

THE CRIMINAL CODE (AMENDMENT) BILL
(No. XVI of 2021)

Explanatory Memorandum

The object of this Bill is to amend the Criminal Code to criminalise, inter alia, the production, distribution, supply or marketing of any coin, stamp, official map or other official object or document, which involves certain foreign States and which, in any manner, misrepresents, or conveys misleading information to, the public about the sovereignty of Mauritius over any part of its territory.

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12 November 2021

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. New section 76B inserted in principal Act

A BILL

To amend the Criminal Code

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Criminal Code (Amendment) Act 2021.

2. Interpretation

In this Act –

“principal Act” means the Criminal Code.

3. New section 76B inserted in principal Act

The principal Act is amended by inserting, after section 76A, the following new section –

76B. Misrepresenting the sovereignty of Mauritius over any part of its territory

(1) Any person who acting under the authority or instructions of, or pursuant to a contract with, or with the direct or indirect financial support of, a foreign State or any organ or agency of such a State –

- (a) produces, distributes, supplies or markets any coin, stamp, official map or other official object or document which, in any manner, misrepresents, or conveys misleading information to, the public about the sovereignty of Mauritius over any part of its territory; or
- (b) gives any instruction to another person for the production, distribution, supply or marketing of any such coin, stamp, official map or other official object or document,

shall commit an offence.

(2) In subsection (1) –

“foreign State” means a State which has been subject to a determination by any international court or tribunal that it has no valid claim to sovereignty over any part of the territory of Mauritius.

(3) Any person who contravenes subsection (1) 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.

(4) Any act alleged to constitute an offence under subsection (1) and which is committed outside Mauritius by a person shall, regardless of

whether or not the act constitutes an offence at the place of commission, be deemed to have been committed in Mauritius also.

(5) Notwithstanding any other enactment, the Intermediate Court shall have jurisdiction to try an offence under subsection (1) and may, on conviction, impose any penalty provided for under subsection (3).
