

THE CLIMATE CHANGE BILL
(No. XIV of 2020)

Explanatory Memorandum

The main object of this Bill is to implement, with a view to addressing the adverse effects of climate change and developing Mauritius into a greener economy, the obligations of Mauritius under the United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and any other related instrument on climate change.

2. Accordingly, the Bill establishes a legal framework towards making Mauritius a climate-change resilient and low emission country by providing, inter alia, for –

- (a) the setting up of an Inter-Ministerial Council on Climate Change which shall, on the recommendation of the Minister to whom responsibility for the subject of climate change is assigned, make climate change policies and set priorities for climate change adaptation and mitigation, and monitor and review the progress made by Government departments on climate change projects and programmes;
- (b) a Department of Climate Change, which shall, inter alia, develop policies, programmes and action plans relating to climate change and coordinate research relating to climate change;
- (c) the setting up of a Climate Change Committee which shall coordinate the preparation of reports relating to climate change and the implementation of activities related to greenhouse gas inventories, greenhouse gas emission reduction, climate change vulnerability assessments and adaptation to climate change;
- (d) the conduct of an annual inventory of greenhouse emission by sources and removal by sinks;
- (e) the monitoring and reporting with respect to greenhouse gas emissions, including the implementation of sectoral climate change adaptation and mitigation measures;
- (f) the Ministry responsible for the subject of climate change to be compliant to the fiduciary standards set by the Adaptation Fund Board, the Green Climate Fund and such other international climate-related funds and to act as a National Implementing Entity with a view to seeking direct access to climate funding.

3. In addition, the Bill provides, as far as Rodrigues is concerned, that –
- (a) the Commissioner for Environment in Rodrigues shall be responsible for the formulation of climate change strategies and ensure that climate change measures are effectively and efficiently implemented and maintained in Rodrigues; and
 - (b) there shall be a Rodrigues Climate Change Committee which shall, inter alia, collaborate and coordinate with the Climate Change Committee for the preparation of reports related to climate change.

K. RAMANO

Minister of Environment, Solid Waste Management and Climate Change

16 October 2020

THE CLIMATE CHANGE BILL
(No. XIV of 2020)

ARRANGEMENT OF CLAUSES

Clauses

- | | |
|---|---|
| <p>PART I – PRELIMINARY</p> <ul style="list-style-type: none"> 1. Short title 2. Interpretation 3. Application of Act <p>PART II – INTER-MINISTERIAL COUNCIL ON CLIMATE CHANGE</p> <ul style="list-style-type: none"> 4. The Council 5. Objects of Council 6. Functions and powers of Council 7. Functions and powers of Minister <p>PART III – DEPARTMENT OF CLIMATE CHANGE</p> <ul style="list-style-type: none"> 8. Department of Climate Change 9. Director 10. Staff of Department <p>PART IV – CLIMATE CHANGE COMMITTEE</p> | <ul style="list-style-type: none"> 11. Climate Change Committee 12. Meetings of Climate Change Committee <p>PART V – CLIMATE CHANGE MEASURES</p> <p>Sub-Part A – National Climate Change Adaptation Strategy and Action Plan, National Climate Change Mitigation Strategy and Action Plan and National Inventory Report</p> <ul style="list-style-type: none"> 13. National Climate Change Adaptation Strategy and Action Plan 14. National Climate Change Mitigation Strategy and Action Plan 15. National Inventory Report |
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| <p>Sub-Part B – Duties and Obligations of Institutions</p> <p>16. Duties of institutions</p> <p>17. Submission of data and information on climate change</p> <p>Sub-Part C – Reporting and Public Consultation</p> <p>18. Reporting</p> <p>19. Public consultation</p> <p>PART VI – APPLICATION OF ACT TO RODRIGUES</p> <p>20. Rodrigues Climate Change Strategy</p> <p>21. Rodrigues Climate Change Committee</p> <p>22. Meetings of Rodrigues Climate Change Committee</p> | <p>23. Submission of data and information</p> <p>PART VII – MISCELLANEOUS</p> <p>24. National Implementing Entity</p> <p>25. Enforcement</p> <p>26. Protection from liability</p> <p>27. Confidentiality</p> <p>28. Offences</p> <p>29. Regulations</p> <p>30. Consequential amendments</p> <p>31. Commencement</p> <p>FIRST SCHEDULE</p> <p>SECOND SCHEDULE</p> <p>THIRD SCHEDULE</p> <p>FOURTH SCHEDULE</p> <p>FIFTH SCHEDULE</p> |
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A BILL

To establish a legal framework towards making Mauritius a climate-change resilient, and low emission, country

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Climate Change Act 2020.

2. Interpretation

In this Act –

“adaptation”, in relation to climate change, means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities;

“adverse effects of climate change” means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare;

“Chief Commissioner” means the Chief Commissioner referred to in the Rodrigues Regional Assembly Act;

“climate change” means a change of climate which is attributed, directly or indirectly, to human activity which alters the composition of the global atmosphere and which is, in addition to natural climate variability, observed over comparable time periods;

“Commission” means the Commission responsible for the subject of environment in Rodrigues;

“Commissioner” means the Commissioner to whom responsibility for the subject of environment is assigned in Rodrigues;

“Council” means the Inter-Ministerial Council on Climate Change referred to in section 4;

“Department” means the Department of Climate Change referred to in section 8;

“Director” means the Director of the Department;

“emission” means the emission of greenhouse gas, into the atmosphere, which is attributable to human activity;

“greenhouse gas” means –

- (a) carbon dioxide (CO₂);
- (b) methane (CH₄);
- (c) nitrous oxide (N₂O);
- (d) hydrofluorocarbons (HFCs); and
- (e) such other gas as may be prescribed;

“Kyoto Protocol” means the Kyoto Protocol to the United Nations Framework Convention on Climate Change, adopted at Kyoto on 11 December 1997;

“Minister” means the Minister to whom responsibility for the subject of climate change is assigned;

“Ministry” means Ministry responsible for the subject of climate change;

“mitigation”, in relation to greenhouse gas, means human intervention to reduce the emission of greenhouse gas by sources or enhancing its removal from the atmosphere by sinks;

“National Climate Change Adaptation Strategy and Action Plan” means the action plan formulated under section 13;

“National Climate Change Mitigation Strategy and Action Plan” means the action plan formulated under section 14;

“National Inventory Report” means the report referred to in section 15(1)(b);

“Paris Agreement” means the Paris Agreement adopted at Paris on 12 December 2015;

“sink” means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere;

“supervising officer” means the supervising officer of the Ministry;

“sustainable development” means meeting the needs of the present without compromising the ability of future generations to meet their own needs;

“UNFCCC” means the United Nations Framework Convention on Climate Change, adopted at New York on 9 May 1992.

3. Application of Act

This Act shall bind the State.

PART II – INTER-MINISTERIAL COUNCIL ON CLIMATE CHANGE

4. The Council

(1) There shall be, for the purposes of this Act, an Inter-Ministerial Council on Climate Change.

(2) The Council shall consist of –

(a) the Prime Minister, as Chairperson;

(b) the Ministers referred in the First Schedule; and

(c) such other Ministers as the Prime Minister may designate.

(3) The Chief Commissioner may, at the request of the Prime Minister, attend any meeting of the Council.

5. Objects of Council

The Council shall set national objectives, goals and targets with a view to making Mauritius a climate change-resilient and low emission country.

6. Functions and powers of Council

(1) The Council shall have such functions and powers as are necessary to further its objects most effectively and shall, in particular –

- (a) make climate change policies and set priorities for –
 - (i) adaptation in agriculture, biodiversity, coastal zones, infrastructure, the port, marine environment, tourism, fisheries and water sectors and any other relevant sector; and
 - (ii) mitigation in energy, transport, industrial processes and product use, agriculture, forestry, land use, waste management and disposal and any other relevant sector;
- (b) monitor and review progress made by Government departments on climate change projects and programmes;
- (c) ensure coordination and cooperation between Government departments, local authorities and other organisations engaged in climate change projects and programmes; and
- (d) make such recommendations and issue such directives as it may determine to Government departments.

(2) The Director shall act as Secretary to the Council and shall perform such duties as the Council may assign to him.

7. Functions and powers of Minister

(1) For the purposes of this Act, the Minister –

- (a) shall develop climate change policies and make recommendations to the Council;
- (b) shall coordinate and monitor all climate change programmes and, where he considers necessary, issue directives to Government departments and local authorities for the implementation of climate change policies and programmes;
- (c) shall promote and encourage business initiatives and environmentally sound technologies which may assist in adapting to climate change and reducing greenhouse gas emissions; and
- (d) may appoint such technical advisory committees, greenhouse gas inventory committees and such other committees as may be necessary to assist the Council in the discharge of its functions.

(2) The Minister may request the Director to furnish such information, in such manner and at such time, as he considers necessary and the Director shall furnish the information.

(3) The Minister may give such directions of a general character to the Director, not inconsistent with this Act, as he considers necessary in the public interest and the Director shall comply with those directions.

PART III – DEPARTMENT OF CLIMATE CHANGE

8. Department of Climate Change

(1) For the purposes of this Act, there shall be, within the Ministry, a department to be known as the Department of Climate Change.

(2) The Department shall –

- (a) promote adaptation and mitigation measures to address climate change in relevant sectors;
- (b) develop and coordinate policies, projects, strategies, programmes and action plans to address the adverse effects of climate change and oversee their implementation by relevant stakeholders, including Government departments, statutory bodies and private institutions;

- (c) formulate and update guidelines for the conduct of vulnerability and risk assessments relating to climate change;
- (d) establish procedures and issue guidelines to reduce emissions of greenhouse gas;
- (e) establish reporting mechanisms for public and private institutions, including statutory bodies, relating to climate change;
- (f) establish and maintain a climate change database system to enable the assessment, monitoring, reporting and verification of measures relating to climate change;
- (g) compile, analyse and disseminate information on climate change;
- (h) provide technical support and facilitate and coordinate research and studies by public and private institutions, including statutory bodies, in relation to adaptation and mitigation measures relating to climate change;
- (i) promote the implementation of Article 6 of UNFCCC on education, training and public awareness on climate change and related matters;
- (j) prepare, in collaboration with relevant stakeholders, the National Inventory Report, the report on national communications and such other report as may be required to meet the obligations of Mauritius under UNFCCC, the Kyoto Protocol, the Paris Agreement and any other instrument relating to climate change;
- (k) mobilise necessary technical and financial resources for the formulation and implementation of projects on climate change with a view to implementing UNFCCC, the Kyoto Protocol, the Paris Agreement and any other related international instrument;
- (l) promote and enhance the participation of stakeholders, including the business community, non-governmental organisations and local communities, in climate change matters;
- (m) commission studies on climate change, taking into consideration, inter alia, human rights, cultural heritage and gender issues;

- (n) identify the particular and specific vulnerabilities and susceptibilities of Mauritius, as a Small Island Developing State, to climate change, and measures to address them;
- (o) establish links, and cooperate, with Small Island Developing States and other regional blocks so as to mobilise resources to implement common mitigation and adaptation measures;
- (p) establish a network at national, regional and international levels with institutions and organisations that work on climate change issues;
- (q) publish information relating to climate change, including initiatives and activities to address climate change;
- (r) monitor the level of greenhouse gas emissions and removal by sink to ascertain and ensure that greenhouse gas emissions are reduced as required under UNFCCC;
- (s) monitor the implementation of sectoral climate change adaptation policy and measures to ascertain that the National Climate Change Adaptation Strategy and Action Plan is complied with;
- (t) monitor the implementation of sectoral climate change mitigation policy and measures to ascertain that the National Climate Change Mitigation Strategy and Action Plan is complied with;
- (u) carry out such other duties, not inconsistent with this Act, as may be entrusted to it in writing by the Council or the Minister.

(3) The Department shall annually publish, in electronic form, on the Ministry's website, the National Inventory Report on greenhouse gas emission by sources and removal by sinks.

9. Director

(1) There shall be a Director of the Department who shall be responsible for the control, management and administration of the day to day business of the Department.

(2) The Director shall be –

- (a) a public officer, to be appointed by the Public Service Commission; and
 - (b) be under the administrative control of the supervising officer.
- (3) The Director shall, in the discharge of his functions –
- (a) be responsible for the execution of the policy of the Ministry;
 - (b) annually report to the Minister on the compliance with section 16 by any public or private institution;
 - (c) report to the Minister on such other matter as the Minister may require under this Act;
 - (d) carry out such other assignments, not inconsistent with this Act, given to him by the Minister or the supervising officer.

10. Staff of Department

(1) There shall be posted to the Department such public officers as may be necessary to assist the Department in the proper discharge of its functions under this Act.

(2) The public officers referred to in subsection (1) shall be under the administrative control of the Director.

PART IV – CLIMATE CHANGE COMMITTEE

11. Climate Change Committee

(1) There shall be, for the purposes of this Act, a Climate Change Committee which shall consist of –

- (a) the supervising officer or his representative, as chairperson;
- (b) the Director;
- (c) one representative from each of the Ministries, Departments and other bodies specified in the Second Schedule;
- (d) a representative of the Council of Registered Professional Engineers of Mauritius;

- (e) a representative of the civil society, having knowledge and wide experience in climate change matters, to be appointed by the Minister; and
- (f) a representative of the private sector, having knowledge and wide experience in climate change matters, to be appointed by the Minister.

(2) (a) The Climate Change Committee may, where it considers necessary, co-opt such other person with relevant expertise as may be of assistance in relation to any matter before it.

(b) A co-opted member shall have no right to vote at any meeting of the Climate Change Committee.

(3) The Climate Change Committee shall –

- (a) coordinate the preparation of the National Inventory Report, the report on national communications and such other reports as may be required under UNFCCC;
- (b) coordinate the implementation of measures related to greenhouse gas inventories, greenhouse gas emission reduction, the assessment of risks associated and vulnerability to climate change and adaptation to climate change;
- (c) coordinate strategic planning and national policies relating to climate change;
- (d) recommend methods to monitor and control the emission of greenhouse gas in sectors such as agriculture, aviation, energy, industry, land use, forestry, transport and waste and such other relevant sectors as may be necessary to ensure the stabilisation of greenhouse gas and the reduction of emission;
- (e) recommend approaches for vulnerability and risk assessments and adaptation in agriculture, biodiversity, coastal zones, fisheries, infrastructure, the port, marine environment, tourism and water sectors and such other relevant sectors as may be necessary to ensure optimal resilience to the adverse effects of climate change;

- (f) recommend approaches to monitor the adverse effects of climate change on human rights and vulnerable communities and their livelihood;
- (g) coordinate the use of resources and any assistance provided by donors and funding agencies for climate change projects; and
- (h) coordinate climate change related activities.

(4) The Climate Change Committee shall, every 2 years, submit to the Minister a report on any progress made in relation to the matters specified in subsection (3).

12. Meetings of Climate Change Committee

(1) A meeting of the Climate Change Committee shall be held at such time and place as the Chairperson may determine.

(2) At any meeting of the Climate Change Committee, 17 members shall constitute a quorum.

(3) The Climate Change Committee shall –

- (a) regulate its meetings and proceedings in such manner as it may determine; and
- (b) meet as often as it is necessary at the request of the Chairperson, but at least once every month.

(4) The Climate Change Committee may –

- (a) set up such subcommittees as may be necessary; and
- (b) delegate any of its functions or powers to the Chairperson or any subcommittee.

(5) (a) The supervising officer shall designate a public officer of the Ministry to act as Secretary to the Climate Change Committee.

(b) The Secretary to the Climate Change Committee shall –

- (i) at the request of the Chairperson, convene, prepare and attend every meeting of the Committee;

- (ii) keep minutes of proceedings of every meeting of the Committee; and
- (iii) perform such other duties as may be conferred upon him by the Committee.

PART V – CLIMATE CHANGE MEASURES

Sub-Part A – National Climate Change Adaptation Strategy and Action Plan, National Climate Change Mitigation Strategy and Action Plan and National Inventory Report

13. National Climate Change Adaptation Strategy and Action Plan

(1) The Department shall, in collaboration with the Ministries, Departments and other bodies specified in the Third Schedule, be responsible for the formulation of a National Climate Change Adaptation Strategy and Action Plan.

(2) The National Climate Change Adaptation Strategy and Action Plan shall be –

- (a) formulated in accordance with UNFCCC and any other related instrument; and
- (b) based on vulnerabilities, and risks associated, to climate change and specific adaptation needs and measures.

(3) The National Climate Change Adaptation Strategy and Action Plan shall include –

- (a) national development priorities;
- (b) policy formulation;
- (c) an action plan and investment programme;
- (d) information on compliance with international commitments;
- (e) research and development;
- (f) climate data and information;
- (g) recommendations on education, training and public awareness; and

(h) approaches for monitoring, evaluation and reporting.

(4) The National Climate Change Adaptation Strategy and Action Plan shall be reviewed every 5 years or at such time as the Minister may determine.

14. National Climate Change Mitigation Strategy and Action Plan

(1) The Department shall, in collaboration with the Ministries, Departments and other bodies specified in the Fourth Schedule, be responsible for the formulation of a National Climate Change Mitigation Strategy and Action Plan.

(2) The National Climate Change Mitigation Strategy and Action Plan shall be formulated in accordance with –

- (a) UNFCCC and any other related instrument; and
- (b) the national development priorities which aim at achieving low emission and a green economy.

(3) The National Climate Change Mitigation Strategy and Action Plan shall include –

- (a) national development priorities;
- (b) policy formulation, including national policies and measures for mitigation and the enhancement of sinks;
- (c) an action plan and investment programme;
- (d) information on compliance with international commitments;
- (e) research and development;
- (f) climate data and information;
- (g) recommendations on education, training and public awareness; and
- (h) approaches for monitoring, evaluation and reporting.

(4) The National Climate Change Mitigation Strategy and Action Plan shall be reviewed every 5 years or at such time as the Minister may determine.

15. National Inventory Report

- (1) The Department shall –
 - (a) conduct an annual national inventory of greenhouse gas emission by sources and removal by sinks, in accordance with UNFCCC, Kyoto Protocol, Paris Agreement and any related instrument on climate change; and
 - (b) prepare the National Inventory Report for greenhouse gas.
- (2) For the purpose of the inventory referred to in subsection (1), the Department shall, after consultation with relevant public and private institutions designated by the supervising officer –
 - (a) identify key source categories;
 - (b) collect data from any Ministry, Government department, local authority, statutory body and private institution which holds relevant information regarding climate change;
 - (c) estimate the emission by sources and removal by sinks for each category;
 - (d) undertake assessments on uncertainties;
 - (e) verify all data and information; and
 - (f) keep a record of every information and documents which show how estimates were reached.
- (3) The Department shall keep a record of changes that occur every year –
 - (a) in the collection of data; and
 - (b) in the methodologies and emission factors for the calculation of greenhouse gas emissions and sinks.
- (4)
 - (a) Any Ministry, Department and other body specified in the Fourth Schedule shall, on request, furnish to the Department such information as it may require for the purpose of preparing the National Inventory Report.
 - (b) The General Manager of the Outer Islands Development Corporation shall, at the request of the Department and for the purpose of the

preparation of the National Inventory Report, submit data and information on climate change, including estimates of emission of greenhouse gas by sources and its removal by sinks.

(5) (a) The Minister may make such regulations as he thinks fit for the purpose of requiring Government departments, local authorities, statutory bodies, private institutions and climate researchers to keep and provide data and information to the Department on –

- (i) the amount of fuel imported, distributed, sold or used, and the purpose for which the fuel is used;
- (ii) industrial processes, including by-products from industrial processes;
- (iii) the composition of vehicle fleets and the use of such vehicles, including distances travelled;
- (iv) the import and export of hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and such other gas as may be prescribed;
- (v) the registration of motor vehicles of each class that have air conditioning systems that contain hydrofluorocarbons or perfluorocarbons;
- (vi) harvested area of crops and the production relating thereto;
- (vii) the amount of nitrogenous fertilizers used;
- (viii) ruminants and other farmed livestock;
- (ix) the area of land with native and non-native trees and the native and non-native trees;
- (x) waste composition and weight, dimensional characteristics of landfills, and volume of landfill gases extracted and combusted;
- (xi) the amount of waste water, type of treatment and disposal; and
- (xii) such other matters as may be prescribed,

for the purpose of estimating the emission of greenhouse gas by sources and its removal by sinks.

(b) Any regulations made under paragraph (a) may provide for the form and manner in which data and information shall be kept and provided to the Department.

(6) For the purpose of collecting information to assist in the estimation of emission by sources and removal by sinks, the Director, or any public officer or any relevant public institution designated by the Director may enter, at any reasonable time, on land or premises where there is or may be any livestock or plant species and without causing any unnecessary prejudice to protected wildlife –

(a) carry out surveys, investigations, tests or measurements and may, for that purpose, leave such measuring equipment as may be required on the land or premises; and

(b) take samples of water, air, soil or any organic matter.

Sub-Part B – Duties and Obligations of Institutions

16. Duties of institutions

(1) (a) For the purposes of this Act, the Director may issue such directives as may be necessary to any public or private institution.

(b) The Director may, pursuant to paragraph (a), require any institution to –

(i) carry out vulnerability and risk assessments and implement measures for adaptation and mitigation;

(ii) take into account climate change in its strategies, action plans and other policies;

(iii) implement relevant measures specified in the National Climate Change Adaptation Strategy and Action Plan and the National Climate Change Mitigation Strategy and Action Plan;

(iv) report on sectoral greenhouse gas emissions for the National Inventory Report;

- (v) establish a unit with adequate staff and financial resources, or appoint an officer, to coordinate the implementation of climate change measures;
 - (vi) monitor and review, at such regular intervals as the institution considers necessary, the implementation of the measures referred to in subparagraph (iii);
 - (vii) report, as and when required, to the Department on the status and progress of the implementation of the duties referred to in subparagraphs (i) to (vi).
- (2) An institution referred to in subsection (1) shall comply with –
- (a) any directive issued by the Director;
 - (b) this Act, UNFCCC, the National Climate Change Adaptation Strategy and Action Plan and the National Climate Change Mitigation Strategy and Action Plan.

17. Submission of data and information on climate change

(1) For the purpose of enabling Mauritius to fulfill its obligations under UNFCCC, the Kyoto Protocol, the Paris Agreement and any related instrument on climate change, the Director may, in writing, request any relevant public or private institution to submit, from time to time and in accordance with a predetermined schedule, data and information on climate change, including greenhouse gas emissions and carbon sinks.

(2) An institution to which a request is made shall, electronically or in such other manner as the Director may specify, submit the data and information referred to in subsection (1).

Sub-Part C – Reporting and Public Consultation

18. Reporting

For the purpose of reporting to the Secretariat of UNFCCC, the Minister may, as and when he considers appropriate, direct the Director to provide to him or the Secretariat such information and report as UNFCCC may require.

19. Public consultation

Every Government department shall, for the purpose of developing strategies

and policies in respect of climate change, undertake public consultations.

PART VI – APPLICATION OF ACT TO RODRIGUES

20. Rodrigues Climate Change Strategy

(1) The Commissioner shall –

- (a) be responsible for the formulation of a Climate Change Adaptation Strategy and Action Plan for Rodrigues and a Climate Change Mitigation Strategy and Action Plan for Rodrigues, in collaboration with the Department, the Ministries, Departments and other bodies specified in the Third and Fourth Schedules and the members specified in the Fifth Schedule;
- (b) ensure that climate change measures are effectively and efficiently implemented and monitored in Rodrigues.

(2) (a) The Island Chief Executive shall designate such public officers as may be necessary to assist the Rodrigues Climate Change Committee in the proper discharge of its functions under this Act.

(b) The public officers referred to in paragraph (a) shall be under the administrative control of the Departmental Head of the Commission.

21. Rodrigues Climate Change Committee

(1) There shall be, for the purposes of this Act, a Rodrigues Climate Change Committee which shall consist of –

- (a) the Commissioner, as chairperson;
- (b) the Departmental Head of the Commission responsible for the subject of environment, as vice-chairperson;
- (c) a representative of the Ministry;
- (d) the members specified in the Fifth Schedule;
- (e) a representative of a non-governmental organisation, to be appointed by the Commissioner;
- (f) 3 other members, to be appointed by the Commissioner.

(2) (a) The Rodrigues Climate Change Committee may, where it considers it necessary, co-opt such other person with relevant expertise as may be of assistance in relation to any matter before it.

(b) A co-opted member shall have no right to vote at any meeting of the Rodrigues Climate Change Committee.

(3) The Rodrigues Climate Change Committee shall –

(a) collaborate and coordinate with the Climate Change Committee for the purpose of preparing the National Inventory Report, the report on national communications and such other reports as may be required under UNFCCC and any related instrument;

(b) coordinate the implementation of measures, in Rodrigues, related to greenhouse gas inventories, greenhouse gas emission reduction, the assessment of risks associated to, and vulnerability to, climate change, adaptation to climate change and compliance with the relevant laws;

(c) coordinate strategic planning and policies in the field of climate change in Rodrigues;

(d) coordinate any other activities related to climate change in Rodrigues.

22. Meetings of Rodrigues Climate Change Committee

(1) A meeting of the Rodrigues Climate Change Committee shall be held at such time and place as the chairperson may determine.

(2) At any meeting of the Rodrigues Climate Change Committee, 8 members shall constitute a quorum.

(3) The Rodrigues Climate Change Committee shall –

(a) regulate its meetings and proceedings in such manner as it may determine;

(b) meet as often as it is necessary at the request of its chairperson, but at least once every month; and

(c) set up such subcommittees as may be necessary.

23. Submission of data and information

(1) The Departmental Head of the Commission may, in writing, request any relevant public or private institution to submit, at a predetermined schedule, data and information on climate change, including estimates of the emission of greenhouse gas by sources and its removal by sinks.

(2) Any institution to which a request is made under subsection (1) shall submit the data and information in such form and manner as the Departmental Head of the Commission may specify.

PART VII – MISCELLANEOUS

24. National Implementing Entity

(1) The Ministry shall –

- (a) act as a National Implementing Entity to access international funding mechanism for climate change related projects; and
- (b) be compliant to the fiduciary standards and other reporting requirements set by the Adaptation Fund Board, the Green Climate Fund or such other international climate related funds.

(2) In this section –

“Adaptation Fund Board” means a body set up under the Kyoto Protocol to the UNFCCC to finance concrete adaptation projects and programmes in developing countries that are parties to the Kyoto Protocol;

“Green Climate Fund” means a fund established within the framework of the UNFCCC as an operating entity of the Financial Mechanism to assist developing countries in adaptation and mitigation practices to the challenge of climate change.

25. Enforcement

(1) Notwithstanding any other enactment and subject to subsection (2), officers of the Department, a police officer, a forest officer or an authorised officer under the Forests and Reserves Act, an officer of the National Parks and Conservation Service under the Native Terrestrial Biodiversity and National Parks Act and such other officer designated by the supervising officer shall have the power and duty to assist in enforcing this Act.

(2) In the case of Rodrigues, a police officer and such other officer designated by the Island Chief Executive shall have the power and duty to assist in enforcing this Act.

26. Protection from liability

No liability, civil or criminal, shall be incurred by the Minister, the Commissioner, the Department, the Director, a public officer and any member of the Climate Change Committee and the Rodrigues Climate Change Committee for any act done or omitted in good faith in the discharge of his or its functions, or in the exercise of his or its powers, under this Act.

27. Confidentiality

(1) No person shall, during or after the tenure of his office, use or disclose any matter which came to his knowledge in the performance of his duties under this Act, except –

- (a) for the purposes of this Act; or
- (b) where he is required to do so by a Court or under any enactment.

(2) Any person who, without lawful excuse, contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

28. Offences

- (1) Any person who –
- (a) obstructs or hinders any person in the discharge of his functions under this Act; or
 - (b) on being required to submit a report or to provide data or information under this Act –
 - (i) fails, without reasonable excuse, to do so within the specified time; or
 - (ii) knowingly submits a false report or information or a report or which is misleading in any material particular,

shall commit an offence.

(2) Any person who commits an offence pursuant to subsection (1) shall, on conviction, be liable –

- (a) on a first conviction, to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years;
- (b) on a second or subsequent conviction, to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.

29. Regulations

(1) The Minister may, for the purposes of this Act, make such regulations as he thinks fit.

(2) Any regulations made under subsection (1) may provide –

- (a) for the amendment of the Schedules;
- (b) for the implementation or enforcement of an obligation under UNFCCC, the Kyoto Protocol, the Paris Agreement or any related instrument on climate change;
- (c) for the issue of policy guidance or directives for adaptation to climate change;
- (d) for the issue of policy guidance or directives so as to reduce greenhouse gas emission;
- (e) for reports, in respect of greenhouse gas emissions, to be prepared, in such manner and at such intervals, by Ministries, Government departments, statutory bodies and private institutions;
- (f) for monitoring mechanisms to give effect to this Act;
- (g) for the taking of fees and levying of charges;
- (h) for anything that may or is required to be prescribed under this Act;

- (i) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

(3) Any regulations which are applicable for Rodrigues shall be made after consultation with the Commissioner.

30. Consequential amendments

(1) The Beach Authority Act is amended, in section 5(a), by adding the following new subparagraphs –

- (vii) the restoration of native vegetation on public beaches;

- (viii) replenishment of public beaches;

(2) The Environment Protection Act is amended –

- (a) in section 3 –

- (i) in the definition of “Fund”, by deleting the words “National Environment Fund” and replacing them by the words “National Environment and Climate Change Fund”;

- (ii) by inserting, in the appropriate alphabetical order, the following new definition –

- “climate change” has the same meaning as in the Climate Change Act 2020;

- (b) in section 11 –

- (i) by numbering the existing provision as subsection (1);

- (ii) by adding the following new subsection –

- (2) The National Network for Sustainable Development shall, in relation to climate change –

- (a) examine, and comment on, any relevant climate change guidelines, having regard to this Act and the

international obligations of Mauritius under UNFCCC, the Kyoto Protocol, the Paris Agreement and any other related instrument on climate change;

(b) make recommendations for policies and approaches to achieve climate change-resilient sustainable development;

(c) make recommendations for policies and approaches for greenhouse gas emission reduction to achieve a low emission economy.

(c) in section 16, by inserting, after subsection (2), the following new subsection –

(2A) The Director may, in relation to a PER, require –

(a) any data necessary to identify and assess the effects that climate change may have on the undertaking;

(b) particulars of the measures which the proponent proposes in order to mitigate the effects that climate change may have on the undertaking.

(d) in section 18 –

(i) in subsection (2) –

(A) by inserting, after paragraph (f), the following new paragraphs –

(fa) such data as may be necessary to identify and assess the effects that climate change may have on the undertaking;

(fb) the measures which the proponent proposes in order to mitigate the adverse effects

that climate change may have on the project;

(fc) any action or measure that the proponent proposes to promote the use of alternatives, best available techniques and environmental practices to minimise the use, release and emission of hazardous substances, including mercury;

(B) by inserting, after paragraph (n), the following new paragraph, the word “and” at the end of paragraph (n) being deleted –

(na) information on eco-friendly practices to promote sustainable development such as waste minimisation, reuse, recycling, composting, energy efficiency, renewable energy supply, green building practices, water conservation and management, rainwater harvesting and recycling of waste water; and

(ii) by adding following new subsection –

(3) Without prejudice to subsection (2), the proponent may, where applicable, be required to include, in the EIA report –

- (a) an ecological assessment of the site;
- (b) a vulnerability assessment and proposed adaptation measures with respect to climate change;
- (c) an estimation of greenhouse gas emission attributed to the undertaking, and associated activities within the

physical boundary of the undertaking,
over its life cycle.

- (e) in section 24(1), by inserting, after paragraph (aa), the following new paragraph –
 - (ab) the impacts of climate change, including adaptation and mitigation measures;
- (f) in section 50(2), by inserting, after paragraph (f), the following new paragraph –
 - (fa) ensure that climate change considerations and measures for adaptation are integrated in the management and protection of the coastal zone;
- (g) in PART IX, in the heading, by deleting the words “**THE NATIONAL ENVIRONMENT FUND**” and replacing them by the words “**THE NATIONAL ENVIRONMENT AND CLIMATE CHANGE FUND**”;
- (h) in section 59 –
 - (i) by deleting the heading and replacing it by the following heading –

The National Environment and Climate Change Fund
 - (ii) in subsection (1), by deleting the words “National Environment Fund” and replacing them by the words “National Environment and Climate Change Fund”.

(3) The Local Government Act is amended, in section 117(3), by inserting, after paragraph (e), the following new paragraph, the word “and” at the end of paragraph (e) being deleted –

(ea) the Climate Change Act 2020; and

(4) The Pas Géométriques Act is amended, in section 7, by inserting, after subsection (1), the following new subsection –

(1A) A person to whom a lease is granted under subsection (1)(a) shall not alter or change any marsh, lake or sand dunes and mangroves of the Pas Géométriques.

(5) The Planning and Development Act is amended –

(a) in section 3(a), by adding the following new subparagraph, the word “and” being added at the end of subparagraph (iv) and the word “and” at the end of subparagraph (iii) being deleted –

(v) development to take into account climate change;

(b) in section 12(1)(b), by inserting, after the words “sustainable and equitable manner”, the words “and taking into account climate change”;

(c) in section 13(1), by inserting, after the words “impact on,”, the words “ecologically sustainable development, the climate and”;

(d) in section 30 –

(i) in subsection (5), by inserting, after paragraph (d), the following new paragraph –

(da) any guidelines on or relating to climate change;

(ii) in subsection (6), by inserting, after paragraph (a) the following new paragraph –

(aa) the extent to which the proposed development is likely to contribute to, or deter, ecologically sustainable development or adaptation to climate change;

(6) The State Lands Act is amended, in section 6, by adding the following new subsection –

(9) A person to whom a lease is granted under this section shall not alter or change any marsh, lake or sand dunes and mangroves of the State land.

(7) The Tourism Authority Act is amended, in section 5(b), by inserting, after the words “in a responsible manner”, the words “and taking into account climate change”.

31. 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.

FIRST SCHEDULE

[Section 4(2)(b)]

MINISTERS ON INTER-MINISTERIAL COUNCIL ON CLIMATE CHANGE

1. Minister responsible for the subject of agriculture
2. Minister responsible for the subjects of blue economy, marine resources and fisheries
3. Minister responsible for the subject of commerce
4. Minister responsible for the subject of education
5. Minister responsible for the subject of energy
6. Minister responsible for the subject of finance
7. Minister responsible for the subject of financial services
8. Minister responsible for the subject of foreign affairs
9. Minister responsible for the subject of gender equality
10. Minister responsible for the subject of health
11. Minister responsible for the subjects of housing and lands
12. Minister responsible for the subject of industry
13. Minister responsible for the subject of labour
14. Minister responsible for the subject of local government
15. Minister responsible for the subject of national infrastructure
16. Minister responsible for the subject of outer islands
17. Minister responsible for the subject of public utilities
18. Minister responsible for the subject of Rodrigues
19. Minister responsible for the subjects of social security and national solidarity

20. Minister responsible for the subject of tourism
 21. Minister responsible for the subject of youth and sports
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SECOND SCHEDULE

[Section 11]

REPRESENTATIVES OF MINISTRIES, DEPARTMENTS AND OTHER BODIES ON CLIMATE CHANGE COMMITTEE

1. A representative of the Ministry responsible for the subject of agro-industry and food security
2. A representative of the Ministry responsible for the subject of education, tertiary education, science and technology
3. A representative of the Ministry responsible for the subject of energy and public utilities
4. A representative of the Ministry responsible for the subject of environment
5. A representative of the Ministry responsible for the subject of finance, economic planning and development
6. A representative of the Ministry responsible for the subject of gender equality and family welfare
7. A representative of the Ministry responsible for the subject of health and wellness
8. A representative of the Ministry responsible for the subject of housing and land use planning
9. A representative of the Ministry responsible for the subject of Industrial Development, SMEs and Cooperatives
10. A representative of the Ministry responsible for the subject of land transport and light rail
11. A representative of the Ministry responsible for the subject of local government and disaster risk management
12. A representative of the Ministry responsible for the subject of blue economy, marine resources, fisheries and shipping
13. A representative of the Ministry responsible for the subject of national infrastructure and community development

14. A representative of the Ministry responsible for the subject of social integration, social security and national solidarity
 15. A representative of the Ministry responsible for the subject of tourism
 16. A representative of the Ministry responsible for the subject of youth empowerment, sports and recreation
 17. A representative of the Mauritius Meteorological Services
 18. A representative of the National Disaster Risk Reduction and Management Centre
 19. A representative of the *Police de L'Environnement*
 20. A representative of the Forestry Service
 21. A representative of the Mauritius Renewable Energy Agency
 22. A representative of the Land Drainage Authority
 23. A representative of the Ministry responsible for Rodrigues
 24. A representative of the Rodrigues Regional Assembly
 25. A representative of Statistics Mauritius
 26. A representative of the Outer Islands Development Corporation
 27. A representative of the Waste Water Management Authority
 28. A representative of the Solid Waste Management Division
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THIRD SCHEDULE
[Regulation 13(1)]

**REPRESENTATIVES OF MINISTRIES, DEPARTMENTS AND OTHER BODIES
RESPONSIBLE FOR FORMULATION OF NATIONAL CLIMATE CHANGE
ADAPTATION STRATEGY AND ACTION PLAN**

1. Ministry responsible for the subject of agro-industry and food security
2. Ministry responsible for the subject of blue economy, marine resources, fisheries and shipping
3. Ministry responsible for the subject of energy and public utilities
4. Ministry responsible for the subject of environment
5. Ministry responsible for the subject of health and wellness
6. Ministry responsible for the subject of housing and land use planning
7. Ministry responsible for the subject of land transport and light rail
8. Ministry responsible for the subject of local government and disaster risk management
9. Ministry responsible for the subject of national infrastructure and community development
10. Ministry responsible for the subject of tourism
11. Association des Hôteliers de Restaurateurs de l'île Maurice
12. Beach Authority
13. Business Mauritius
14. Central Water Authority
15. Food and Agricultural Research and Extension Institute
16. Forestry Service
17. Council of Registered Professional Engineers of Mauritius

18. Mauritius Cane Industry Authority
 19. Mauritius Meteorological Services
 20. Mauritius Oceanography Institute
 21. Mauritius Ports Authority
 22. Mauritius Research and Innovation Council
 23. National Development Unit
 24. National Disaster Risk Reduction and Management Centre
 25. National Parks and Conservation Service
 26. Non-governmental organisations
 27. Road Development Authority
 28. University of Mauritius
 29. University of Technology, Mauritius
 30. Water Resources Unit
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FOURTH SCHEDULE
[Sections 14 and 15(4)]

**REPRESENTATIVES OF MINISTRIES, DEPARTMENTS AND OTHER BODIES
RESPONSIBLE FOR FORMULATION OF NATIONAL CLIMATE
CHANGE MITIGATION STRATEGY AND ACTION PLAN**

1. Ministry responsible for the subject of agro-industry and food security
2. Ministry responsible for the subject of blue economy, marine resources, fisheries and shipping
3. Ministry of commerce and consumer protection
4. Ministry responsible for the subject of energy and public utilities
5. Ministry responsible for the subject of environment
6. Ministry responsible for the subject of health and wellness
7. Ministry responsible for the subject of housing and land use planning
8. Ministry responsible for the subject of industrial development, SMEs and cooperatives
9. Ministry responsible for the subject of land transport and light rail
10. Ministry responsible for the subject of local government and disaster risk management
11. Ministry responsible for the subject of national infrastructure and community development
12. Ministry responsible for the subject of tourism
13. Air Mauritius Ltd
14. Airports of Mauritius Ltd
15. Association des Hoteliers de Restaurateurs de l'île Maurice
16. Maurice (AHRIM)
17. Business Mauritius

18. Central Electricity Board
19. Civil Aviation Department
20. Energy Efficiency Management Office
21. Food and Agricultural Research and Extension Institute
22. Forestry Service
23. Council of Registered Professional Engineers of Mauritius
24. Mauritius Cane Industry Authority
25. Mauritius Chemical Fertiliser Industry
26. Mauritius Export Association
27. National Land Transport Authority
28. Mauritius Ports Authority
29. Mauritius Renewable Energy Agency
30. Mauritius Research and Innovation Council
31. Mauritius Shipping Corporation Ltd
32. Mauritius Standard Bureau
33. Solid Waste Management Division
34. State Trading Corporation Ltd
35. Statistics Mauritius
36. University of Mauritius
37. University Technology, Mauritius
38. Utilities Regulatory Authority
39. Waste Water Management Authority

40. Omnicane Management & Consultancy Ltd

41. Terragri Ltd

42. Alteo Agri Ltd

FIFTH SCHEDULE
[Regulation 21(b)]

OTHER MEMBERS OF RODRIGUES CLIMATE CHANGE COMMITTEE

1. The Departmental Head of the Commission for public infrastructure or his representative
2. The Departmental Head of the Commission for state lands or representative
3. The Departmental Head of the Commission for statistics or his representative
4. The Departmental Head of the Commission for public agriculture or his representative
5. The Departmental Head of the Commission for education or his representative
6. The Departmental Head of the Commission for fisheries or his representative
7. The Departmental Head of the Commission for forestry or his representative
8. The Departmental Head of the Commission for housing or his representative
9. The Departmental Head of the Commission for meteorological services or his representative
10. The Departmental Head of the Commission for transport or his representative
11. The Departmental Head of the Commission for tourism or his representative
12. The Departmental Head of the Commission for water resources or his representative
13. The Departmental Head of the Commission for disaster risk management or his representative
14. The Departmental Head of the Commission for marine park or his representative
15. A representative of the Commission responsible for the subject of environment
16. The Health Director, Rodrigues

17. The Manager, Central Electricity Board, Rodrigues
 18. A representative of the Police de L'Environnement (Rodrigues)
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