

THE HIV AND AIDS (MISCELLANEOUS PROVISIONS) BILL
(No. XXX of 2007)

Explanatory Memorandum

The object of this Bill is to amend certain enactments to make better provision with regard to marriage between a non-citizen who is HIV positive or has AIDS and a citizen of Mauritius.

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30 November 2007

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Civil Status Act amended
 3. Immigration Act amended
 4. HIV and AIDS Act 2006 amended
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A BILL

To amend certain enactments relating to the marriage of non-citizens who are HIV positive or have AIDS

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the HIV and AIDS (Miscellaneous Provisions) Act 2007.

2. Civil Status Act amended

The Civil Status Act is amended –

- (a) in section 2, by inserting in the appropriate alphabetical order, the following definition -

“infectious or contagious disease” –

- (i) means a disease prescribed under the Public Health (Infectious or Communicable Diseases) Regulations 1987; but
- (ii) does not include Human Immuno Deficiency Virus (HIV) Infection and Acquired Immuno Deficiency Syndrome (AIDS);

- (b) in section 19A(2)(a) –

- (i) by inserting after subparagraph (ii), the following new subparagraph –
 - (ii A) the non-citizen and the citizen declare, at the time of making an application for the publication of the marriage, that they have disclosed to each other whether or not they are HIV positive or have AIDS;
- (ii) in subparagraph (iii)(E), by deleting the words “or he is not HIV/AIDS positive”.

3. Immigration Act amended

The Immigration Act is amended in section 8(2), by adding after the words “in subsection (1)” immediately before the full stop, the following words –

“including a non-citizen who satisfies the immigration officer that he intends to marry a citizen to whom he has disclosed that he is HIV positive or has AIDS”.

4. HIV and AIDS Act 2006 amended

The HIV and AIDS Act 2006 is amended in section 3, by adding at the end, the following new subsection –

(3) Notwithstanding this Act, a civil status officer may, where he is authorised to do so pursuant to an enactment, require a person, before celebrating his marriage, to disclose to his intending spouse whether or not he is HIV positive or has AIDS.
