

**THE CRIMINAL CODE (AMENDMENT) BILL**  
(No. X of 2026)

**Explanatory Memorandum**

The object of this Bill is to amend the Criminal Code to provide –

- (a) notwithstanding any other enactment, that it shall not be a defence for a person charged with the offence of rape that he was, at the time of the offence, civilly or religiously married to the complainant, and to provide for harsher penalties in aggravating circumstances where the complainant was, inter alia, subject to acts of domestic abuse; and
- (b) for harsher penalties for the offence of murder, attempt at murder, manslaughter and attempt at manslaughter in aggravating circumstances where the victim was, inter alia, subject to acts of domestic abuse.

2. These amendments have been rendered necessary as a consequence to the new provisions relating to acts of domestic abuse that have been provided for in the Domestic Abuse Bill (No. VIII of 2026).

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

26 June 2026

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**ARRANGEMENT OF CLAUSES**

*Clause*

1. Short title
2. Interpretation
3. Section 222A inserted in principal Act
4. Section 223A inserted in principal Act
5. Section 249 of principal Act amended
6. Commencement

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**A BILL**

**To amend the Criminal Code**

ENACTED by the Parliament of Mauritius, as follows –

**1. Short title**

This Act may be cited as the Criminal Code (Amendment) Act 2026.

**2. Interpretation**

In this Act –

“principal Act” means the Criminal Code.

**3. Section 222A inserted in principal Act**

The principal Act is amended by inserting, after section 222, the following new section –

**222A. Penalty for murder or attempt at murder in aggravating circumstances**

(1) Any person who is convicted of murder or attempt at murder shall, where the Court is satisfied that aggravating circumstances exist which would justify the imposition of a greater sentence and has entered those circumstances on the record of the proceedings, be sentenced to penal servitude for life which shall not be less than 15 years.

(2) In subsection (1) –

“act of domestic abuse” has the same meaning as in the Domestic Abuse Act 2026;

“aggravating circumstances” includes, but is not limited to, circumstances where –

- (a) the offender was civilly or religiously married to the victim;
- (b) the offender was living with the victim as a couple in a marriage-like or partnership-like relationship;
- (c) the offender had agreed to marry the victim;
- (d) the offender was in an intimate personal relationship with the victim;
- (e) the offender has, or has had, a child with the victim;
- (f) the offender was residing with the victim in the same household, irrespective of whether or not they were related by blood, marriage or adoption;
- (g) the victim was subject to acts of domestic abuse by the offender;
- (h) the victim was vulnerable due to advanced age, illness, pregnancy, physical disability, mental disability or for any other reason;
- (i) the offender was a legitimate, a natural or an adoptive ascendant of the victim or was a person in a position of trust, power or authority over the victim;
- (j) medications, drugs, alcohol, intoxicating drinks or weapons, or threatened use of weapons, were used in the commission of the offence;
- (k) the victim was a child;
- (l) the offender was the parent of the victim;
- (m) the offender was the unmarried partner of the victim’s father or mother;
- (n) the offence was committed by 2 or more persons or by a person acting with an accomplice;

- (o) the offender was under the influence of drugs, alcohol or intoxicating drinks; or
- (p) the victim was ill-treated before or during the offence.

#### **4. Section 223A inserted in principal Act**

The principal Act is amended by inserting, after section 223, the following new section –

##### **223A. Penalty for manslaughter or attempt at manslaughter in aggravating circumstances**

(1) Any person who is convicted of manslaughter or attempt at manslaughter shall, where the Court is satisfied that aggravating circumstances exist which would justify the imposition of a greater sentence and has entered those circumstances on the record of the proceedings, be liable to penal servitude for life which shall not be less than 10 years.

(2) In this section –

“aggravating circumstances” has the same meaning as in section 222A(2).

#### **5. Section 249 of principal Act amended**

Section 249 of the principal Act is amended –

(a) by inserting, after subsection (1), the following new subsection, existing subsection (1A) being renumbered as subsection (1B) –

(1A) Notwithstanding any other enactment, it shall not be a defence for a person charged with the offence of rape under subsection (1) that he was, at the time of the offence, civilly or religiously married to the complainant.

(b) in the newly renumbered subsection (1B), by inserting, after the word “shall”, the words “subject to subsection (1C),”;

(c) by inserting, after the newly renumbered subsection (1B), the following new subsection, existing subsections (1B) and (1C) being renumbered as subsections (1D) and (1E), respectively –

(1C) Where a person is convicted for the offence of rape and the Intermediate Court or the Criminal Division of the Children’s

Court, as the case may be, is satisfied that aggravating circumstances exist which would justify the imposition of a greater sentence and has entered those circumstances on the record of the proceedings, it shall have –

- (a) jurisdiction to inflict penal servitude for a term which shall not be less than 10 years and not exceeding 45 years;
  - (b) power to order sentences of penal servitude for a term which shall not be less than 10 years to be served consecutively, provided that the terms of such sentences shall not in the aggregate exceed 45 years.
- (d) by adding the following new subsection –

(1F) In this section –

“act of domestic abuse” has the same meaning as in the Domestic Abuse Act 2026;

“aggravating circumstances” includes, but is not limited to, circumstances where –

- (a) the offender is, or was, civilly or religiously married to the complainant;
- (b) the offender is, or was, living with the complainant as a couple in a marriage-like or partnership-like relationship;
- (c) the offender had agreed to marry the complainant;
- (d) the offender is, or was, in an intimate personal relationship with the complainant;
- (e) the offender has, or has had, a child with the complainant;
- (f) the offender is, or was, residing with the complainant in the same household, irrespective of whether or not they were related by blood, marriage or adoption;
- (g) the offender was subject to acts of domestic abuse by the offender;

- (h) the complainant has, as a consequence of the offence, become mutilated, lame or permanently disabled, or has been seriously injured;
- (i) the complainant was vulnerable due to advanced age, illness, pregnancy, physical disability, mental disability or for any other reason;
- (j) the offender is a legitimate, a natural or an adoptive ascendant of the complainant or is a person in a position of trust, power or authority over the complainant;
- (k) the offender has previously been convicted for the offence of rape or other sexual offences;
- (l) the offence has exposed the complainant to a life-threatening illness;
- (m) medications, drugs, alcohol, intoxicating drinks or weapons, or threatened use of weapons, were used in the commission of the offence;
- (n) the complainant was a child;
- (o) the offender is the parent of the complainant;
- (p) the offender is the unmarried partner of the complainant's father or mother;
- (q) the offence is committed by 2 or more persons or by a person acting with an accomplice;
- (r) the offender was under the influence of drugs, alcohol or intoxicating drinks;
- (s) the offence is committed at the same time and place as the rape of one or more other persons;
- (t) the offence is committed in competition with one or more other rapes of other persons;
- (u) the complainant was ill-treated before, during, or after, the offence.

## **6. Commencement**

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

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