

THE QUARANTINE BILL
(No. II of 2020)

Explanatory Memorandum

The object of this Bill is to repeal the Quarantine Act, which dates back to the year 1954, and re-enact a reformed and modern appropriate legislative framework with a view to providing more appropriate measures for the prevention and spread of communicable diseases.

2. The new legislation has been rendered necessary on account of the impact of the novel coronavirus (2019-nCov), the infectious disease commonly known as COVID-19.

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09 May 2020

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Powers of Prime Minister
4. Powers of Minister
5. Designation of quarantine facility
6. Appointment of quarantine officers
7. Confinement of persons in quarantine facilities
8. Entry into and departure from quarantine facility
9. Duty to provide information
10. Duty to disclose communicable disease
11. Police powers
12. Offences

- 13.Regulations
 - 14.Repeal
 - 15.Savings
 - 16.Commencement
- SCHEDULE

A BILL

To provide appropriate measures for the prevention and spread of communicable diseases

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Quarantine Act 2020.

2. Interpretation

In this Act –

“certificate of quarantine” means a certificate issued under section 7;

“communicable disease” –

- (a) means a human disease specified in the Schedule; and
- (b) includes a human disease which is transmissible by contact with –
 - (i) an infected person, his bodily discharges or fluids;
 - (ii) contaminated surfaces or objects;
 - (iii) contaminated food or water; or
 - (iv) an insect or animal capable of transmitting a communicable disease;

“Minister” means the Minister to whom responsibility for the subject of health is assigned;

“Ministry” means the Ministry responsible for the subject of health;

“owner” includes a lessee;

“Quarantine Authority” means the Director General Health Services of the Ministry;

“quarantine facility” means a place designated by the Minister for the confinement of persons;

“quarantine officer” means a person designated by the Quarantine Authority under section 6;

“quarantine period” means the period to be specified in the notice pursuant to section 4;

“quarantined person” means a person who is confined in a quarantine facility under section 7;

“vector” means an insect or animal capable of transmitting a communicable disease.

3. Powers of Prime Minister

(1) During a quarantine period, the Prime Minister may, by Order, published in the Gazette –

- (a) prohibit the entry of aircrafts and ships into Mauritius;
- (b) order that all persons shall remain indoors –
 - (i) within such area and during such period; and
 - (ii) under such terms and conditions,as he may specify;
- (c) order that commercial premises or offices specified in the Order shall remain closed for such period and under such terms and conditions as he may specify.

(2) Notwithstanding subsection (1)(b), the Commissioner of Police may issue a permit to a person to be outdoors for such purpose and on such terms and conditions as the Commissioner of Police may specify in the permit.

4. Powers of Minister

(1) Where the Minister considers that it is necessary and expedient to prevent the introduction and spread in Mauritius of a communicable disease, he shall, by notice published in the Gazette, declare that –

- (a) there is or is likely to be an epidemic of the disease; and
- (b) a quarantine period shall be in force in Mauritius, or part thereof, as from such date as may be specified in the notice.

(2) Where the Minister considers that there is no longer a threat of an epidemic, he shall, by notice published in the Gazette, declare the end of the epidemic.

5. Designation of quarantine facility

(1) Following the publication of a notice under section 4, the Quarantine Authority may, for the protection of public health, designate such premises as he considers appropriate to be a quarantine facility.

(2) Where the Quarantine Authority –

- (a) considers that private premises are required for use and occupation as a quarantine facility; and
- (b) has reached an agreement in writing with the owner and occupier of those premises on such terms and conditions as the Minister may approve,

the Quarantine Authority may use and occupy those premises as a quarantine facility.

(3) A quarantine facility shall be under the control of a quarantine officer who may, for that purpose, be assisted by such other officer as the Quarantine Authority may designate.

(4) An agreement under this section shall be exempt from the provisions of the Public Procurement Act.

6. Appointment of quarantine officers

(1) The Quarantine Authority may designate a medical practitioner to be a quarantine officer.

(2) The Quarantine Authority shall issue to the quarantine officer an identity card which the quarantine officer shall wear at all times so as to be clearly visible to other persons.

7. Confinement of persons in quarantine facilities

(1) During a quarantine period, a person who –

- (a) travels into Mauritius from abroad;
- (b) has been or may have been in contact with a person who has or may have a communicable disease; or
- (c) has otherwise been exposed to a communicable disease,

may be confined in a quarantine facility for such period as a quarantine officer shall determine.

(2) Where a person is to be confined in a quarantine facility under subsection (1), the quarantine officer shall –

- (a) cause that person to be conveyed to a quarantine facility; and
- (b) issue that person with a certificate of quarantine in such form as may be prescribed.

(3) A quarantined person shall undergo such medical examination as the quarantine officer may require.

(4) Subject to subsection (5), where the quarantine officer considers that a quarantined person is in need of medical treatment, the quarantine officer may request a specialist to examine the person in the quarantine facility and, where necessary, transfer him to a hospital on the advice of the specialist.

(5) Notwithstanding subsection (4) –

- (a) (i) where a quarantined person makes a request to follow medical treatment in a private health institution at his own cost; and

- (ii) the quarantine officer is satisfied that the private health institution has adequate facilities for treating the disease from which the quarantined person is suffering,

the quarantined person shall be confined in that private health institution under such supervision as the quarantine officer may direct, subject to such private health institution being designated as a quarantine facility under section 5; or

- (b) the quarantine officer may instruct the person referred to in subsection (1) to isolate himself at his residence and to comply with such measures as the quarantine officer may impose on him.

(6) Where a quarantine officer considers that a quarantined person –

- (a) does not suffer from a communicable disease; and
- (b) poses no risk of harm to public health,

he shall discharge the quarantined person on such conditions as the quarantine officer may impose.

(7) Where a quarantined person –

- (a) has been discharged under subsection (6);
- (b) has failed to comply with a condition imposed under subsection (6); or
- (c) causes a risk of harm to public health,

the Quarantine Authority may, at any time, order that he shall be readmitted into a quarantine facility under such terms and conditions as the Quarantine Authority may determine.

8. Entry into and departure from quarantine facility

No person shall enter or leave a quarantine facility without the authorisation of a quarantine officer.

9. Duty to provide information

(1) Every person shall provide such information as the quarantine officer may reasonably require to ascertain if the person –

- (a) presents any symptom of a communicable disease;
- (b) is infested with vectors;
- (c) has been in contact with any person who has or may have a communicable disease; or
- (d) has otherwise been exposed to a communicable disease.

(2) Any person who fails to comply with subsection (1), or who provides false or misleading information, shall commit an offence.

10. Duty to disclose communicable disease

- (1) Any person who suspects that he –
- (a) has, or may have, a communicable disease;
 - (b) is, or may be, infested with vectors; or
 - (c) has, or may have, been in contact with a person who has or may have a communicable disease,

shall accordingly forthwith inform a quarantine officer.

(2) Any person who fails to comply with subsection (1) shall commit an offence.

11. Police powers

A police officer –

- (a) shall provide such assistance as may be reasonably required by a quarantine officer under this Act;
- (b) may –
 - (i) board a ship or an aircraft;
 - (ii) enter premises without a warrant;

- (iii) arrest, without a warrant, a person whom he has reasonable cause to believe has committed an offence under this Act or any regulations made under this Act.

12. Offences

Any person who –

- (a) refuses to answer or knowingly gives a misleading answer to an inquiry made under the authority of this Act;
- (b) intentionally withholds any information reasonably required of him by a person acting under the authority of this Act;
- (c) knowingly furnishes to a person any information which he knows to be false;
- (d) refuses or wilfully omits to do an act which he is required to do by this Act;
- (e) refuses or wilfully omits to carry out a lawful order, instruction or condition made, given or imposed by a person acting under the authority of this Act;
- (f) assaults, resists, insults, wilfully obstructs, or intimidates a person acting under the authority of this Act;
- (g) whilst being in a quarantine facility, damages any property therein; or
- (h) otherwise contravenes this Act or any regulations, Order or notice under this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.

13. Regulations

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

(2) Without prejudice to the generality of subsection (1), any regulations made under subsection (1) may provide for –

- (a) the location, design, construction, installation, operation, maintenance, marking and modification of a quarantine facility;
- (b) information to be provided by a person entering Mauritius by air or sea;
- (c) the delimitation of the limits of quarantine facilities;
- (d) the control and management of quarantine facilities;
- (e) the levying of fees and charges;
- (f) the amendment of the Schedule.

14. Repeal

The Quarantine Act is repealed.

15. Savings

(1) Any reference to the Quarantine Act in any other enactment shall be construed as a reference to the Quarantine Act 2020.

(2) The following regulations shall be deemed to have been made under this Act –

- (a) Quarantine Regulations 1953;
- (b) Quarantine (Aircraft Landing Restriction) Regulations 1954;
- (c) Quarantine (Yellow Fever) (Fees) Regulations 1968;
- (d) Quarantine (Charges for Services) Regulations 1997;
- (e) Quarantine (Charges for Services) Rules 1997;
- (f) Quarantine (Quarantinable Diseases) Regulations 2020.

16. Commencement

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

SCHEDULE
[Section 2]

Active pulmonary tuberculosis

Anthrax Charbon

Argentine hemorrhagic fever

Bolivian hemorrhagic fever

Botulism

Brazilian hemorrhagic fever

Cholera

COVID-19

Crimean-Congo hemorrhagic fever

Diphtheria

Ebola hemorrhagic fever

Lassa fever

Marburg hemorrhagic fever

Measles

Meningococcal meningitis

Meningococemia

Pandemic influenza type A

Plague

Poliomyelitis

Poliomyelitis Meningococemia

Rift Valley fever

Severe acute respiratory syndrome

Smallpox

Typhoid fever

Venezuelan hemorrhagic fever

Yellow fever
