

ANTI-PERSONNEL MINES (PROHIBITION) ACT

Act 1 of 2001 – 28 April 2001

ARRANGEMENT OF SECTIONS

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ANTI-PERSONNEL MINES (PROHIBITION) ACT

1. Short title

This Act may be cited as the Anti-Personnel Mines (Prohibition) Act.

2. Interpretation

In this Act—

“anti-handling device” means a device which is intended to protect a mine and which is part of, linked to, attached to, or placed under, the mine and which activates when an attempt is made to tamper with, or otherwise intentionally disturb, the mine;

“anti-personnel mine”—

- (a) means a mine which is designed to be exploded by the presence, proximity or contact of a person and which will incapacitate, injure or kill a person; and
- (b) does not include a mine which is designed to be detonated by the presence, proximity or contact of a vehicle, as opposed to a person, and which is equipped with an anti-handling device;

“Convention” means the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction;

“destruction” means destruction of anti-personnel mines in such manner as may be prescribed by the Minister;

“mine” means a munition designed—

- (a) to be placed under, on or near the ground or other surface area; and
- (b) to be exploded by the presence, proximity or contact of a person or a vehicle;

“mined area” means an area which is dangerous due to the presence or suspected presence of mines;

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

“transfer” means the physical movement of anti-personnel mines into or from national territory and includes the transfer of title to, and control over, the mines, but does not include the transfer of territory containing emplaced anti-personnel mines.

3. Application of this Act

This Act shall bind the State.

4. Prohibitions relating to anti-personnel mines

(1) Notwithstanding the Explosives Act but subject to subsection (2)—

- (a) no person shall use, develop, produce, otherwise acquire, stock-pile, retain, transfer to any one, directly or indirectly, any anti-personnel mine;
- (b) no person shall assist, encourage or induce, in any way, any other person to engage in any of the acts prohibited under paragraph (a).

(2) Notwithstanding subsection (1)—

- (a) the retention or transfer of anti-personnel mines for the development and training in mine detection, mine clearance, or mine destruction techniques shall not, where the quantity of such mines does not exceed the minimum number absolutely necessary for those purposes, constitute an offence;
- (b) the transfer of anti-personnel mines for the purpose of destruction shall not constitute an offence.

5. Legality of acts done under Convention

Notwithstanding any other enactment and without prejudice to the obligations of Mauritius or of any other person under any Article of the Convention—

- (a) any act done by a member of a fact-finding mission in conformity with and for the purposes of Article 8 of the Convention or, with the authorisation of the Minister, by any other person for the purpose of assisting such member in accomplishing such a mission; and
- (b) the importation into and export from Mauritius of any equipment, material or technological information for the purposes of implementing the Convention,

shall be lawful.

6. Offences

(1) Any person who contravenes section 4 in Mauritius or, in the case of a citizen, in Mauritius or elsewhere, shall commit an offence and shall, on conviction, be liable to penal servitude.

(2) The Court before which a person is convicted of an offence under subsection (1) shall, in addition to any penalty imposed by the Court, order any anti-personnel mine in respect of which the offence was committed to be forfeited.

7. Regulations

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

(2) Without prejudice to the generality of his power under subsection (1), the Minister may make regulations—

- (a) for the purposes of identifying any mined area in Mauritius and regulating access thereto; and
 - (b) prescribing the manner in which anti-personnel mines shall be destroyed.
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