

THE CERTIFICATE OF CHARACTER BILL
(No. II of 2026)

Explanatory Memorandum

The object of this Bill is to repeal the Certificate of Character Act 2012 and replace it with a less stringent legislation, with a view to reducing barriers to employment and social reintegration of persons who have been convicted of an offence, subject to certain criteria.

2. Other than for convictions for serious offences that will still appear on a person's certificate of character, some convictions which were borne on a person's certificate of character are being reviewed and, accordingly, no conviction, in addition to a person having been granted a free pardon or having been discharged absolutely or conditionally, will appear on a person's certificate of character where, having been convicted –

- (a) he has been given only a fine not exceeding 50,000 rupees, in lieu of 5,000 rupees, and 2 years, in lieu of 5 years, have lapsed since the date of his conviction;
- (b) he has, irrespective of whether he has been given a fine, been given imprisonment for a term not exceeding 3 years and 10 years have lapsed since the date of his conviction; or
- (c) the offence was committed when he was under 18 years of age.

3. It is also being provided that where a person's certificate of character specifies that he has been convicted of a crime or misdemeanour –

- (a) his employer shall not discriminate against him where the crime or misdemeanour is not related to the employment; or
- (b) his prospective employer shall not discriminate against him where the crime or misdemeanour is not related to the employment for which he is being considered.

G. P. C. GLOVER, SC
Attorney-General

20 March 2026

THE CERTIFICATE OF CHARACTER BILL
(No. II of 2026)

ARRANGEMENT OF CLAUSES

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A BILL

**To repeal and replace the Certificate of Character Act 2012
with a simplified version**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Certificate of Character Act 2026.

2. Interpretation

In this Act –

“absolute discharge” means an order, made by the Court under section 197(1) of the Criminal Procedure Act, discharging a person absolutely;

“certificate of character” means a certificate of character issued under section 5(3) or 6;

“conditional discharge” means an order, made by the Court under section 197(1) of the Criminal Procedure Act, discharging a person conditionally;

“delegated person” means the Commissioner of Police or a public officer to whom the Director of Public Prosecutions has, by public notice in the Gazette, delegated his powers under this Act;

“discriminate” has the same meaning as in the Equal Opportunities Act;

“probation order” has the same meaning as in the Probation of Offenders Act.

3. Application of Act

This Act shall apply to a person who has been, or has not been, convicted of a crime or misdemeanour in Mauritius.

4. Non-discrimination in employment

Where a person’s certificate of character specifies that he has been convicted of a crime or misdemeanour –

- (a) his employer shall not discriminate against him where the crime or misdemeanour is not related to the employment; or
- (b) his prospective employer shall not discriminate against him where the crime or misdemeanour is not related to the employment for which he is being considered.

5. Certificate of character with no criminal record

(1) No criminal record for a crime or misdemeanour shall be borne on a person’s certificate of character where –

- (a) he has not been convicted of a crime or misdemeanour;
- (b) having been convicted of a crime or misdemeanour, he has, pursuant to section 75 of the Constitution, been granted a free pardon in respect of the crime or misdemeanour;
- (c) having been convicted of a crime or misdemeanour, other than a crime or misdemeanour listed in the First Schedule, he has been given only –
 - (i) an absolute discharge; or
 - (ii) a conditional discharge and has complied with the terms and conditions of the discharge;
- (d) having been convicted of a crime or misdemeanour, other than a crime or misdemeanour listed in the First Schedule –
 - (i) he has been made the subject of a probation order only and has complied with the terms and conditions of the order; and

- (ii) 2 years have lapsed since the date of his conviction;
- (e) having been convicted of a crime or misdemeanour, other than a crime or misdemeanour listed in the First Schedule –
 - (i) he has been given only a fine not exceeding 50,000 rupees; and
 - (ii) 2 years have lapsed since the date of his conviction;
- (f) having been convicted of a crime or misdemeanour, other than a crime or misdemeanour listed in the First Schedule –
 - (i) he has, irrespective of whether he has been given a fine, been given imprisonment for a term not exceeding 3 years; and
 - (ii) 10 years have lapsed since the date of his conviction; or
- (g) having been convicted of a crime or misdemeanour, other than a crime or misdemeanour listed in the First Schedule, such crime or misdemeanour was committed when he was under 18 years of age.

(2) For the purpose of subsection (1)(c), (d), (e), (f) or (g), a crime or misdemeanour –

- (a) under an enactment which is not specified in the First Schedule; but
- (b) of which the constitutive elements are the same as, or substantially similar to, those of a crime or misdemeanour specified in that Schedule,

shall be deemed to be a crime or misdemeanour specified in the First Schedule.

(3) Where any of the circumstances specified in subsection (1) apply, the Director of Public Prosecutions shall issue a certificate of character in the form set out in Part I or II of the Second Schedule, specifying that the person has not been convicted of any crime or misdemeanour in Mauritius.

6. Certificate of character with criminal record

Where a person has been convicted of a crime or misdemeanour and none of the circumstances specified in section 5 is applicable, the Director of Public

Prosecutions shall issue a certificate of character in the form set out in Part I or II of the Third Schedule, specifying that the person has been convicted of a crime or misdemeanour in Mauritius.

7. Application for certificate of character

(1) An application for a certificate of character shall be made to the Director of Public Prosecutions, or to the delegated person, in such form as the Director of Public Prosecutions may approve.

(2) The Director of Public Prosecutions may authorise any of his law officers to issue a certificate of character on his behalf.

(3) The Attorney-General may, in consultation with the Director of Public Prosecutions, make such regulations for the purpose of this section, and to provide for matters connected and incidental thereto.

8. Protection from liability

(1) No liability, civil or criminal, shall be incurred by the Director of Public Prosecutions, the delegated person, a law officer or a police officer in respect of any act or omission in the discharge, in good faith, of his functions under this Act.

(2) This section shall be in addition to, and not in derogation from, the Public Officers' Protection Act.

9. Offences and proceedings

(1) Any person who tampers with, forges or fraudulently alters, a certificate of character 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.

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

- (a) an attestation under the hand of the Director of Public Prosecutions, or the delegated person, to the effect that the certificate is or is not genuine shall be received in all Courts as conclusive evidence of that fact;
- (b) the Director of Public Prosecutions, the delegated person or a law officer 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.

10. Regulations

(1) The Attorney-General may, in consultation with the Director of Public Prosecutions, make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide –

- (a) for the levying of fees and charges;
- (b) for the amendment of the Schedules;
- (c) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding one year.

11. Repeal

The Certificate of Character Act 2012 is repealed.

12. Consequential amendment

The Equal Opportunities Act is amended, in section 10, in subsection (1), by repealing paragraph (f) and replacing it by the following paragraph –

- (f) where, subject to subsection (2), that person's certificate of character specifies that he has been convicted of a crime or misdemeanour which is not related to his employment or to the employment for which he is being considered.

13. Savings and transitional provision

(1) Any certificate of character issued under the repealed enactment and which is valid on the commencement of this Act shall be deemed to have been issued under this Act.

(2) Any application for a certificate of character made under the repealed enactment and which is pending on the commencement of this Act shall be dealt with in accordance with this Act.

(3) Any power delegated by the Director of Public Prosecutions to the Commissioner of Police or to a public officer under the repealed enactment shall, on the commencement of this Act, be deemed to have been delegated under this Act.

(4) In this section –

“repealed enactment” means the Certificate of Character Act 2012 repealed under section 11.

14. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

FIRST SCHEDULE
[Section 5(1) and (2)]

**CONVICTIONS TO MANDATORILY BE BORNE ON
CERTIFICATE OF CHARACTER**

	Enactments	Sections	Crimes or misdemeanours
1.	Certificate of Character Act 2026	9	Tampering with, forging or fraudulently altering, a certificate of character
2.	Children's Act 2020	12	Marriage of, or cohabitation with, child
		17	Abduction of child by other person
		19	Causing, inciting or allowing child under 16 to be sexually abused
		20	Child prostitution and access to brothel
		21	Child pornography
		22	Child grooming
		26	Bullying
		28	Causing or inciting child to do unlawful act
		29	Aggravating Circumstances
3.	Civil Status Act	69	Offences in respect of children
		70	Concealment of birth
4.	Combating of Trafficking in Persons Act	11	Trafficking in persons
5.	Convention for the Suppression of the Financing of Terrorism Act	4	Financing of terrorism

6.	Criminal Code	37	Accomplices, in so far as it affects the other offences mentioned in this Schedule
		38	Giving instructions and aiding and abetting, in so far as it affects the other offences mentioned in this Schedule
		50	Inducing or compelling President in the exercise of any lawful power
		51	Stirring up war against the State
		57	Plotting with foreign power
		58	Causing risk of war
		59	Exposing citizen to reprisal
		60	Inciting citizen to rise up in arms
		61	Inciting officer to mutiny
		62	Stirring up civil war
		63	Raising armed force
		64	Taking command of armed force
		65	Setting fire to or destroying State property
		66	Plundering public property with armed band
		67	Harbouring armed band
		68	Withdrawing from armed band
		70	Saving for offences amounting to high treason
		71	Inciting to high treason
		72	Failing to reveal plot against the State

		73	Penalty for failing to reveal plot of high treason
		74	Penalty for failing to reveal plot other than of high treason
		75	Penalty not applicable to relative of plotter
		76	Penalty not applicable to plotter in certain cases
		77	Abuse of authority by public officer
		78	Torture by public official
		79	Public officer flouting claim of illegal detention
		80	Arbitrary detention by public officer
		81	Public officer detaining person in unauthorised place
		82	Conspiracy by public officers to flout the law
		83	Public officer resigning with intent to paralyse public service
		84	Violation of domicile by public officer
		86	Violence by public officer
		88	Public officer ordering use of force to prevent operation of law
		90	Penalty not applicable for acting under order of superior
		91	Penalty where order provokes serious crime
		92	Counterfeiting gold or silver coin
		93	Imitating gold or silver coin
		94	Dealing in and importing counterfeit gold or silver coin

		95	Knowingly offering counterfeit gold or silver coin
		96	Knowingly uttering counterfeit gold or silver coin
		97	Making or possessing instrument used for counterfeiting gold or silver coin
		98	Counterfeiting copper coin
		99	Forfeiture of counterfeit coin and instrument
		100	Counterfeiting seal, mark or bank note
		101	Counterfeiting Court seal
		102	Unlawful use of seal
		103	Counterfeiting mark of Government or trader
		104	Altering Government mark
		105	Altering manufacturer's label
		105A	Electronic document or writing
		106	Forgery by public officer
		107	Fraudulent alteration of public document
		108	Forgery by private individual of public or commercial writing
		109	Making use of forged public writing
		111	Forgery of private writing
		112	Making use of forged private writing
		114	Forgery of passport
		115	Public officer delivering unauthorised passport

	117	Forgery of medical certificate
	118	Medical officer issuing false certificate
	119	Forgery and making use of character certificate
	120	Forgery and making use of other forged certificate
	121	Fine for forgery
	122	Embezzlement and larceny by public officer or notary
	123	Embezzlement and larceny of deed by public officer
	124	Extortion by public officer
	137	Public officer exercising functions without lawful authority
	144	Interpretation of "rebellion"
	145	Rebellion by more than 20 armed persons
	146	Rebellion by 3 but not more than 20 armed persons
	147	Rebellion by less than 3 armed persons
	148	Rebellion by band or mob
	149	Interpretation of "armed meeting"
	150	Carrying concealed arms
	151	Penalty for offence committed during rebellion
	152	Inciting rebellion
	153	Fine for rebellion
	154	Rebellious meeting
	155	Rebellion by prisoner

	157	Outrage against commander of civil or military authorities
	158	Assault against member of Assembly or judicial officer
	159	Assault against agent of civil or military authorities
	160	Assault with wounding or premeditation
	163	Penalty for responsible officer in case of escape of prisoner
	164	Aiding prisoner charged with misdemeanour
	165	Aiding prisoner charged with crime
	166	Aiding prisoner to escape by violence
	167	Third party aiding prisoner to escape by violence
	168	Aiding prisoner to escape by supply of arms
	169	Supplying prisoner with instrument for escape
	170	Escaping from legal custody
	171	Penalty not applicable in case of negligence of responsible officer
	172	Harbouring criminal
	173	Failing to prevent breaking of Government seal
	174	Penalty where seal relates to criminal proceedings
	175	Breaking of seal relating to criminal proceedings
	176	Breaking of other seal
	177	Larceny by breaking of seal

		178	Failing to prevent purloining of document entrusted to depositary
		179	Purloining of document from place of public deposit
		180	Breaking of seal, and purloining of document, by violence
		181	Damaging monument
		182	Usurping public function
		183	Interference with freedom of conscience
		185	Outrage on religious worship
		186	Assaulting and outraging minister of religion
		187	Penalty not applicable where there is a severer penalty
		188	Association of malefactors
		189	Interpretation of "association of malefactors"
		190	Ringleader of association of malefactors
		191	Forming part of, and aiding or harbouring, association of malefactors
		215	Interpretation of "manslaughter"
		216	Interpretation of "murder"
		220	Murder of newly born child and infanticide
		222	Penalty for murder and infanticide
		223	Penalty for manslaughter
		228	Assault with aggravating circumstance
		229	Assault with premeditation

	232	Assault by seditious gathering
	233	Dealing in offensive weapon
	233A	Sale or offer for sale of offensive instrument in the open
	233B	Sale or offer for sale of offensive instrument to person under 12
	234	Castration
	235	Unlawful termination of pregnancy
	236	Administering noxious substance
	237	Selling adulterated liquor
	238	Selling unwholesome medicine
	240	Manslaughter and wounds and blows under provocation
	241	Manslaughter and wounds and blows in defence of property by day
	243	Castration under provocation
	244	Penalty in case of excusable offence
	245	Homicide and wounds and blows under lawful authority
	246	Homicide and wounds and blows in self defence
	247	Interpretation of "self defence"
	248	Indecent act in public
	249	Rape, attempt upon chastity and illegal sexual intercourse
	250	Sodomy and bestiality
	253	Procuring, enticing and exploiting prostitute
	254	Sexual harassment
	257	Bigamy

	258	Unlawful arrest, detention and sequestration
	259	Penalty for unlawful arrest in certain cases
	260	Family abandonment
	272	Burying corpse without lawful authority
	273	Concealing corpse
	274	Declaration in case of sudden or violent death
	275	Violating tomb
	276	Giving false evidence in case of crime
	278	Giving false evidence in civil matter
	279	Giving false evidence for reward
	280	Subornation of perjury
	280A	Interference with witnesses and potential witnesses
	281	Giving false evidence on decisory oath
	282	Stirring up racial hatred
	283	Sedition
	284	Inciting disobedience or resistance to law
	286	Importing seditious publication
	287A	Prohibiting circulation of seditious publication
	287B	Penalty for seditious publication
	288	Interpretation of "defamation"
	290	Privilege for Court proceedings
	300	Disclosing professional secret

	301	Larceny
	301A	Penalty for other larcenies
	302	Larceny of produce of soil
	303	Larceny with wounding
	304	Larceny with violence by night breaking
	305	Larceny with other aggravating circumstance
	306	Larceny by night breaking
	307	Penalty for extortion
	308	Looting
	309	Larceny with breaking and larceny by servant
	310	Larceny with violence
	311	Penalty for recidivism in larceny
	322	Larceny of obligatory writing and purloining seizure
	330	Swindling
	330A	Dealing unlawfully in lottery ticket
	330B	Issuing cheque without provision
	331	Breach of trust of minor
	332	Fraudulently using blank document
	333	Embezzlement
	333A	Embezzlement of security or charge
	334	Removing document produced in Court
	338	Speculating fraudulently
	339	Penalty for speculating in certain cases

		345	Public officer assisting defaulting contractor
		346	Arson
		347	Arson causing death
		348	Threatening arson
		349	Damaging public property, private enterprise or vehicle
		350	Hindering public works by force
		351	Destroying document
7.	Criminal Code (Supplementary) Act	90	Brothel keeping
		103	Impersonating living or dead individual
		105	Impersonating individual named in certificate
		106	Impersonating individual named in testimonial
		106A	Impersonating individual in examination
		106B	Impersonating individual at interview
		107	Impersonating prisoner
		109	Conspiracy in so far as it affects the other offences mentioned in this Schedule
8.	Cybersecurity and Cybercrime Act 2021	16	Misuse of fake profile
		17	Cyberbullying
		18	Cyber extortion
		19	Revenge Pornography
		20	Cyberterrorism

9.	Dangerous Drugs Act		Any offence under the Act, other than section 21 insofar as it relates to possession of any dangerous drug in a minimal quantity and for personal use, and section 34(1)(a) in so far as it relates to smoking
10.	District and Intermediate Courts (Criminal Jurisdiction) Act	126(2)	Witnesses heard on oath
11.	Financial Crimes Commission Act 2023	19	Bribery by public official
		20	Bribery of public official
		21	Taking gratification to screen offender from punishment
		22	Public official using his office for gratification
		23	Bribery of, or by, public official to influence the decision of public body
		24	Influencing public official
		25	<i>Traffic d'influence</i>
		26	Public official taking gratification
		27	Bribery for procuring contracts
		28	Bribery for procuring withdrawal of tenders
		29	Conflict of interests
		30	Treating of public official
		31	Receiving gift for corrupt purpose
		32	Corruption in private entities
		33	Corruption to provoke serious offence

		34	Bribery by, or of, foreign public official
		35	Corruption in relation to sporting events
		36	Money laundering
		39	Fraud by false representation
		40	Fraud by failing to disclose information
		41	Making or supplying articles for use in fraud offence
		42	Failing to pay for goods and services
		43	Fraud by abuse of position
		44	Electronic fraud
		45	Financing of drug dealing
		48	Conspiracy
		49	Aiding, abetting or counselling
		50	Attempt
		143	Acts committed outside Mauritius
12.	International Criminal Court Act	4	International Crimes
13.	Interpretation and General Clauses Act	2 and 45	With respect to Attempts, in so far as they affect other offences mentioned in this Schedule
14.	Piracy and Maritime Violence Act	3	Piracy and maritime attack
		4	Hijacking and destroying ships
		5	Endangering safe navigation

15.	Prevention of Terrorism Act	3	Prohibition of acts of terrorism
		4	Act of terrorism by any 2 or more persons
		5	Terrorist meetings
		5A	Terrorist training
		6	Support
		7	Harbouring terrorist
		8	Information about acts of terrorism
		8A	Terrorism hoax
		9	Obstruction of terrorist investigation
		10	International terrorism
		12	Hostages
16.	Representation of the People Act	58	Illegal payment
		59	Corrupt withdrawal of candidature
		64	Bribery and treating
		65	Undue influence
17.	Road Traffic Act	123D	Causing death by careless driving when under influence of alcohol, drug or intoxicating substance

SECOND SCHEDULE

[Section 5(3)]

PART I – CERTIFICATE BEARING NO CRIMINAL RECORD



REPUBLIC OF MAURITIUS

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

CERTIFICATE OF CHARACTER

Reference No.

On the application made on by
..... of
..... on his behalf/on behalf of his worker*
..... born on
..... in

I, the undersigned,, the Director of Public Prosecutions/on behalf of the Director of Public Prosecutions*, in and for Mauritius, have to inform whoever it may concern that the abovenamed has, as at, not been convicted of any crime or misdemeanour in Mauritius.

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

.....
Signature



.....
Date approved and signed

.....
Date issued

* Delete as appropriate

(1) This document is digitally signed and computer generated on #Date#. Any modification in this certificate makes it invalid.

(2) To verify the authenticity of this certificate, scan the QR Code or access the website <https://certificateofcharacter.govmu.org>.

(3) *Note: An applicant shall not make an application for a new certificate of character unless a period of 4 months has elapsed from the date of issue of his last certificate.*

**PART II – CERTIFICAT DE CASIER JUDICIAIRE POUR UNE PERSONNE
N'AYANT PAS ÉTÉ CONDAMNÉE**



RÉPUBLIQUE DE MAURICE

BUREAU DU DIRECTEUR DES POURSUITES PUBLIQUES

CERTIFICAT DE CASIER JUDICIAIRE

Numéro de référence

Suite à une demande faite le par
..... résidant à
....., en son nom/ au nom de son employé(e)*
....., né(e) le à
.....

Je soussigné(e),, le Directeur des
Poursuites Publiques de la République de Maurice/au nom du Directeur des
Poursuites Publiques de la République de Maurice*, déclare qu'au
....., les casiers judiciaires tenus à
Maurice démontrent que la personne susnommée n'a fait l'objet d'aucune
condamnation pour crimes ou délits.

BUREAU DU DIRECTEUR DES POURSUITES PUBLIQUES

.....

Signature

.....

Date approuvé et signé



.....

Date de délivrance

** Rayez les mentions inutiles*

(1) Ceci est un document signé numériquement et généré par ordinateur le #Date#. Toute modification de ce certificat le rend invalide.

(2) *Pour vérifier l'authenticité de ce certificat, scannez le QR Code ou accédez le site web <https://certificateofcharacter.govmu.org>.*

(3) *Un demandeur ne peut faire une demande d'un nouveau certificat de casier judiciaire qu'après un délai de quatre mois à compter de la date d'émission de son dernier certificat.*

THIRD SCHEDULE

[Section 6]

PART I – CERTIFICATE OF CONVICTED PERSON



REPUBLIC OF MAURITIUS

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

CERTIFICATE OF CHARACTER

Reference No.

On the application made on by
..... of
..... on his behalf/on behalf of his worker*
....., born on in
.....

I, the undersigned,, Director of Public Prosecutions/on behalf of the Director of Public Prosecutions*, in and for Mauritius, have to inform whoever it may concern that the abovenamed has, as at, been convicted and sentenced in Mauritius in respect of the following crime(s) and/or misdemeanour(s) –

.....
.....
.....

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

.....
Signature



.....
Date approved and signed

.....
Date issued

**Delete as appropriate*

(1) This document is digitally signed and computer generated on #Date#. Any modification in this certificate makes it invalid.

(2) To verify the authenticity of this certificate, scan the QR Code or access the website <https://certificateofcharacter.govmu.org>.

(3) Note: An applicant shall not make an application for a new certificate of character unless a period of 4 months has elapsed from the date of issue of his last certificate.

**PART II – CERTIFICAT DE CASIER JUDICIAIRE POUR
UNE PERSONNE CONDAMNÉE**



RÉPUBLIQUE DE MAURICE

BUREAU DU DIRECTEUR DES POURSUITES PUBLIQUES

CERTIFICAT DE CASIER JUDICIAIRE

Numéro de référence

Suite à une demande faite le par
..... résidant à, en son
nom/au nom de son employé(e) *
....., né(e) le à

Je soussigné(e),, le Directeur des Poursuites
Publiques de la République de Maurice/au nom du Directeur des Poursuites
Publiques de la République de Maurice*, déclare que les casiers judiciaires tenus
à Maurice démontrent que la personne susnommée a fait, au
....., l'objet des condamnations pour les
crimes ou délits suivants, assorties des peines ci-après –

.....
.....
.....

BUREAU DU DIRECTEUR DES POURSUITES PUBLIQUES

.....

Signature

.....

Date approuvé et signé



.....

Date de délivrance

** Rayez les mentions inutiles*

(1) Ceci est un document signé numériquement et généré par ordinateur le #Date#. Toute

modification de ce certificat le rend invalide.

(2) Pour vérifier l'authenticité de ce certificat, scannez le QR Code ou accédez le site web <https://certificateofcharacter.govmu.org>

(3) Un demandeur ne peut faire une demande d'un nouveau certificat d'attestation de casier judiciaire qu'après un délai de quatre mois à compter de la date d'émission de son dernier certificat.
