

NATIONAL COAST GUARD ACT
Act 42 of 1988 – 24 December 1988

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|--|---|
| 1. Short title | 9. Commissioning of vessels |
| 2. Interpretation | 10. Authority to board a vessel |
| 3. Establishment of National Coast Guard | 11. Insignia of National Coast Guard |
| 4. Commandant of National Coast Guard | 12. Powers of National Coast Guard |
| 5. Structure of National Coast Guard | 12A. Departure and arrival of fishing boats and vessels |
| 6. Duties of National Coast Guard | 13. Offences |
| 7. Coast Guard areas | 14. Regulations |
| 8. Staff and equipment | 15. Penalty |

NATIONAL COAST GUARD ACT

1. Short title

This Act may be cited as the National Coast Guard Act.

2. Interpretation

In this Act—

“aircraft” includes fixed-wing aircraft, rotary-wing aircraft and lighter than air balloons or other flying device;

“Coast Guard Area” means a geographical division of the State of Mauritius into coast guard areas in accordance with section 7;

“Coast Guard Shore Establishment” means a place or premises where shore-based facilities and personnel of the National Coast Guard are deployed;

“Coast Guard Station” means any station maintained in a Coast Guard Area by or for the benefit of the National Coast Guard;

“department” means any Ministry, Government Department, statutory body or similar organisation;

“ensign” includes any pennant or other insignia;

“environmental law” has the same meaning as in the Environment Protection Act;

“maritime zone” has the same meaning as in the Maritime Zones Act;

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

“vessel” means any ship or other water-craft and includes any non-displacement craft and seaplane used or capable of being used as a means of transportation on water.

[S. 2 amended by Act 34 of 1991; s. 99 (7) (a) of Act 19 of 2002 w.e.f. 1 December 2003; s. 30 (5) of Act 2 of 2005 w.e.f. 28 February 2005.]

3. Establishment of National Coast Guard

(1) There is established for the purposes of this Act a specialised body which shall be known as the National Coast Guard.

(2) The National Coast Guard shall be a specialised unit of the Police Force and be under the command of the Commissioner of Police.

4. Commandant of National Coast Guard

There shall be a Commandant of the National Coast Guard who shall be responsible, subject to the directions of the Commissioner of Police, for the day-to-day operations of the National Coast Guard.

5. Structure of National Coast Guard

The National Coast Guard shall consist of—

- (a) a Marine Training Establishment which shall primarily be responsible for the planning and conduct of such training as may be needed for the efficient operation of the National Coast Guard;
- (b) an Afloat Support Team which shall be responsible primarily for the maintenance, repair and upkeep of all items of machinery under the charge of the National Coast Guard;
- (c) such Coast Guard Shore Establishments and Coast Guard Stations as may be set up with the approval of the Minister; and
- (d) such task forces or other operational units as the Commandant of the National Coast Guard may set up.

6. Duties of National Coast Guard

(1) Subject to this section and any environmental law, the National Coast Guard shall be responsible for—

- (a) the enforcement of any law relating to the security of the State;
- (b) the enforcement of any law relating to the protection of the maritime zones;
- (c) the detection, prevention and suppression of any illegal activity, including any act of piracy or maritime attack referred to in the Piracy and Maritime Violence Act within the maritime zones.

(2) Subsection (1) shall be without prejudice to the performance by any department of similar duties under any enactment enabling it to do so.

(3) Where the Minister is informed that any conflict has arisen or is likely to arise between the duties of the National Coast Guard and those of any department, the Minister may give such directions as he thinks fit.

(4) Any direction issued by the Minister under subsection (3) shall be binding.

[S. 6 amended by Act 34 of 1991; s. 99 (7) (b) of Act 19 of 2002 w.e.f. 1 December 2005; s. 11 (6) (a) of Act 39 of 2011 w.e.f. 1 June 2012.]

7. Coast Guard Areas

There shall be such number of Coast Guard Areas as the Minister may approve, provided that—

- (a) at least 5 such areas shall cover the Island of Mauritius; and
- (b) at least one such area shall cover each of the islands of Rodrigues, Agaléga and Tromelin and the archipelagoes of Cargados Carajos and Chagos.

8. Staff and equipment

The National Coast Guard shall be assigned such staff, equipment and other materials and facilities as the Commissioner of Police may, with the concurrence of the Minister, determine.

9. Commissioning of vessels

The National Coast Guard shall have the use of such vessels and aircraft as the President may, after consultation with the Minister, by commission declare.

[S. 9 amended by Act 48 of 1991.]

10. Authority to board a vessel

(1) Members of the National Coast Guard may, in the execution of their duties or in the exercise of their authority, board any vessel.

(2) Every vessel that is underway shall, upon being hailed to by a vessel of the National Coast Guard, stop immediately and lie to or manoeuvre in such a way as to permit the members of the National Coast Guard to board the vessel.

(3) The officer in charge of the National Coast Guard boarding party shall, upon boarding a vessel, identify himself to the master, owner, skipper or operator of the vessel and explain his mission.

(4) Where a vessel does not bring to upon being ordered by any vessel or aircraft of the National Coast Guard to do so, the person in command of the vessel or aircraft of the National Coast Guard may, after a gun has been fired as a warning signal, fire at or into the vessel which does not bring to.

(5) No action, civil or criminal, shall lie in respect of anything done in good faith in compliance with subsection (4).

11. Insignia of National Coast Guard

(1) All members of the National Coast Guard shall be dressed in such uniform as may be approved for the National Coast Guard.

(2) Every vessel or aircraft of the National Coast Guard shall be identified by the display of the National Coast Guard ensign as a symbol of authority.

(3) No vessel or aircraft which is not commissioned for use by the National Coast Guard shall carry, hoist or display within the maritime zones of Mauritius any ensign prescribed for use by the National Coast Guard or any ensign which closely resembles that ensign.

12. Powers of National Coast Guard

(1) The National Coast Guard shall have authority to—

- (a) prevent the entry by sea of any person or group of persons who threaten to undermine the security or to violate the territorial integrity of the State of Mauritius;
- (b) prevent any activity which is likely to constitute a threat to the maritime zones, including the seabed, the flora, the reefs, the beach and the coastline;
- (c) undertake search and rescue operations in all situations of distress in the maritime zones;
- (d) undertake or participate in any salvage operations;
- (e) design, maintain, operate and repair vessels, aircraft and marine equipment under the responsibility of the National Coast Guard;
- (f) monitor and control all seaborne activities within the maritime zones;
- (g) prevent any form of maritime pollution or any activity likely to cause maritime pollution;
- (h) stop, arrest, search, detain or seize any vessel or aircraft upon reasonable suspicion that it is engaged or about to be engaged in any illegal activity, including any act of piracy or maritime attack referred to in the Piracy and Maritime Violence Act;
- (i) stop, arrest and search any person upon reasonable suspicion that he is engaged in or about to be engaged in any illegal activity, including any act of piracy or maritime attack referred to in the Piracy and Maritime Violence Act;
- (j) prevent the smuggling by or at sea of any dangerous drugs or other contraband goods or articles;
- (k) prevent the escape by sea of any criminal or fugitive from justice;
- (l) conduct such investigation, study or experiment as may be conducive to its efficiency;
- (m) record such statements and make such inquiries, inspections and examinations as may be necessary;
- (n) maintain such water, land and air patrols as may be necessary;
- (o) take charge of and protect any jetsam, flotsam or other property emanating from any aircraft or vessel;

- (p) lay such buoyage or other navigation aids as it may consider necessary to serve the needs of safe maritime navigation;
- (q) take such steps as it may consider necessary to prevent any collision or other accident or disaster at sea; and
- (r) co-operate or maintain contact with such department or authority or other agency as it may consider necessary in or for the execution of its duties and any related matter.

(2) The powers specified in subsection (1) shall be—

- (a) in addition to and not in derogation from the powers of the National Coast Guard under section 6 (1); and
- (b) limited to any matter or activity within the maritime zones.

(3) The National Coast Guard shall have the use of such arms and ammunition for the performance of its functions as the Minister may determine.

[S. 12 amended by s. 11 (6) (b) of Act 39 of 2011 w.e.f. 1 June 2012.]

12A. Departure and arrival of fishing boats and vessels

(1) The master or owner of a Mauritian fishing boat or Mauritian fishing vessel or his agent shall, by letter, fax or email—

- (a) at least 24 hours prior to leaving port for a fishing trip, inform the National Coast Guard of the intended date and time of departure of the boat or vessel;
- (b) at least 2 days prior to reaching Port Louis Harbour or a fish landing station specified in the fishing licence issued in respect of the fishing boat or fishing vessel, inform the National Coast Guard of the expected time of arrival of the fishing boat or fishing vessel in Port Louis or at the fish landing station.

(2) The master or owner of a foreign fishing boat or fishing vessel or his agent shall, by letter, fax or email—

- (a) at least 24 hours before entry into, or exit from, the maritime zones, inform the National Coast Guard of its position at time of entry into, or exit from, such zone and the quantity of fish on board by species;
- (b) at least 72 hours before entering a port, inform the National Coast Guard of its entry and furnish a copy of the boat's or vessel's authorisation to fish, the quantity of fish on board and the purpose of call in the port.

[S. 12A inserted by s. 81 (a) of Act 27 of 2007 w.e.f. 8 May 2008.]

13. Offences

(1) No person shall use the words "Coast Guard" or "National Coast Guard" or "Mauritius Coast Guard" or any combination of them for the purposes of any trade or by way of any advertisement in a manner likely to induce any person or the public to believe that he has any connection with or enjoys the patronage of the National Coast Guard.

(2) No person shall interfere with any buoyage or other navigation aid set up by the National Coast Guard.

(3) No person shall set up any navigation aid without the prior written approval of or in breach of any term or condition specified by the National Coast Guard.

(4) The master of every vessel which fails to comply with section 10 (2) shall commit an offence.

(5) Subsection (3) shall be without prejudice to any navigation aid set up within any part of the harbour by the Mauritius Ports Authority.

14. Regulations

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

(2) Any regulations made under subsection (1) may provide for the levying of fees.

15. Penalty

Every person who contravenes section 11 (3), 12A or 13 or any regulation made under this Act shall commit an offence and shall, on conviction, be liable to a fine which shall be not less than 500 rupees nor more than 5,000 rupees and to imprisonment for a term not exceeding 2 years.

[S. 15 amended by s. 81 (b) of Act 27 of 2007 w.e.f. 8 May 2008.]
