CERTIFICATE OF MORALITY ACT
Act 22 of 2006 – 31 August 2006

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CERTIFICATE OF MORALITY ACT

1. Short title

This Act may be cited as the Certificate of Morality Act.

2. Interpretation

In this Act—

“application” means an application made under section 3 (1);

“certificate of morality” means a certificate issued under section 4.

3. Application for certificate of morality

(1) Any person wishing to obtain a certificate of morality shall apply to the Office of the Director of Public Prosecutions in such form as may be approved.

(2) Every application made under subsection (1) shall be accompanied by—

(a) the original and 2 photocopies of the applicant’s birth certificate, national identity card and, where applicable, marriage certificate; and

(b) such processing fee as may be prescribed.

4. Issue of certificate of morality

(1) The Director of Public Prosecutions shall refer every application to the Commissioner of Police for enquiry.

(2) Where the Commissioner of Police reports that the applicant has, in Mauritius—

(a) never been convicted of any crime or misdemeanour;

(b) subject to subsection (3), not been convicted of any crime or misdemeanour during a period of 10 years immediately preceding the date of his application; or

(c) subject to subsection (3), been convicted of a crime or misdemeanour and given a non-custodial sentence or, in the case of a fine, a fine not exceeding 10,000 rupees, within a period of 10 years immediately preceding the date of his application,

the Director of Public Prosecutions shall issue, or cause to be issued, a certificate of
morality in the form set out in Part IA or IB, or Part IIA or IIB, of the First Schedule, whichever is applicable.

(3) Where the Commissioner of Police reports that the applicant has, in Mauritius—

(a) a previous conviction dating back to any time prior to an application, for any
    of the offences specified in the Second Schedule; or

(b) a previous conviction for any other offence for which he has been sentenced,
    within the period of 10 years referred to in subsection (2) (c), to any term of
    penal servitude or imprisonment or to a fine exceeding 10,000 rupees,

the applicant shall not be eligible for a certificate of morality.

(4) For the purposes of subsection (2), any person who has been granted a free pardon under section 75 of the Constitution shall be deemed never to have been convicted of the offence in respect of which the pardon was granted.

5. Offences and proceedings

(1) Any person who tampers with, forges or fraudulently alters a certificate of morality shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 8 years and a fine not exceeding 50,000 rupees.

(2) In any proceedings in which the genuineness of a certificate of morality is in question—

(a) a certificate under the hand of the Director of Public Prosecutions to the effect that a certificate of morality is or is not genuine shall be received in all Courts as conclusive evidence of that fact;

(b) the Director of Public Prosecutions, or any law officer who was authorised to issue the certificate on behalf of the Director of Public Prosecutions, shall not be examined or cross-examined with respect to the genuineness of the certificate of morality.

6. Regulations

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

(2) Regulations made under subsection (1) may provide for the amendment of the Schedules.

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First Schedule
[Section 4 (2)]

PART IA – CERTIFICATE OF MORALITY

On the application made on ................................................................. of ................................................................. born on ................................................................. in .................................................................
I ................................................................., Director of Public Prosecutions in and for Mauritius, have the honour to inform whoever it may concern that the abovenamed has, in Mauritius, never been convicted of any crime or misdemeanour.

CHAMBERS,
PORT LOUIS
Date: ................................................................. Director of Public Prosecutions
PART IB – CERTIFICATE OF MORALITY
On the application made on .................................................................................................... of
.............................................................................................................................................. in ..............................................................................................................................................
I.............................................................................................................................................., Director of Public Prosecutions in and for Mauritius, have the honour to inform whoever it may concern that the abovenamed has not, in Mauritius, been convicted of any crime or misdemeanour during a period of 10 years immediately preceding the date of the application.
Except that he was fined ........................................................................................................ rupees/given a ............................................................ (non-custodial sentence) upon conviction for the offence of ............................................................
CHAMBERS,
PORT LOUIS
Date: ...........................................................................................................................................

Director of Public Prosecutions

* Delete the words in italics as appropriate.

PART IIA – CERTIFICAT DE MORALITÉ
Suite à une demande faite le .................................................................................................. par .............................................................................................................................................. né(e) le .............................................................................................................................................. à ..............................................................................................................................................
je, soussigné(e) .............................................................................................................................................. Directeur des Poursuites Publiques de la République de Maurice, déclare que les casiers judiciaires tenus à Maurice démontrent que la personne susnommée n’a jamais fait l’objet d’une condamnation criminelle ou correctionnelle.
LE PARQUET,
PORT LOUIS,
Ce ............................................. 20..............................................................

Directeur des Poursuites Publiques

PART IIB – CERTIFICAT DE MORALITÉ
Suite à une demande faite le .................................................................................................. par .............................................................................................................................................. né(e) le .............................................................................................................................................. à .............................................................................................................................................. je, soussigné(e) .............................................................................................................................................. Directeur des Poursuites Publiques de la République de Maurice, déclare que les casiers judiciaires tenus à Maurice démontrent que la personne susnommée n’a pas fait l’objet d’une condamnation criminelle ou correctionnelle pendant les 10 années précédant sa demande.
A l’exception d’une amende de ........................................................................................................ rupees infligée le ........................................................................................................... /ou d’un ................................................................................  (une peine non-privative de liberté) infligé le ........................................................................................................... pour avoir été trouvé coupable de ............................................................
LE PARQUET,
PORT LOUIS,
Ce ............................................. 20..............................................................

Directeur des Poursuites Publiques

* Rayer les mentions en italique si elles sont inutiles.
| Second Schedule  
| [Section 4 (3)] |
|------------------|--------------------|
| **Child Protection Act** | Sections 13A, 13B, 13C, 14 and 15 | Child trafficking; abandonment of child; abduction of child; sexual offences involving children; child pornography |
| **Civil Status Act** | Sections 69 and 70 | Offences in respect of children; concealment of birth |
| **Convention for the Suppression of the Financing of Terrorism Act** | Section 4 | Financing of terrorism |
| **Criminal Code** | Sections 37 and 38, in so far as they affect the other offences mentioned in this Schedule, Sections 215, 216, 220, 222 and 223, Section 236, Section 249, Section 251, Sections 276 to 281 | Accomplices in cases of crimes and misdemeanors; Manslaughter, murder; infanticide; Administering noxious substance; Rape, attempt upon chastity and illegal sexual intercourse; Debauching youth; Giving false evidence and subornation of perjury |
| **Criminal Code (Supplementary) Act** | Sections 90, 103, 105 and 106, 106A, 106B and 107 | Brothel keeping; impersonation |
| **Dangerous Drugs Act** | Sections 30 and 39 | Drug dealing offences; money laundering |
| **District and Intermediate Courts (Criminal Jurisdiction) Act** | Section 126 (2) | Perjury |
| **Financial Intelligence and Anti-Money Laundering Act** | Sections 3 and 4 | Money laundering; conspiracy to commit money laundering |
| **Prevention of Corruption Act** | Sections 4 to 17 | Bribery by public official; taking gratification to screen offender from punishment; public official using his office for gratification; bribery of or by a public official to influence the decision of a public body; influencing public official;  *trafic d’influence*; public official taking gratification; bribery for procuring contracts; conflict of interests; treating of public official; receiving gift for a corrupt purpose; corruption of agent; corruption to provoke a serious offence |
| **Prevention of Terrorism Act** | Sections 3, 5, 6, 7, 8, 9, 12 and 15 | Acts of terrorism; terrorist meetings; supporting terrorism; harbouring terrorist; information about acts of terrorism; obstructing terrorist investigation; hostage taking; dealing in terrorist property |