

THE CRIMINAL CODE (AMENDMENT) BILL
(No. VIII of 2020)

Explanatory Memorandum

The object of this Bill is to amend the Criminal Code to criminalise, inter alia, the production or distribution of an article, an object or a document that conveys misleading information about, or misrepresents, the sovereignty of Mauritius over any part of its territory.

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10 July 2020

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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 2020.

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 its territory

(1) Any person who, purporting to act on his own or under the authority or instructions of, or pursuant to a contract with, a foreign State or any organ or agency of such a State, or any other person –

- (a) produces, distributes, supplies or markets any article, 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 for the production, distribution, supply or marketing of any such article, object or document,

shall commit an offence, unless he proves that he acted with the express approval of the Government of Mauritius.

(2) Any person who commits an offence under subsection (1) shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

(3) 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.

(4) 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 (2).
