

THE NATIONAL FLAG BILL

Bill No. 15 of 2015

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The following Bill which is set out for introduction into the National Assembly is published for general information.

THE NATIONAL FLAG BILL

(No. XV of 2015)

Explanatory Memorandum

The main object of this Bill is to provide for the better protection of the national flag of Mauritius by regulating its use.

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*Prime Minister, Minister of Defence,
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02 October 2015

THE NATIONAL FLAG BILL

(No. XV of 2015)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation

3. Application of Act
4. National flag of Mauritius
5. Protection of national flag
6. Regulations
7. Consequential amendments
8. Commencement

A BILL

To provide for the better protection of the national flag of Mauritius

ENACTED by the Parliament of Mauritius, as follows —

1. Short title

This Act may be cited as the National Flag Act 2015.

2. Interpretation

In this Act —

“national colours” means the colours of the national flag, with their corresponding symbolic meaning, referred to in section 4;

“national flag” means the national flag of Mauritius referred to in section 4.

3. Application of Act

This Act shall bind the State.

4. National flag of Mauritius

(1) The national flag of Mauritius shall —

- (a) consist of 4 horizontal stripes of equal width;

- (b) be as set out in Part I of the Schedule;
- (c) bear the national colours red, blue, yellow and green in that order starting from the top and having the symbolic meaning set out in Part II of the Schedule;
- (d) be in the proportion of 3 horizontally to 2 vertically.

(2) The national flag shall be the symbol of the Government and the people of Mauritius.

(3) The national flag shall be for general use in Mauritius and, where appropriate, for international purposes.

5. Protection of national flag

(1) No person shall —

- (a) by any means or in any manner bring into hatred, ridicule, desecration or dishonour, the national flag or the flag of any other State;
- (b) without lawful authority, burn, mutilate or otherwise destroy or damage the national flag or the flag of any other State;
- (c) alter the national flag by placing thereon any letter, emblem or representation or by any other manner whatsoever;
- (d) exhibit as the national flag a flag which is not as described in section 4(1);
- (e) exhibit on any item or article an image of the national flag as the national flag which is not as described in section 4(1);
- (f) without the authorisation of the Prime Minister —
 - (i) in connection with any business, trade, calling, advertising or any professional or public activity, make use of the national flag; or
 - (ii) sell any article, or any matter whether produced by technological

means, in electronic medium or otherwise, bearing the national flag.

(2) Subject to this section, any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(3) Subsection (1)(f) shall not apply to any public activity of a Ministry or Government department

(4) No person shall commit an offence under subsection (1)(d) where that person is a minor who, in good faith and in the course of educational or social activities, represents as the national flag a flag which is not as described in section 4(1).

(5) It shall be a defence for a person charged with an offence under subsection (1)(e) to show that any variance between the image on the item or article and the national flag as described in section 4 is the consequence of the ordinary use of the item or article.

(6) The Court before which a person is convicted of an offence under this section may, in addition to the penalty imposed, order any article or matter used in the commission of the offence to be forfeited.

6. Regulations

(1) The Prime Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may, in particular, provide for the —

- (a) colour codes corresponding to the colours of the national flag;
- (b) places where, the days or occasions on which, and the times during which the national flag shall be flown;
- (c) manner in which the national flag is to be flown, including the precedence to be accorded in relation to other specified flags or classes of flags; and
- (d) standard size and dimension of the national flag for any purpose, or in any

circumstance without departing from the general design specified in section 4(1).

(3) Any regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees and to imprisonment for a term not exceeding 6 months.

7. Consequential amendments

(1) The Copyright Act is amended, in section 2—

(a) in the definition of “artistic, literary or scientific work”, in paragraph (b), by adding the following new subparagraph —

(xii) the national flag;

(b) by inserting, in the appropriate alphabetical order, the following new definition —

“national flag” has the same meaning as in the National Flag Act 2015;

(2) The Criminal Code is amended by repealing section 181 A.

(3) The Merchant Shipping Act is amended —

(a) in section 2 by deleting the definition of “national colours” and replacing it by the following definition —

“national flag” has the same meaning as in the National Flag Act 2015;

(b) by repealing section 24 and replacing it by the following new section —

24. National flag

A Mauritius ship shall hoist the national flag —

(a) on a signal being made to it by any ship in the service of the Government;

(b) on entering or leaving any foreign port; and

(c) on entering or leaving a port.

8. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

FIRST SCHEDULE

[Section 4]

PART I - NATIONAL FLAG



PART II- SYMBOLIC MEANING OF NATIONAL COLOURS

1. Red represents the struggle for freedom and independence.
2. Blue represents the Indian Ocean in the middle of which Mauritius is situated.
3. Yellow represents the new light of independence.

4. Green represents the agriculture of Mauritius and its colour throughout the 12 months of the year.