

THE CRIMINAL CODE (AMENDMENT) BILL
(No. XXIV of 2006)

Explanatory Memorandum

The object of this Bill is to amend the Criminal Code by creating the offence of Culpable Omission which will apply to persons who wilfully fail to prevent the commission of another offence or to offer assistance to a person who is in danger.

Jayarama VALAYDEN
*Attorney General and Minister of Justice
and Human Rights*

27 October 2006

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. New section 39A inserted in the principal Act

A BILL

To amend the Criminal Code by creating the offence of Culpable Omission

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Criminal Code (Amendment) Act 2006.

2. Interpretation

In this Act –

"principal Act" means the Criminal Code.

3. New section 39A inserted in the principal Act

The Criminal Code is amended by inserting, immediately after section 39, the following new section –

39A. Culpable Omission

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| <p>(1) Quiconque pouvant empêcher par son action immédiate, sans risque pour lui ni pour les tiers, soit un fait qualifié crime, soit un délit contre l'intégrité corporelle de la personne, s'abstient volontairement de le faire,</p> | <p>(1) Any person who is able to take prompt action, without risk to himself or to a third party, so as to prevent the commission of a crime, or a misdemeanour which is an offence against persons, and who willfully fails to do so,</p> |
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shall be punished by a fine not exceeding 10,000 rupees and by imprisonment for a term not exceeding 2 years.

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| <p>(2) Quiconque, s'abstient volontairement de porter à une personne en péril l'assistance que, sans risque pour lui ni pour les tiers, il pouvait lui porter, soit par son action personnelle soit en provoquant un secours,</p> | <p>(2) Any person who wilfully omits to provide to a person in danger such assistance as he could, without any risk to himself or to a third party, provide to that person by his own intervention or by calling for help,</p> |
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shall be punished by a fine not exceeding 10,000 rupees and by imprisonment for a term not exceeding 2 years.

- (3) Subsection (2) shall be in addition to and not in derogation of section 140 of the Road Traffic Act.