

THE ELECTRONIC TRANSACTIONS (AMENDMENT) BILL
(No. V of 2009)

Explanatory Memorandum

The object of this Bill is to amend the Electronic Transactions Act in order to enable the Information and Communication Technologies Authority to discharge the functions and exercise the powers of the Controller of Certification Authorities.

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*Minister of Information and
Communication Technology*

17 April 2009

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 2 of principal Act amended
 4. Section 37 of principal Act amended
 5. Section 42 of principal Act amended
 6. New section 46A inserted in principal Act
 7. Consequential amendment
 8. Commencement
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A BILL

To amend the Electronic Transactions Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Electronic Transactions (Amendment) Act 2009.

2. Interpretation

In this Act –

"principal Act" means the Electronic Transactions Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) by deleting the definition of "authorised officer" and replacing it by the following definition –

"authorised officer" means the person designated as such under section 25 of the Information and Communication Technologies Act;

- (b) by deleting the definition of "Controller" and replacing it by the following definition –

"Controller" means the Controller of Certification Authorities referred to in section 37;

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

"ICT Authority" means the Information and Communication Technologies Authority established under the Information and Communication Technologies Act;

4. Section 37 of principal Act amended

Section 37 of the principal Act is amended by repealing subsections (1) and (2) and replacing them by the following subsections –

(1) There shall be, for the purposes of this Act, a Controller of Certification Authorities.

(2) For the purposes of this Act, the ICT Authority shall be the Controller and may be assisted by such of its officers and other members of its staff as may be necessary.

5. Section 42 of principal Act amended

Section 42 of the principal Act is amended by repealing subsection (1) and replacing it by the following subsection –

(1) The Controller may in writing delegate any of his powers under this Part to an authorised officer.

6. New section 46A inserted in principal Act

The principal Act is amended by inserting, after section 46, the following new section –

46A. Police assistance

The Controller or an authorised officer may, for the purposes of this Act, make use of the services of a police officer who shall assist the Controller or authorised officer, as the case may be.

7. Consequential amendment

The Information and Communication Technologies Act is amended –

(a) in section 2, by deleting the definition of “Controller” and replacing it by the following definition –

“Controller” means the Controller of Certification Authorities referred to in the Electronic Transactions Act;

(b) in section 18(1), by repealing paragraph (z) and replacing it by the following paragraph –

(z) be the Controller of Certification Authorities.

8. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.
