

THE MAURITIUS METEOROLOGICAL SERVICES BILL

(No. XXVIII of 2019)

Explanatory Memorandum

The object of this Bill is to provide a regulatory framework for the establishment and operation of the Mauritius Meteorological Services.

2. The Mauritius Meteorological Services shall, inter alia –
- (a) take over the functions and powers of the existing Mauritius Meteorological Services which has so far been operating administratively without a regulatory framework;
 - (b) be the official authority responsible for monitoring the evolution of weather and climate, including extreme weather, throughout Mauritius, and for providing weather forecasts, advisories and warnings for the welfare and safety of the general public and for the protection and safety of maritime and aeronautical navigation; and
 - (c) act as the National Tsunami Warning Centre for Mauritius.

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A BILL

To provide a regulatory framework for the establishment and operation of the Mauritius Meteorological Services

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Mauritius Meteorological Services Act 2019.

2. Interpretation

In this Act –

“advisories” means bulletins indicating the presence and evolution of potentially dangerous hydro-meteorological or geological hazards;

“climate services” –

(a) means climate information; and

(b) includes products and services derived from climate information;

“Director” means the Director of the Mauritius Meteorological Services;

“extreme weather” means weather which disturbs economic activity or the social welfare or well-being of people;

“extreme weather events” –

(a) means tropical storm, tropical cyclone, heavy rain, torrential rain, flood, flash flood, high waves, storm surge and drought; and

(b) includes any other weather condition likely to endanger life or property;

“ICAO” means the International Civil Aviation Organisation;

“IOC” means the UNESCO Intergovernmental Oceanographic Commission;

“MAURITIUS FIR” means the Flight Information Region which is the specified region of airspace for Mauritius as defined by ICAO within which flight information and alerting services are provided by the Mauritius Meteorological Services;

“Mauritius Meteorological Services” means the Mauritius Meteorological Services established under section 3;

“METAREA VIII (S)” means the geographical sea region of the South Indian Ocean designated by the WMO-IOC Joint Technical Commission for Oceanography and Marine Meteorology for the purpose of transmitting meteorological safety information to mariners under the Global Maritime Distress Safety System;

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

“Ministry” means the Ministry responsible for the subject of meteorology;

“officer” –

(a) means an officer referred to in section 7; and

(b) includes the Director;

“supervising officer” means the supervising officer of the Ministry;

“World Meteorological Organization” or “WMO” means the specialised agency of the United Nations whose mandate covers weather, climate and water resources.

PART II – MAURITIUS METEOROLOGICAL SERVICES

3. Establishment of Mauritius Meteorological Services

For the purposes of this Act, there shall be, within the Ministry, a department to be known as the Mauritius Meteorological Services.

4. Objects of Mauritius Meteorological Services

The Mauritius Meteorological Services shall be the official authority responsible for –

(a) monitoring the evolution of weather and climate, including extreme weather, throughout Mauritius;

(b) monitoring the progress of tsunami waves caused mainly by seismic activity;

(c) providing weather forecasts, advisories and warnings for the welfare and safety of the general public;

- (d) providing climate services for the sustainable socio-economic development of Mauritius;
- (e) fulfilling the international obligations of Mauritius under the conventions of the World Meteorological Organization;
- (f) fulfilling the international obligations of Mauritius under the Convention on International Civil Aviation on Meteorological Service for International Air Navigation; and
- (g) fulfilling such other weather or climate-related regional and international obligations as may be necessary.

5. Functions and powers of Mauritius Meteorological Services

The Mauritius Meteorological Services shall –

- (a) provide daily and seasonal weather forecasts and climate services;
- (b) provide advisories and warnings for extreme weather events and tsunamis;
- (c) provide advisories and warnings to ensure the protection and safety of –
 - (i) maritime navigation within the METAREA VIII(S);
 - (ii) aeronautical navigation within the MAURITIUS FIR;
- (d) provide customised weather forecasts for weather-sensitive socio-economic sectors;
- (e) make, collect and exchange meteorological and other related observations in accordance with the procedures and the standards of the World Meteorological Organization;
- (f) record, process and archive meteorological and other related observations for climatological, environmental, research, socio-economic and other purposes;
- (g) monitor the state of the atmosphere and of the ocean on a local, regional and global scale;
- (h) keep the entities set up under the National Disaster Risk Reduction and Management Act informed of the evolution of weather and climate, including extreme weather;

- (i) prepare, disseminate and supply meteorological data, information, products and advice;
- (j) conduct and assist in research and investigations in the field of meteorology and climatology;
- (k) monitor, assess and conduct research on climate change, in particular on the science of climate change and sea level rise, and provide baseline information for the sustainable development of Mauritius;
- (l) promote and participate in regional and international cooperation programmes in meteorology, climate change and seismology;
- (m) establish offices and stations for the observation of parameters related to weather and climate over land, in the atmosphere and in the oceans;
- (n) arrange with any institution, authority or person to perform and record meteorological observations, in accordance with established standards of the World Meteorological Organization;
- (o) be responsible for the reception and transmission of meteorological data and information at local, regional and international levels;
- (p) ensure optimum use of communication facilities for the transmission and reception of meteorological data and information at local, regional and international levels;
- (q) promote education, sensitisation and awareness on weather and climate;
- (r) act as the National Tsunami Warning Centre for Mauritius, receive advisories from tsunami service providers, issue appropriate bulletins for Mauritius and participate in the Intergovernmental Coordination Group of the Indian Ocean Tsunami Warning and Mitigation System; and
- (s) do all such other acts or things as may be necessary or desirable for the attainment of its objects.

6. Director

There shall be a Director of the Mauritius Meteorological Services, who shall –

- (a) be under the administrative control of the supervising officer;

- (b) be responsible for the control, management and administration of the day to day business of the Mauritius Meteorological Services;
- (c) be responsible for levying charges for forecasts, information, advice, services and publications;
- (d) be responsible for the execution of the policy of the Ministry; and
- (e) carry out such other assignments given to him by the Minister or the supervising officer.

7. Officers

(1) The supervising officer shall, in consultation with the Director, designate such officers as may be necessary to assist the Mauritius Meteorological Services in the proper discharge of its functions under this Act.

(2) The officers referred to in subsection (1) shall be public officers and shall be under the administrative control of the Director.

PART III – MISCELLANEOUS

8. Protection from liability

(1) No liability, civil or criminal, shall be incurred by the Mauritius Meteorological Services or by an officer in respect of any act done or omitted in good faith in the performance of its or his functions or in the exercise of its or his powers under this Act.

(2) This section shall be in addition to, and not in derogation from, the Public Officers' Protection Act and, for the purposes of that Act, every officer shall be deemed to be a public officer or a person lawfully engaged, authorised or employed in the performance of a public duty.

9. Confidentiality

(1) No officer shall, during or after the tenure of his office, use or disclose any matter which came to his knowledge in the discharge of his functions, except –

- (a) for the purposes of this Act; or
- (b) where he is so required by a Court or under any enactment.

(2) Any person who, without lawful excuse, contravenes subsection (1) 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 2 years.

10. Powers of Minister

(1) The Minister may give such directions of a general character to the Director, not inconsistent with this Act, as he considers necessary in the public interest, and the latter shall comply with those directions.

(2) The Minister may require the Director to furnish such information in such manner and at such time as he may determine, and the latter shall supply such information.

(3) The Minister may set up such committees as may be necessary to assist the Mauritius Meteorological Services in the discharge of its functions under this Act.

11. 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 –

- (a) provide for the levying of fees and the taking of charges;
- (b) notwithstanding any other enactment, provide for the supply, free of charge, of meteorological forecasts and other meteorological services, climate services, climatological data, advice, publications and reports; and
- (c) provide that any person who contravenes them 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 2 years.

12. Consequential amendments

(1) The Environment Protection Act is amended –

- (a) in the Second Schedule, by deleting the item “The Meteorological Services” and replacing it by the following item –

The Mauritius Meteorological Services

- (b) in the Third Schedule –
 - (i) by deleting the following item –

“Meteorological Services”
 - (ii) by inserting, in the appropriate alphabetical order, the following new item –

Mauritius Meteorological Services
- (c) in the Seventh Schedule, by deleting the item “The Meteorological Services” and replacing it by the following item –

The Mauritius Meteorological Services

(2) The Mauritius Oceanography Institute Act is amended, in section 8(2)(l), by deleting the words “Meteorological Services” and replacing them by the words “Mauritius Meteorological Services”.

(3) The National Disaster Risk Reduction and Management Act is amended, in section 23(2), by repealing paragraph (h) and replacing it by the following paragraph –

- (h) the Officer in Charge of the meteorological stations in Rodrigues;

(4) The Outer Islands Development Corporation Act is amended, in section 6(2)(g), by deleting the words “Meteorological Services” and replacing them by the words “Mauritius Meteorological Services”.

(5) The Public Holidays Act is amended, in section 2, in the definition of “cyclone warning of class III”, by deleting the words “Meteorological Services” and replacing them by the words “Mauritius Meteorological Services”.

(6) The Rajiv Gandhi Science Centre Trust Fund Act is amended, in section 5(2)(k), by deleting the words “Meteorological Services” and replacing them by the words “Mauritius Meteorological Services”.

13. Transitional provisions and savings

(1) The Mauritius Meteorological Services shall, on the commencement of this Act, take over the functions and powers of the existing Mauritius Meteorological Services.

(2) The Director of the existing Mauritius Meteorological Services shall,

on the commencement of this Act, be the Director of the Mauritius Meteorological Services.

(3) All officers of the existing Mauritius Meteorological Services shall, on the commencement of this Act, be officers of the Mauritius Meteorological Services.

(4) All assets and funds of the existing Mauritius Meteorological Services shall, on the commencement of this Act, vest in the Mauritius Meteorological Services.

(5) All rights, obligations and liabilities subsisting in favour of or against the existing Mauritius Meteorological Services shall, on the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Mauritius Meteorological Services.

(6) A reference in any enactment, arrangement, agreement or document to the Meteorological Services of Mauritius shall be construed as a reference to the Mauritius Meteorological Services.

(7) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

14. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
