

THE CRIMINAL CODE (AMENDMENT) BILL
(No. XIII of 2020)

Explanatory Memorandum

The object of this Bill is to amend the Criminal Code to criminalise, inter alia, the production, distribution, supply or marketing of any coin, stamp, official map or technical report or other similar object or document which, in any manner, misrepresents, or conveys misleading information to, the public about the sovereignty of Mauritius over any part of its territory.

P. K. JUGNAUTH

*Prime Minister, Minister of Defence, Home Affairs and External
Communications, Minister for Rodrigues, Outer Islands and
Territorial Integrity*

24 August 2020

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. New section 76B inserted in principal Act

A BILL

To amend the Criminal Code

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Criminal Code (Amendment) Act 2020.

2. Interpretation

In this Act –

“principal Act” means the Criminal Code.

3. New section 76B inserted in principal Act

The principal Act is amended by inserting, after section 76A, the following new section –

76B. Misrepresenting the sovereignty of Mauritius over its territory

(1) Any person who –

- (a) acting under the authority or instructions of, or pursuant to a contract with, or with the direct or indirect financial support of, a foreign State or any organ or agency of such a State –
 - (i) produces, distributes, supplies or markets any coin, stamp, official map or technical report or other similar object or document which, in any manner, misrepresents, or conveys misleading information to, the public about the sovereignty of Mauritius over any part of its territory; or
 - (ii) gives any instruction to another person for the production, distribution, supply or marketing of any such coin, stamp, official map or technical report or other similar object or document; or
- (b) acting on his own, produces any coin, stamp, official map or technical report or other similar object or document which, in any manner, misrepresents, or conveys misleading information to, the public about the sovereignty of Mauritius over any part of its territory,

shall commit an offence.

(2) For the purpose of subsection (1) –

“technical report” does not include a scholarly or an academic writing.

(3) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2 million rupees and to imprisonment for a term not exceeding 5 years.

(4) Any act alleged to constitute an offence under subsection (1) and which is committed outside Mauritius by a person shall, regardless of whether or not the act constitutes an offence at the place of commission, be deemed to have been committed in Mauritius also.

(5) Notwithstanding any other enactment, the Intermediate Court shall have jurisdiction to try an offence under subsection (1) and may, on conviction, impose any penalty provided for under subsection (3).
