exercise pursuant to the FCC Act or any repealed enactment, as the case may be, as if this Act had not come into operation.

(7) All rights, obligations and liabilities subsisting in favour of or against the FCC or the Interim Agency shall, on the

commencement of section 81, continue to exist under the same terms and conditions in favour of or against the NCA or the Interim Agency.

(8) The assets and funds of the FCC or the Interim Agency shall, on the commencement of section 81, vest in the NCA.

(9) Any act done by the FCC or the Interim Agency shall, on the commencement of section 81, be deemed to have been done, and shall continue to be done, by the NCA.

(10) Any reference in any enactment or document to the FCC or the Interim Agency shall be construed as a reference to the NCA.

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

(12) In this section -

"FCC Act" means the Financial Crimes Commission Act 2023;

"repealed enactment" means -

(a) the Asset Recovery Act repealed under the FCC Act;

(b) Part II of the Financial Intelligence and Anti-Money Laundering Act repealed under the FCC Act;

(c) the Good Governance and Integrity Reporting Act repealed under the FCC Act;

(d) the Prevention of Corruption Act repealed under the FCC Act.

Proposed amendment

84. Other savings and transitional provisions

~~(1) Any proceedings, whether judicial or extra-judicial, started by or against the FCC or the Interim Agency, or taken over by the FCC under any repealed enactment, which are pending on the commencement of section 81 shall be deemed to have been started by or against the NCA or the Interim Agency, or taken over by the NCA.~~

~~(2) Any investigation or enquiry started by the FCC or taken over by the FCC under any repealed enactment and pending on the commencement of section 81 shall be taken over and continued by the NCA.~~

~~(3) Any prosecution in respect of any act or allegation instituted under the FCC Act, or taken over and continued by the FCC under any repealed enactment shall, on the commencement section 81, be taken over and continued by the Director of Public Prosecutions under the FCC Act or the repealed enactment, as the case may be, as if this Act had not come into operation.~~

~~(4) Where the NCA detects an offence which may have been committed under the FCC Act or any repealed enactment prior to the commencement of section 81, the NCA shall have all the powers conferred under this Act to investigate into that offence.~~

~~(5) A prosecution in respect of any act or allegation so investigated under the FCC Act or any repealed enactment may, on the commencement of section 81, be instituted by the Director of Public Prosecutions under the FCC Act or that repealed enactment, as the case may be, as if this Act had not come into operation.~~

~~(6) The Court shall, in respect of any prosecution under subsection (3) or (5) have all the powers that it could exercise pursuant to the FCC Act or any repealed enactment, as the case may be, as if this Act had not come into operation.~~

~~(7) All rights, obligations and liabilities subsisting in favour of or against the FCC or the Interim Agency shall, on the commencement of section 81, continue to exist under the same terms and conditions in favour of or against the NCA or the Interim Agency.~~

~~(8) The assets and funds of the FCC or the Interim Agency shall, on the commencement of section 81, vest in the NCA.~~

~~(9) Any act done by the FCC or the Interim Agency shall, on the commencement of section 81, be deemed to have been done, and shall continue to be done, by the NCA.~~

~~(10) Any reference in any enactment or document to the FCC or the Interim Agency shall be construed as a reference to the NCA.~~

~~(11) Where this Act does not make provision for any saving or transition, the Minister may make such regulations as may be necessary for such saving or transition.~~

~~(12) In this section -~~

~~"FCC Act" means the Financial Crimes Commission Act 2023;~~

~~"repealed enactment" means -~~

~~(a) the Asset Recovery Act repealed under the FCC Act;~~

~~(b) Part II of the Financial Intelligence and Anti-Money Laundering Act repealed under the FCC Act;~~

~~(c) the Good Governance and Integrity Reporting Act repealed under the FCC Act;~~

~~(d) the Prevention of Corruption Act repealed under the FCC Act.~~

84. Savings, continuity of proceedings and transitional transfer

(1) The repeal or transfer effected by this Act shall not cause any investigation, enquiry, judicial or extra-judicial proceeding, prosecution, appeal, application, judicial review, constitutional claim, civil claim, asset-recovery proceeding, enforcement proceeding or other remedy to abate, lapse, restart or become invalid merely because the FCC or Interim Agency has ceased to exist or a function has transferred to the NCA.

(2) In a civil, administrative, asset-recovery or other non-criminal proceeding to which the FCC or Interim Agency is a party immediately before the transfer date, the NCA shall be substituted as the party by operation of law, unless the Court orders another appropriate substitution. No fresh originating process shall be required solely because of the substitution.

- (3) A criminal prosecution instituted, taken over or continued before the transfer date shall continue under the authority of the Director of Public Prosecutions in accordance with section 72 of the Constitution. For avoidance of doubt, any appeal, case stated or question of law reserved forming part of criminal proceedings shall continue without interruption under the same constitutional authority.
- (4) An investigation or enquiry pending immediately before the transfer date shall be transferred to and continued by the NCA without the need to reopen or re-authorise steps lawfully completed under the law then applicable. The NCA shall create a written handover record identifying the file, lead officers, evidence holdings, outstanding judicial Orders, statutory deadlines and material integrity or disclosure issues.
- (5) A warrant, production Order, preservation direction, restraint, attachment, freezing measure, seizure, disclosure Order, undertaking, notice, summons, authorisation, bail-related condition, court direction or other lawful instrument in force immediately before the transfer date shall remain in force for the remainder of its lawful duration, subject to variation, review, renewal or discharge by the authority or Court competent under the applicable law.
- (6) Physical, documentary and digital evidence, exhibits, forensic images, devices, records, intelligence and other case material shall transfer to the custody of the NCA or, where appropriate, the Director of Public Prosecutions or other competent authority. The transfer shall preserve provenance, audit logs, seals, hashes, exhibit references and chain-of-custody records so far as applicable.
- (7) No evidential defect, unlawful search, unlawful interception, breach of privilege or other illegality occurring before the transfer date shall be cured or validated merely because the material or proceeding is transferred to the NCA. Any objection, exclusion application, review or remedy that could have been pursued before the transfer remains available after the transfer.
- (8) Where conduct occurred before the transfer date, criminal liability, available defences, applicable penalties and substantive legal rights shall be determined by the law applicable to the conduct, subject to any rule requiring application of a lighter penalty. New investigative powers under this Act shall not be treated as retrospective authority for an act already completed before commencement.
- (9) Any statutory limitation period, appeal period, return date, reporting deadline or other procedural time limit running immediately before the transfer date shall continue to run and shall not be reset merely because of the transfer. Where the transfer itself makes compliance impracticable, the competent Court or authority may grant such extension as the law permits.
- (10) All rights, privileges, obligations, liabilities, debts, contracts, undertakings and claims subsisting in favour of or against the FCC or Interim Agency immediately before the transfer date shall vest in or bind the NCA, except where this Act expressly assigns the matter to another authority.
- (11) All property, funds, bank accounts, virtual assets, records, secure systems and other assets of the FCC or Interim Agency shall vest in the NCA on the transfer date, subject to a documented inventory and audit trail and without prejudice to any third-party right, trust, restraint, forfeiture, compensation or Court Order affecting the asset.
- (12) A lawful act, decision or administrative instrument of the FCC or Interim Agency shall continue to have effect after the transfer date to the extent necessary for continuity and may be varied, revoked, reviewed or challenged by the person or authority that would have had power to do so if the predecessor institution had continued.
- (13) Any reference in an enactment, contract, Order, warrant, court record or other document to the FCC or Interim Agency shall, where the context permits, be read as a reference to the NCA; provided that a reference concerning an independent prosecutorial function shall be read consistently with the constitutional powers of the Director of Public Prosecutions.
- (14) Within 30 days after the transfer date, the Director-General shall provide to the Governance Advisory Board and the Independent Advisory Panel a confidential transition certificate confirming the number of transferred investigations and proceedings, outstanding judicial Orders, evidence repositories and material unresolved transfer risks. The certificate shall not disclose information capable of prejudicing an individual investigation or proceeding.
- (15) The identity, status, office or political affiliation of any complainant, witness, suspect, accused person, claimant, defendant or other party shall have no bearing on whether a pending matter continues under this section.
- (16) Regulations necessary solely for administrative transfer may be made under section 80, but no transitional regulation may discontinue, determine, prejudice or alter the merits of an individual investigation, prosecution, appeal or pending court proceeding, or retrospectively validate an unlawful act.
- (17) In this section -
 "FCC Act" means the Financial Crimes Commission Act 2023;
 "repealed enactment" has the meaning assigned by the circulated Bill and includes the Asset Recovery Act repealed under the FCC Act, Part II of the Financial Intelligence and Anti-Money Laundering Act repealed under the FCC Act, the Good Governance and Integrity Reporting Act repealed under the FCC Act, and the Prevention of Corruption Act repealed under the FCC Act;
 "transfer date" means the date on which section 81 comes into operation.

Rationale

This is the principal continuity clause. The circulated text already preserves pending investigations, proceedings, prosecutions, rights, assets and liabilities, but it does not expressly enumerate appeals, judicial review, constitutional proceedings, live warrants and orders, evidential chain of custody, limitation periods, or the rule that transition cannot cure an earlier illegality. The proposed text makes those consequences explicit. It also reflects section 17 of the Interpretation and General Clauses Act, which preserves accrued rights, liabilities, investigations, proceedings and remedies on repeal. For criminal proceedings, section 72 of the Constitution gives the DPP exclusive constitutional authority to take over and continue proceedings and expressly treats an appeal as part of the criminal proceedings. The amendment therefore protects continuity without transferring prosecutorial independence to the NCA.

CLAUSE 85 - COMMENCEMENT

STATUS	REWRITE	Sequence safeguards, oversight and transition before coercive powers/repeal
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Government text

85. 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.

Proposed amendment

~~85. 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.~~

85. Commencement and sequencing

(1) Subject to this section, this Act shall come into operation on a date or dates fixed by Proclamation.
 (2) Different dates may be fixed for different provisions, but the commencement sequence shall preserve continuous legal authority, independent oversight and the rights of persons affected by NCA powers.
 (3) No provision conferring a power of arrest, search, seizure, compulsory production, interception, intrusive surveillance, equipment interference or operation of the National Flagging Database shall come into force unless -
 (a) the office of Director-General is filled or lawfully occupied on an acting basis under this Act;
 (b) the governance and independent oversight arrangements applicable to the power are operational;
 (c) the relevant code, record-keeping, audit, complaint and data-security arrangements required by this Act have been put in place; and
 (d) officers exercising the power have been lawfully authorised and trained for that function.
 (4) Section 81 shall not come into operation before section 84 and the operational arrangements necessary to transfer pending investigations, proceedings, appeals, evidence, records, assets and liabilities can take effect simultaneously.
 (5) A Proclamation bringing a substantial group of provisions into force shall identify the provisions and effective date with sufficient clarity to enable courts, investigators, affected institutions and the public to determine which legal regime applies on that date.

Rationale

Staggered commencement can be useful for a major institutional transition, but it should not create a period in which coercive powers operate before their oversight or predecessor legislation is repealed before files and legal authority transfer. The amendment preserves the flexibility of commencement by Proclamation while requiring safeguards and transitional machinery to precede, or commence simultaneously with, the powers they govern.

SCHEDULE - OATH OF CONFIDENTIALITY

STATUS	AMEND	Align the oath with section 76 and lawful oversight/protected disclosure
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Government text

SCHEDULE
[Section 76(1)]
OATH OF CONFIDENTIALITY
I, ..., hereby make oath/solemn affirmation* as a and declare that in the discharge of my functions and exercise of my powers under the National Crime Agency Act 2026, the Asset Recovery and Unexplained Wealth Act 2026, the Declaration of Assets Act, the Financial Crime Act 2026 and under any other relevant enactment, I shall deal with and regard all documents and information relating to the operations of the National Crime Agency and to which I have access as SECRET AND CONFIDENTIAL and refrain from disclosing any such document and information to any unauthorised person.

Proposed amendment

~~SCHEDULE~~

~~[Section 76(1)]~~

~~OATH OF CONFIDENTIALITY~~

~~I, ..., hereby make oath/solemn affirmation* as a and declare that in the discharge of my functions and exercise of my powers under the National Crime Agency Act 2026, the Asset Recovery and Unexplained Wealth Act 2026, the Declaration of Assets Act, the Financial Crime Act 2026 and under any other relevant enactment, I shall deal with and regard all documents and information relating to the operations of the National Crime Agency and to which I have access as SECRET AND CONFIDENTIAL and refrain from disclosing any such document and information to any unauthorised person.~~

SCHEDULE

[Section 76(1)]

OATH / SOLEMN AFFIRMATION OF CONFIDENTIALITY AND LAWFUL USE

I, ..., hereby make oath/solemn affirmation* that, in the discharge of my functions and exercise of my powers, I shall protect documents and information entrusted to me, use them only for lawful official purposes, and not disclose them to an unauthorised person.

I shall protect the identity and safety of informers, covert sources, whistleblowers and other protected persons, and shall respect legal professional privilege, personal-data safeguards, Court Orders and the confidentiality requirements of the National Crime Agency Act 2026 and any other applicable enactment.

Nothing in this oath prevents a disclosure that is required or expressly permitted by law, including a disclosure to a Court, the Director of Public Prosecutions or a competent oversight or enforcement authority, or a protected disclosure made in accordance with section 76.

I shall not use confidentiality to conceal unlawful conduct, serious misconduct, evidence manipulation, abuse of power or any other matter which the law requires or permits to be reported to a competent authority.

Rationale

The oath should reinforce confidentiality without contradicting the lawful-disclosure exceptions in amended clause 76. The proposed wording therefore protects sensitive information and sources while making clear that secrecy is not a bar to Court-ordered disclosure, prosecutorial functions, statutory oversight or protected reporting of wrongdoing.

Key Transition Effect

Under the proposed clause 84, a pending case does not disappear merely because the FCC is repealed. Civil and asset-recovery matters continue with the NCA substituted where appropriate; criminal prosecutions and criminal appeals continue under the constitutional authority of the Director of Public Prosecutions; live court orders remain effective for their lawful duration; and evidence transfers with its chain of custody intact. The transition neither restarts a case nor cures any illegality that existed before transfer.

Reference Notes — Clauses 76–85 and Schedule

1. Circulated National Crime Agency Bill 2026 - primary source for clauses 76-85 and the Schedule reproduced and amended in this Part.
2. Constitution of Mauritius, sections 2, 3, 5, 9 and 10 - constitutional supremacy and relevant liberty, privacy and protection-of-law safeguards.
3. Constitution of Mauritius, section 72 - the Director of Public Prosecutions may institute, take over, continue and discontinue criminal proceedings independently; an appeal from a determination in criminal proceedings is treated as part of those proceedings.
4. Interpretation and General Clauses Act, section 17 - repeal does not ordinarily affect prior operation, accrued rights or liabilities, penalties, investigations, proceedings or remedies; such proceedings may continue as if the enactment had not been repealed. Section 20 provides for laying and possible disallowance of subsidiary enactments.
5. Public Officers' Protection Act, sections 1-4 - relevant because circulated clause 79 expressly applies specified provisions of that Act to NCA officers.
6. Data Protection Act 2017, section 44 - criminal-investigation exceptions remain subject to a necessity-and-proportionality standard in a democratic society.
7. Drafting caution - the final consolidated text should be cross-checked against the final enacted versions of the Constitution (Amendment), Independent Advisory Panel, Financial Crime, Asset Recovery and Unexplained Wealth, and Miscellaneous Provisions legislation before parliamentary submission.

Completion of Principal Bill Review

Phases II to IV now provide the complete clause-by-clause proposed amendment framework for clauses 1 to 85 and the Schedule of the National Crime Agency Bill 2026. The next phase of the package addresses the National Crime (Interim) Agency Bill 2026 and its 20 clauses.