

THE NATIONAL IDENTITY CARD (MISCELLANEOUS PROVISIONS) BILL
(No. XVII of 2013)

Explanatory Memorandum

The object of this Bill is to amend different enactments to make better provision in relation to matters pertaining to national identity cards and, in particular, to provide –

- (a) for a person, who is not a resident of Mauritius or, on account of serious illness or on any other reasonable ground, is unable to apply for an identity card within 6 months of attaining the age of 18, to apply for an identity card in such manner and within such period as the Registrar of Civil Status may determine;
- (b) that a person, who is certified to be unable to provide his biometric information by reason of any permanent infirmity or disability, shall be exempt from providing such information;
- (c) that an identity card of a person shall not contain his signature or thumbprint in circumstances where he is unable to sign or provide his thumbprint;
- (d) that a person empowered by law to ascertain the identity of another person may request a citizen of Mauritius to produce his identity card;
- (e) for an obligation on a person to return a lost or mislaid identity card, if it is found;
- (f) that a person who produces any false document for the purpose of being issued with an identity card shall commit an offence,

and for related matters.

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*Prime Minister, Minister of Defence,
Home Affairs and External Communications,
Minister for Rodrigues*

05 JULY 2013

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. National Identity Card Act amended
3. Civil Status (Amendment) Act 2001 amended
4. Finance (Miscellaneous Provisions) (No. 2) Act 2009 amended
5. Commencement

A BILL

**To amend different enactments to make better provision in relation
to matters pertaining to national identity cards**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the National Identity Card (Miscellaneous Provisions) Act 2013.

2. National Identity Card Act amended

The National Identity Card Act is amended –

(a) in section 4(1) –

- (i) by lettering the existing provision as paragraph (a);
- (ii) in paragraph (a) as lettered, by deleting the word “Every” and replacing it by the words “Subject to paragraph (b), every”;

(iii) by adding the following new paragraph –

(b) Where a person –

- (i) is not a resident of Mauritius; or

- (ii) is unable to comply with paragraph (a) on account of serious illness, as certified by a medical practitioner in the public service, or on any other compelling and reasonable ground,

he may apply for an identity card in such manner and within such period of attaining the age of 18 as the Registrar may determine.

- (b) in section 6(1), by deleting the figure "14" and replacing it by the figure "28";

- (c) in section 7 –

- (i) by repealing subsection (1) and replacing it by the following subsection –

(1) Every person may –

- (a) in reasonable circumstances and for the purpose of ascertaining the identity of another person; or
- (b) where he is empowered by law to ascertain the identity of another person,

request that other person to produce his identity card where that person is a citizen of Mauritius.

- (ii) by inserting, after subsection (1), the following new subsection –

(1A) Where a person is required to produce his identity card in accordance with subsection (1)(b), he shall –

- (a) forthwith produce his identity card to the person making the request; or
- (b) where he is not in possession of his identity card, produce his identity card within such reasonable period, to such person and at such place as may be directed by the person making the request.

- (d) by inserting, after section 7, the following new section –

7A. Lost or mislaid identity card

Any person who –

- (a) finds an identity card issued in the name of another person who is unknown to him; or
- (b) after being issued with a new identity card by reason of his identity card being lost, finds the original identity card,

shall, as soon as practicable within 7 working days, return the identity card found to any office designated by the Registrar.

- (e) in section 9(1), by adding the following new paragraph, the word “or” at the end of paragraph (e) being deleted and the comma at the end of paragraph (f) being deleted and replaced by the words “; or” –

- (g) produces any false document for the purpose of being issued with an identity card,

- (f) by adding the following new sections –

11. Designation of office

Where the Registrar designates any office or place under this Act, he shall forthwith cause notice of such designation to be given in the *Gazette*.

12. Collection and processing of data to be subject to Data Protection Act

The collection and processing of personal data, including biometric information, under this Act shall be subject to the provisions of the Data Protection Act.

3. Civil Status (Amendment) Act 2001 amended

The Civil Status (Amendment) Act 2001 is amended, in section 5, in the proposed section 8B –

- (a) in subsection (2) –

- (i) by adding a semicolon at the end of paragraph (c)(xxviii);
- (ii) by adding the following new paragraph –
 - (d) such other particulars as may be prescribed.
- (b) in subsection (3), by deleting the figure “14” and replacing it by the figure “28”.

4. Finance (Miscellaneous Provisions) (No. 2) Act 2009 amended

The Finance (Miscellaneous Provisions) (No. 2) Act 2009 is amended, in section 15 –

- (a) in paragraph (c), by adding the following new subparagraph –
 - (iii) by adding the following new subsection –
 - (3) Subsection (2)(c) shall not apply to a person who is certified by a medical practitioner in the public service to be unable to provide his biometric information by reason of any permanent infirmity or permanent disability.
- (b) in paragraph (d) –
 - (i) in subparagraph (i), in the proposed subsection (2) –
 - (A) by deleting the word “bear” and replacing it by the words “contain, in electronic form or otherwise”;
 - (B) in paragraph (a), by deleting the words “maiden name” and replacing them by the words “surname at birth”;
 - (ii) in subparagraph (ii), by inserting, before the proposed subsection (3), the following new subsection –
 - (2A) Notwithstanding subsection (2)(e), an identity card need not contain –
 - (a) the signature of the person where he is unable to sign his name; and

- (b) the thumbprint of the person where he is certified by a medical practitioner in the public service to be unable to provide his thumbprint by reason of any permanent infirmity or permanent disability.

5. 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.
