

# **Environment Protection (Control of Noise) Regulations 2022**

**GN No. 251 of 2022**

**Government Gazette of Mauritius No. 123 of 14 September 2022**

## **THE ENVIRONMENT PROTECTION ACT**

**Regulations made by the Minister under sections 41(1)(b) and 96**

### **of the Environment Protection Act**

1. These regulations may be cited as the **Environment Protection (Control of Noise) Regulations 2022**.

2. In these regulations -

"Act" means the Environment Protection Act;

"enforcing agency" means the enforcing agency for noise as designated under the Act;

"owner", in relation to building or premises, includes -

- (a) a person in whose name the building or premises is registered;
- (b) a co-owner;
- (c) a person who has possession of the building or premises under a lease agreement;
- (d) a person who has the charge, management or control of the building or premises; or
- (e) any person acting as agent on behalf of the owner; "owner", in relation to a vehicle

-

(a) has the same meaning as in the Road Traffic Act; and

(b) includes -

- (i) a person in whose name the vehicle is registered, except where the person has sold or otherwise disposed of the vehicle and has complied with the enactment applicable for the purpose of such sale or disposal;
- (ii) a person who is the joint owner of the vehicle;
- (iii) a person who -
  - (A) has possession of the vehicle under a hiring or hire purchase or a lease agreement; but
  - (B) is not the owner under any such agreement;

- (iv) the holder of a motor dealer's vehicle licence issued under section 32 of the Road Traffic Act;
- (v) the holder of a permit to remove a vehicle under the Road Traffic (Removal of Unlicensed Vehicles) Regulations 1969;

"person affected" means a person on whom a fixed penalty notice or further fixed penalty notice is served;

"public place" -

- (a) means a road, market place, shopping area, thoroughfare or place where a trade fair or any other activity of a commercial nature is organised, and to which the public has access; but
- (b) does not include a place of worship;

"public sector agency" includes a Ministry or Government department, a local authority or statutory body.

**3.** (1) Notwithstanding the Environment Protection (Environmental Standards for Noise) Regulations 2022, no person shall make or cause to be made any noise which constitutes a nuisance.

(2) For the purpose of determining whether a noise constitutes a nuisance, the authorised officer or the enforcing agency shall consider -

- (a) the intensity of the noise as perceived by the ears;
- (b) the type of noise emitted;
- (c) the manner in which the noise is produced; and
- (d) the potential level of interference as found by the authorised officer or the enforcing agency.

(3)(a) Notwithstanding paragraph (1), a local authority may, on a written application made by a person for the purpose of carrying out an activity specified in the First Schedule in a residential area, authorise such activity to be carried out on any day before 7 a.m. or after 7 p.m.

(b) The authorisation under subparagraph (a) shall be subject to such terms and conditions as the local authority may determine.

(4) No person shall keep on any premises any animal which makes such noise that unreasonably interferes with the peace, comfort and convenience of another person.

**4.**(1) No person shall use or cause to be used a loud speaker, a loud hailer, an amplifier, a musical instrument or any other electrical or mechanical device for producing sound in a public place, unless he holds an authorisation from the Commissioner of Police.

(2) The Commissioner of Police may, where an event relates to a social, cultural, religious or electoral activity, grant an authorisation under paragraph (1) -

(a) after consulting the relevant enforcing agency; and

(b) on such terms and conditions as he may determine.

(3) Paragraph (1) shall not apply to any public sector agency which is making a public announcement for public health, safety and security.

(4) Notwithstanding paragraph (1), no person shall use or cause to be used a loud speaker, a loud hailer, an amplifier, a musical instrument or any other electrical or mechanical device for producing sound, within a radius of 100 metres, and which unreasonably interferes with the proper running, of—

(a) an educational or vocational institution during the normal hours of instruction;

(b) a health institution;

(c) a place of worship during the performance of any religious ceremony;

(d) a Court of Justice during the hours at which a Judge or a Magistrate is engaged in the discharge of his duties;

(e) the Municipal City Council, a Municipal Town Council or a District Council during the hours at which it sits; or

(f) the Government House during the hours at which the National Assembly sits.

**5.** The Minister may, on an application made in writing and on such terms and conditions as he may determine, exempt a person from complying with regulation 3(1) in relation to any event or celebration organised, sponsored or approved by the State.

**6.** (1) Notwithstanding regulation 1i, where an offence specified in the Second Schedule is committed in relation to a vehicle, building or premises, the authorised officer or enforcing agency who detects the offence may, not later than 21 days after the offence is committed -

(a) serve upon the person who made or caused the noise to be made a fixed penalty notice in the form set out in the Third Schedule; and

(b) require the person to pay the fixed penalty as specified *in* the Second Schedule.

(2) Every person who is served with a fixed penalty notice under paragraph (1) shall, within 21 days of the date of the fixed penalty notice -

(a) attend the appropriate District Court specified in the Fixed Penalty Notice;

(b) produce -

- (i) the Fixed Penalty Notice;
  - (ii) his National Identity Card; and
- (c) pay the fixed penalty specified in the Fixed Penalty Notice.

(3) Where a person who is served with a fixed penalty notice under paragraph (1) fails to pay the fixed penalty within the time limit specified in the fixed penalty notice and criminal proceedings are instituted against him for the offence in respect of which he was served with the fixed penalty notice, he shall, on conviction, be liable to a fine of not less than thrice the fixed penalty.

**7.** (1) Where an offence specified in the Second Schedule is committed and the maker of the noise or the person who caused the noise to be made cannot be ascertained, the owner of the vehicle, building or premises shall be presumed to have made or caused the noise to be made.

(2) Notwithstanding regulation 11, where paragraph (1) applies, the authorised officer or enforcing agency who detected the offence may, not later than 21 days after the offence is committed -

- (a) serve upon the owner a fixed penalty notice in the form set out in Part I of the Fourth Schedule; and
- (b) require the owner to pay the fixed penalty as specified in the Second Schedule.

(3) Every owner who is served with a fixed penalty notice under paragraph (2) shall, within 21 days of the date of the fixed penalty notice -

- (a) attend the appropriate District Court specified in the Fixed Penalty Notice;
- (b) produce -
  - (i) the Fixed Penalty Notice;
  - (ii) his National Identity Card; and
- (c) pay the fixed penalty specified in the Fixed Penalty Notice.

(4) Where an owner who is served with a fixed penalty notice under paragraph (2) fails to pay the fixed penalty within the time limit specified in the fixed penalty notice and criminal proceedings are instituted against him for the offence in respect of which he was served with the fixed penalty notice, he shall, on conviction, be liable to a fine of not less than thrice the fixed penalty.

**8.** (1) Any owner on whom a fixed penalty notice is served under regulation 7(2) shall, where he did not make or cause the noise to be made -

- (a) fill in Part 11 of the fixed penalty notice; and

(b) within 14 days of the date of the fixed penalty notice, return the fixed penalty notice to the office address specified in Part I of the fixed penalty notice, by hand delivery or registered post.

(2) The authorised officer or enforcing agency shall, within 21 days of receipt of a fixed penalty notice referred to in paragraph (1) -

(a) serve upon the person who made or caused the noise to be made a fixed penalty notice in the form set out in the Fifth Schedule; and

(b) require the person to pay the fixed penalty as specified in the Second Schedule.

(3) Every person who is served with a fixed penalty notice under paragraph (2) shall, within 21 days of the date of the fixed penalty notice -

(a) attend the appropriate District Court specified in the Fixed Penalty Notice;

(b) produce—

(i) the Fixed Penalty Notice;

(ii) his National Identity Card; and

(c) pay the fixed penalty specified in the Fixed Penalty Notice.

(4) Where a person who is served with a fixed penalty notice under paragraph (2) fails to pay the fixed penalty within the time limit specified in the fixed penalty notice and criminal proceedings are instituted against him for the offence in respect of which he was served with the fixed penalty notice, he shall, on conviction, be liable to a fine of not less than thrice the fixed penalty.

(5) Where an owner on whom a fixed penalty notice is served, returns the fixed penalty notice to the office address specified in Part I of the Fourth Schedule, and -

(a) no notification is given under Part II of the Fourth Schedule; or

(b) a notification is given under Part II and the person who made or caused the noise to be made cannot be ascertained -

(i) the owner shall be presumed to have made or caused the noise to be made; and

(ii) the authorised officer or enforcing agency shall, within 21 days of receipt of such fixed penalty notice, serve a further fixed penalty notice on him, as set out in the Sixth Schedule, requiring him to pay the fixed penalty specified in the Second Schedule.

(6) Every person who is served with a further fixed penalty notice under paragraph (5)(b)(ii) shall, within 21 days of the date of the further fixed penalty notice -

(a) attend the appropriate District Court specified in the further fixed penalty notice;

- (b) produce -
  - (i) the further fixed penalty notice;
  - (ii) his National Identity Card; and
- (c) pay the fixed penalty specified in the further fixed penalty notice.

(7) Where a person who is served with a further fixed penalty notice under paragraph (5)(b)(ii) fails to pay the fixed penalty within the delay specified in the further fixed penalty notice, and criminal proceedings are instituted against him for the offence in respect of which he was served with the further fixed penalty notice, he shall, on conviction, be liable to a fine of not less than thrice the fixed penalty.

**9.(1)** A fixed penalty notice or a further fixed penalty notice served under regulation 6, 7 or 8 shall -

- (a) be drawn in quadruplicate; and
- (b) specify, inter alia and where applicable -
  - (i) the date, place and time the offence was committed;
  - (ii) the name and address of the owner of the vehicle, building or premises;
  - (iii) the nature of the offence;
  - (iv) the fixed penalty provided for the offence;
  - (v) the time limit within which the fixed penalty is to be paid;
  - (vi) the District Court where the fixed penalty is to be paid;
  - (vii) the name and identification details of the authorised officer or enforcing agency who detected the offence;
  - (viii) that where the maker or person who caused the noise to be made fails to pay the fixed penalty within the delay specified in the fixed penalty notice, and criminal proceedings are instituted against him in respect of which he was served with the fixed penalty notice, he shall, on conviction, be liable to a fine not less than thrice the fine provided for that offence;
  - (ix) that where the owner of the vehicle, building or premises fails to pay the fixed penalty or within the limit specified in the fixed penalty notice or in the further fixed penalty notice and criminal proceedings are instituted against him in respect of which he was served with the fixed penalty notice or the further fixed penalty notice, he shall, on conviction, be liable to a fine not less than thrice the fine provided for that offence;

- (x) that any owner who gives information under Part II of the fixed penalty notice and the person who made or caused the noise to be made cannot be ascertained, that owner shall be presumed to have made or caused the noise to be made;
- (xi) that any owner who fails to complete Part II of the fixed penalty notice shall be presumed to have made or caused the noise to be made.

(2) The authorised officer or enforcing agency who detects the offence shall -

- (a) cause the original of the fixed penalty notice or the further fixed penalty notice to be served on the maker or the person who caused the noise to be made, or the owner, as the case may be;
- (b) forward one copy to his office;
- (c) forward one copy to the appropriate District Court; and
- (d) retain one copy.

**10.** (1) Subject to regulation 8(1), service of a fixed penalty notice or a further fixed penalty notice under these regulations shall be by -

- (a) personal service on the person affected, or in the case of a body corporate at its registered address;
- (b) registered post with a request for an *acusé de réception* sent to the person affected; or
- (c) leaving a copy at the usual or last known place of residence or business of the person affected.

**11.** Any person who contravenes these regulations shall commit an offence and shall -

- (a) on a first conviction, be liable to a fine which shall be not less than 10,000 rupees and not exceeding 50,000 rupees; and
- (b) on a second or subsequent conviction, be liable to a fine which shall be not less than 20,000 rupees and not exceeding 100,000 rupees and to imprisonment for a term not exceeding 12 months.

**12.** The Environment Protection (Control of Noise) Regulations 2008 are revoked.

**13.** These regulations shall come into operation on 1 October 2022.

Made by the Minister on 9 September 2022.

**FIRST SCHEDULE**

[Regulation 3(3)]

- 1. Construction, erection, alteration or demolition of any building or structure
- 2. Excavation or filling of land
- 3. Use of an air compressor, a loader or any such other machine, for the purpose of construction

**SECOND SCHEDULE**

[Regulations 6, 7 and 8]

<b>OFFENCE</b>	<b>FIXED PENALTY (Rs)</b>
Make, or cause to be made, noise which constitutes a nuisance	10,000

**THIRD SCHEDULE**

[Regulation 6]

**FIXED PENALTY NOTICE**

(Issued under the Environment Protection (Control of Noise) Regulations 2022)

Name of person who made or caused the noise to be made

Mr/Mrs/Miss .....

National Identity Card no. (if known) .....

Address/Registered address of office\* .....

.....

Take notice that on ..... (date) at .....

(time) at .....

..... (place), you have committed the offence(s) specified in the first column of the table hereunder, with the corresponding fixed penalty specified in the second column –



**OFFENCE**

**FIXED PENALTY**

**(Rs)**

Make or cause noise to be made which constitutes a nuisance from –

\* Vehicle of registration mark

.....

10,000

\* Building or premises situate at

.....

10,000

You are hereby required to pay, within 21 days from the date of the fixed penalty notice, a fixed penalty of .....rupees, in respect of the offence referred to above, at ..... District Court by ..... (date) at latest.

Take notice that if you fail to pay the specified fixed penalty within 21 days of the date of the fixed penalty notice and criminal proceedings are instituted against you for the above mentioned offence, you shall, on conviction, be liable to a fine of not less than thrice the fixed penalty.

.....

.....

Name of Officer

Signature of Officer

.....

.....

Date

Office address of Officer

.....

Office stamp

**FOURTH SCHEDULE**

[Regulations 7 and 8]

(Issued under the Environment Protection (Control of Noise)

Regulations 2022)

**FIXED PENALTY NOTICE**

**PART I**

Name of owner who is presumed to have made or caused the noise to be made

Mr/Mrs/Miss .....

National Identity Card no. (if known) .....

Address/Registered address of office\* .....

Take notice that on ..... (date) at .....

(time) at .....

..... (place), you have committed the offence(s) specified in the first column of the following table -

**OFFENCE**

**FIXED PENALTY**

**(Rs)**

Make or cause noise to be made which constitutes a nuisance from –

\* Vehicle of registration mark

.....

10,000

\* Building or premises situate at

.....

10,000

You are hereby required to pay, within 21 days from the date of the fixed penalty notice, a fixed penalty of ..... rupees, in respect of the offence referred to above, at .....

District Court by ..... (date) at latest.

Take notice that if you fail to pay the specified fixed penalty within 21 days of the date of the fixed penalty notice and criminal proceedings are instituted against you for the above mentioned offence, you shall, on conviction, be liable to a fine of not less than thrice the fixed penalty.

However, if you did not make or cause the noise to be made at the aforesaid place, date and time, you should fill in Part 11 of the fixed penalty notice and return the fixed penalty notice to office address specified in Part I.

.....

.....

Name of Officer

Signature of Officer

.....

.....

Date

Office address of Officer

.....

Office stamp

**PART II— STATEMENT BY OWNER**

To

..... (name of officer)

..... (Designation of officer)

..... (Office address of officer)

I, ..... (name), holder

of National Identity Card no. ....

wish to inform you that I did not make or cause the noise to be made

on ..... (date) at .....

..... (address)

The particulars of the person who has made the noise/caused the noise to be made are as follows -

Name of person .....

Address .....

National Identity Card no. (If known) .....

Telephone no. .... Mobile no. ....

.....

Name of owner

Signature of owner

.....

Date

**Notes—**

- (1) This fixed penalty Notice should be sent within 14 days as from the date of the fixed penalty notice to the Office address specified above by hand delivery or registered post.
- (2) Where the person who made or caused to be made noise cannot be ascertained, the owner shall be presumed to have made or caused the noise to be made.
- (3) Any owner who fails to complete Part II of the fixed penalty notice shall be presumed to have made or caused the noise to be made.

**FIFTH SCHEDULE**

[Regulation 8]

**FIXED PENALTY NOTICE**

(Issued under the Environment Protection (Control of Noise)  
Regulations 2022)

To .....

..... (address)

Take notice that the owner of the vehicle of registration mark

.....

building/premises\* situated at.....

has informed that you were the person who made the noise/caused noise to be made\* on

..... (date) at ..... (time) at .....

(place) and you have committed the offence(s) specified in the first column of the following table, with the corresponding fixed penalty specified in the second column -

<b>OFFENCE</b>	<b>FIXED PENALTY</b>
	<b>(Rs)</b>
Make or cause noise to be made which constitutes a nuisance from –	
<input type="checkbox"/> * Vehicle of registration mark	10,000
.....	
<input type="checkbox"/> * Building or premises situate at	10,000
.....	

You are hereby required to pay, within 21 days from the date of the fixed penalty notice, a fixed penalty of ..... rupees, in respect of the offence referred to above, at District Court by ..... (date) at latest.

Take notice that if you fail to pay the specified fixed penalty within 21 days of the date of the fixed penalty notice and criminal proceedings are instituted against you for the above mentioned offence, you shall, on conviction, be liable to a fine of not less than thrice the fixed penalty.

.....

.....

Name of Officer

Signature of Officer

.....

.....

Date

Office address of Officer

.....

Office stamp

**SIXTH SCHEDULE**

[Regulation 8]

**FURTHER FIXED PENALTY NOTICE**

(Issued under the Environment Protection (Control of Noise)  
Regulations 2022)

Name of owner of vehicle of registration mark .....

/building/premises\* .....

of ..... (address)

National Identity Card no. (if known) .....

Take notice that you, owner of the vehicle of registration mark

..... /building/

premises\*, situated at .....

..... (address) have on .....

..... (date), been served with a Fixed Penalty Notice no. ....

in relation to the offence(s) specified in the first column of the table hereunder with the corresponding fixed penalty specified in the second column -

**OFFENCE**

**FIXED PENALTY**

**(Rs)**

Make or cause noise to be made which  
constitutes a nuisance from –

\* Vehicle of registration mark

.....

10,000

\* Building or premises situate at

.....

10,000

This is to inform you that\* -

1. You completed Part II of the Fixed Penalty Notice but the person making or causing noise to be made could not be ascertained.
2. You failed to complete Part II of the Fixed Penalty Notice

You are hereby required to pay, within 21 days from the date of the fixed penalty notice, a fixed penalty of ..... rupees, in respect of the offence referred to above, at ..... District Court by ..... at latest.

**TAKE NOTICE** that if you fail to pay the specified fixed penalty within 21 days of the date of the fixed penalty notice and criminal proceedings are instituted against you for the above mentioned offence, you shall, on conviction, be liable to a fine not less than thrice the fixed penalty.

*\*Tick as appropriate*