

# CRIMINAL CODE (SUPPLEMENTARY) ACT

Cap 196 – 7 November 1870

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## CRIMINAL CODE (SUPPLEMENTARY) ACT

### 1. Short title

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

### 2. – 3. —

### 4. Defacing road or building

(1) Any person who—

(a) paints, draws or affixes a writing—

(i) on a road; or

(ii) without the permission of the owner, on a building or structure;

(b) in any other manner causes a writing to appear—

(i) on a road; or

(ii) without the permission of the owner, on a building or structure, in a manner that renders the writing capable of being seen by the public,

shall commit an offence.

(2) Any person who commits an offence under subsection (1) shall, on conviction, be liable—

(a) to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years; and

(b) to pay the cost of removing the writing from the road, building or structure.

(3) Where a police officer has reasonable ground to believe that a person has committed or is committing an offence under subsection (1), he may arrest that person without a warrant.

(4) Any amount required to be paid under subsection (2) (b) shall be recoverable in the same manner as a fine.

(5) In this section, “road” has the same meaning as in the Road Traffic Act.

[S. 4 amended by Act 29 of 1990; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

### 5. Absent minor

(1) Every minor who absents himself from his domicile without the permission of any of his parents, his custodian or the Judge in Chambers, may be arrested and taken back to his domicile.

(2) (a) The arrest shall be made by the police on the warrant of the Magistrate of the district of the minor’s domicile.

(b) The Magistrate may issue a warrant under paragraph (a) on the declaration on oath of either parent of the minor that the minor has without permission absented himself

from his domicile.

(c) Where the parents of the minor are not living together, the declaration under paragraph (b) shall be made by the parent exercising the parental authority or his custodian.

(3) Every person who harbours a minor whom he knows to be absent without permission from his domicile, after due warning from the minor's parents or custodian, given by an usher or verbally by the police, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees or to imprisonment for a term not exceeding 4 years.

[S. 5 amended by Act 29 of 1990; Act 48 of 1998; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

**6. – 10. —**

### **11. Recruiting for service outside Mauritius**

(1) Where any person in Mauritius obtains recruits for the service of any foreign State in any capacity, the President may, by regulations—

- (a) prohibit such person from so doing;
- (b) permit him to do so, subject to any conditions which the President thinks fit to impose.

(2) The President may, by regulations—

- (a) prohibit recruiting for the service of any foreign State; or
- (b) impose upon such recruiting any conditions which he thinks fit.

(3) Any person who, in violation of a prohibition issued or of a condition imposed under this section—

- (a) induces any person to accept or agree to accept, or to proceed to any place with a view to obtaining, any commission or employment in the service of a foreign State; or
- (b) knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 14 years and to a fine not exceeding 50,000 rupees.

(4) In this section, "foreign State" includes a person exercising or assuming to exercise the powers of Government in or over any country, colony, province or people outside Mauritius.

[S. 11 amended by Act 29 of 1990; Act 48 of 1991; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

**12. – 15. —**

### **16. Impairing coin**

(1) Any person who impairs, diminishes or lightens any silver or cupro-nickel coin lawfully current in Mauritius with intent that the coin so impaired, diminished or lightened may pass for the silver coin lawfully current in Mauritius shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 28 years.

(2) Any person who defaces any of the silver, cupro-nickel, bronze or copper coins lawfully current in Mauritius by stamping on it any name or word, whether or not the coin is thereby diminished or lightened, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years.

(3) (a) No tender of payment made in any silver, cupro-nickel, bronze or copper coin defaced by stamping as mentioned in subsection (2) shall be legal tender, and any person who tenders, utters, or passes off any coin so defaced shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

(b) No prosecution shall be commenced in respect of an offence under this section without the consent of the Director of Public Prosecutions.

[S. 16 reprinted by Reprint 2 of 1983; amended by Act 29 of 1990; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

17. – 25. —

## 26. Idle and disorderly person

(1) Every person shall be deemed an idle and disorderly person who—

- (a) being able to work, is found wandering abroad or placing himself in any public place to beg or gather alms, or causing any child to do so;
- (b) being a common prostitute, is found wandering in any public place and behaving in a riotous or indecent manner;
- (c) pretends to deal in witchcraft, or pretends or professes to tell fortunes, or uses or pretends to use any subtle craft or device to deceive or impose on any person;
- (d) wanders abroad and lodges in any outhouse or shed or in any deserted or unoccupied building, or in any mill, sugar or other works, watchhouse, trash-house, or other buildings, or within any field, pasture or enclosure, not having any visible means of subsistence, and not giving a good account of himself and satisfactory explanation for his presence in any such place;
- (e) wilfully exposes to view in any public place, or wilfully causes to be exposed to public view in a window or other part of any shop or other building, situated in any public place, any obscene print, picture or other indecent exhibition;
- (f) wilfully and obscenely exposes his person in any public place;
- (g) wanders abroad and endeavours by the exposure of wounds and deformities to obtain or gather alms;
- (h) endeavours to procure charitable contributions of any kind under any false or fraudulent pretence;
- (i) subject to the Gaming Regulatory Authority Act, plays or bets in any public place at or with any table or instrument of gaming, at any game or pretended game of chance.

(2) No person shall be convicted of being an idle and disorderly person under subsection (1) (a) unless it is proved that he could by his own labour or other lawful means or from any funds provided for the relief of the poor, have been provided with the necessaries of life.

(3) Every person who is an idle and disorderly person shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year, and where he is again convicted as an idle and disorderly person within 12 months of a conviction for any offence under this section or section 28, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

[S. 26 amended by Act 29 of 1990; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

27. —

## **28. Rogue and vagabond**

- (1) Every person shall be deemed a rogue and vagabond who—
  - (a) has in his custody or possession any picklock, key, crow, jack, bit or other implement with intent to break into a dwelling house, warehouse, store, shop, coach house, stable or outbuilding or is armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon or has upon him any instrument with intent to commit any crime or misdemeanour;
  - (b) has in his custody or possession at night, any picklock, key, crow, jack, bit or other implement without giving a satisfactory account for such custody or possession;
  - (c) who is found in or on any private premises, vehicle or boat not belonging to him and without giving a satisfactory explanation for his presence there;
  - (d) being an idle and disorderly person is found carrying arms, or having in his possession any file, crowbar or other implement adapted for committing a larceny or other crime or misdemeanour or for procuring the means of entering any house;
  - (e) frequents or loiters about or in any enclosed or private land or dwelling or place adjacent to a street, road or highway with intent to commit an offence;
  - (f) in a public place, makes use of obscene, indecent or offensive words or gestures whether or not such words or gestures are addressed to any other person.

(2) Every person who is a rogue and vagabond shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

[S. 28 amended by Act 10 of 1985; Act 29 of 1990; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

## **29. Offensive weapon**

(1) Any person who, without lawful authority or reasonable excuse, the proof of which shall lie on him, has with him in any public place any offensive weapon, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years and to a fine not exceeding 100,000 rupees.

(2) Where any person is convicted of an offence under subsection (1), the Court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

(3) In this section—

“offensive weapon” has the same meaning as in the Public Gatherings Act;

“public place” has the same meaning as in the Public Gatherings Act.

[S. 29 amended by Act 29 of 1990; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

## **30. Arrest of offenders**

(1) A person found in contravention of section 26 or 28 may be arrested by any member of the Police Force.

(2) A private person may arrest a rogue and vagabond but shall forthwith deliver him to a police officer.

(3) Any member of the Police may without warrant search the dwelling house or trade or business premises of any person arrested in connection with an offence against section 29.

### **31. Damaging electric line**

(1) Any person who—

- (a) wilfully removes, destroys, damages or obstructs the working of any electric line or works, or who interferes without authority in any manner so as to lower or prevent the working of any such electric line or works;
- (b) wilfully uses the electric current furnished by an electric station by means of branching, connecting or switching wires or lines for any purpose, without authority of the owner of such electric station,

shall commit an offence and, without prejudice to the liability of such person by way of civil action in damages for any such wrongful act, shall on conviction, be liable to a fine not exceeding 50,000 rupees.

(2) (a) The owner of any electric station, works or lines, concerning which any offence is committed under this section or any servant or agent of such owner, of any officer, non-commissioned officer or police constable, with or without warrant, may apprehend any person found so offending and to deliver him to a member of the Police Force or to convey him before the nearest District Magistrate.

(b) No arrest shall be made under paragraph (a) where the person so offending is known to such owner, servant or agent, or police officer, or gives satisfactory information or reference with respect to his name and place of residence.

(3) In this section—

“electric line” means a wire conductor, or other means used for the purpose of conveying, transmitting or distributing electricity with any casing, coating, covering tube, pipe, or insulator, enclosing, surrounding or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing electricity or electric currents;

“works” includes electric lines and any buildings, machinery, engines, works, matters or things required to supply electricity.

(4) This section shall also apply to telephone lines and works.

[S. 31 amended by Act 29 of 1990; s. 8 (a) of Act 36 of 2008 w.e.f. 6 December 2008.]

**32. – 35. —**

### **36. Protection of defence works**

(1) Any unauthorised person who enters—

- (a) any battery, fieldwork, fortification, magazine, storehouse, or any building or place connected with any position finding scheme, submarine mining or torpedo defence;
- (b) any enclosed place, whether fortified or not, used for naval or military purposes, where a written notice has been put up or affixed in some conspicuous place, to the effect that entrance thereto is interdicted,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

(2) Any person who, by means of a false name or disguise, obtains access to any of the places or buildings mentioned in subsection (1), shall commit an offence and shall, on conviction by a Magistrate or, on reference by the Director of Public Prosecutions, by the Intermediate Court, be liable to imprisonment for a term not exceeding 4 years.

(3) (a) Any unauthorised person who makes any measurement, model, sketch, plan, photograph, picture, painting or drawing of the whole or any portion of any battery, fieldwork, fortification, position finding scheme, submarine mining or torpedo defence,

magazine, storehouse or any building or place mentioned in subsection (1), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees or to imprisonment for a term not exceeding one year.

(b) All tools and sketching, drawing, photographic or painting materials or apparatus found in the possession of an offender under paragraph (a) shall be forfeited and all unauthorised measurements, models, sketches, plans, photographs, pictures, paintings or drawings shall be forfeited wherever found.

(4) Any person found within 200 metres of any battery, fieldwork, fortification, magazine, storehouse, or any building or place mentioned in subsection (1), with tools, sketching, drawing, photographic or painting materials or apparatus in his possession, with the intention of defeating the provisions of this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

(5) Any person who has lawfully or unlawfully obtained possession of, or access to any document, sketch, plan, photograph, model or information relating to any battery, fieldwork, fortification, position finding scheme, submarine mining or torpedo defence, magazine or storehouse, or any building or place mentioned in subsection (1), communicates, discloses, or makes known or attempts to communicate, disclose or make known such document, sketch, plan, photograph, model or information, or any part thereof, to any person to whom the same ought not to be communicated, disclosed or made known, shall commit an offence and, on conviction, be liable to a fine not exceeding 100,000 rupees or to imprisonment for a term not exceeding one year.

[S. 36 amended by Act 29 of 1990; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

**37. – 57. —**

### **58. Interpretation of “explosive”**

In sections 58 to 65—

“explosive” means—

- (a) gunpowder, nitroglycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those abovementioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect;
- (b) includes fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as defined in paragraph (a);

“explosive substance” includes any explosive, any materials for making any explosive, any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive and any part of any such apparatus, machine, or implement.

### **59. Causing explosion likely to endanger life**

Any person who causes by any explosive substance an explosion of a nature likely to endanger life, or to cause serious injury to property shall, whether any injury to person or property has actually been caused or not, commit an offence and shall, on conviction, be liable to penal servitude.

### **60. Acting with intent to endanger life**

Any person who unlawfully and maliciously—

- (a) does any act with intent to cause by an explosive substance an explosion of a nature likely to endanger life, or to cause serious injury to property; or



- (b) makes or has in his possession or under his control any explosive substance with intent by means of it to endanger life, or cause serious injury to property, or to enable any other person by means of it to endanger life or cause serious injury to property,

shall, whether an explosion takes place or not and whether any injury to person or property has actually been caused or not, commit an offence and shall, on conviction, be liable to penal servitude, and the explosive substance shall be forfeited.

#### **61. Making or possessing explosive substance**

Any person who makes or knowingly has in his possession or under his control an explosive substance under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, commit an offence, and shall, on conviction, be liable to penal servitude and the explosive substance shall be forfeited.

#### **62. —**

#### **63. Damaging inhabited ship or building**

Any person who by means of an explosive substance wilfully damages the whole or part of a dwelling house or of a ship, boat, storehouse, timber-yard, tent, shed or other building, which is inhabited or used for residence or as a place where persons meet, whether it belongs to the offender or not, shall commit an offence and shall, on conviction, be liable to penal servitude.

#### **64. Damaging uninhabited ship or building**

Any person who by means of an explosive substance wilfully damages the whole or a part of a dwelling house or of a ship, boat, storehouse, timber yard, tent, shed or other building not inhabited nor used for residence nor as a place of meeting which does not belong to the offender, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 20 years.

[S. 64 reprinted by Reprint 2 of 1983; amended by s. 8 (b) of Act 36 of 2008 w.e.f. 6 December 2008.]

#### **65. Placing or throwing explosive with intent**

Any person who places or throws in, into, upon, under, against or near any dwelling house or any ship, boat, storehouse, timber-yard, tent, shed or other building or any bridge or dyke, an explosive substance with intent to damage or destroy any such dwelling house or other place aforesaid or any engine, machinery, working tools, fixtures, goods, chattels or animals shall, whether or not an explosion takes place and whether or not any damage is caused, commit an offence and shall, on conviction, be liable to penal servitude.

#### **66. Penalty for killing of person by explosive**

In all the cases specified in sections 63 to 65, where the explosion has caused the death of any person, whether or not that person was in the place damaged or attempted to be damaged, the punishment shall be penal servitude for life.

[S. 66 amended by Act 31 of 1995.]

#### **67. Leave of Director of Public Prosecutions**

No prosecution shall be entered under sections 59 to 66, except by direction of the Director of Public Prosecutions.



## **68. Application of Explosives Act**

Sections 21A and 21B of the Explosives Act shall apply as if an offence or forfeiture under sections 59 to 65 of this Act was an offence or forfeiture under the Explosives Act.

## **69. Shipmaster may search for explosives**

Where the master or owner of any vessel has reasonable cause to suspect that any dangerous goods or goods of a dangerous nature which, if found, he would have to be entitled to throw overboard, are concealed on board his vessel, he may search any part of the vessel for the goods, and for the purpose of such search may, where necessary, break open any box, package, parcel or receptacle on board the vessel, and the master or owner, where he finds any such dangerous goods or goods of a dangerous nature, he may deal with the same in such manner as may be prescribed by law but where he does not find the same, he shall not be subject to any liability, civil or criminal, if it appears to the Court before which the question of his liability is raised that he had reasonable cause to suspect that such goods were so concealed.

**70. – 85. —**

## **86. Dealing in obscene matter**

(1) Any person who—

- (a) for the purposes of, or by way of, trade or for distribution or public exhibition, makes or produces or has in his possession any obscene matter;
- (b) for a purpose specified in paragraph (a), imports, conveys, or exports or causes to be imported, conveyed or exported any obscene matter or in any manner puts into circulation any obscene matter;
- (c) carries on or takes part in a business, whether public or private, concerned with any obscene matter or deals in any obscene matter in any manner, or publicly distributes or exhibits or makes a business of lending any obscene matter; or
- (d) advertises or makes known by any means that a person is engaged in any of the acts specified in paragraphs (a) to (c), or advertises or makes known how or from whom the obscene matter can be procured either directly or indirectly,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding one year and the obscene matter forming the subject matter of the offence shall be forfeited.

(2) (a) Any person who sells, lends, hires or distributes to a minor or exposes or allows to be exposed to the view of a minor any obscene matter shall commit an offence and, notwithstanding section 152 of the Criminal Procedure Act, shall, on conviction, be liable to imprisonment for a term not exceeding 4 years together with a fine not exceeding 100,000 rupees.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

(3) In this section, “obscene matter” means any obscene writing, drawing, print, painting, printed matter, picture, poster, emblem, photograph, cinematograph film, video tape, slide, data stored on a computer disc or by any other electronic means capable of conversion into a photograph, or any other obscene object.

(4) In addition to making an order that the obscene matter forming part of the subject matter of the offence be forfeited, the Court shall, where appropriate, order that the obscene matter be no longer stored on and made available through the computer system, or that the material be deleted.

[S. 86 amended by Act 10 of 1985; Act 29 of 1990; Act 14 of 1998; Act 5 of 1999; s. 22 (3) of Act 22 of 2003 w.e.f. 9 August 2003; ss. 4 and 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

## **87. Interpretation**

In sections 86 to 89—

“hotel” means an establishment licensed as such under the Licences Act;

“slide” means any picture designed to be exhibited by means of a projector;

“video club” means a club which exhibits or deals with video tapes by way of business or otherwise;

“video tape” means any device which records a sequence of visual images and is capable of being used as a means of showing that sequence as a moving picture.

[S. 87 added by Act 10 of 1985.]

## **88. Exhibiting slide and video tape in public**

(1) Subject to subsection (2), no person shall, for a fee or otherwise, exhibit in public any slide or video tape.

(2) (a) Subject to paragraph (b), subsection (1) shall not apply to an exhibition of a slide or video tape organised—

- (i) for a benevolent, charitable, educational or religious purpose;
- (ii) by a club other than a video club, exclusively for its members;
- (iii) by a hotel exclusively for its clients.

(b) An exhibition under paragraph (a) shall not be organised unless it has first been approved by the Commissioner of Police and subject to such conditions as he thinks fit to impose.

(3) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 4 years.

(4) The Court shall, upon the conviction of a person charged with an offence under this section, order the forfeiture of any money derived from, or any slide, video tape or other article used in connection with the commission of the offence.

[S. 88 amended by Act 10 of 1985; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

## **89. Powers of entry, search and detention**

A police officer, not below the rank of Assistant Superintendent, or any police officer acting under the written authority of the Commissioner of Police may—

- (a) without warrant enter and search any premises reasonably suspected of being used in contravention of section 88;
- (b) seize any money reasonably suspected of being derived from, or any slide, video tape or other article reasonably suspected of having been used in connection with, the commission of an offence under section 88; and
- (c) arrest and detain any person reasonably suspected of committing an offence under section 88.

[S. 89 amended by Act 10 of 1985.]

## **90. Brothel keeping**

(1) Any person who—

- (a) keeps or manages, or assists in the keeping or management of a brothel;

- (b) being the tenant, lessee or occupier, or person in charge of any premises, permits those premises or any part of them to be used as a brothel; or
- (c) being the landlord or lessor of any premises or the agent of such landlord or lessor, lets or continues to let the premises or any part of them with the knowledge that the premises or any part of them are or is to be used as a brothel, or is wilfully a party to the continued use of the premises or any part of them as a brothel,

shall commit an offence and shall, on conviction, be liable, subject to subsection (2), to a fine not exceeding 200,000 rupees together with imprisonment for a term not exceeding 10 years.

(2) (a) Notwithstanding sections 150 to 153 of the Criminal Procedure Act, a person charged under subsection (1) (b) with having permitted a minor to use the premises as a brothel shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

(3) In this section, “brothel” means any premises or any part thereof resorted to by persons of both sexes for the purpose of prostitution.

(4) No prosecution shall be entered under this section except by direction of the Director of Public Prosecutions.

[S. 90 amended by Act 29 of 1990; Act 14 of 1998; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

## **91. Search and entry powers**

(1) Where a police officer has reasonable cause to believe that any offence has been, is being, or is about to be committed on any premises against section 90, he may, on showing reasonable grounds on oath, obtain from a Magistrate a warrant to search those premises.

(2) The officer may, on the strength of the warrant, which he shall exhibit if requested to do so, enter the premises at any time, and, if need be, by force, for the purpose of effecting a search.

(3) The officer may, where the premises are closed, gain access thereto by means of breaking, if after notification of his office and purpose and demand of admission duly made, he is unable to obtain admittance.

## **91A. Importuning**

Any person who solicits or importunes another person in a public place for an immoral purpose, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding 50,000 rupees.

[S. 91A amended by Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

## **92. – 96. —**

## **97. Fencing well**

Any person who, being the occupier of any premises on which there exists a well, whether in use or not, fails to—

- (a) keep the well surrounded with an adequate enclosure at least 2 feet in height; or
- (b) keep such enclosure at that height and in good and sufficient repair,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding

50,000 rupees.

[S. 97 amended by Act 29 of 1990; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

**98. – 100. —**

**101. Raising false alarm of fire**

(1) Any person who in any manner knowingly gives or causes to be given a false alarm of fire to any fire brigade or to any officer thereof, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

(2) Any person who commits an offence under subsection (1) may be prosecuted either by the Police or by an officer of a Municipal City Council, Municipal Town Council or District Council.

[S. 101 amended by Act 29 of 1990; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008; s. 165 (6) of Act 36 of 2011 w.e.f. 15 December 2011.]

**102. Bomb hoaxes**

(1) Any person who—

- (a) places any article or explosive in any place whatsoever;
- (b) dispatches any article or explosive by post or otherwise,

with the intention of inducing in some other person a belief that a bomb is likely to explode, shall commit an offence.

(2) Any person who communicates any information which he knows or believes to be false to another person with the intention of inducing in him or any other person a false belief that a bomb or other explosive is lying in certain premises and liable to explode shall commit an offence.

(3) Any person who commits an offence under this section shall, on conviction, be liable to imprisonment for a term not exceeding 10 years and to a fine not exceeding 100,000 rupees.

(4) For the purposes of this section, “explosive” has the same meaning as in section 58.

[S. 102 amended by Act 16 of 1993; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

**102A. Power of entry, search and seizure**

(1) Where a police officer not below the rank of Assistant Superintendent reasonably suspects that a bomb or other explosive liable to explode is lying on certain premises, he may, without a warrant, enter and search the premises after informing the occupier of the imminent danger.

(2) In the course of a search under subsection (1), the police officer may seize any relevant article or explosive and take steps to defuse it, or dispose of it, as the case may be.

(3) Where a search has been effected under subsection (1), the police officer shall forthwith submit a report to the Magistrate of the district and to the Commissioner of Police.

[S. 102A inserted by Act 16 of 1993.]

**103. Impersonating living or dead individual**

Any person who falsely and deceitfully represents himself to be some other person, living or dead, with intent to obtain fraudulently any property, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

[S. 103 reprinted by Reprint 2 of 1983; amended by s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

#### **104. Making false acknowledgment**

Any person who, without lawful authority or excuse, the proof of which shall lie on him, makes, in the name of any other person, an acknowledgement of liability of any kind or of a deed or other instrument before a Court or person lawfully authorised to take the acknowledgement, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

[S. 104 reprinted by Reprint 2 of 1983; amended by s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

#### **105. Impersonating individual named in certificate**

(1) Any person who—

- (a) utters a document issued by lawful authority to another person who is certified in such document to be—
  - (i) in possession of a qualification recognised by law for any purpose;
  - (ii) the holder of an office;
  - (iii) entitled to exercise a profession, trade or business;
  - (iv) entitled to a right or privilege; or
  - (v) entitled to enjoy a rank or status; and
- (b) falsely represents himself to be the person named in the document,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(2) Any person who has received by lawful authority a document certifying that he is—

- (a) in possession of a qualification recognised for any purpose;
- (b) the holder of any office;
- (c) entitled to exercise a profession, trade or business;
- (d) entitled to a right or privilege; or
- (e) entitled to enjoy a rank or status,

and who sells, gives or lends the document to another person with intent that that other person may represent himself to be the person named therein, shall commit an offence, and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

[S. 105 reprinted by Reprint 2 of 1983; amended by s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

#### **106. Impersonating individual named in testimonial**

(1) Any person who, for the purpose of obtaining any employment, alters a document in the nature of a testimonial given or destined to another person, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 5 years.

(2) Any person to whom a document under subsection (1) has been given, who sells, gives, or lends such document to another person with the intent that that other person may alter such document for the purpose of obtaining any employment, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 5 years.

[S. 106 amended by s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

#### **106A. Impersonating individual in examination**

(1) Any person who for the purpose of sitting at an examination falsely represents

himself to be another person shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 5 years and to a fine not exceeding 50,000 rupees.

(2) In this section, “examination” means an examination conducted by or under the responsibility of a Ministry, a Government Department or the Mauritius Examinations Syndicate.

[S. 106A amended by Act 10 of 1985; Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

#### **106B. Impersonating individual at interview**

(1) Any person who, for the purpose of being interviewed by a Staff Board falsely represents himself to be another person, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 5 years and to a fine not exceeding 50,000 rupees.

(2) In this section, “Staff Board” means a board appointed by the Public Service Commission to advise on the appointment, promotion and transfer of public officers.

[S. 106B amended by Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

#### **107. Impersonating prisoner**

(1) Any person who falsely represents himself to be a person upon whom a sentence of imprisonment has been passed and who serves any portion of such sentence shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(2) Any person upon whom a sentence of imprisonment has been passed who allows, induces or attempts to induce any person falsely to represent himself to be the person upon whom such sentence of imprisonment has been passed, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

(3) In this section, “sentence of imprisonment” includes a period of imprisonment to be served in default of payment of a fine or costs.

[S. 107 reprinted by Reprint 2 of 1983; amended by s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

#### **108. —**

#### **109. Conspiracy**

(1) Any person who agrees with one or more other persons to do an act which is unlawful, wrongful or harmful to another person, or to use unlawful means in the carrying out of an object not otherwise unlawful, shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years and to a fine not exceeding 100,000 rupees.

(2) Where the agreement is to commit murder, manslaughter, an international crime as defined in the International Criminal Court Act 2011 or an offence related to terrorism under the Prevention of Terrorism Act, the person charged shall, on conviction, be liable to the same penalty as would have been applicable to an accomplice.

[S. 109 reprinted by Reprint 2 of 1983; amended by Act 10 of 1985; Act 29 of 1990; Act 5 of 1999; s. 34 (1) of Act 2 of 2002 w.e.f. 16 March 2002; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008; s. 44 (1) of Act 27 of 2011 w.e.f. 15 January 2012.]

#### **110. Obstructing passage of pedestrian on seashore**

(1) Any person who, without lawful authority, obstructs or prevents the free passage of a pedestrian on the seashore shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

(2) In this section—

“seashore” includes that portion of the seashore which is covered by the sea at high tide and uncovered at low tide.

[S. 110 amended by Act 35 of 1989; Act 5 of 1999; s. 99 (3) of Act 19 of 2002 w.e.f. 1 December 2003; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

### **111. Disclosure of examination papers**

(1) Any person who, before the holding of any examination—

- (a) discloses or communicates to an unauthorised person;
- (b) allows an unauthorised person to take cognisance of,

the contents of any paper set for that examination shall commit an offence.

(2) Any unauthorised person who is found in possession of any examination paper before the holding of the examination shall commit an offence.

(3) Any person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding 100,000 rupees or imprisonment for a term not exceeding 4 years.

(4) In this section, “examination” means an examination conducted by or under the responsibility of a Ministry, a Government Department or the Mauritius Examinations Syndicate.

[S. 111 amended by Act 10 of 1985; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

### **112. Prohibition of water skiing, etc.**

(1) No person shall practise water skiing, or operate any water scooter or similar contraption within 100 metres from the low watermark of any seashore.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees or imprisonment for a term not exceeding one year.

[S. 112 added by Act 13 of 1988; amended by Act 5 of 1999; s. 8 of Act 36 of 2008 w.e.f. 6 December 2008.]

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