

THE CERTIFICATE OF MORALITY BILL
(No. V of 2006)

Explanatory Memorandum

The object of this Bill is to make better provision for the issue of certificates of morality by the Office of the Director of Public Prosecutions.

J. VALAYDEN *Attorney-General
and Minister of Justice & Human
Rights*

05 May 2006

THE CERTIFICATE OF MORALITY BILL
(No. V... of 2006)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Application for certificate of morality
4. Issue of certificate of morality
5. Offences and proceedings
6. Regulations

A Bill

To provide for the issue of certificates of morality and for matters connected thereto

ENACTED by the Parliament of Mauritius, as follows

1. Short title

This Act may be cited as the Certificate of Morality Act 2006.

2. Interpretation

"application" means an application made under section 3(1);

"certificate of morality" means a certificate issued under section 4.

3. Application for certificate of morality

(1) Any person wishing to obtain a certificate of morality shall apply to the Office of the Director of Public Prosecutions in such form as may be approved.

(2) Every application made under subsection (1) shall be accompanied by

(a) the original and 2 photocopies of the applicant's birth certificate, national identity card and, where applicable, marriage certificate; and

(b) such processing fee as may be prescribed.

4. Issue of certificate of morality

(1) The Director of Public Prosecutions shall refer every application to the Commissioner of Police for enquiry.

(2) Where the Commissioner of Police reports that the applicant has not been convicted of any crime or misdemeanour by a court in Mauritius during a period of 10 years immediately preceding the date of application for the certificate, the Director of Public Prosecutions shall issue, or cause to be issued, a certificate of morality in the form set out in the Schedule.

(3) For the purposes of subsection (2), any person who has been granted a free pardon under section 75 of the Constitution shall be deemed never to have been convicted of the offence in respect of which the pardon was granted.

5. Offences and proceedings

(1) Any person who tampers certificate with, forges or fraudulently alters a offence of morality shall commit an liable to and shall, on conviction, be imprisonment not exceeding 50,000 rupees. 8 years and a fine not exceeding

(2) In any proceedings in which the genuineness of a certificate of morality is in question

(a) a certificate under the hand of the Director of Public Prosecutions to the effect that a certificate of morality is or is not genuine shall be received in all courts as conclusive evidence of that fact;

(b) the Director of Public Prosecutions, or any law officer who was authorised to issue the certificate on behalf of the Director of Public Prosecutions, shall not be examined or cross-examined with respect to the genuineness of the certificate of morality.

6. Regulations

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

(2) Regulations made under subsection (1) may provide for the amendment of the Schedule.

SCHEDULE
(section 4)

Certificate from the Director of Public Prosecutions

On the application made on..... of

born on in.....

I,..... Director of Public Prosecutions in and for Mauritius,
have the honour to inform whomsoever it may concern that the abovenamed has not been
convicted of any crime or misdemeanour in Mauritius during a period of 10 years
immediately preceding the date of application.

CHAMBERS,
PORT LOUIS

Date:

Director of Public Prosecutions