

THE PORTS (AMENDMENT) BILL
(No. XIII of 2003)

Explanatory Memorandum

The main objects of this Bill are to -

- (a) provide for greater security in the port area by conferring stop and search powers on the Port Master and his officers and making clearer provisions for offences relating to vessels denied entry into the port for safety and environmental reasons;
- (b) update the provisions pertaining to the disposal of goods in port premises in the light of the licensing, by the Authority, of operators for the handling of goods; and
- (c) remove any existing ambiguity pertaining to the power to create offences by regulations.

23 May 2003

Sir Anerood Jugnauth
*Prime Minister, Minister of Defence &
Home Affairs, and Minister of External
Communications*

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ARRANGEMENT OF CLAUSES

Clause

- 1. Short title
 - 2. Interpretation
 - 3. Section 31 of principal Act amended
 - 4. Section 40 of principal Act amended
 - 5. Section 60 of principal Act amended
 - 6. Section 65 of principal Act amended
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A BILL

To amend the Ports Act

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Ports (Amendment) Act 2003.

2. Interpretation

In this Act -

"principal Act" means the Ports Act 1998.

3. Section 31 of principal Act amended

Section 31 of the principal Act is amended -

(a) by numbering the existing provision as subsection (1) and inserting the following new paragraph immediately after paragraph (e), the word "and" at the end of paragraph (e) being deleted and paragraph (f) being relettered as (g);

(f) on reasonable suspicion that any article, the subject matter of any offence against this Act or any subsidiary enactment made under this Act, is being carried by any person or in any vehicle, stop and, subject to subsection (2), search that person or vehicle; and

(b) by adding the following new subsections -

(2) A female shall not be searched under subsection (1) except by a female officer.

(3) For the purposes of exercising the powers under this section, the Port Master or any officer duly authorized by him may request the assistance of the Police.

4. Section 40 of principal Act amended

Section 40 of the principal Act is amended by inserting after subsection 5 the following new subsection -

(6) For the purposes of this section, except subsections (3)(c), 4(b) and (5), any reference to the word "Authority" shall be deemed to be a reference to such licensed operator of the Authority as may be prescribed.

5. Section 60 of principal Act amended

Section 60 of the principal Act is amended by repealing section (2) and replacing it by the following new subsection -

(2) If the owner or master of any vessel fails to comply with any direction given in pursuance of subsection (1), the owner or master shall, notwithstanding section 32(4), commit an offence and shall, on conviction, be liable to a fine not exceeding 150,000 rupees or to imprisonment for a term not exceeding 4 years or to both.

6. Section 65 of principal Act amended

Section 65 of the principal Act is amended in subsection (2), by inserting immediately after paragraph (b) the following new paragraph, the word "and" at the end of paragraph (a) being deleted and the "full stop" at the end of paragraph (b) being deleted and replaced by the words "; and" -

(c) may provide that any person who contravenes them shall, subject to such defence to any prosecution as may be specified, commit an offence and shall on conviction, be liable to a fine not exceeding 10,000 rupees or to imprisonment for a term not exceeding 2 years or to both.