

QUARANTINE ACT

Act 39 of 1953 – 15 March 1954

ARRANGEMENT OF SECTIONS

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QUARANTINE ACT

1. Short title

This Act may be cited as the Quarantine Act.

2. Interpretation

In this Act—

“aircraft” —

- (a) means an aircraft making an international voyage; and
- (b) includes a machine which is able to derive support in the atmosphere from the reactions of the air and is intended for aerial navigation;

“airport” includes a land airport and a water airport;

“commander” includes a person in charge or command of an aircraft;

“health officer” means a qualified Government Medical Officer;

“master” includes a person in charge or command of a ship;

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

“port” includes a place at which a ship arrives or from which it departs;

“Quarantine Authority” means the Quarantine Authority established under section 3;

“ship” includes a vessel or boat.

3. Authority

- (1) There shall be for the purposes of this Act a Quarantine Authority.
- (2) The Permanent Secretary shall be the Quarantine Authority.
- (3) —

(4) Health officers shall, in the exercise of their powers and the performance of their duties under this Act, act under the general or special direction and control of the Quarantine Authority.

4. Regulations

- (1) The Minister may make regulations for preventing—
 - (a) danger to public health from ships or aircraft or persons or things on board arriving at any place; and
 - (b) the spread of infection by means of any ship or aircraft about to leave any place, or by means of any person or thing about to leave any place in any ship or aircraft.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the regulations may make provision for—

- (a) the collection and transmission of epidemiological and sanitary information;
- (b) the signals to be displayed by ships or aircraft;
- (c) the questions to be answered and information, whether oral or documentary, to be supplied by masters, commanders and other persons who are or have been on board any ship or aircraft, or are desirous of boarding any ship or aircraft;
- (d) the detention of ships or aircraft and of persons and things that are or have been on board;
- (e) the destruction of things which are or have been on board ships or aircraft;
- (f) the duties to be performed by masters and commanders;
- (g) authorising the making of charges and providing for the recovery of charges and expenses;
- (h) the enforcement of the regulations;
- (i) the conferring of powers to board ships and aircraft and to enter premises;
- (j) defining the limits of quarantine stations;
- (k) the control and management of quarantine stations; and
- (l) the detention of any person, ship or aircraft.

5. Harbour of Port Louis

The President may, by Proclamation, define the limits of the Harbour of Port Louis, of the inner quarantine anchorage and of any other harbour or roadstead of Mauritius.

[S. 5 amended by Act 48 of 1991.]

6. Rules

(1) The Quarantine Authority may, with the approval of the Minister, make rules for implementing or carrying into effect the regulations made under section 4.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the rules may regulate or control the—

- (a) granting or withdrawal of pratique;
- (b) issue of certificates and other documents;
- (c) governance of quarantine mooring stations, anchorages and berthing places, and of places where persons or things are detained or taken for examination and of places used for the observation or isolation of persons;
- (d) sanitation of ports and airports and their surroundings, including measures for keeping them free from rodents, mosquitoes and other vectors of disease.

7. Special powers

(1) (a) Where in the opinion of the Quarantine Authority an emergency exists, he may, by Order, require special measures to be taken during the continuance of that emergency for any purpose specified in sections 4 and 6.

(b) Notwithstanding any regulations or rules under section 4 or 6, an Order made under paragraph (a) shall have the force of law.

(2) An Order made under subsection (1) may be varied or rescinded by the President.

[S. 7 amended by Act 48 of 1991.]

8. Offences

Any person who—

- (a)
 - (i) refuses to answer or knowingly gives an untrue answer to an inquiry made under the authority of this Act;
 - (ii) intentionally withholds any information reasonably required of him by a person acting under the authority of this Act; or
 - (iii) knowingly furnishes to a person any information which is false;
- (b)
 - (i) refuses or wilfully omits to do an act which he is required to do by this Act; or

- (ii) 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;
- (c) assaults, resists, insults, wilfully obstructs, or intimidates a person acting under the authority of this Act; or
- (d) contravenes this Act,

shall commit an offence and shall, on conviction, be liable, to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 6 months.

9. Recovery of expenses

(1) (a) All expenses and charges payable to the Quarantine Authority under this Act may be sued for and recovered by him before any Court of competent jurisdiction.

(b) A certificate purporting to be under the hand of the Quarantine Authority to the effect that the expenses or charges sued for are due and payable shall be received in evidence and shall, unless the contrary is shown, be sufficient evidence of the fact stated in the certificate.

(2) Any sum received or recovered by the Quarantine Authority in payment of expenses or charges payable to him under this Act shall be forthwith paid by him to the Accountant-General and shall form part of the Consolidated Fund.

10. Police powers

(1) Every police officer—

- (a) shall enforce compliance with this Act and with any order, instruction or condition lawfully made, given or imposed by a person under the authority of this Act;
- (b) may board any ship or aircraft and enter any premises without a warrant.

(2) A police officer may arrest without a warrant any person whom he has reasonable cause to believe has committed any offence under this Act.