

# THE ENVIRONMENT BILL

(No. I of 2024)

## Explanatory Memorandum

The main object of this Bill is to repeal the Environment Protection Act and replace it with a modern legislative framework with a view to ensuring better environmental protection, management and conservation.

2. The Bill, inter alia, provides for –

- (a) the integration and mainstreaming of environmental sustainability in planning and development through, amongst others, requirements for the formulation of a National Policy, Strategy and Action Plan on Sustainable Development and a National Circular Economy Policy, Strategy and Action Plan every 5 years, with a view to achieving sustainable development and the transition to a green and circular economy;
- (b) the establishment of an *Observatoire de L'Environnement* that will act as an interface with stakeholders, including the public on environmental parameters, for the purpose of environmental protection, management and conservation, and evaluation of environmental policies;
- (c) the introduction of a mechanism to ensure better management and protection of Environmentally Sensitive Areas (ESAs) which will facilitate the coordination amongst different institutions, as well as the establishment and updating of an ESA inventory and ESA maps;
- (d) the enhancement of transparency of the Preliminary Environmental Report (PER) and the Environmental Impact Assessment (EIA) mechanisms, as well as the introduction of the Strategic Environmental Assessment (SEA) framework, so that environmental consideration is integrated into plans and programmes right from the planning stage, and the cumulative impacts are assessed in a holistic approach taking into consideration the socio-economic interlinkages to ensure environmental protection, management and conservation;
- (e) the requirement of a completion certificate prior to operating an undertaking, so as to ensure that projects have been effectively implemented in accordance with its PER, EIA or SEA licence or approval;

- (f) the establishment of a National Oil Spill Coordination Committee which will ensure a prompt, planned and coordinated response to any current or potential oil spill;
  - (g) the introduction of a framework for plastic management to achieve the Government's vision for a plastic-free Mauritius, which would cater for –
    - (i) a national strategy and action plan for plastic management and sustainable production and consumption of plastics; and
    - (ii) the enforcement, research and development and public awareness aspects; and
  - (h) the strengthening of the existing enforcement and compliance mechanisms for a more effective and efficient application of environmental laws, and to provide for tougher penalties.
3. Opportunity is also being taken to address shortcomings observed in the Environment Protection Act, in particular to ensure a more effective and robust protection, management and conservation of the environment.
4. In addition, consequential amendments are being brought to other enactments to provide for matters incidental and connected thereto.

**K. RAMANO**

*Minister of Environment, Solid Waste  
Management and Climate Change*

28 March 2024

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# THE ENVIRONMENT BILL

(No. I of 2024)

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## **A BILL**

**To repeal the Environment Protection Act and replace it with a modern legislative framework with a view to ensuring better protection, management and conservation of the environment**

ENACTED by the Parliament of Mauritius, as follows –

### **PART I – PRELIMINARY**

#### **1. Short title**

This Act may be cited as the Environment Act 2024.

#### **2. Interpretation**

In this Act –

"accredited laboratory" means a public or private laboratory accredited by MAURITAS or by any other accredited body which is signatory to the International Laboratory Accredited Cooperation Mutual Recognition Arrangements (ILAC MRA) to conduct analyses of environmental samples and provide environmental data;

"air" includes ambient or localised air within a building, a vehicle, an enclosure or a structure;

"authorised officer" –

(a) means –

(i) an officer designated under section 12(6);

(ii) a police officer; and

(b) includes any person who is conferred the powers of an authorised officer under this Act;

"Board" means the Board referred to in section 90;

"Central Water Authority" means the Central Water Authority established under the Central Water Authority Act;

“Chief Commissioner” has the same meaning as in the Rodrigues Regional Assembly Act;

“climate change” has the same meaning as in the Climate Change Act 2020;

“circular economy” has the same meaning as in the Waste Management and Resource Recovery Act 2023;

“clinical waste” –

- (a) means waste produced by, discharged by, or derived from, or associated with, the operation of a health institution, hospital, pathological laboratory or sanatorium; and
- (b) includes human and animal tissue or excretions, drugs or medicinal products;

“Commission” means the National Environment and Sustainable Development Commission referred to in section 5;

“Commissioner for Environment” means the Commissioner to whom responsibility for the subject of environment is assigned by the Rodrigues Regional Assembly;

“completion certificate” means a certificate issued by the Minister upon satisfactory completion of an undertaking by the holder of a PER, an EIA or a SEA licence or approval;

“compoundable offence” means such offence as may be prescribed;

“compoundable penalty” means such penalty as may be payable under Part XVII;

“Department” means the Department of Environment referred to in section 12;

“Departmental Head” means the Departmental Head to whom responsibility for the subject of environment is assigned in Rodrigues;

“Director” means the Director of Environment referred to in section 12(2);

“Director-General” means the Director-General of the Mauritius Revenue Authority;



“discharge” includes deposit, emission and leakage;

“Economic Development Board” means the Economic Development Board established under the Economic Development Board Act;

“effluent” has the same meaning as in the Waste Water Management Authority Act;

“EIA” means an environmental impact assessment;

“EIA application” means an application for an EIA licence or approval;

“EIA approval” means an EIA approval issued under section 44(6);

“EIA/SEA Committee” means the EIA/SEA Committee referred to in section 28;

“EIA licence” means an EIA licence issued under section 44(6);

“EIA licence or approval” means an EIA licence or EIA approval;

“EIA/PER/SEA Monitoring Committee” means the EIA/PER/SEA Monitoring Committee referred to in section 29;

“EIA report” means a document containing the information required under section 41;

“enforcement notice” means a notice referred to in section 110;

“enforcing agency” means an enforcing agency referred to in section 21(1);

“environment” includes –

(a) land, air or water, or any combination thereof;

(b) all living organisms;

(c) any built-up environment;

“environmental data” –

(a) means data obtained from laboratory analysis of environmental samples; and

- (b) includes environmental statistics obtained from measurements, studies and surveys;

“environmental effect” means any effect on the environment that is likely to affect human health, flora, fauna, biodiversity, soil, climate, air, water, landscape, natural sites or any interaction among these factors;

“environmental law” –

- (a) means –

- (i) this Act and any regulations made under this Act;
- (ii) any other enactment, or part thereof, which the Minister may, by regulations, declare to be an environmental law; and

- (b) includes any direction, order or notice issued under, or any requirement imposed by, this Act or any other environmental law declared under paragraph (a)(ii);

“environmentally sensitive areas” means the areas listed in the First Schedule;

“environment liaison officer” means an environment liaison officer designated as such under section 21(2);

“extended producer responsibility” has the same meaning as in the Waste Management and Resource Recovery Act 2023;

“public interest undertaking” means an undertaking which is declared as a public interest undertaking under section 31(1);

“financial year” has the same meaning as in section 111 of the Constitution;

“Fund” means the National Environment and Climate Change Fund established under section 88;

“hazardous waste” has the same meaning as in the Waste Management and Resource Recovery Act 2023;

“ICZM Committee” means the Integrated Coastal Zone Management Committee referred to in section 85;

“Island Chief Executive” has the same meaning as in the Rodrigues Regional Assembly Act;

“local authority” has the same meaning as in the Local Government Act;

“MAURITAS” means the Mauritius Accreditation Service established under the Mauritius Accreditation Service Act;

“MEA” –

- (a) means a multilateral environmental agreement to which Mauritius is a party; and
- (b) includes a treaty, a convention, a protocol, a covenant or any other internationally binding instrument which deals with environmental matters, to which Mauritius is a party;

“MEAs Coordinating Committee” means the MEAs Coordinating Committee referred to in section 11;

“medium” –

- (a) means environmental medium; and
- (b) includes air, land and water;

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

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

“monitoring” includes the inspection, measurement, sampling or analysis of any discharge of a pollutant, or of any environmental medium in any locality, whether periodically or continuously;

“National Crisis Committee” has the same meaning as in the National Disaster Risk Reduction and Management Act;

“National Disaster Risk Reduction and Management Centre” means the National Disaster Risk Reduction and Management Centre referred to in section 9 of the National Disaster Risk Reduction and Management Act;

“national environmental standards” means standards issued under Part VI;

“National Network for Sustainable Development” means the National Network for Sustainable Development referred to in section 8;

“noise” –

(a) means any unwanted sound; and

(b) includes vibration;

“notice” means an enforcement notice, an eyesore abatement notice, a fixed penalty notice, a programme notice, a prohibition notice, a stop order or a variation notice;

“*Observatoire de l’Environnement*” means the *Observatoire* referred to in section 15;

“oil spill” means a discharge of oil into the environment from, or out of, a structure, a vehicle, a vessel, a craft or any other carrier or container, which –

(a) is abnormal having regard to all the circumstances of the discharge; and

(b) poses a threat to the environment;

“owner of spilled oil” means the owner or person having the charge, management or control of the oil which is spilled or unlawfully discharged;

“PER” means a preliminary environmental report;

“PER application” means an application for a PER licence or approval;

“PER approval” means a PER approval issued under section 37(2);

“PER Committee” means the PER Committee referred to in section 27;

“PER, EIA or SEA completion certificate” means a PER completion certificate, an EIA completion certificate or SEA completion certificate;

“PER licence” means a PER licence issued under section 37(2);

“PER licence or approval” means a PER licence or PER approval;

“person responsible” means the owner or person having the charge, management or control of an activity, enterprise or undertaking;

“pesticide residue” means any substance resulting from the use of a pesticide or of the derivation of a pesticide;

“*Police de L’Environnement*” means the unit of the Mauritius Police Force referred to in section 14;

“pollutant” –

- (a) means a substance which may cause harm, damage or injury to the environment, to plant or animal life, or to human health; and
- (b) includes any substance from which a pollutant is derived;

“premises” includes any land, building and structure;

“preparedness” means the identification of hazards, assessment of threats and other preparatory measures taken in advance which are necessary or deemed necessary to deal with oil spills and environmental emergencies;

“programme approval” means a programme approval issued under section 109(4);

“programme of measures” includes steps, plans or proposals;

“prohibition notice” means a notice referred to in section 111;

“proponent”, subject to section 53, means a person who –

- (a) is the owner or has the charge, management or control of an undertaking; or
- (b) carries out or proposes to carry out an undertaking;

“public department” –

- (a) means a Ministry, a Government department, a local authority, a statutory body or a Government company; and
- (b) includes an enforcing agency;

“relevant local authority” means the local authority in the administrative area of which an undertaking is situated;

“repealed enactment” means the Environment Protection Act repealed under section 148;

“rock quarrying” –

- (a) means the extraction of rocks from deposits occurring in the earth by mechanical means or otherwise, including physical rock breaking on site and that –
  - (i) causes or is likely to cause change in the topography of the land; and
  - (ii) impacts on the environment; but
- (b) does not include –
  - (i) the excavation carried out for the purpose of, or in connection with, the extraction of rocks where the exclusive purpose of that extraction is to enable the rocks so extracted to be used for the purpose of carrying out any building, civil engineering or engineering construction works or any development works in accordance with the Local Government Act, on the site at which the extraction has taken place;
  - (ii) the construction of a public road or any associated public infrastructural works;
  - (iii) any infrastructural works carried out by a public department, which is in the national interest;
  - (iv) works carried out by public utilities;
  - (v) the construction of a light rail line which falls under the aegis of the Ministry responsible for the subject of light rail; or
  - (vi) the preparation of land for agricultural purposes that does not involve substantial change in the form of the land and material change in the topography of the land;

“Rodrigues Environment Committee” means the Rodrigues Environment Committee referred to in section 123;

“SEA” means strategic environmental assessment;

“SEA application” means an application for a SEA licence or approval;

“SEA approval” means a SEA approval issued under section 51(6);

“SEA licence” means a SEA licence issued under section 51(6);

“SEA report” means a document containing the information required under section 48;

“standards” includes criteria and specifications;

“stop order” means an order referred to in section 112;

“Strategic Environmental Assessment” or “SEA” means a systematic process for evaluating the environmental implications of a proposed plan, programme, or multiple undertakings;

“substance” –

(a) means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour; and

(b) includes mixtures of any substance;

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

“Tribunal” has the same meaning as in the Environment and Land Use Appeal Tribunal Act;

“undertaking” means a project or an activity referred to in section 30(1).

### **3. Application of Act**

(1) This Act shall bind the State.

(2) Part XIV shall apply only to the Island of Rodrigues.

### **4. Environmental stewardship**

It is declared that every person shall use his best endeavours to preserve and enhance the quality of life by caring responsibly for the environment.

## **PART II – FORMULATION OF NATIONAL POLICIES AND PRIORITIES FOR PROTECTION OF ENVIRONMENT**

### **Sub-Part A – National Environment and Sustainable Development Commission**

#### **5. Establishment of Commission**

(1) There shall be, for the purposes of this Act, the National Environment and Sustainable Development Commission.

(2) The Commission shall consist of –

- (a) the Prime Minister, as Chairperson;
- (b) the Ministers referred to in the Second Schedule; and
- (c) such other Ministers as the Prime Minister may designate.

(3) The Chief Commissioner may, at the request of the Prime Minister, attend any meeting of the Commission.

(4) The Commission may consist of such other members, having wide experience in the field of sustainable development, as the Prime Minister may designate.

(5) The Director shall act as Secretary to the Commission.

#### **6. Functions and powers of Commission**

The Commission shall –

- (a) set national objectives and goals, and determine policies and priorities for environmental protection, management and conservation, having due regard to the recommendations of the Minister;
- (b) set national objectives and targets regarding circular economy, green economy, and sustainable consumption and production;
- (c) set national objectives and targets in accordance with obligations under multilateral environmental agreements and sustainable development;
- (d) review progress made by public departments on any aspect of environmental protection, management and conservation projects and programmes;



- (e) ensure coordination and cooperation between public departments and other Government organisations engaged in environmental protection, management and conservation projects and programmes;
- (f) with regard to the environmental protection, management and conservation, make such recommendations and issue such directions as it may determine to public departments; and
- (g) monitor and review the activities of public departments engaged in environmental protection, management and conservation.

## **7. Powers of Minister**

Subject to any direction by the Commission, the Minister shall, for the purposes of this Act –

- (a) propose and develop policies on all aspects of environmental protection, management and conservation pursuant to national objectives and goals set by the Commission;
- (b) coordinate and monitor all environmental protection, management and conservation projects and programmes, and where necessary, issue directives to any public department for the promotion of such projects and programmes;
- (c) refer for investigation reports of pollution, oil spills and other related cases for redress and for prosecution;
- (d) establish such standards for the protection of the air, land and water as may be necessary to safeguard the human health and the environment;
- (e) cause to be carried out research and commission studies on environmental quality and related matters;
- (f) prepare environmental action plans and issue reports on the state of the environment in cooperation with public departments, the National Network for Sustainable Development and non-governmental organisations and associations;
- (g) establish an integrated system for the sound and sustainable protection, management and conservation of the environment for the benefit of present and future generations;

- (h) provide preventive and remedial measures for the control and mitigation of environmental degradation or pollution and for environmental protection, management and conservation;
- (i) facilitate the implementation of obligations under various multilateral environmental agreement;
- (j) promote and encourage environmental stewardship and a *culture environnementale*;
- (k) enhance the legal, regulatory and institutional framework for environmental protection, management and conservation;
- (l) coordinate the inter-relations of environmental and sustainable development issues;
- (m) coordinate the development and implementation of projects and programmes on sustainable development, including policies, strategies and action plans;
- (n) develop best environmental protection, management and conservation practices and coordinate their implementation;
- (o) coordinate preparedness and response to oil spills and environmental emergencies;
- (p) initiate and coordinate action required in a state of environmental emergency or any other situations which may pose a serious threat to the environment;
- (q) appoint technical advisory committees or other committees;
- (r) publish and disseminate information for environmental protection, management and conservation; and
- (s) cause to be carried out such other activities as may be necessary or expedient for the administration of this Act.

### **Sub-Part B – National Network for Sustainable Development**

#### **8. Establishment of National Network for Sustainable Development**

(1) There shall be, for the purposes of this Act, the National Network for Sustainable Development.

of –

(2) The National Network for Sustainable Development shall consist

- (a) the Minister, as chairperson;
- (b) the supervising officer, as vice-chairperson;
- (c) the Director;
- (d) a representative of every Ministry listed in the Third Schedule;
- (e) a representative of each of 5 or more non-governmental organisations, to be designated by the Minister; and
- (f) not more than 2 other members having competence and knowledge in relevant matters, to be designated by the Minister.

(3) The National Network for Sustainable Development –

- (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;
- (b) may co-opt such other members with relevant expertise as and when required;
- (c) may set up such subcommittees as may be necessary; and
- (d) shall regulate its meetings and proceedings in such manner as it may determine.

(4) Any co-opted member may take part in the deliberations of the National Network for Sustainable Development but shall have no right to vote on any matter before it.

(5) At any meeting of the National Network for Sustainable Development, half of its members shall constitute a quorum.

(6) An officer of the Ministry, to be designated by the supervising officer, shall act as Secretary to the National Network for Sustainable Development.

## **9. Objects of National Network for Sustainable Development**

(1) The objects of the National Network for Sustainable Development shall be to act as a forum for discussions and consultations on any matter relating to –

- (a) the harmonisation of the various sectoral, economic, social and environmental policies and plans operating in Mauritius;
- (b) the greening of the economy;
- (c) the quality and state of the environment;
- (d) the measures, plans and technologies for the improvement of the quality of the environment;
- (e) the development and implementation of an integrated approach to prevention and control of pollution;
- (f) the harmonisation of the interests of proponents and promoters generally, and the aspirations of users and society in the field of built-up environment and visual pollution; and
- (g) the protection and management of the environmental assets and the national heritage of Mauritius in order to foster sustainable development.

(2) The National Network for Sustainable Development shall, in relation to climate change –

- (a) examine and comment on any relevant climate change guidelines, having regard to this Act, the Climate Change Act 2020 and the international obligations of Mauritius under the United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and any other related instrument on climate change;
- (b) make recommendations for policies and approaches to achieve climate change-resilient sustainable development; and
- (c) make recommendations for policies and approaches for greenhouse gas emission reduction to achieve a low emission economy.

## **10. National Policy, Strategy and Action Plan on Sustainable Development**

(1) The Department shall, on the advice of technical committees or expert groups and in collaboration with the National Network for Sustainable Development, prepare and submit to the Minister a National Policy, Strategy and Action Plan on Sustainable Development.

(2) The National Policy, Strategy and Action Plan on Sustainable Development shall be in accordance with this Act and the international obligations, taking into consideration, inter alia, human rights, cultural heritage and gender aspects.

(3) The National Policy, Strategy and Action Plan on Sustainable Development shall –

- (a) further position sustainable consumption and production as a means to achieve sustainable development; and
- (b) enable changes through circularity, transformative multi-stakeholder and public-private partnerships, tools and solutions across high-impact systems and sectors.

(4) The National Policy, Strategy and Action Plan on Sustainable Development shall take into consideration issues pertaining to environmental, social and governance, including an environmental reporting mechanism for institutions.

(5) For the purpose of this section, the Director may issue such directives as may be necessary to any public department or private institution.

(6) The National Policy, Strategy and Action Plan on Sustainable Development shall be reviewed every 5 years or at such time as the Minister may determine.

### **Sub-Part C – Multilateral Environmental Agreements (MEAs) Coordinating Committee**

## **11. Establishment of MEAs Coordinating Committee**

(1) There shall be, for the purposes of this Act, the Multilateral Environmental Agreements Coordinating Committee which shall be known as the MEAs Coordinating Committee.

(2) The MEAs Coordinating Committee shall consist of –

- (a) the Minister, who shall be the chairperson;
- (b) the supervising officer;
- (c) the Director;
- (d) the Director, Department of Climate Change; and
- (e) a representative of every Ministry and organisation listed in the Fourth Schedule.

(3) The MEAs Coordinating Committee shall be responsible for coordinating the implementation by the relevant Ministries, public departments and organisations of MEAs and shall, inter alia, for that purpose –

- (a) take cognisance of the outcome of meetings on MEAs at regional or international level and determine the measures and actions to be taken at national level;
- (b) monitor and review progress on the implementation of the measures and actions to be taken at national level in relation to MEAs; and
- (c) promote synergies and inter-linkages for the implementation of MEAs.

(4) Where the Minister is unable to attend a meeting, the supervising officer shall chair the meeting.

(5) The MEAs Coordinating Committee –

- (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;
- (b) may co-opt such other members with relevant expertise as and when required;
- (c) may set up such subcommittees as may be necessary;
- (d) may delegate any of its functions and powers to its chairperson or to a subcommittee; and
- (e) shall regulate its meetings and proceedings in such manner as it may determine.

(6) Any co-opted member may take part in the deliberations of the MEAs Coordinating Committee but shall have no right to vote on any matter before it.

(7) At any meeting of the MEAs Coordinating Committee, half of its members shall constitute a quorum.

(8) An officer of the Department, to be designated by the Director, shall act as Secretary to the MEAs Coordinating Committee.

#### **Sub-Part D – Department of Environment**

### **12. Establishment of Department of Environment**

(1) There shall be, within the Ministry, the Department of Environment.

(2) The Department shall be administered by the Director who shall be a public officer.

(3) The Director shall –

(a) be responsible for the control, operation and management of the day to day business of the Department;

(b) discharge the functions provided under this Act and such other functions as the Minister may assign to him; and

(c) be responsible to the supervising officer for the proper discharge of his functions under this Act and for the implementation of such policies as the Minister may determine.

(4) There shall be appointed at the Department such officers as may be necessary for the proper discharge of the functions of the Director under this Act.

(5) The officers of the Department shall be public officers and shall be under the administrative control of the Director.

(6) (a) The Director may designate any officer of the Department as an authorised officer.

(b) The authorised officer shall have such functions and powers as may be conferred under this Act.

### **13. Establishment of National Environmental Laboratory**

(1) There shall be, within the Department, the National Environmental Laboratory.

(2) The National Environmental Laboratory shall be responsible for the provision of analytical testing for the environmental monitoring of water and air, and testing of plastics in compliance with national environmental standards, guidelines and regulations.

#### **Sub-Part E – *Police de L’Environnement***

### **14. Establishment of *Police de L’Environnement***

(1) There shall be, for the purposes of this Act, the *Police de L’Environnement*.

(2) (a) The *Police de L’Environnement* shall be a unit within the Mauritius Police Force.

(b) The Commissioner of Police shall designate such police officers as may be necessary to work in the *Police de L’Environnement*.

(c) Every police officer posted in the *Police de L’Environnement* shall have, in addition to any powers under any other enactment, the powers of an authorised officer under this Act.

(3) The *Police de L’Environnement* shall, for the purposes of this Act, provide the Director and the Island Chief Executive such assistance as may be required to enforce an environmental law.

#### **Sub-Part F – *Observatoire de L’Environnement***

### **15. Establishment of *Observatoire de L’Environnement***

(1) There shall be, within the Ministry, the *Observatoire de L’Environnement*.

(2) The *Observatoire* shall act as an interface and communicate with all stakeholders, including the public on environmental parameters, for –

(a) environmental monitoring and management;

(b) the development and evaluation of environmental policies; and



- (c) the dissemination of environmental information.
- (3) The functions of the *Observatoire* shall be to –
- (a) collect environmental data on themes identified as relevant by the Ministry, statutory committees under this Act or stakeholders;
  - (b) determine, prioritise and monitor environmental indicators to assess the state of the environment;
  - (c) generate periodic reports such as the state of the environment and other thematic reports;
  - (d) disseminate such information in the form of reports or by publication of research works;
  - (e) ensure public participation in the discussion of environmental matters through the maintenance of an online platform and such other medium;
  - (f) host relevant platforms to facilitate the *Observatoire*, such as a Science to Policy Platform;
  - (g) obtain guidance from the Science to Policy Platform; and
  - (h) undertake such other activities as may be relevant to the fulfilment of the objective of environmental protection and sustainable development.

## **16. Establishment of Committee on *Observatoire de L'Environnement***

(1) There shall be a Committee on the *Observatoire de L'Environnement* to ensure the proper functioning of the *Observatoire*.

(2) For the purpose of subsection (1), the Committee on the *Observatoire de L'Environnement* shall –

- (a) ensure maximum cooperation and coordination among institutions for providing necessary data to the *Observatoire*;
- (b) validate data, reports and bulletins for publication;

- (c) monitor and review progress on the implementation of national, regional and international policies and programmes under the *Observatoire*; and
- (d) establish financing mechanism and governance of the *Observatoire*.

(3) The Committee on the *Observatoire de L'Environnement* shall consist of –

- (a) the Director, as chairperson;
- (b) not more than 4 officers of the Department, to be designated by the Director;
- (c) a representative of the Department of Climate Change;
- (d) a representative of the Ministry responsible for the subject of finance;
- (e) a representative of Statistics Mauritius;
- (f) a representative of the Higher Education Commission; and
- (g) a representative from the private sector.

(4) The member referred to in subsection (3)(g) shall be appointed by the Minister for a period of 2 years and shall be eligible for reappointment.

(5) For the purpose of the operationalisation of the *Observatoire de L'Environnement*, the Director may request, in writing, any relevant public or private institution to submit, from time to time, data and information on any environmental issue.

(6) The Committee on the *Observatoire de L'Environnement* –

- (a) shall meet as often as it is necessary but at least once quarterly and at such place and time as the chairperson may determine;
- (b) may co-opt such other members, including data custodians, with relevant expertise as and when required;
- (c) may set up such subcommittees as may be necessary; and

- (d) shall regulate its meetings and proceedings in such manner as it may determine.

(7) Any co-opted member may take part in the deliberations of the Committee on the *Observatoire de L'Environnement* but shall have no right to vote on any matter before it.

(8) At any meeting of the Committee on the *Observatoire de L'Environnement*, half of its members shall constitute a quorum.

(9) An officer of the Ministry, to be designated by the supervising officer, shall act as Secretary to the Committee on the *Observatoire de L'Environnement*.

## **17. Science to Policy Platform**

- (1) The *Observatoire* shall consist of a Science to Policy Platform.
- (2) The objects of the Science to Policy Platform shall be to –
  - (a) host and facilitate a multi-sectoral dialogue to disseminate and communicate on conclusive research; and
  - (b) serve as an advisory body for decision makers towards improved environmental governance, evidence-based decision-making and adaptive management.
- (3) The Science to Policy Platform shall consist of –
  - (a) a chairperson, having wide experience in research on environmental matters, to be appointed by the Minister;
  - (b) the Director;
  - (c) not more than 5 officers of the Department, to be designated by the Director;
  - (d) a representative of the Department of Climate Change;
  - (e) a representative of the Ministry responsible for the subject of agriculture;

- (f) a representative of the Ministry responsible for the subject of energy;
- (g) a representative of the Ministry responsible for the subject of fisheries;
- (h) a representative of the Ministry responsible for the subject of health;
- (i) a representative of the Ministry responsible for the subject of housing;
- (j) a representative of the Ministry responsible for the subject of local government;
- (k) a representative of the Ministry responsible for the subject of solid waste and hazardous waste;
- (l) a representative of the Higher Education Commission;
- (m) a representative of Statistics Mauritius;
- (n) not more than 5 representatives from tertiary institutions, to be appointed by the Minister; and
- (o) a representative of the Mauritius Research and Innovation Council.

(4) The Science to Policy Platform shall submit technical reports –

- (a) to the Minister based on its findings to advise the *Observatoire* on the research agenda on environmental matters; or
- (b) with policy orientations to the Minister.

(5) On receipt of the technical reports under subsection (4), the Minister may approve the technical reports or request for further works.

(6) The Science to Policy Platform shall submit an annual report to the Minister with proposed policy orientations.

(7) The Committee on the Science to Policy Platform –

- (a) shall meet as often as it is necessary but at least once quarterly and at such place and time as the chairperson may determine;
- (b) may, with the approval of the supervising officer, co-opt such other members with relevant expertise as and when required;
- (c) may set up such subcommittees as may be necessary; and
- (d) shall regulate its meetings and proceedings in such manner as it may determine.

(8) Any co-opted member may take part in the deliberations of the Science to Policy Platform but shall have no right to vote on any matter before it.

(9) At any meeting of the Science to Policy Platform, half of its members shall constitute a quorum.

(10) An officer of the Ministry, to be designated by the supervising officer, shall act as Secretary to the Science to Policy Platform.

(11) The members of the Science to Policy Platform shall be paid such fees as the Minister may determine.

### **Sub-Part G – Environment Coordination Committee**

#### **18. Establishment of Environment Coordination Committee**

(1) There shall be, for the purposes of this Act, the Environment Coordination Committee which shall consist of –

- (a) the supervising officer, as chairperson;
- (b) the Director, as vice-chairperson;
- (c) the supervising officers, or the executive directors, of the enforcing agencies, or a designated officer of a rank immediately below them;
- (d) such other public officers, or officers of statutory bodies, as the Minister may designate.

(2) A representative of the Rodrigues Regional Assembly may be a co-opted member.

- (3) The Environment Coordination Committee shall –
- (a) ensure the maximum cooperation and coordination among enforcing agencies and other public departments dealing with environmental protection, management and conservation;
  - (b) develop such policies and administrative measures as may be necessary to ensure prompt and effective consultation on matters relating to environmental protection, management and conservation;
  - (c) ensure that information is shared among the enforcing agencies, the Department and other public departments so as to develop a better understanding of environmental issues and of problems relating to enforcement of environmental laws;
  - (d) advise the Minister and, when requested, the Commission, on matters relating to environmental standards, guidelines, codes of practice and other control measures for the purpose of avoiding duplication of functions among public departments and of ensuring proper enforcement of environmental laws; and
  - (e) ensure compliance with the implementation, and enforcement of, any direction given by the Minister in relation to the coordination in the administration and enforcement of an environmental law among the various enforcing agencies.
- (4) The Environment Coordination Committee may –
- (a) make recommendations to the Minister on any matter relating to the environmental protection, management and conservation, including national environmental standards, the processing and reviewing of applications for PER, EIA and SEA licences and approvals, oil spills and environmental emergencies, enforcement procedures and policies;
  - (b) recommend for the amendment of the Fifth Schedule;
  - (c) recommend any Memorandum of Understanding on the use of facilities under the control of any public department; and
  - (d) provide guidelines on sampling, monitoring and laboratory analyses under an environmental law.

(5) The Environment Coordination Committee –

- (a) shall meet as often as it is necessary but at least once every month and at such place and time as the chairperson may determine;
- (b) may co-opt such other members with relevant expertise as and when required;
- (c) may set up such subcommittees as may be necessary;
- (d) shall regulate its meetings and proceedings in such manner as it may determine; and
- (e) may delegate any of its functions and powers to its chairperson, the Director or any subcommittee.

(6) Any co-opted member may take part in the deliberations of the Environment Coordination Committee but shall have no right to vote on any matter before it.

(7) At any meeting of the Environment Coordination Committee, half of its members shall constitute a quorum.

(8) An officer of the Ministry, to be designated by the supervising officer, shall act as Secretary to the Environment Coordination Committee.

## **19. Environment Liaison Officers Committee**

(1) For the purpose of discharging its functions under this Act, the Environment Coordination Committee shall set up the Environment Liaison Officers Committee which shall consist of –

- (a) the Director or his representative, who shall be the chairperson;
- (b) a representative of each of the enforcing agencies;
- (c) all officers of the Division responsible for pollution, prevention and control;
- (d) not more than 5 officers of other Divisions of the Department, to be designated by the Director;
- (e) an officer of the *Police de L'Environnement*; and

- (f) such co-opted members as may be necessary;
- (2) The Environment Liaison Officers Committee –
- (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;
  - (b) may co-opt such other members with relevant expertise as and when required;
  - (c) may set up such subcommittees as may be necessary; and
  - (d) shall regulate its meetings and proceedings in such manner as it may determine.
- (3) Any co-opted member may take part in the deliberations of the Environment Liaison Officers Committee but shall have no right to vote on any matter before it.
- (4) At any meeting of the Environment Liaison Officers Committee, half of its members shall constitute a quorum.
- (5) An officer of the Ministry, to be designated by the Director, shall act as the Secretary to the Environment Liaison Officers Committee.

#### **Sub-Part H – Technical Advisory Committee**

#### **20. Technical advisory committee**

- (1) The Minister may, at any time, set up such technical advisory committee as may be necessary and any such committee shall consist of such members as he may appoint.
- (2) A technical advisory committee set up under subsection (1) shall –
- (a) advise the Minister on matters pertaining to the scientific and technical aspects of environmental protection, management and conservation;
  - (b) provide advice on any matter required by the Minister;
  - (c) obtain such assistance from the Director as may reasonably be required to discharge its functions;



- (d) be discharged on submission of its opinion on the matter referred to it, unless the Minister –
  - (i) requests for further advice; or
  - (ii) otherwise directs.

(3) Any person having a sound technical knowledge of the matter on which advice is required may be appointed by the Minister on a technical advisory committee on such terms and conditions as he may determine.

(4) A technical advisory committee –

- (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;
- (b) may co-opt such other members with relevant expertise as and when required; and
- (c) shall regulate its meetings and proceedings in such manner as it may determine.

(5) Any co-opted member may take part in the deliberations of a technical advisory committee but shall have no right to vote on any matter before it.

(6) At any meeting of a technical advisory committee, half of its members shall constitute a quorum.

(7) An officer of the Ministry, to be designated by the Director, shall act as the Secretary to the technical advisory committee.

(8) The members and the secretary of a technical advisory committee shall be paid such fees as the Minister may determine.

### **Sub-Part I – Enforcing Agencies**

#### **21. Enforcing agencies**

(1) There shall be such enforcing agencies as may be designated in the Fifth Schedule in respect of such environmental medium, or such pollutant, as specified.

(2) Subject to subsection (3), an enforcing agency and an environment liaison officer designated by it shall have the functions and powers as specified in the Fifth Schedule.

(3) Subsection (2) shall not be construed to restrict, limit or derogate from, the powers of the Minister, the supervising officer or the Director under any environmental law in respect of a medium, aspect of a medium, or any pollutant.

(4) Where an enforcing agency fails for any cause or reason to take appropriate action with a view to prosecuting an offence, or issue a notice in connection with a breach, or with an alleged or suspected breach, of an environmental law, the Minister may –

- (a) issue such direction as he may determine to the enforcing agency; and
- (b) give direction as to such action in connection with the breach or suspected breach, and the issue of such notice, as he may determine.

(5) Where an enforcing agency fails to comply with a direction of the Minister under subsection (4) within the delay specified in the direction –

- (a) the Director may carry out the task required in the direction; and
- (b) the Minister may report the failure of the enforcing agency to the Chairperson of the Commission for consideration.

### **PART III – ENVIRONMENTALLY SENSITIVE AREAS**

#### **22. Establishment of Environmentally Sensitive Areas (ESAs) Committee**

(1) There shall be, for the purposes of this Act, the Environmentally Sensitive Areas Committee, to be known as the ESAs Committee.

(2) The ESAs Committee shall consist of –

- (a) the Director or his representative, who shall be the chairperson;
- (b) not more than 5 officers of the Department, to be designated by the Director;
- (c) a representative of the Ministry responsible for the subject of fisheries;

- (d) a representative of the Ministry responsible for the subject of land use;
- (e) a representative of the Ministry responsible for the subject of local government;
- (f) a representative of the Ministry responsible for the subject of tourism;
- (g) a representative of the Ministry responsible for the subject of water resources;
- (h) a representative of the *Police de L'Environnement*;
- (i) a representative of the Forestry Service;
- (j) a representative of the National Parks and Conservation Service; and
- (k) the representatives of 3 non-governmental organisations or relevant civil societies, with relevant expertise, to be appointed by the Minister.

(3) The members referred to in subsection (2)(j) shall be appointed for a period of 2 years.

(4) The ESAs Committee shall –

- (a) without prejudice to the responsibilities attributed to the different Ministries for the purpose of regulating environmentally sensitive areas, facilitate the overall coordination between the Ministries and agencies to ensure the sustainable management of ESAs;
- (b) for the purpose of protecting and conserving ESAs –
  - (i) ensure the development of policies, programmes, initiatives, standards and requirements;
  - (ii) make recommendations to reduce their degradation, maintain their integrity and preserve their ecosystem; and
  - (iii) devise public awareness programmes;

- (c) formulate appropriate arrangements and procedures for the management of ESAs;
- (d) provide guidance to avoid potential significant adverse effects to the natural habitat functions and biodiversity of ESAs;
- (e) update and validate an ESAs inventory and ESAs maps at least every 5 years;
- (f) make recommendations, as and when required, on criteria for the declaration and categorisation of any new ESAs;
- (g) determine such appropriate enforcement measures as may be necessary; and
- (h) for the purpose of developing a better understanding of environmental and land uses relevant to the ESAs, ensure that information relating to environmental land issues is shared among the members of the committee.

(5) The ESAs Committee –

- (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;
- (b) may co-opt such other members with relevant expertise as and when required;
- (c) may set up such subcommittees as may be necessary; and
- (d) shall regulate its meetings and proceedings in such manner as it may determine.

(6) Any co-opted member may take part in the deliberations of the ESAs Committee but shall have no right to vote on any matter before it.

(7) At any meeting of the ESAs Committee, half of its members shall constitute a quorum.

(8) An officer of the Ministry, to be designated by the supervising officer, shall act as the Secretary to the ESAs Committee.

### **23. Protection of ESAs**

(1) The Minister may make such regulations as may be necessary for –

- (a) managing, protecting and enhancing the ESAs;
- (b) preventing, reducing and controlling pollution in the ESAs;
- (c) implementing obligations under, and giving effect to, international and regional agreements; and
- (d) restoring and rehabilitating ESAs.

(2) Notwithstanding the generality of subsection (1), the regulations may provide for –

- (a) the preservation and conservation of the ESAs;
- (b) such measures as may be necessary to ensure that activities in the ESAs are conducted in such manner so as not to cause damage, by pollution, to the natural environment; and
- (c) the control and prevention of pollution in the ESAs.

### **24. Dumping in ESAs**

(1) Subject to subsection (3), no person shall release, or cause to be released, into the ESAs any pollutant, waste or other noxious substance from or through, the atmosphere, by dumping or any other source.

(2) Any person who contravenes subsection (1) shall commit an offence.

(3) It shall be a defence to a prosecution under subsection (1) to prove that the release and the dumping –

- (a) were due to, or were rendered necessary by, force majeure or for the protection of human life; and
- (b) were within the level, amount or nature permissible under an international agreement or convention to which Mauritius is a party.

## **25. Land clearing and development on ESAs**

(1) No person shall, except for the undertakings listed in the Sixth Schedule, undertake any land clearing or development in or on any ESAs without a licence or approval as may be required under this Act or under any other enactment.

(2) Any person who contravenes subsection (1) shall commit an offence.

## **26. Declaration of State land or private land as ESA**

(1) For the purpose of conserving and managing ESAs, the Minister may –

- (a) declare any private land as an ESA;
- (b) after consultation with the Minister responsible for the subject of land, declare any State land as an ESA.

(2) Notwithstanding subsection (1), the Minister responsible for the subject of lands may exercise the power of eminent domain where it is necessary to –

- (a) secure access to an ESA;
- (b) acquire an ESA of high ecological importance.

(3) Lands and interests in lands acquired by the Minister responsible for the subject of lands pursuant to this Act shall, upon acceptance of title, become State lands.

(4) Any exchange of land between the Government and private owners shall be made in accordance with section 31 of the State Lands Act.

## **PART IV – ENVIRONMENTAL ASSESSMENTS**

### **Sub-Part A – Environmental Assessment Committees**

## **27. Establishment of PER Committee**

(1) There shall be, for the purpose of examining an application for a PER licence or PER approval, the PER Committee.

(2) The PER Committee shall consist of –

- (a) the Director or his representative, who shall be the chairperson;

- (b) a representative of the Ministry responsible for the subject of agriculture;
- (c) a representative of the Ministry responsible for the subject of health;
- (d) a representative of the Ministry responsible for the subject of waste water;
- (e) a representative of the Ministry responsible for the subject of water resources; and
- (f) the Chief Executive of the local authority where the undertaking is proposed to be carried out, or his representative.

(3) Where the PER Committee is examining an application submitted by a Ministry or a Government department, the supervising officer of that Ministry or Government department, or his representative, shall not take part in the proceedings of the committee.

(4) The PER Committee –

- (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;
- (b) may, with the approval of the supervising officer, co-opt an officer of the Department or a representative of the Ministry responsible for the subject of fisheries, lands, land drainage, irrigation, tourism or national infrastructure or any other public officer;
- (c) may set up such subcommittees as may be necessary; and
- (d) shall regulate its meetings and proceedings in such manner as it may determine.

(5) Any co-opted member may take part in the deliberations of the PER Committee but shall have no right to vote on any matter before it.

(6) At any meeting of the PER Committee, half of its members shall constitute a quorum.

(7) An officer of the Ministry, to be designated by the supervising officer, shall act as the Secretary to the PER Committee.

## **28. Establishment of EIA/SEA Committee**

(1) There shall be, for the purpose of examining an application for an EIA or a SEA licence or approval, an EIA/SEA Committee.

(2) The EIA/SEA Committee shall consist of –

- (a) the supervising officer, as chairperson;
- (b) the supervising officer of every Ministry and representatives of other organisations listed in the Seventh Schedule, or his representative;
- (c) the Director;
- (d) not more than 5 officers of the Department, to be designated by the Director; and
- (e) the Chief Executive of the local authority where the undertaking is proposed to be carried out, or his representative.

(3) The EIA/SEA Committee may, for the purpose of examining an application for an EIA or SEA licence or approval, request –

- (a) the proponent to attend a meeting of the committee to provide such clarification or explanation relating to the application as it may require; and
- (b) any officer from a public department having relevant expertise to attend a meeting of the committee to provide such information as it may require.

(4) (a) Where an application is referred to the EIA/SEA Committee after the application is reviewed by the Director, the committee shall examine the application and shall make such recommendations to the Minister as it may determine.

(b) The EIA/SEA Committee shall, except in a case of force majeure or where further consultation is required, submit its recommendations to the Minister not later than 7 days after the application is referred to it.



(5) Where the EIA/SEA Committee is examining an application submitted by a Ministry, the supervising officer of that Ministry or his representative shall not take part in the proceedings of the committee.

(6) The EIA/SEA Committee –

- (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;
- (b) may, with the approval of the Minister, co-opt such other members with relevant expertise as and when required;
- (c) may set up such subcommittees as may be necessary; and
- (d) shall regulate its meetings and proceedings in such manner as it may determine.

(7) The Director, officers of the Department referred to in subsection (2)(d) and a co-opted member may take part in the deliberations of the EIA/SEA Committee but shall have no right to vote on any matter before it.

(8) At any meeting of the EIA/SEA Committee, half of its members shall constitute a quorum.

(9) An officer of the Ministry, to be designated by the supervising officer, shall act as the Secretary to the EIA/SEA Committee.

## **29. Establishment of PER/EIA/SEA Monitoring Committee**

(1) There shall be, for the purposes of this Part, a PER/EIA/SEA Monitoring Committee.

(2) The PER/EIA/SEA Monitoring Committee shall consist of –

- (a) the Director or his representative, who shall be the chairperson;
- (b) a representative of every Ministry listed in the Seventh Schedule;
- (c) one or more officers of the Department, to be designated by the Director;
- (d) an officer of the *Police de L'Environnement*; and

- (e) the Chief Executive of the local authority where the undertaking is proposed to be carried out, or his representative.

(3) The PER/EIA/SEA Monitoring Committee shall, following the issue of a PER, an EIA or a SEA licence or approval –

- (a) set up such programmes as may be necessary for the purpose of following up progress;
- (b) coordinate the implementation of the programmes set up under paragraph (a);
- (c) conduct such monitoring exercise as may be necessary and submit monitoring reports on a quarterly basis to ensure that the conditions of any licence or approval issued, or conditions related to urgent rehabilitation works are complied with;
- (d) make recommendations to the Minister for the issue of a PER, an EIA or a SEA completion certificate; and
- (e) prepare annual progress report and submit to the Minister accordingly.

(4) The PER/EIA/SEA Monitoring Committee –

- (a) shall meet as often as it is necessary but at least once every month and at such place and time as the chairperson may determine;
- (b) may, with the approval of the Minister, co-opt such other members with relevant expertise as and when required;
- (c) may set up such subcommittees as may be necessary; and
- (d) shall regulate its meetings and proceedings in such manner as it may determine.

(5) Any co-opted member may take part in the deliberations of the PER/EIA/SEA Monitoring Committee but shall have no right to vote on any matter before it.

(6) At any meeting of the PER/EIA/SEA Monitoring Committee, half of its members shall constitute a quorum.

(7) An officer of the Department, to be designated by the Director, shall act as the Secretary to the PER/EIA/SEA Monitoring Committee.

(8) For the purpose of subsection (3), the members of the PER/EIA/SEA Monitoring Committee shall conduct monitoring exercises and submit monitoring reports on a quarterly basis to the PER/EIA/SEA Monitoring Committee.

### **Sub-Part B – Undertakings and Public Interest Undertakings**

#### **30. PER, EIA or SEA licence mandatory for undertaking**

(1) Subject to section 31(3), no proponent shall commence, alter or modify –

- (a) an undertaking listed in Part A of the Sixth Schedule without a PER licence;
- (b) an undertaking listed in Part B of the Sixth Schedule without an EIA licence;
- (c) an undertaking listed in Part C of the Sixth Schedule without a SEA licence;
- (d) an undertaking referred to in subsection (3); or
- (e) an undertaking, more than 5 years after the issue of a PER, an EIA or a SEA licence in respect of that undertaking, without the approval of the Minister.

(2) Subsection (1) shall not apply to a public interest undertaking.

(3) Where a project or an activity not specified as an undertaking in the Sixth Schedule is, by reason of its nature, scope, scale and sensitive location, likely to have an impact on the environment or on the zoning of an area, that project or activity shall be considered to be an undertaking by the Minister.

(4) Any person who contravenes subsection (1) shall commit an offence.

#### **31. PER, EIA or SEA approval mandatory for public interest undertaking**

(1) Where the undertaking of a public department is needed in the national interest, public interest or for the economic development of Mauritius, the Minister may, on an application made by the relevant public department, declare that undertaking to be a public interest undertaking.

(2) Subject to subsection (3), no PER, EIA or SEA licence shall be required to commence, alter or modify a public interest undertaking.

(3) Where an undertaking is declared to be a public interest undertaking under subsection (1), the relevant public department shall not commence, alter or modify the undertaking unless an application for a PER, an EIA or a SEA approval is made to the Ministry.

### **Sub-Part C – General Requirements for PER, EIA and SEA Application**

#### **32. General requirements for PER, EIA and SEA application**

(1) For the purpose of determining a PER, an EIA or a SEA application, consideration shall, subject to this Act, be given to –

- (a) such policy or environmental guidance as may be published in respect of an undertaking;
- (b) the environmental factors considered in the PER, EIA or SEA report;
- (c) the impacts of climate change, including adaptation and mitigation measures;
- (d) the measures proposed to avoid or minimise adverse effects on the environment, people or society;
- (e) the alternatives proposed in the PER, EIA or SEA report; and
- (f) such other matters as may be relevant for the purpose of weighing the significance of the potential environmental impact of the undertaking.

(2) A proponent may, with the approval of the Director –

- (a) conduct a feasibility study; or
- (b) do such research as may be necessary,

in respect of his PER, EIA or SEA application.

(3) An EIA or a SEA report shall –

- (a) be signed by the proponent or his duly appointed legal representative and all principal consultants, registered at the Construction Industry Authority established under the Construction Industry Authority Act 2023, who prepared or assisted in the preparation of the report; and
- (b) include particulars of the schedule of works undertaken by the proponent and his consultants in the preparation of the report.

(4) Notwithstanding the Copyright Act, no intellectual property rights in a report submitted under this Part shall be opposable to a public officer or a Government department or agency dealing with a PER, an EIA or a SEA application in the discharge of his functions or exercise of his powers.

### **Sub-Part D – Preliminary Environmental Report**

#### **33. Application for PER licence or approval**

- (1) A PER application shall be made –
  - (a) through the National Electronic Licensing System or in such other form and manner as the Director may approve; and
  - (b) in 3 hard copies or such additional copies as the Director may request.
- (2) A PER application made under subsection (1) shall be accompanied by –
  - (a) a PER in accordance with section 35, to be duly certified by the proponent or his duly appointed legal representative;
  - (b) a non-technical summary of the PER;
  - (c) such documentary evidence as may be required to establish the ownership of the undertaking;
  - (d) a certificate issued by a notary, certifying the ownership of the land on which the undertaking is to be executed, or where the proponent is not the owner of the land, by a written evidence of the permission of the owner, and a certificate issued by a notary expressing his opinion as to the owner's title;

- (e) a site, topographical and location plan drawn and certified by a professional land surveyor;
- (f) a context plan signed by a professional land surveyor showing appropriate landmarks as reference points, including the distances from settlement boundaries, any ESAs and existing development in the surrounding environment;
- (g) a site layout plan indicating the site boundaries, the components of the undertaking, any infrastructure on site prior to construction, and the proposed infrastructures and amenities to be provided;
- (h) a list of major directors or shareholders of the company or association, as the case may be; and
- (i) such application fee as may be prescribed.

(3) The written evidence required under subsection (2)(d) shall be registered at the Registrar-General's Department.

#### **34. Public comment on PER application**

(1) A PER application shall be open for public inspection during working hours at –

- (a) the office of the Department;
- (b) the main office of the local authority where the undertaking is to be carried out; and
- (c) such other places as may be specified in the notice under subsection (3).

(2) The Director shall, not later than 14 days after the receipt of a PER application, give notice of the public inspection referred in subsection (1) in the Gazette and in a daily newspaper for 2 consecutive days.

(3) A notice published pursuant to subsection (2) shall –

- (a) give a summary description of the undertaking;
- (b) state the address where the undertaking is to be carried out;
- (c) state the place where the PER may be inspected; and

- (d) specify that the public may submit its comments, in respect of the undertaking, in writing or through the National Electronic Licensing System, not later than 21 days after the publication of the notice in the Gazette.

(4) The Director may extend the time limit specified in subsection (2) to afford reasonable opportunity to every person to submit comments on the PER application.

(5) The Director shall cause to be published for consultation by the public, on the National Electronic Licensing System or in such other form and manner as the Director may determine, any additional information submitted in relation to a PER application.

### **35. Contents of PER**

(1) A PER shall contain a statement and description of the undertaking as proposed to be carried out by the proponent and shall include –

- (a) the name and address of the proponent;
- (b) the ownership of the undertaking and of the land on which the undertaking is to be conducted;
- (c) the name, address, qualifications of the consultant, as applicable, who prepared the PER;
- (d) the principle, concept, purpose and objective of the undertaking;
- (e) the precise location and surroundings of the undertaking, the zoning of the site, including proximity to ESAs and the number of similar undertakings in the area;
- (f) an assessment of the impact, direct or indirect, that the undertaking is likely to have on the environment, people and society where it will be implemented in the manner proposed by the proponent;
- (g) any action or remedial measure to avoid, mitigate or remedy, as far as possible, the likely effects of the undertaking on the environment, people and society;

- (h) measures to promote the use of alternatives, best available techniques and methodologies, and eco-friendly practices, including waste minimisation, reuse, recycling, composting, energy efficiency, renewable energy supply, green building practices, water conservation and management, rainwater harvesting, resources use efficiency and recycling of waste water;
- (i) information pertaining to the decommissioning of the project at the end of its life cycle and associated impacts, proposed measures to return the site as far as possible to its former state, or rehabilitation measures; and
- (j) such other information as may be necessary for a proper assessment and review of the potential impact of the undertaking on the environment, people and society.

(2) Without prejudice to subsection (1), the proponent may, where applicable, be required to include, in the PER –

- (a) an ecological assessment of the site;
- (b) a drainage impact assessment;
- (c) a geotechnical investigation;
- (d) such data as may be necessary to identify and assess the effects that climate change may have on the undertaking;
- (e) particulars of the measures which the proponent proposes in order to mitigate the impact that climate change may have on the undertaking;
- (f) an assessment of the visual impacts of the undertaking;
- (g) details of consultation held with the civil society, the public in the area and other stakeholders where the undertaking is to be located and such other stakeholders as may be necessary; and
- (h) such other study as the Director may require.

### **36. Review of PER**

- (1) The Director may–



- (a) request a public department, a non-governmental organisation or any other person to submit, in respect of the PER, its or his observations electronically or, in exceptional or unforeseen circumstances, in such other form and manner as he may determine not later than 14 days from such request;
- (b) request the proponent to submit such additional information as may be necessary for the purpose of processing the PER application; and
- (c) set up a technical committee to advise him on the PER or any aspects of the undertaking.

(2) The Director shall, within 14 days of receipt of the information or observations requested under subsection (1), review the PER and refer it to the PER Committee.

### **37. Decision on PER application**

(1) The Minister shall, not later than 5 working days after receipt of the recommendations of the PER Committee –

- (a) approve the issue of a PER licence or approval;
- (b) disapprove the PER and reject the PER application; or
- (c) request the proponent to make an EIA application in respect of the undertaking to which the PER relates.

(2) Where a PER application is approved by the Minister, the Director shall issue a PER licence or approval on such terms and conditions as the Minister may determine.

(3) Any proponent who is aggrieved by the decision of the Minister under subsection (1) may appeal to the Tribunal.

(4) Subject to an appeal to the Tribunal, the decision of the Minister shall be final and binding.

(5) Where a request is made under subsection (1)(c), the EIA application shall be made in accordance with section 40.

(6) Any person who fails to comply with any term or condition attached to a PER licence or approval shall commit an offence.

### **38. Submission of fresh PER application for PER licence**

(1) The Minister may, at any time after the issue of a PER licence, direct the licensee to make a fresh application for a PER licence in respect of his undertaking within such time as the Minister may determine.

(2) A direction under subsection (1) may be issued where, in the opinion of the Minister –

- (a) the undertaking is, or is likely to be, a source of pollution to the environment;
- (b) there is a substantial change or modification in the undertaking, or in the manner in which the undertaking is being operated;
- (c) the undertaking poses a threat to the environment; or
- (d) the circumstances of the undertaking with regard to its surrounding environment so require.

(3) Where a licensee fails to comply with a direction issued under subsection (1), the Minister may revoke his PER licence.

## **Sub-Part E – Environmental Impact Assessment (EIA)**

### **39. Outline for EIA licence**

(1) A proponent may, at least one month before submitting his application for an EIA licence, provide the Director with an outline of his proposed undertaking, including its location, nature and scope.

(2) The Director may, within 2 weeks from the date of receipt of the outline required under subsection (1), require the proponent to provide –

- (a) the terms of reference for the EIA report;
- (b) the fields of study that are required to be covered; and
- (c) the levels of expertise and qualifications of the consultants who have signed the report.

- (3) The Director may –
  - (a) refuse to consider an application for an EIA licence in respect of which an outline is not submitted;
  - (b) dispense a proponent with the requirement under subsection (2).

#### **40. Application for EIA licence or approval**

- (1) An EIA application shall be made –
  - (a) through the National Electronic Licensing System or in such other form and manner as the Director may approve; and
  - (b) in 3 hard copies or such additional copies as the Director may request.
- (2) An EIA application made under subsection (1) shall be accompanied by –
  - (a) an EIA report in accordance with section 41, to be duly certified by the proponent or his duly appointed legal representative and the consultant who prepared and assisted in the preparation of the report;
  - (b) a non-technical summary of the EIA report;
  - (c) the documents specified in section 33(2)(c) to (h); and
  - (d) such application fee as may be prescribed.
- (3) The written evidence required under section 33(2)(d) shall be registered at the Registrar-General's Department.

#### **41. Contents of EIA report**

- (1) An EIA report shall contain a statement and description of the undertaking as proposed to be carried out by the proponent and shall include –
  - (a) the name and address of the proponent;
  - (b) the ownership of the undertaking and of the land on which the undertaking is to be conducted;

- (c) the name, address, qualifications of the consultant who prepared the EIA report;
- (d) particulars of the schedule of works undertaken by the proponent and his consultants in the preparation of the report;
- (e) the principle, concept, purpose and objective of the undertaking;
- (f) the precise location and surroundings of the undertaking, zoning of the site, including the proximity to ESAs and the number of similar undertakings in the area;
- (g) an assessment of the impact, direct and indirect, that the undertaking is likely to have on the environment, people and society where it will be implemented in the manner proposed by the proponent;
- (h) an accurate assessment of the irreversible and irretrievable commitment of resources which will be involved in the undertaking where it is implemented in the manner proposed by the proponent;
- (i) such data as may be necessary to identify and assess the effects that climate change may have on the undertaking;
- (j) a drainage impact assessment;
- (k) a geotechnical investigation, as applicable;
- (l) an assessment of the social, economic and cultural effects which the undertaking is likely to have on people and the society;
- (m) details of consultation held with the civil society, the public in the area and other stakeholders where the undertaking is to be located;
- (n) any action or remedial measure to avoid, mitigate or remedy, as far as possible, the impact of the undertaking on the environment, people and society;
- (o) the measures to promote the use of alternatives, best available techniques and methodologies, and eco-friendly practices, including waste minimisation, reuse, recycling, composting, energy efficiency, renewable energy supply, green building

practices, water conservation and management, rainwater harvesting, resources use efficiency and recycling of waste water;

- (p) the measures which the proponent proposes in order to mitigate the effects that climate change may have on the undertaking;
- (q) information pertaining to the decommissioning of the project at the end of its life cycle and associated impacts, proposed measures to return the site as far as possible to its former state, or rehabilitation measures;
- (r) any alternative manner or process in which the undertaking may be carried out so as to cause less harm to the environment;
- (s) an environmental monitoring plan;
- (t) in the case of a new infrastructure proposal, an environmental management plan to be implemented during the construction phase; and
- (u) such other information as may be necessary for a proper assessment and review of the potential impact of the undertaking on the environment, people and society.

(2) Without prejudice to subsection (1), the proponent may, where applicable, be required to include in the EIA report –

- (a) an ecological assessment of the site;
- (b) a vulnerability assessment and the proposed mitigation and adaptation measures which the proponent proposes with respect to adverse effects that climate change may have on the project;
- (c) an estimation of greenhouse gas emissions attributed to the undertaking and associated activities within the physical boundary of the undertaking over its life cycle;
- (d) a traffic impact assessment;
- (e) an assessment of the visual impacts of the undertaking;
- (f) a heritage impact assessment; and

(g) such other study as the Director may require.

#### **42. Public comment on EIA application**

(1) An EIA application shall be open for public inspection during working hours at –

- (a) the office of the Department;
- (b) the main office of the local authority where the undertaking is to be carried out; and
- (c) such other places as may be specified in the notice under subsection (3).

(2) The Director shall, not later than 14 days after the receipt of an EIA application, give notice of the public inspection referred in subsection (1) in the Gazette and in a daily newspaper for 2 consecutive days.

(3) A notice published pursuant to subsection (2) shall –

- (a) give a summary description of the undertaking;
- (b) state the address where the undertaking is to be carried out;
- (c) state the place where the EIA report may be inspected; and
- (d) specify that the public may submit its comments, in respect of the undertaking, in writing or through the National Electronic Licensing System, not later than 21 days after the publication of the notice in the Gazette.

(4) The Director may extend the time limit specified in subsection (2) to afford reasonable opportunity for any person to submit comments on the EIA application.

(5) The Director shall cause to be published for consultation by the public on the National Electronic Licensing System or in such other form and manner as the Director may determine any additional information submitted in relation to an EIA application.

#### **43. Review of EIA report**

The Director shall review an EIA report submitted by a proponent and determine its scope and contents and he shall, for that purpose –

- (a) request a public department, a non-governmental organisation or any other person to submit its or his observations electronically, or in exceptional or unforeseen circumstances, in such other form and manner as the Director may determine on the EIA application not later than 14 days after the expiry of the time limit set for submission of public comments under section 42(3)(d) or (4);
- (b) request the proponent to carry out further study or investigation, or to submit such additional information, through the National Electronic Licensing System or in such other form and manner as the Director may determine, to ensure that the EIA report is as accurate and exhaustive as possible; and
- (c) set up a technical committee to advise him on the EIA report or on any aspect of the undertaking.

#### **44. Decision on EIA application**

- (1) The Director shall refer an EIA application, together with –
  - (a) such additional information received;
  - (b) comments and observations made by any public department; and
  - (c) public comments submitted under section 42(3)(d) or (4),

to the EIA/SEA Committee for examination not later than 28 days after the expiry of the time limit set for submission of public comments.

(2) Subject to subsections (4) and (5), the Minister shall, within 5 working days after receipt of the recommendation of the EIA/SEA Committee, make his decision on the EIA application.

(3) The Minister may approve or reject the EIA application.

(4) Where the Minister is unable to make a decision, he shall refer the EIA application to a technical advisory committee for its advice.

(5) The Minister shall, within 7 working days of receipt of the advice of the technical advisory committee and, in accordance with the advice of that committee, approve or reject the EIA application.

(6) Where an EIA application is approved by the Minister, the Director shall issue an EIA licence or approval on such terms and conditions as the Minister may determine.

(7) Subject to an appeal made to the Tribunal, the decision of the Minister shall be final and binding.

(8) The Director shall, not later than 7 working days of the decision of the Minister, give notice thereof in the Gazette and in the newspaper in which notice of the EIA application was given pursuant to section 42(2), of a summary of the decision of the Minister to approve or reject the EIA application and stating the place where the full decision may be available for consultation.

(9) Any person who fails to comply with any term or condition attached to an EIA licence or approval shall commit an offence.

#### **45. Submission of fresh application for EIA licence**

(1) The Minister may, at any time after the issue of an EIA licence, direct the licensee to make a fresh application for an EIA licence in respect of his undertaking within such time as the Minister may determine.

(2) A direction under subsection (1) may be issued where, in the opinion of the Minister –

- (a) the undertaking is, or is likely to be, a source of pollution to the environment;
- (b) there is a substantial change or modification in the undertaking, or in the manner in which the undertaking is being operated;
- (c) the undertaking poses a threat to the environment; or
- (d) the circumstances of the undertaking with regard to its surrounding environment so require.

(3) Where a licensee fails to comply with a direction issued under subsection (1), the Minister shall revoke his EIA licence.



## **Sub-Part F – Strategic Environmental Assessment (SEA)**

### **46. Outline for SEA application**

(1) A proponent shall, at least 2 months before submitting his SEA application, provide the Director with an outline of his proposed undertaking, consisting of, inter alia –

- (a) the principle, concept and purpose of the undertaking;
- (b) the implications of the undertaking on relevant major, plans and programmes; and
- (c) the impact, direct or indirect, that the undertaking may have on the environment, people and society.

(2) The Director may, not later than 14 days after receipt of the outline under subsection (1), request –

- (a) the EIA/SEA Committee to submit its observations in writing on the outline not more than 14 days after such request;
- (b) the proponent to make a presentation of the proposed undertaking.

(3) The Director may, within 14 days from the date of receipt of the observations of the EIA/SEA Committee, require the proponent to provide –

- (a) the terms of reference of the SEA report;
- (b) the fields of study that are required to be covered; and
- (c) the levels of expertise and the qualifications of the consultants who have signed the report.

### **47. Application for SEA licence or approval**

(1) A SEA application shall be made –

- (a) through the National Electronic Licensing System or in such other form and manner as the Director may approve; and
- (b) in 5 hard copies or such additional copies as the Director may request.

(2) A SEA application made under subsection (1) shall be accompanied by –

- (a) a SEA report in accordance with section 48, to be duly certified by the proponent or his duly appointed legal representative and the consultant who prepared and assisted in the preparation of the report;
- (b) a non-technical summary of the SEA report;
- (c) the documents specified in section 33(2)(c) to (h); and
- (d) such application fee as may be prescribed.

(3) The written evidence required under section 33(2)(d) shall be registered at the Registrar-General's Department.

#### **48. Contents of SEA report**

(1) A SEA report shall contain a statement and description of the undertaking as proposed to be carried out by the proponent and shall include –

- (a) the name and address of the proponent;
- (b) the ownership of the undertaking and of the land, where applicable;
- (c) the principle, concept, purpose and objective of the undertaking;
- (d) particulars of the schedule of works undertaken by the proponent and his consultants in the preparation of the report;
- (e) the name, address, qualifications of the consultant who prepared the SEA report;
- (f) the precise location and surroundings of the undertaking, zoning of the site, including the proximity to ESAs and the number of similar undertakings in the area, as applicable;
- (g) the environmental objectives established at local, national and international levels to the plans, programmes and multiple undertakings;

- (h) the current state of the environment and the likely evolution thereof with and without the implementation of the plan, programmes and multiple undertakings;
- (i) an assessment of the impact, direct and indirect, that the undertaking may have on the environment;
- (j) an accurate assessment of the irreversible and irretrievable commitment of resources which will be involved in the undertaking where it will be implemented in the manner proposed by the proponent;
- (k) an assessment of the cumulative impacts of the undertaking on the environment;
- (l) such data as may be necessary to identify and assess the impact that climate change may have on the undertaking;
- (m) a drainage impact assessment;
- (n) a geotechnical investigation, as applicable;
- (o) a traffic impact assessment, as applicable;
- (p) an assessment of the social, economic and cultural effects which the undertaking is likely to have on people and society;
- (q) details of wide consultation held with the civil society, the public and other stakeholders or such consultations as may be specified in the terms of reference and their outcomes;
- (r) any action or remedial measure to avoid, mitigate or remedy, as far as possible, the impact that the undertaking may have on the environment, people and society;
- (s) the measures to promote the use of alternatives, best available techniques and methodologies, and eco-friendly practices including waste minimisation, reuse, recycling, composting, energy efficiency, renewable energy supply, green building practices, water conservation and management, rainwater harvesting, resources use efficiency and recycling of waste water;

- (t) the measures which the proponent proposes in order to mitigate the impact that climate change may have on the undertaking;
- (u) any alternative manner or process in which the undertaking may be carried out so as to cause less harm to the environment;
- (v) measures proposed to monitor environmental impact of the undertaking; and
- (w) such other information as may be necessary for a proper assessment and review of the potential impact of the undertaking on the environment, people and society.

(2) Without prejudice to subsection (1), a SEA report for multiple undertakings shall, in addition, include –

- (a) an ecological assessment of the site;
- (b) a vulnerability assessment and the proposed mitigation and adaptation measures which the proponent proposes with respect to adverse effects that climate change may have on the project;
- (c) an estimation of greenhouse gas emissions attributed to the undertaking and associated activities within the physical boundary of the undertaking over its life cycle;
- (d) an assessment of the visual impacts of the undertaking;
- (e) a heritage impact assessment; and
- (f) such other study as the Director may require.

#### **49. Public comment on SEA application**

(1) A SEA application shall be open for public inspection during working hours at –

- (a) the office of the Department;
- (b) the main office of the local authority where the undertaking is to be carried out; and
- (c) such other places as may be specified in a notice under subsection (3).

(2) The Director shall, not later than 14 days after the receipt of a SEA application, give notice of the public inspection referred in subsection (1) in the Gazette and in a daily newspaper for 2 consecutive days.

(3) A notice published pursuant to subsection (2) shall –

- (a) give a summary description of the undertaking;
- (b) state the address where the undertaking is to be carried out;
- (c) state the place where the SEA report may be inspected; and
- (d) specify that the public may submit its comments, in respect of the undertaking, in writing or through the National Electronic Licensing System, not later than 21 days after the publication of the notice in the Gazette.

(4) The Director may extend the time limit specified in subsection (2) to afford reasonable opportunity for any person to submit comments on the SEA application.

(5) The Director shall cause to be published for consultation by the public on the National Electronic Licensing System or in such other form and manner as the Director may determine any additional information submitted in relation to a SEA application.

## **50. Review of SEA report**

The Director may review an SEA report submitted by a proponent and determine its scope and contents and he may, for that purpose –

- (a) request a public department, a non-governmental organisation or any other person to submit its or his observations electronically, or in exceptional or unforeseen circumstances, in such other form and manner as the Director may determine on the SEA application not later than 28 days after the expiry of the time limit set for submission of public comments under section 49(3)(d) or (4);
- (b) request the proponent to carry out further study, investigation or submit such additional information, through the National Electronic Licensing System or in such other form and manner as the Director may determine, to ensure that the SEA report is as accurate and exhaustive as possible; and

- (c) set up a technical committee to advise him on the SEA report or on any aspect of the undertaking.

#### **51. Decision on SEA application**

- (1) The Director shall refer a SEA application, together with –
  - (a) such additional information received;
  - (b) comments and observations made by any public department; and
  - (c) public comments submitted under section 49(3)(d) or (4),

to the EIA/SEA Committee for examination not later than 28 days after the expiry of the time limit set for submission of public comments.

(2) Subject to subsections (4) and (5), the Minister shall, within 5 working days after receipt of the recommendation of the EIA/SEA Committee, make his decision on the SEA application.

(3) The Minister may approve or reject the SEA application.

(4) Where the Minister is unable to make a decision, he shall refer the SEA application to a technical advisory committee, requesting it to advise him, within 7 days, on the issues specified in the terms of reference.

(5) The Minister shall, within 7 working days of receipt of the advice of the technical advisory committee and, in accordance with the advice of that committee, approve or reject the SEA application.

(6) Where a SEA application is approved by the Minister, the Director shall issue a SEA licence or approval on such terms and conditions as the Minister may determine.

(7) Subject to an appeal made to the Tribunal, the decision of the Minister shall be final and binding.

(8) The Director shall, not later than 7 working days of the decision of the Minister, give notice thereof in the Gazette and in the newspaper in which notice of the SEA application was given pursuant to section 49(2), of a summary of the decision of the Minister to approve or reject the SEA application and stating the place where the full decision may be available for consultation.

(9) Any person who fails to comply with any term or condition attached to a SEA licence or approval shall commit an offence.

### **Sub-Part G – PER, EIA or SEA Completion Certificate**

#### **52. Issue of completion certificate**

(1) No person shall operate or cause to operate an undertaking unless, where –

- (a) a PER licence or approval has been issued, a PER completion certificate is issued in respect of the undertaking;
- (b) an EIA licence or approval has been issued, an EIA completion certificate is issued in respect of the undertaking; or
- (c) a SEA licence or approval has been issued, a SEA completion certificate is, subject to subsection (2), issued in respect of the undertaking.

(2) A SEA completion certificate shall only be issued with respect to multiple undertakings.

(3) An application for a completion certificate shall –

- (a) be made by the holder of a PER, an EIA or a SEA licence or approval;
- (b) be made on the completion of the undertaking, or part thereof; and
- (c) be made to the PER/EIA/SEA Monitoring Committee.

(4) Where the undertaking has been constructed in accordance with the PER, EIA or SEA licence or approval, as the case may be, the PER/EIA/SEA Monitoring Committee shall, subject to clearances from relevant authorities, make recommendations to the Minister for the issue of the PER, EIA or SEA completion certificate.

(5) (a) Where an undertaking has been constructed in contravention of the PER, EIA or SEA licence or approval issued in its respect, the PER/EIA/SEA Monitoring Committee shall issue such enforcement measures as may be required to comply with the licence or approval.

(b) Where enforcement measures have been taken pursuant to paragraph (a), the PER/EIA/SEA Monitoring Committee shall, subject to clearances from relevant authorities, make recommendations to the Minister for the issue of the PER, EIA or SEA completion certificate.

(c) Where enforcement measures have not been taken pursuant to paragraph (a), the PER/EIA/SEA Monitoring Committee shall make recommendations to the Minister to reject the application.

(d) Where the Minister rejects an application, the Director shall inform the applicant of its decision, giving reasons thereof.

(e) Subject to an appeal made to the Tribunal, the decision of the Minister shall be final and binding.

(6) Any person who contravenes subsection (1) shall commit an offence.

### **Sub-Part H – Transfer and Cessation of Undertaking**

#### **53. Transfer of undertaking**

(1) Where the ownership, control or management of an undertaking is transferred after the issue of a PER, an EIA or a SEA licence or approval, the transferor shall, within a period of one month –

(a) notify, by registered post, the Director of the transfer and communicate to the Director a copy of the document witnessing the transfer; and

(b) send, by registered post, a copy of the notification under paragraph (a) to the transferee.

(2) Where the transfer of the undertaking is in respect of a State land, prior approval of the relevant Ministry shall be obtained.

(3) Unless a notification is given under subsection (1), it shall be presumed, for the purposes of this Act or any other enactment, that the person who made a PER, EIA or SEA application or is the holder of a PER, an EIA or a SEA licence or approval is the proponent and shall have all the responsibilities and liabilities of the proponent.

(4) Where a notification is given under subsection (1), the transferee shall, in the absence of any protest by him within 28 days after the notification, be presumed as from the date of the notice, for the purposes of this Act or any other



enactment, to be the owner or the person having the ownership, control or management of the undertaking.

(5) A transfer of an undertaking or of the land where the undertaking is conducted shall not affect a PER, an EIA or a SEA application and the conditions to the undertaking.

(6) Any person who contravenes subsection (1) shall commit an offence.

#### **54. Cessation of undertaking**

(1) A proponent shall, at least 3 months before ceasing the undertaking or any activity in respect of the undertaking, inform the Director.

(2) The Director may, not later than 2 months before the cessation of the undertaking or any activity in respect of the undertaking, request for a decommissioning plan of the activity to be ceased to prevent any environmental nuisance.

#### **55. Effect of PER, EIA and SEA licence and approval**

No liability, civil or criminal, in respect of an undertaking or consequence resulting from the impact of the undertaking, shall be incurred by the Government, the Minister or any public officer by reason of the issue of a PER, an EIA or a SEA licence or approval or by reason of any direction, term or condition attached to the licence or approval.

### **Sub-Part I – Powers of Revocation and Direction**

#### **56. Powers of Minister**

(1) Notwithstanding the issue of a PER, an EIA or a SEA licence or approval, the Minister may, at any time –

- (a) revoke the licence or approval or amend the terms and conditions of the licence or approval where he has reason to believe that –
  - (i) circumstances reasonably justifying such revocation have arisen since the issue of the licence or approval;
  - (ii) the proponent has contravened the conditions attached to the licence or approval;

- (iii) the proponent had failed to disclose any material information or had provided false or misleading information in the PER, EIA and SEA application;
- (b) give the proponent such directions as may be necessary in relation to –
  - (i) the methods of execution and the phasing of the undertaking;
  - (ii) works or actions required to prevent, reduce or eliminate the adverse effects of the undertaking on the environment, people and society;
  - (iii) research, investigation, and monitoring programmes related to the undertaking;
  - (iv) any other aspect of the undertaking, or of the execution of the undertaking, which is reasonably expected to have adverse environmental effects;
- (c) require the proponent to submit, at such intervals as he may determine, reports on the impacts of the undertaking on the environment, people and society.

(2) Any person who fails to comply with a direction or requirement under subsection (1)(b) or (c) shall commit an offence.

## **PART V – OIL SPILL AND ENVIRONMENTAL EMERGENCY**

### **Sub-Part A – National Oil Spill Contingency Plan**

#### **57. National Oil Spill Contingency Plan**

(1) There shall be, for the purposes of this Act, a National Oil Spill Contingency Plan to ensure a prompt, planned and coordinated response to any current or potential oil spill.

(2) The National Oil Spill Contingency Plan shall provide the organisational structure and procedures for preparedness and response to any oil spill.

(3) The plan shall be reviewed every 5 years or at such time as the Minister may determine.

(4) The Minister may make such regulations as may be necessary for the purpose of preventing, or in any way dealing with, an oil spill.

## **58. Establishment of National Oil Spill Coordination Committee**

(1) There shall be, for the purposes of this Act, the National Oil Spill Coordination Committee.

(2) The National Oil Spill Coordination Committee shall consist of –

- (a) the supervising officer, as chairperson;
- (b) the Director, as vice-chairperson;
- (c) a representative of every Ministry and other organisation listed in the Eighth Schedule; and
- (d) not more than 5 officers of the Department, to be designated by the Director.

(3) The National Oil Spill Coordination Committee shall –

- (a) review and update the National Oil Spill Contingency Plan;
- (b) where there is an oil spill, coordinate the implementation of the National Oil Spill Contingency Plan;
- (c) ensure cooperation among public bodies that deal with oil spill incidents;
- (d) coordinate the response to an oil spill and make recommendations to the Minister on matters relating to pollution caused by the oil spill;
- (e) advise on such policies and administrative measures as may be necessary in relation to oil spill contingency planning; and
- (f) report to the National Crisis Committee.

(4) The National Oil Spill Coordination Committee –

- (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;

- (b) may co-opt such other members with relevant expertise as and when required;
- (c) delegate any of its functions or powers to the chairperson or any subcommittee;
- (d) may set up such subcommittees as may be necessary; and
- (e) shall regulate its meetings and proceedings in such manner as it may determine.

(5) Any co-opted member may take part in the deliberations of the National Oil Spill Coordination Committee but shall have no right to vote on any matter before it.

(6) At any meeting of the National Oil Spill Coordination Committee, half of its members shall constitute a quorum.

(7) An officer of the Ministry, to be designated by the supervising officer, shall act as the Secretary to the National Oil Spill Coordination Committee.

#### **59. Activation of National Oil Spill Contingency Plan**

(1) The Director shall, on being notified that there is a potential threat of an oil spill, forthwith activate the National Oil Spill Contingency Plan and coordinate the oil spill response in collaboration with the Director of Shipping.

(2) For the purpose of this section, the Director shall appoint an Incident Coordinator and, where appropriate, a Deputy Incident Coordinator.

(3) Where the Director has reason to believe that the environment has been restored to the state it was in prior to the oil spill, he may, after consultation with the National Oil Spill Coordination Committee, deactivate the National Oil Spill Contingency Plan.

#### **60. Other Oil Spill Contingency Plan**

(1) Any person who conducts an activity associated with the storing or using of liquid fuel within their premises shall –

- (a) undertake a risk assessment to identify all potential hazards and risks associated with the storage of the liquid fuel; and

- (b) prepare and submit to the Director a contingency plan to address such risks.

(2) The Director may direct any person who conducts an activity associated with the storing or using of liquid fuel to review the contingency plan at a specified frequency depending on the level of risk and location of the activity.

(3) For an existing activity, the contingency plan shall, on the commencement of this section, be submitted within a period of 3 to 12 months.

(4) For any new activity, the contingency plan shall be submitted prior to its coming into operation.

(5) Any person who fails to comply with this section shall commit an offence.

### **Sub-Part B – Oil Spill**

#### **61. Emergency measures**

(1) A public officer, an officer of a local authority or any other person who is informed or otherwise made aware of an oil spill shall forthwith notify the Director and the Director-General of the National Disaster Risk Reduction and Management Centre.

(2) The owner of the spilled oil shall –

- (a) within one hour of the occurrence of the oil spill, notify the Director and the Director-General of the National Disaster Risk Reduction and Management Centre;

- (b) forthwith inform the Director and the Director-General of the National Disaster Risk Reduction and Management Centre of –

- (i) the circumstances of the oil spill; and

- (ii) any action taken or proposed to be taken in relation to the oil spill; and

- (c) forthwith take such practicable measures as may be required to –

- (i) prevent, eliminate or reduce the adverse environmental effects of the oil spill;

(ii) restore the environment to the state it was prior to the oil spill.

(3) Where an oil spill occurs, the Director shall –

(a) inform the Director-General of the National Disaster Risk Reduction and Management Centre; and

(b) report to the National Crisis Committee of the actions and necessary measures taken under this Part.

(4) Any person who causes an oil spill or fails to comply with subsection (2) shall commit an offence.

(5) The Minister may make such regulations as may be necessary for the purpose of preventing, or in any way, dealing with, an oil spill.

## **62. Interventions of Director**

(1) Where the owner of the spilled oil –

(a) is reasonably suspected of contravening section 61(2)(c);

(b) cannot promptly be identified;

(c) requests the assistance of the Director in relation to the oil spill,

the Director may initiate such action and take such measures as may be necessary in the public interest to prevent, eliminate or reduce the adverse environmental effects and to restore, as far as is practicable, the environment to the state it was prior to the oil spill.

(2) Where there is an oil spill, the Director may direct the owner of the spilled oil or any other person to take such action within such period of time as he may specify to –

(a) prevent, eliminate or reduce the adverse environmental effects of the oil spill;

(b) restore, as far as is practicable, the environment to the state it was prior to the oil spill; and

- (c) dispose of, or in any way deal with, the oil or any object reasonably suspected to be affected by the oil.

(3) The Director may, at any time, request every party referred to in subsection (1) to –

- (a) carry out an inventory of oil spill combat equipment in its possession;
- (b) submit a list of the types, number, state and costs of oil spill combat equipment;
- (c) provide the storage location of the oil spill combat equipment; and
- (d) provide the contact details of the officer responsible of the oil spill combat equipment.

(4) Notwithstanding the Public Procurement Act, the Ministry may, where there is an urgent need for the procurement of oil spill combat equipment and open advertised bidding or any other competitive method of procurement would be impractical and time-consuming, engage in competitive negotiations for the procurement of oil spill combat equipment.

(5) Any person who fails to comply with a direction under subsection (2) shall commit an offence.

### **63. Clean-up and removal operations**

The Minister shall prescribe –

- (a) the procedures for clean-up and removal operations in the event of an oil spill;
- (b) the method of storage and of disposal of any oil spill or of any object, plant, animal or any part of the environment removed in a clean-up or removal operation or otherwise affected by an oil spill;
- (c) the mechanism for handling and managing oil spill.

### **64. Mitigation and environmental cleaning**

No volunteer shall, without prior authorisation of the supervising officer, participate in any oil spill mitigation and cleaning.

## **65. Monitoring of oil spill**

(1) The Director may instruct a person responsible for an activity, enterprise or undertaking which causes an oil spill to carry out such monitoring of the nature, extent and effect of the oil spill and on the quality of any environmental medium that may be affected by the oil spill by an accredited laboratory.

(2) (a) The person responsible for an activity, enterprise or undertaking shall keep a record of the monitoring carried out under subsection (1).

(b) The record required under paragraph (a) shall be –

(i) kept in such form and manner as the Director may approve; and

(ii) available for inspection by the Director.

## **66. Independent monitoring**

(1) The Director may, after consultation with the National Oil Spill Coordination Committee –

(a) cause to be carried such monitoring of the environment, nature, extent and effects of discharges of oil spills as may be necessary; and

(b) determine the end points for monitoring exercises and termination of clean-up.

(2) The Director may recover from the owner of the spilled oil such cost as he may incur for the purpose of monitoring under this section.

### **Sub-Part C – Environmental Emergency**

## **67. Declaration of environmental emergency**

(1) Notwithstanding any other enactment, where, as a result of an oil spill, there is a major threat which causes or is likely to cause significant environmental damage or loss of human life or property, the Prime Minister may, after consultation with the Minister, declare an environmental emergency.



(2) Where an environmental emergency is declared under subsection (1), the Prime Minister may issue such directions as may be necessary to any public department for the purpose of protecting the environment, and in particular –

- (a) the release of any available resources of a Ministry or department, including food items, non-food items, equipment, vehicles and facilities;
- (b) the release of personnel from any Ministry or department to provide emergency services;
- (c) the evacuation of any person from the affected area to temporary shelters;
- (d) the regulation of the movement of persons and goods to, from and within the affected area;
- (e) the regulation of traffic to, from and within the affected area;
- (f) the control and occupancy of premises in the affected area;
- (g) the facilitation of response and post disaster recovery and reconstruction;
- (h) steps to facilitate the delivery of international relief assistance; and
- (i) such other measure as may be necessary to prevent the escalation of the oil spill or to alleviate, contain and minimise the impact of the emergency.

(3) The powers referred to in subsection (2) may be exercised only to the extent that is necessary for the purpose of –

- (a) assisting and protecting the public;
- (b) providing relief to the public;
- (c) protecting any property; or
- (d) dealing with the destructive and other impacts of the emergency.

(4) The public department which has been given a direction under subsection (2) shall prepare such contingency plan as may be necessary in the event of an emergency situation contemplated under this section.

(5) The Minister may, after consultation with the Commission, make such regulations as may be necessary for the purpose of an environmental emergency.

#### **68. Request for international relief assistance**

(1) Where it is beyond the national capabilities to deal with an oil spill, the Prime Minister may, after consultation with the Commission, seek international relief assistance.

(2) Any relief assistance under paragraph (1) shall be coordinated according to international norms.

(3) Any international assisting agency and its personnel shall abide by the laws of Mauritius and shall coordinate with domestic authorities in the relief efforts.

(4) Any international assisting agency shall ensure that the relief and initial recovery assistance are provided in accordance with this Act and the principles of humanity, neutrality and impartiality.

(5) Where, as a result of a request for international relief assistance under subsection (1), any goods are imported as aid to persons affected by an oil spill, the goods shall, pursuant to section 30(3) of the Customs Act, be released, free of duty, excise duty and taxes.

(6) Notwithstanding any other enactment, the Government shall ensure that necessary facilities are provided to the persons who provide international relief assistance assisting following an oil spill.

#### **69. Other threat to the environment**

(1) Where a threat, other than a major threat to the environment referred in section 67(1), is posed as a result of an oil spill, the Minister may set up a technical committee to advise him on matters pertaining to the relevant scientific and technical aspects of environmental protection and management and to make such recommendations as may be necessary.

(2) Where, following a recommendation of the technical committee, expenditure is incurred as a result of –

(a) any clean-up or removal operation;

- (b) any measure taken to prevent, eliminate or reduce the adverse effects of a threat to the environment; or
- (c) any measure taken to dispose of or deal with the oil spill,

the amount spent shall, subject to subsection (3), be disbursed from the Fund.

(3) Where the identity of the owner of the spilled oil is later ascertained, the amount disbursed may, within a period of 10 years from an operation or measure under subsection (2), be recovered by the Director from the owner and any amount so recovered, including interest and costs, shall be credited to the Fund.

#### **70. Withdrawal of state of environmental emergency**

Where the Prime Minister has reason to believe that the state of environmental emergency under section 67 may be withdrawn, he may, after consultation with the Minister, withdraw the state of environmental emergency.

#### **71. Powers in case of oil spill**

Any person engaged in an action or measure taken by the Director following an oil spill, or in furtherance of a direction by the Prime Minister in the case of an environmental emergency, may –

- (a) without warrant enter any premises, except a dwelling house, and have access through or over any building, structure, vehicle or by land, water or air;
- (b) notwithstanding any other enactment, construct or set up any structure, machinery, materials and equipment on any premises;
- (c) remove the spilled oil or any object, plant or animal to any part of the environment which is reasonably suspected to be affected by the oil spill; and
- (d) stop, inspect, search and detain any vehicle or any other object.

## Sub-Part D – Damages for Oil Spill

### 72. Liability for oil spill

(1) Without prejudice to any other cause of action or remedy under any other enactment, any person affected in any way by an oil spill shall have a right to damages from the owner of the spilled oil.

(2) Subject to this section, alinéa 1 of article 1384 of the Code Civil Mauricien shall apply to an action under subsection (1).

(3) For the purposes of any action for damages under this section –

- (a) the owner of the spilled oil shall be presumed to be liable for any damages caused by the oil spill;
- (b) the owner of the spilled oil shall, at all times, be deemed to be the *gardien* of the oil;
- (c) spilled oil shall, at all times, be deemed to be in the custody of the owner of the spilled oil;
- (d) the burden of proving that the damage was not caused by the oil spill shall rest on the owner of the spilled oil.

(4) Where there are several owners of the spilled oil, the action may be directed against all or any of them.

(5) Where damage is caused by an oil spill to the environment, or to any property, object or thing which is not the subject of private ownership, the Ministry may claim damages against the owner of the spilled oil in accordance with this section.

### 73. Recovery of expenses

(1) The Director shall recover from the owner of the spilled oil all expenses, including interests and costs, incurred as a result of –

- (a) any clean-up or removal operation;
- (b) any measure taken to prevent, eliminate or reduce the adverse effects of the oil spill to the environment;
- (c) any measure taken to dispose of, or to deal with, the oil spill;

- (d) any assessment or study carried out, or to be carried out, of the social, economic and environmental effects which the oil spill had or is likely to have on the people, economy, environment and society.

(2) Where the Director exercises its powers under subsection (1), he shall be entitled to recover from the owner of the spilled oil all expenses, including interests and costs, incurred in the manner provided for under the Recovery of State Debts Act.

(3) Any amount recovered under subsection (2) shall be credited to the Fund.

## **PART VI – NATIONAL ENVIRONMENTAL STANDARDS**

### **74. Issue of national environmental standards and guidelines**

(1) (a) Subject to this section, the Minister may, for environmental protection, management and conservation, issue –

- (i) general and sectoral guidelines in respect of undertakings listed in the Sixth Schedule;
- (ii) guidelines in respect of –
  - (A) water;
  - (B) effluent limitations;
  - (C) air;
  - (D) noise;
  - (E) waste, in any form or nature;
  - (F) pesticide residues;
  - (G) odour;
  - (H) built-up environment and landscape; and
  - (I) such other matter as may be necessary.

(b) The Director shall ensure that the guidelines issued under paragraph (a) are published in the Gazette.

(2) Without prejudice to the Occupational Safety and Health Act and any other enactment, and subject to this section, the Minister shall, for the control of pollution of the environment, have exclusive authority to issue national environmental standards in relation to any subject specified in subsection (1).

(3) A public department, a non-governmental organisation or any person may make recommendations to the Minister in respect of the national environment standards.

(4) Where the Minister proposes to issue any guidelines or national environmental standards or to amend existing guidelines or standards, he –

(a) shall consult the relevant enforcing agency;

(b) may consult a technical advisory committee appointed by him.

(5) The Minister shall, before issuing any guidelines or national environmental standards, cause the proposed guidelines or standards to be published by notice in the Gazette and in 2 daily newspapers, and invite submissions in writing on the proposed standards within such period as may be specified in the notice.

## **75. Standards for water**

(1) The Minister shall prescribe standards for water quality to protect the public health, welfare and the environment, and to provide adequate safeguard for the quality of water.

(2) Any regulations made under subsection (1) may provide for different standards for water quality, having regard to the use and value of water for domestic supply, propagation of fish, flora, fauna, and wildlife, recreational purpose, agricultural, industrial and other uses.

## **76. Effluent limitations**

(1) The Minister shall establish –

(a) effluent limitations for sources of pollution by effluents in accordance with the applicable pollution control technology, having regard to existing and new sources of pollution;

- (b) time schedules for installation and operation of applicable pollution control technology.

(2) The Minister may, for the purpose of this section, prescribe such restrictions as may be necessary on quantities, rates and concentrations of chemical, biological or other constituents which are discharged into the environment.

## **77. Standards for air**

(1) The Minister shall prescribe standards to protect the quality of air resources so as to promote the public health and welfare, and the development and the productive capacity of human, animal or plant life.

- (2) The standards prescribed under subsection (1) shall provide for –
  - (a) minimum essential air quality;
  - (b) the control of concentration of substances in the air which, separately or in combination, are likely to result in damage or deterioration of property, and of human, animal and plant health;
  - (c) controls for atmospheric pollution originating from energy and industrial sources, including pollution produced by craft and other self-propelled vehicles, and by factories and power generating stations; and
  - (d) standards applicable to emission from mobile sources, causing or contributing to air pollution, or endangering public health and welfare.

## **78. Standards for noise**

- (1) Subject to subsection (2), the Minister shall –
  - (a) prescribe such standards for noise emission as are, in his opinion, required to maintain and preserve public health, public comfort and the environment;
  - (b) make such regulations as may be necessary for the prevention and control of noise from any source.

(2) The environmental standard for noise emitted from a place of worship shall be 55 dB(A) Leq recorded at the boundary of the site, dB(A) Leq being the equivalent A-weighted sound pressure level measured in decibel.

#### **79. Standards for pesticide residues**

The Minister shall prescribe standards in respect of the concentration of pesticide residues in the environment.

#### **80. Standards for odours**

The Minister shall prescribe such standards for odours as are required to preserve and maintain public health and the environment.

#### **81. Standards for built-up environment**

The Minister shall prescribe such standards as are required to maintain, preserve and develop architectural harmony and aesthetic value for the built-up environment.

#### **82. Quality control of laboratories**

(1) An analysis of environmental sample conducted by, or environmental data provided by, a laboratory, other than an accredited or recognised laboratory, shall not be admissible evidence in any proceedings before a Court or before the Tribunal to establish the properties of any environmental sample and the result of any analysis of an environmental sample.

(2) Subsection (1) shall, pending the accreditation or recognition of a laboratory, have no effect.

#### **83. Industrial environmental audit**

(1) The Minister may make such regulations as may be necessary to provide for pollution control by means of an industrial environmental audit.

(2) Without prejudice to the generality of subsection (1), the regulations may, in respect of such activities as may be prescribed, provide for –

- (a) an inventory of waste;
- (b) the development and implementation of an environmental management plan;
- (c) the appointment of officers for the preparation, implementation and monitoring of an environmental management plan; and



- (d) different criteria and qualifications in respect of different industrial enterprises.

## **PART VII – COASTAL AND MARITIME ZONE MANAGEMENT**

### **84. Interpretation of Part VII**

In this Part –

“coastal zone” –

- (a) means any area which is situated within one kilometre or such other distance as may be prescribed from the high water mark, extending either side into the sea or inland; and
- (b) includes –
  - (i) coral reefs, reef lagoons, beaches, wetlands, hinterlands and all islets within the territorial waters of Mauritius and Rodrigues;
  - (ii) any estuary or mouth of a river and that part of a river, stream or canal which lies within one kilometre from the outermost point of its bank on the sea at high tide;
  - (iii) the islands of Agaléga and Saint Brandon, and other outer islets;

“dumping” means –

- (a) any deliberate disposal of wastes or other matter from vehicles, vessels, crafts, platforms or other man-made structures at sea;
- (b) any deliberate disposal of vehicles, vessels, crafts, or other man-made structures at sea;

“maritime zones” has the same meaning as in the Maritime Zones Act;

“zone” means the coastal and maritime zones.

### **85. ICZM Committee**

(1) There shall be, for the purposes of this Act, an Integrated Coastal Zone Management Committee.

- (2) The ICZM Committee shall consist of –

- (a) the Director or his representative, as chairperson;
  - (b) a representative of every Ministry and organisation listed in the Ninth Schedule;
  - (c) the representatives of 6 non-governmental organisations, to be appointed by the Minister; and
  - (d) not more than 4 officers of the Department, to be designated by the Director.
- (3) The ICZM Committee shall, in relation to the coastal zone –
- (a) develop an integrated management plan;
  - (b) coordinate regional and international projects;
  - (c) conduct and recommend studies on beach erosion and propose measures for its control;
  - (d) make recommendations for the upgrading of recreational facilities;
  - (e) make recommendations on guidelines for coastal constructions; and
  - (f) generally make recommendations to the Minister on the management and protection of the coastal zone.
- (4) The ICZM Committee –
- (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;
  - (b) may co-opt such other members with relevant expertise as and when required;
  - (c) delegate any of its functions or powers to the chairperson or any subcommittee;
  - (d) may set up such subcommittees as may be necessary; and
  - (e) shall regulate its meetings and proceedings in such manner as it may determine.

(5) Any co-opted member may take part in the deliberations of the ICZM Committee but shall have no right to vote on any matter before it.

(6) At any meeting of the ICZM Committee, half of its members shall constitute a quorum.

(7) An officer of the Ministry, to be designated by the Director, shall act as the Secretary to the ICZM Committee.

## **86. Protection of zone**

(1) The Minister may make such regulations as may be necessary for –

- (a) the management, protection and enhancement of the environment in the zone;
- (b) the prevention, reduction and control of pollution in the zone;
- (c) the implementation of obligations under, and giving effect to, international and regional agreements.

(2) Notwithstanding the generality of subsection (1), the regulations may provide for –

- (a) the preservation and conservation of the environment of the zone;
- (b) such measures as may be necessary to ensure that activities in the zone are so conducted as not to cause damage by pollution to the natural environment;
- (c) the control and prevention of pollution from vessels, crafts and other engines used in the zone;
- (d) the control and prevention of pollution from installations and devices used in the exploration or exploitation of the natural resources of the seabed and subsoil of the maritime zone;
- (e) the control and prevention of pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines, and outfall structures;

- (f) the control and prevention of pollution of the marine environment arising from, or in connection with, seabed activities and from artificial islands, installations and structures in the maritime zone;
- (g) the control and prevention of pollution from or through the atmosphere, applicable to the airspace under its sovereignty and to vessels flying its flag or vessels or aircraft of its registry.

(3) The Minister shall cause to be prepared an integrated coastal zone management plan which shall be used for coastal zone planning, management and development.

### **87. Dumping and discharge in zone**

(1) Subject to subsection (2), no person shall release, or cause to be released, into the zone any pollutant, waste or other noxious substance from or through the atmosphere, or by dumping.

(2) It shall be a defence to a prosecution under subsection (1) to prove that the release or dumping –

- (a) was due to, or was rendered necessary by, force majeure or for the protection of human life; or
- (b) was within the level, amount or nature permissible under an international agreement or convention to which the State of Mauritius is a party.

(3) Any person who contravenes subsection (1) shall commit an offence.

## **PART VIII – THE NATIONAL ENVIRONMENT AND CLIMATE CHANGE FUND**

### **88. Establishment of Fund**

The National Environment and Climate Change Fund established under the repealed Environment Protection Act shall be deemed to have been established under this Act.

### **89. Objects of Fund**

(1) The objects of the Fund shall be –

- (a) to provide for foreign laboratory support for analysis of environmental samples;

- (b) to support and encourage programmes to prevent and reduce pollution;
- (c) to promote environmental education and research;
- (d) to support non-governmental organisations engaged in environmental protection, management and conservation;
- (e) to encourage local environmental initiatives;
- (f) to publish reports on the environment;
- (g) to promote, support and encourage activities relating to environmental protection, management and conservation;
- (h) in respect of climate change and adaptation, to develop programmes, promote education and research, support non-governmental organisations engaged in environmental protection, management and conservation, publish reports, and promote, support and encourage other related activities;
- (i) to provide for expenditure incurred as a result of any operation or measure taken under sections 69 and 117(4);
- (j) to finance the implementation of projects, schemes or programmes relating to e-waste management;
- (k) to finance projects, programmes and schemes relating to –
  - (i) rehabilitation, protection and management of beaches, lagoons and coral reefs;
  - (ii) flood management and cleaning, rehabilitation and upgrading of drains, bridges and rivers;
  - (iii) solid and hazardous waste management;
  - (iv) landslide management;
  - (v) disaster risk reduction;
  - (vi) cleaning and embellishment works; and

(vii) the removal of asbestos and other harmful materials in ex-Central Housing Authority houses commonly known as European Development Community houses;

(l) to finance the *Observatoire de L'Environnement* for the fulfilment of its objectives under section 15; and

(m) to finance such other programmes, projects or schemes as the Board may approve.

(2) The Minister may, with the approval of the Board, make such regulations as may be necessary for the purposes of the Fund.

## **90. The Board**

(1) The Fund shall be administered by a Board which shall consist of –

(a) the Financial Secretary or his representative, as chairperson;

(b) the supervising officer of the Ministry or his representative;

(c) a representative of the Prime Minister's Office;

(d) the supervising officer of the Ministry responsible for the subject of agriculture or his representative;

(e) the supervising officer of the Ministry responsible for the subject of fisheries or his representative;

(f) the supervising officer of the Ministry responsible for the subject of infrastructure development or his representative;

(g) the supervising officer of the Ministry responsible for the subject of local government or his representative;

(h) the supervising officer of the Ministry responsible for the subject of solid waste management and hazardous waste or his representative;

(i) the supervising officer of the Ministry responsible for the subject of tourism or his representative;

(j) the Accountant-General or his representative; and

(k) a representative of the Land Drainage Authority established under Land Drainage Authority Act.

(2) The Board –

(a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;

(b) may co-opt such other members with relevant expertise as and when required;

(c) may set up such subcommittees as may be necessary; and

(d) shall regulate its meetings and proceedings in such manner as it may determine.

(3) Any co-opted member may take part in the deliberations of the Board but shall have no right to vote on any matter before it.

(4) At any meeting of the Board, half of its members shall constitute a quorum.

(5) An officer of the Ministry, to be designated by the supervising officer, shall act as the Secretary to the Board.

## **91. Income and disbursement**

(1) The Fund shall consist of –

(a) any fund raised from public activities organised with the approval of the Board;

(b) any contribution made by the private sector;

(c) any donation, grant and other receipt from international organisations;

(d) any money received from the Consolidated Fund; and

(e) such other sum as may lawfully accrue to the Fund.

(2) No disbursement of money shall be made from the Fund except –

(a) for the purposes of the Fund; and

(b) with the authorisation of the Board.

(3) Article 910 of the Code Civil Mauricien shall not apply to donations made to the Fund.

## **92. Audit and accounts**

(1) The Finance Officer of the Ministry shall –

(a) not later than 3 months after each financial year, prepare and submit to the Director of Audit –

(i) an annual statement of the receipts and payments of the Fund for that financial year; and

(ii) a balance sheet showing the assets and liabilities of the Fund in respect of that financial year;

(b) as soon as practicable after the end of each financial year, furnish to the Minister a report dealing with the activities and financial position of the Fund during that period;

(c) attend the meetings of, and advise, the Board on the financial standing of the Fund.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual reports and audited annual accounts of the financial year before the Assembly.

## **PART IX – ENVIRONMENT PROTECTION FEE**

### **93. Interpretation of Part IX**

In this Part –

“designated establishment” means premises or a set of premises listed in the second column of Part I of the Tenth Schedule;

“fee” –

(a) means the environment protection fee charged under section 94; and

(b) includes any surcharge payable under section 96;



“guest house” has the meaning as in the Tourism Authority Act;

“hotel” has the meaning as in the Tourism Authority Act;

“manager”, in relation to a designated establishment, means –

- (a) the person responsible for its management; and
- (b) includes the licensee;

“month” includes part of a month;

“tourist residence” has the meaning as in the Tourism Authority Act.

**94. Charge of environment protection fee**

(1) Subject to this section, there shall be levied –

- (a) on every designated establishment; or
- (b) on the importer, in respect of imported goods for home consumption specified in the second column of Part II of the Tenth Schedule, at the time of importation,

a fee to be known as the environment protection fee.

(2) (a) The manager of every designated establishment shall, after the end of every month, pay to the Director-General on its monthly turnover in respect of that month, a fee at the corresponding rate specified in the third column of Part I of the Tenth Schedule within the period specified in the fourth column of that Schedule.

(b) The fee on imported goods for home consumption specified in the second column Part II of the Tenth Schedule shall be payable to the Director-General in accordance with section 9A of the Customs Act.

(3) Where a designated establishment ceases its activity, the fee calculated under subsection (2) shall be paid within 7 days of the date of the cessation of its activities.

(4) Any person who fails to pay the fee leviable under this section shall commit an offence.

## **95. Registration of enterprise or activity**

(1) Subject to this section, every manager shall, within 14 days of the start of its activity, register the designated establishment with the Director-General by submitting an application for registration in such form as the Director-General may approve.

(2) For the purpose of registration under subsection (1), the manager shall provide the full name and address, the nature of the activity, the turnover and the number of employees in respect of the accounting year of the designated establishment and such other information and particulars as may be required in the form of registration.

(3) Notwithstanding subsections (1) and (2), where a person is registered under the Business Registration Act and the premises where he carries out his activities fall within the meaning of a "designated establishment", the premises shall be deemed to have been registered as a designated establishment with the Director-General under this section as from the starting date of his activity.

(4) Where, after the registration of a designated establishment under this Part, there is a change in the turnover or number of employees which may affect the liability to the fee payable, or there is a change in any of the other particulars provided, the manager shall, within 14 days of the occurrence of the change, give notice in writing to the Director-General.

(5) Where a designated establishment ceases its activity, the manager shall, within 7 days thereof, give written notice to that effect to the Director-General.

(6) Any manager who fails to comply with this section shall commit an offence.

## **96. Penalty and interest for late payment of fee**

Where a manager fails to pay the environment protection fee under section 94(2)(a) on the last day on which it is payable, he shall be liable to pay to the Director-General, in addition to the fee –

- (a) a penalty of 5 per cent of the fee; and
- (b) interest at the rate of one per cent per month or part of the month on any amount of fee unpaid up to the date of payment.

## **97. Assessment and recovery of fee**

The provisions of Parts VII, VIII and IX, and sections 65, 67, 68, 69, 70 and 71 of the Value Added Tax Act shall apply to the fee with such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this Part.

## **PART X – CIRCULAR ECONOMY AND EXTENDED PRODUCER RESPONSIBILITY**

### **98. National Circular Economy Policy, Strategy and Action Plan**

(1) The National Circular Economy Policy, Strategy and Action Plan shall –

- (a) be formulated in accordance with regional and international instruments; and
- (b) after consultation with the relevant stakeholders, set out the policies, goals, objectives and priorities.

(2) The National Circular Economy Policy, Strategy and Action Plan shall include strategic orientations in respect of the key sectors of the economy, including agri-food, consumer goods, mobility and logistics, other than waste management.

(3) The National Circular Economy Policy, Strategy and Action Plan shall, for the purposes of paragraphs (1) and (2), take the following into consideration –

- (a) product design and sustainable production, life cycle analysis of products, value-chain, sustainable consumption, better waste management, circular business models, innovation and a circular culture;
- (b) research and development; and
- (c) monitoring, evaluation and reporting mechanisms.

(4) The National Circular Economy Policy, Strategy and Action Plan shall promote –

- (a) education, training and public awareness; and
- (b) the use of criteria relating to the circular economy in public procurement.

(5) The National Circular Economy Policy, Strategy and Action Plan shall be reviewed every 5 years or at such time as the Minister may determine.

**99. Extended producer responsibility**

(1) Any person who develops, manufactures or processes any product shall –

- (a) adopt sustainable consumption and production practices; and
- (b) minimise the waste generated throughout the life cycle of a product.

(2) For the purpose of subsection (1), a person shall –

- (a) improve the production processes;
- (b) monitor the product cycle from beginning to end;
- (c) incorporate cleaner production measures and technologies that deliver the best overall environmental outcome in the design and disposal of a product; and
- (d) incorporate circular economy interventions by reducing, reusing, repairing, refurbishing, remanufacturing, repurposing, recycling and recovering materials.

(3) (a) The Minister may require a person who manufactures, imports, distributes or sells a substance, preparation or other product to –

- (i) take in the product and its container after use;
- (ii) ensure that appropriate measures are taken to recover or dispose of the product; or
- (iii) ensure that the product, after it is taken in, is transferred to such person as may be prescribed to be responsible for its proper disposal.

(b) The Minister may make such regulations as may be necessary for the purpose of paragraph (a).

(4) A natural or legal person whose activities generate waste that pollute

the environment shall take such measures as may be necessary to minimise waste through treatment, reclamation, re-use, recovery or recycling.

- (5) The Minister may identify –
  - (a) a product or class of products in respect of which extended producer responsibility measures shall be taken; and
  - (b) the category of natural and legal persons to whom such measures shall apply.

## **PART XI – PLASTIC MANAGEMENT**

### **100. Establishment of Plastic Management Committee**

- (1) There shall be, for the purposes of this Act, the Plastic Management Committee.
- (2) The Plastic Management Committee shall consist of –
  - (a) the supervising officer, as chairperson;
  - (b) the Director, as vice-chairperson;
  - (c) a representative of every Ministry and organisation listed in the Eleventh Schedule; and
  - (d) the representatives of 3 non-governmental organisations and 3 plastic manufacturers or recyclers, to be appointed by the Minister.
- (3) The Plastic Management Committee –
  - (a) shall meet as often as it is necessary and at such place and time as the chairperson may determine;
  - (b) may co-opt such other members with relevant expertise as and when required;
  - (c) may set up such subcommittees as may be necessary; and
  - (d) shall regulate its meetings and proceedings in such manner as it may determine.

(4) Any co-opted member may take part in the deliberations of the Plastic Management Committee but shall have no right to vote on any matter before it.

(5) At any meeting of the Plastic Management Committee, half of its members shall constitute a quorum.

(6) An officer of the Ministry, to be designated by the supervising officer, shall act as the Secretary to the Plastic Management Committee.

#### **101. Objects of Plastic Management Committee**

The objects of the Plastic Management Committee shall be to –

- (a) ensure the development and implementation of policies, projects, strategies, programmes and action plans for plastic management;
- (b) make proposals for the formulation, review and enforcement of legislation in respect to plastic, including the application of appropriate standards;
- (c) advise on research, innovation and development programmes for the purpose of promoting alternatives to plastics and reducing microplastics;
- (d) ensure public awareness on plastic pollution and related matters;
- (e) make recommendations for mainstreaming of regional and international commitments to end plastic pollution in policies, strategies and action plans of relevant Ministries;
- (f) ensure the implementation of projects to fulfil national, regional and international commitments in relation to control of plastic pollution; and
- (g) coordinate and control the amount of plastic waste in the environment by adopting circular economy and other environmental-friendly disposal solutions.

#### **102. Regulating plastic pollution**

The Minister may make such regulations as may be necessary for –

- (a) the preservation and conservation of the environment against plastic;

- (b) the prevention, reduction and control of plastic pollution;
- (c) the implementation of obligations under, and giving effect to, international and regional agreements.

## **PART XII – ENFORCEMENT MEASURES**

### **Sub-Part A – Powers of Authorised Officers**

#### **103. Powers of entry**

(1) An authorised officer may, at any time, enter any premises other than a dwelling house, for the purposes of –

- (a) carrying out any lawful direction given by an enforcing agency or the Director under this Act;
- (b) determining whether an environmental law or a programme approval, an enforcement notice, a prohibition notice or a direction is being complied with;
- (c) discharging any other functions under an environmental law.

(2) An authorised officer shall not enter a dwelling house unless –

- (a) he has given to the owner or occupier of the house 24 hours' notice in writing of his proposed entry; and
- (b) he has obtained the consent of the owner or occupier of the house.

(3) An authorised officer may, on entering any premises under subsection (1) –

- (a) require the owner or occupier of the premises to produce any record, document or licence;
- (b) examine any such record, document or licence, and take copies or extracts therefrom;
- (c) make any plan, take any photograph and carry out any inspection;

- (d) make any test, take any measurement and sample, inspect any plant, machinery, equipment or vehicle;
- (e) require the owner or occupier of the premises, or any person employed by him, or any other person on the premises, to give to the authorised officer all reasonable assistance and to answer all reasonable questions either orally or in writing.

(4) For the purpose of discharging his functions under this section, the authorised officer may bring with him any person or equipment as may be necessary.

#### **104. Entry and arrest without warrant**

(1) Where –

- (a) there is, or has been, a contravention of an environmental law;
- (b) there is reasonable suspicion that a contravention of an environmental law has been, or is likely to be, committed;
- (c) an environmental emergency is declared;
- (d) an oil spill occurs, or is reasonably suspected to have occurred, or is likely to occur;
- (e) in his opinion, there is a serious pollution, or an imminent risk of serious pollution, of the environment,

an authorised officer may, at any time and without warrant, enter and search premises, other than a dwelling house.

(2) An authorised officer may, on entering any premises under subsection (1) –

- (a) secure any article, object, equipment, plant or machinery related to the contravention, or suspected to be a cause of oil spill or pollution to the environment;
- (b) secure any document, file or record reasonably required for the investigation or for the prevention of the contravention;
- (c) require any person suspected of having contravened an environmental law to produce satisfactory proof of his identity and address;



- (d) arrest any person reasonably suspected of having committed or being likely to commit the contravention whose name and address cannot be immediately ascertained, and detain him until his identity and address are known;
- (e) exercise any of the powers conferred under section 103(3).

#### **105. Entry in dwelling house**

(1) A Magistrate may, on being satisfied that an authorised officer should exercise the powers conferred upon him under section 103 or 104 in respect of a dwelling house, issue a warrant authorising the authorised officer to exercise those powers.

(2) A warrant issued under subsection (1) shall be valid for the period stated in the warrant.

#### **106. Authorised officer to produce authority**

(1) When exercising his powers under section 103, 104 or 105, the authorised officer, other than a police officer, shall –

- (a) hold a card signed by the relevant supervising officer showing his authority;
- (b) produce that card, upon request, to any person in the premises.

(2) A police officer shall produce his warrant card as proof of his authority when exercising his powers under section 103, 104 or 105.

#### **107. Obstruction of authorised officer**

Any person who –

- (a) refuses to allow an authorised officer to enter any premises or take any person or equipment with him in the exercise of his powers;
- (b) obstructs or impedes an authorised officer in the exercise of his powers;
- (c) fails to provide assistance or information requested by an authorised officer; or

- (d) gives to an authorised officer any information which is false or misleading,

shall commit an offence.

### **Sub-Part B – Issue of Notices**

#### **108. Interpretation of Sub-part B**

In this Sub-part –

“notice” means an enforcement notice, a variation notice, a programme notice, a stop order or a prohibition notice, as the case may be;

“person affected” means a person on whom a notice is served, or is proposed to be served.

#### **109. Programme notice**

(1) Where the Director is of opinion that a person is contravening, or is likely to contravene, an environmental law, he may serve, or cause to be served, on the person a programme notice –

- (a) stating the opinion of the Director;
- (b) specifying the matter constituting the contravention or the matter making it likely that a contravention will arise;
- (c) requesting the person to submit for his approval before a specified date a written programme of measures which the person intends to take to remedy the contravention or to eliminate the likelihood of a contravention.

(2) Where the Director is satisfied that an activity or an existing structure is causing harm to the environment without contravening an environmental law, he may issue a programme notice to any person responsible for the activity or the existing structure.

(3) The Director may –

- (a) hold consultations with the person affected to determine the appropriate method of remedying the contravention or eliminating the likelihood of the contravention;

- (b) consult a technical advisory committee or the Environment Coordination Committee;
  - (c) request the person to submit such additional information, proposal or research study as may be necessary.
- (4) On approving a programme of measures, the Director shall issue or cause to be issued a programme approval –
  - (a) stating the notice issued under subsection (1);
  - (b) specifying the measures that shall be taken to remedy the contravention or eliminate the likelihood of the contravention; and
  - (c) specifying the time frame within which the measures shall be implemented.
- (5) The Director may –
  - (a) supervise and issue directions in respect of the implementation of the measures contained in the programme approval;
  - (b) with the consent of the person affected, modify the programme approval;
  - (c) at any time, revoke a programme approval.
- (6) No person shall be prosecuted for a contravention in respect of which a programme approval is in force.
- (7) Where –
  - (a) a person fails to comply with –
    - (i) a request in a notice under subsection (1);
    - (ii) a programme approval issued under subsection (4);
    - (iii) any direction issued under subsection (5)(a); or

- (b) a programme approval is revoked under subsection (5)(c),

the Director may issue or cause to be issued an enforcement notice or a prohibition notice.

### **110. Enforcement notice**

- (1) Where the Director is of the opinion that –
  - (a) a person is contravening, or is likely to contravene, an environmental law; and
  - (b) a programme approval will not provide an effectual remedy, or a prohibition notice is not appropriate,

he may cause an enforcement notice to be served on the person.

- (2) An enforcement notice shall –
  - (a) state the opinion of the Director;
  - (b) specify the matter constituting the contravention or making it likely that the contravention will arise;
  - (c) specify the measures that shall be taken to remedy the contravention or to remedy or eliminate the matter making it likely that the contravention will arise; and
  - (d) specify a time frame within which those measures shall be implemented.

(3) No person shall be prosecuted for a contravention in respect of which an enforcement notice is in force.

(4) Any person who fails to comply with an enforcement notice shall commit an offence.

### **111. Prohibition notice**

(1) Where the Director is of the opinion that an enterprise or activity, or the manner in which the enterprise or activity is carried out, involves a serious pollution or an imminent risk of serious pollution to the environment, he may serve or cause to be served a prohibition notice on the person owning, managing or in charge of, or in control of, the enterprise or activity.

- (2) A prohibition notice may be served whether or not –
- (a) the enterprise or activity, or the manner in which the enterprise or activity is carried out, constitutes a contravention of an environmental law;
  - (b) there is in force in relation to that enterprise or activity, a licence, a permit or an approval issued under an environmental law or under any other enactment;
  - (c) there is before a Court or before the Judge in Chambers any case involving the subject matter in relation to which a notice is being issued, unless the Court or Judge has issued an Order preventing the Director from issuing the prohibition notice.

- (3) A prohibition notice shall –
- (a) state the Director’s opinion;
  - (b) specify the serious pollution caused, or the risk of serious pollution involved, or the manner in which the enterprise or activity is carried out, is suspected to give rise to the risk;
  - (c) specify the measures that shall be taken to eliminate the serious pollution caused, or the risk of pollution, and the period within which they shall be implemented;
  - (d) specify –
    - (i) the enterprise or activity, or any aspect of the enterprise or activity, that is prohibited from operation or performance; or
    - (ii) any condition subject to which the enterprise or activity may be resumed.

(4) A prohibition notice shall not be a bar to prosecution for any offence, even if there are consultations with the person affected.

(5) Any person who fails to comply with a prohibition notice shall commit an offence.

## **112. Stop order**

(1) Where a person commences or carries on any development or activity without the relevant licence, permit or approval issued under this Act, the Director may cause to be served on that person or any person responsible for the giving of instructions for the carrying out of such development or activity, a stop order prohibiting the development or the activity.

(2) Any person who fails to comply with a stop order issued under subsection (1) shall commit an offence.

## **113. Consultation on notices**

(1) The Director shall, before or at any time after issuing a notice, consult, as far as he deems necessary, the person affected or the Committee.

(2) The Director may, in respect of a notice, consult a technical advisory committee or any public department on a notice.

## **114. Variation notice**

(1) Any person affected may apply to the Director for an amendment of a notice.

(2) The Director may, on his own initiative or on application, amend a notice by causing to be served on the person affected a variation notice.

(3) A variation notice shall –

(a) refer to the notice which is amended;

(b) specify the amendment to the notice;

(c) where necessary, vary the date specified in the notice.

(4) A variation notice shall supersede the notice to which it refers to the extent of the amendment.

(5) Any person who fails to comply with a variation notice shall commit an offence.

## **115. Service of notice**

(1) A notice issued under this Act shall be served –

- (a) personally on the person affected, or in the case of a body corporate, at its registered address; or
- (b) by registered post sent to, or by leaving a copy at, the last known address of the person affected.

(2) Where service could not be effected by the means referred to in subsection (1), the service shall be effected by affixing a copy of the notice at the place –

- (a) of the undertaking which is the subject matter of the notice;
- (b) where a contravention is being committed, or has been committed, or is suspected to have been committed; or
- (c) where a pollution has been or is occurring, or is likely to occur.

(3) A certificate of an authorised officer or any other officer of the Department as to service under subsection (1) shall be prima facie evidence of effective service of the notice on the person affected.

#### **116. Revocation of notices**

(1) Where the Director is satisfied that –

- (a) (i) the measures required to be taken in a notice have been implemented; and
- (ii) there exists no further pollution, or risk of pollution, to the environment caused by the enterprise or activity or the manner in which the enterprise or activity is carried on;
- (b) the notice is not, or will not, be effectual; or
- (c) the relevant licence, permit and approval has been issued under this Act,

he may revoke a notice and shall inform the person affected in writing.

(2) The Director may –

- (a) when revoking a notice, serve a programme notice;

- (b) when revoking an enforcement notice, serve a prohibition notice;
- (c) when revoking a prohibition notice, serve a programme notice or enforcement notice.

### **Sub-Part C – Eyesores**

#### **117. Eyesore abatement notice**

(1) An authorised officer may serve an eyesore abatement notice on the owner, occupier or heirs of any land, building or structure on which any eyesore specified in the Twelfth Schedule is detected.

(2) An eyesore abatement notice shall be in the form set out in the Thirteenth Schedule and may be served on the owner, occupier or heirs of the land, building or structure, by personal service or by registered post with a request for an *accusé de réception*.

(3) (a) Any person to whom an eyesore abatement notice is served shall abate the violation mentioned in it within the period specified in the notice, which shall not be more than 30 days from the day the notice is served or, in the case of registered service, from the date the notice is received by the person.

(b) Any person who fails to comply with the eyesore abatement notice shall commit an offence.

(4) (a) Where the name or address of the owner, occupier or heirs of any land, building or structure on which an eyesore is detected cannot be ascertained, the Director may, in writing, authorise the relevant enforcing agency or an authorised officer to enter the land, building or structure and cause the eyesore to be removed and the expenses incurred may be disbursed from the Fund.

(b) Where the name or address of the owner, occupier or heirs of any land, building or structure from which an eyesore has been removed under paragraph (a) is later ascertained, the expenses incurred in the removal of the eyesore, including interests and costs, may, within a period of 10 years of the removal, be recovered by the Director from the owner, occupier or heirs in accordance with the Recovery of State Debts Act.

(c) Any amount recovered under paragraph (b) shall be credited to the Fund.

(5) (a) Where the Director is of the opinion that an eyesore is recurrent or is an imminent danger to the public, he may serve or cause to be served a



programme notice under section 109, requiring the person to submit, for his approval, within such period as may be specified in the notice, a written programme of measures to abate the eyesore.

(b) Where the eyesore is not removed within the delay specified in the programme notice, the Director may, in writing, authorise the relevant enforcing agency or an authorised officer to enter the land, building or structure and cause the eyesore to be removed.

(c) The expenses incurred in the removal of the eyesore, including interests and costs, may, within a period of 10 years of the removal, be recovered by the Director from the person on whom the programme notice has been served in accordance with the Recovery of State Debts Act.

(d) Any amount recovered under paragraph (c) shall be credited to the Fund.

#### **Sub-Part D – Monitoring of Environmental Quality**

##### **118. Compliance monitoring**

(1) The Director may, after consultation with the Committee, in relation to an activity, enterprise or undertaking, carry out or cause to be carried out, or arrange for monitoring of environmental quality, and the nature, extent and effects of discharges of pollutants, as the Director deems necessary for ensuring compliance with an environmental law.

(2) The Director may require a person responsible for an activity, enterprise or undertaking from which there is a discharge of a pollutant into the environment, to –

- (a) carry out such monitoring of the nature, extent and effect of the discharge and of the quality of any environmental medium likely to be affected by the discharge; and
- (b) keep and supply to him records of the monitoring and provide such other information as the Director deems necessary.

(3) Any person who fails to comply with a requirement under subsection (2) shall commit an offence.

## PART XIII – THE TRIBUNAL

### 119. Jurisdiction of Tribunal

The Tribunal shall hear and determine appeals against –

- (a) a decision of the Minister under section 30(3), 37(1), 38(1) or (3), 44(3) or (5), 45(1) or (3), 51(3) or (5), 52(5)(d) or (6) or 56(1)(a) or (b);
- (b) the service of a notice by the Director under section 109(1), 110(1), 111(1), 112(1), 114(2) or 116(2);
- (c) a decision of the Director under section 109(5)(c); or
- (d) such other matters as may be prescribed.

### 120. Appeal to Tribunal

Where the Minister has decided to issue a PER, an EIA or a SEA licence for multiple undertakings, any person who –

- (a) is aggrieved by the decision; and
- (b) is able to show that the decision is likely to cause him undue prejudice; and
- (c) had submitted a statement of concern in response to section 33(4) and a notice published under section 42,

may appeal against the decision to the Tribunal.

### 121. Claim to Tribunal

(1) Any person who has suffered damage or prejudice as a result of a breach of an environmental law by another person may make a claim to the Tribunal where the claim does not exceed 50,000 rupees.

(2) The Tribunal may, on a claim being made under paragraph (a), make such order as it may determine, including an award of damages against the person who has caused the damage or prejudice.

## **122. Bar to civil proceedings**

(1) The Tribunal shall not hear and determine a complaint under this Act unless the person making the complaint has voluntarily made a sworn statement, in such form as may be prescribed, that he has waived his right to initiate civil proceedings before any Court in Mauritius in respect of the facts that form the subject matter of the complaint.

(2) A waiver referred to in subsection (1) shall constitute a bar to subsequent civil proceedings being initiated by the complainant before any Court in Mauritius in respect of the subject matter of the complaint.

(3) In this section –

“civil proceedings” does not include an application made under section 17 or 83 of the Constitution.

## **PART XIV – APPLICATION OF ACT TO RODRIGUES**

### **123. Establishment of Rodrigues Environment Committee**

(1) There shall be, for the purposes of this Act, the Rodrigues Environment Committee.

(2) The Rodrigues Environment Committee shall consist of –

- (a) the Commissioner for Environment, as chairperson;
- (b) the Departmental Head of Environment, as vice-chairperson;
- (c) a representative of the Ministry responsible for the subject of environment;
- (d) a representative of the Commission responsible for the subject of –
  - (i) agriculture;
  - (ii) education;
  - (iii) environment;
  - (iv) fisheries;

- (v) health;
  - (vi) tourism; and
  - (vii) forestry services;
- (e) a representative of the *Police de L'Environnement* in Rodrigues; and
  - (f) 2 other persons, to be appointed by the Chief Commissioner, including one representative of non-governmental organisation.
- (3) The Rodrigues Environment Committee shall –
- (a) develop such administrative measures as may be necessary to ensure prompt and effective consultation on matters relating to environmental protection, management and conservation in Rodrigues;
  - (b) make recommendations to the Rodrigues Regional Assembly on matters relating to environmental protection, management and conservation in Rodrigues, including control measures and means of enforcement of environmental laws; and
  - (c) devise such educational programmes as it may determine in respect of environmental protection, management and conservation in Rodrigues.
- (4) The Rodrigues Environment Committee –
- (a) shall meet as often as it is necessary but at least once every month and at such place and time as the chairperson may determine;
  - (b) may co-opt such other members with relevant expertise as and when required;
  - (c) may set up such subcommittees as may be necessary; and
  - (d) shall regulate its meetings and proceedings in such manner as it may determine.

(5) Any co-opted member may take part in the deliberations of the Rodrigues Environment Committee but shall have no right to vote on any matter before it.

(6) At any meeting of the Rodrigues Environment Committee, half of its members shall constitute a quorum.

(7) There shall be a Secretary to the Rodrigues Environment Committee, to be appointed by the Chief Commissioner.

#### **124. Powers of Island Chief Executive**

(1) Subject to this Act, the Island Chief Executive shall exercise all the powers of the Director in the enforcement of environmental laws in Rodrigues, and shall, for that purpose in relation to Rodrigues, issue any of the notices and orders referred to in Sub-part B of Part XII.

(2) The Island Chief Executive shall, in relation to Rodrigues –

- (a) supervise the enforcement of national environmental standards and notices, orders and directions issued under any environmental law;
- (b) verify compliance with environmental laws;
- (c) conduct such regular monitoring, sampling, testing and analysis as to ensure compliance with environmental laws;
- (d) provide such assistance as may be required for reviewing a PER, an EIA or a SEA licence or approval relating to an undertaking in Rodrigues, and in case of an oil spill or of an environmental emergency.

(3) The Rodrigues Environment Committee shall establish a Rodrigues Environment Unit which shall consist of the public officers sitting on the Environment Coordination Committee for the purpose of assisting the Island Chief Executive in the discharge of his functions under subsection (2).

(4) The officers of the Rodrigues Environment Unit shall, in respect of Rodrigues, have all the powers of an authorised officer under this Act.

## **125. Regulations for Rodrigues**

(1) Subject to subsection (3) and notwithstanding section 147(2)(d), the Rodrigues Regional Assembly may, after consultation with the Rodrigues Environment Committee, make such regulations as may be necessary for Rodrigues.

(2) Regulations made under subsection (1) may provide –

- (a) for the issue, amendment and revocation of a licence or approval;
- (b) for the taking of fees and the levying of charges;
- (c) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 10 years;
- (d) for categories of undertakings, projects or activities in Rodrigues requiring a PER, an EIA or a SEA licence or approval; and
- (e) for any matter relating to environmental protection, management and conservation in Rodrigues.

(3) Nothing in this section shall be taken as empowering the Rodrigues Regional Assembly to make regulations for –

- (a) the processing, licensing and revocation of a PER, an EIA and a SEA licence or approval;
- (b) establishing environmental standards.

## **PART XV – CRIMINAL PROCEEDINGS**

### **Sub-Part A – Prosecution and Jurisdiction**

#### **126. Prosecution**

An authorised officer may swear an information and conduct prosecution in respect of an offence under an environmental law before a Magistrate.

#### **127. Jurisdiction**

(1) Notwithstanding –

- (a) section 114 of the Courts Act; and
- (b) section 72(5) of the District and Intermediate Courts (Criminal Jurisdiction) Act,

a District Court or the Intermediate Court shall have jurisdiction to try an offence under any environmental law and may impose any penalty provided for that offence.

(2) Sections 152 and 153 of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a sentence provided under an environmental law.

### **Sub-Part B – Powers of Court**

#### **128. Offences and penalties**

- (1) Any person who –
  - (a) fails to comply with any requirement, notice, order or direction issued, or condition imposed, under an environmental law;
  - (b) on being required to submit a report, or to provide information under this Act –
    - (i) fails to do so within the specified date; or
    - (ii) submits a false report or submits a report misleading in any material particular; or
    - (iii) provides false or misleading information;
  - (c) fails to acknowledge or evades service of any notice, order or direction issued under this Act or any regulations made under this Act;
  - (d) otherwise contravenes an environmental law,

shall commit an offence, and unless it is otherwise specifically provided, shall –

- (i) on a first conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years;

- (ii) on a second or subsequent conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 10 years.

(2) Any person who commits an offence under section 24(1), 25(1), 60(4), 87(3), 94(2)(a) or (b), 95(1), 107, 110(4), 111(5), 112(2), 114(5), 117(3)(b), 118(3) or 139(1)(a) or (b) shall –

- (a) on a first conviction, be liable to a fine which shall not be less than 50,000 rupees and not exceeding 500,000 rupees and to imprisonment for a term not exceeding 2 years;
- (b) on a second or subsequent conviction, be liable to a fine which shall not be less than 100,000 rupees and not exceeding 500,000 rupees and to imprisonment for a term not less than 5 years and not exceeding 10 years.

(3) Any person who commits an offence under section 30(1), 37(6), 44(9), 51(9), 52(1), 53(1), 56(1)(b) or (c), 61(2) or (4) or 62(2) shall –

- (a) on a first conviction, be liable to a fine which shall not be less than 100,000 rupees and not more than 500,000 rupees and to imprisonment for a term not exceeding 5 years;
- (b) on a second or subsequent conviction, be liable to a fine which shall not be less than 250,000 rupees and not exceeding one million rupees and to imprisonment for a term not less than 5 years and not exceeding 10 years.

## **129. Guidelines for determination of penalties**

(1) The determination of any penalty to be imposed for an offence under an environmental law shall be adequate in severity to be effective in securing compliance and to discourage contraventions wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities.

(2) In determining any penalty to be imposed for an offence under an environmental law, the Court shall, in particular, take the following into account –

- (a) the seriousness of the offence, taking into consideration the –
  - (i) maximum amount of fine and imprisonment;



- (ii) degree of impact of the offence on the environment and the economic and social well-being of citizens of Mauritius;
  - (iii) scope of the offence;
  - (iv) duration of the offence;
  - (v) whether personal injury or loss of life was involved; and
  - (vi) associated offences, if multiple offences were committed;
- (b) the situation of the offender, taking into consideration –
- (i) the material and other benefits received as a result of commission of the offence;
  - (ii) whether it is a first, second, third and subsequent offence;
  - (iii) whether multiple offences are involved;
  - (iv) whether the offender was acting alone or associated with others in committing the offence;
  - (v) the likelihood that the offender will repeat the offence; and
  - (vi) the impact of the amount of fine or imprisonment, or both, on the offender.

### **Sub-Part C – Other Sanctions and Additional Powers of Court**

#### **130. Imposition of other penalties**

Where a person is convicted of an offence under an environmental law and that offence has resulted in damage to the environment in general, a penalty, in addition to any fine imposed for that offence –

- (a) equal to twice the value of the reduction in market value caused by the offence; or
- (b) twice the total cost of restoration of the environment,

shall be imposed by the Court and that penalty shall be recovered in the same manner as a fine.

### **131. Ordering deprivation of monetary benefits**

Where a person is convicted for an offence under an environmental law and the Court is satisfied that, as a result of committing the offence, the person has acquired monetary benefits or monetary benefits accrued to that person, the Court shall, in addition to the fine or imprisonment imposed for that offence, order the person to pay a penalty in an amount equal to those monetary benefits and that penalty shall be recovered in the same manner as a fine.

### **132. Ordering compensation for loss or damage**

Where a person is convicted for an environmental law offence, the Court shall, in addition to the fine imposed for that offence, order the person to pay –

- (a) compensation to the owner of any property damaged or destroyed as a direct result of the offence;
- (b) any cost incurred in detecting, apprehending, investigating or prosecuting the offence;
- (c) any cost incurred in detaining or seizing any property, article or thing in respect of that offence;
- (d) compensation for the cost of clearing any pollution that may have been caused as a direct result of the offence or removing any object that continue to cause such pollution; or
- (e) any other loss or damage caused by the offence,

and the compensation for such loss, damage or costs shall be recovered in the same manner as a fine.

### **133. Forfeiture order**

(1) Where a person is convicted for an offence under this Act, the Court, in addition to any fine, imprisonment or any other penalty imposed for that offence shall order the forfeiture of –

- (a) any object, machine, plant, vehicle or any article used in, or connected in any way, with the commission of an offence;
- (b) the benefits accruing from the commission of the offence.

(2) Any item forfeited under this section shall be the property of the Government.

### **134. Additional powers of Court**

(1) Where a person is convicted for an offence under an environmental law, the Court may, in addition to any fine, imprisonment or any other penalty imposed for that offence, after considering the nature of the offence and the circumstances surrounding its commission, make the following additional orders –

- (a) prohibit the offender from doing any act or engaging in any activity that may result in the continuation or repetition of the offence;
- (b) direct the offender to take such action as the Court may determine to remedy or to avoid any harm to the environment that results or may result from the act or omission that constituted the offence;
- (c) order, or prohibit, the doing of any act to stop a continuing contravention;
- (d) require the offender to comply with such other reasonable condition as the Court may determine and just in the circumstances for securing the offender's good conduct and preventing the offender from repeating the same offence or committing another offence.

(2) Where the conviction relates to an enforcement notice, a prohibition notice, an order or direction, the Court shall order compliance with the notice, order or direction within such period as the Court may determine.

(3) Where the conviction relates to section 30(1), the Court shall make an order that the undertaking be stopped, ceased, closed or pulled down, as the case may be.

### **Sub-Part D – Admissible Evidence**

#### **135. Certificate evidence**

(1) Any document or certificate purporting to be a report under the hand of any authorised officer upon any matter, or thing in connection with the administration or enforcement of this Act, or with an investigation carried out under this Act shall be admissible as evidence in any proceedings under this Act and shall

be prima facie evidence of the facts stated therein.

(2) For the purpose of this section, a document that constitutes a certificate in accordance with subsection (1) on its production by the prosecution shall, until the contrary is proved, be deemed to be a certificate.

(3) A certificate referred to in subsection (1) shall not be received in evidence under that subsection unless the person charged has been given –

- (a) a copy of the certificate; and
- (b) notice of the intention of the prosecution to produce the certificate as evidence in the proceedings, not less than 14 clear days before the case is heard in Court.

## **PART XVI – FIXED PENALTY OFFENCES**

### **136. Service of Fixed Penalty Notice**

(1) Notwithstanding any other enactment, where a person commits an offence specified in the second column of the Fourteenth Schedule, the authorised officer who detects the offence may, as soon as is reasonably practicable, and not later than 14 days after the commission of the offence, serve on that person a Fixed Penalty Notice (FPN) in the form set out in the Fifteenth Schedule calling upon him to pay in respect of the offence, the corresponding fixed penalty provided in the third column of the Fifteenth Schedule.

(2) An FPN under subsection (1) shall –

- (a) be drawn in quadruplicate; and
- (b) be served by personal service or registered post with a request for an *“accusé de réception”* or, where there has not been personal service or service with an *“accusé de réception”*, by affixing a copy on the premises of the offender.

(3) The authorised officer who detects the offence shall –

- (a) cause the original of the notice to be served on the offender;
- (b) forward one copy to the enforcing agency and another copy to the appropriate District Court; and
- (c) retain one copy.

### **137. Payment of fixed penalty**

(1) A person who is served with an FPN pursuant to section 136 shall, within 21 days –

- (a) attend the appropriate District Court specified in the FPN;
- (b) produce the FPN and his National Identity Card or any other proof of identity; and
- (c) pay the fixed penalty specified in the FPN.

(2) On receipt of payment made under subsection (1), the District Court Officer shall fill in Part B of the FPN and, within 14 days of the date of payment, return Part B of FPN to the authorised officer.

### **138. Non-payment of fixed penalty**

Where a person who has been served with an FPN under section 136 fails to pay the appropriate fixed penalty within the time limit mentioned in the FPN and criminal proceedings are instituted against him for the offence in respect of which he was served with the FPN, he shall, notwithstanding this Act or any other enactment, be liable, on conviction, to a fine which shall not be less than thrice the fixed penalty in respect of that offence.

### **139. Removal of nuisance, article or material**

(1) Where applicable, the authorised officer who detects the offence may, in addition to the fixed penalty notice served, require the person who committed the offence to –

- (a) remove any nuisance that may have been caused as a result of the offence; or
- (b) remove or destroy any article or material used in the commission of the offence,

within such time as he may specify, which shall not be less than 2 days nor more than 30 days from the date the notice is served or, in the case of registered service, from the date the notice is received by the person.

(2) Any person who, without any reasonable excuse, fails to comply with subsection (1) shall commit an offence.

## **PART XVII – COMPOUNDING OF OFFENCES**

### **140. Administrative Sanctions Panel**

(1) There shall be, for the purposes of this Part, an Administrative Sanctions Panel which shall consist of –

- (a) a law practitioner of at least 10 years standing, to be appointed by the Minister; and
- (b) 2 senior officers of the Ministry, to be designated by the supervising officer.

(2) The Administrative Sanctions Panel shall be responsible for determining the amount of penalty to be paid by a person who has committed a compoundable offence.

(3) There shall be, for the proper administration of the Administrative Sanctions Panel, a Secretary and such other officers as the supervising officer may designate.

(4) The chairperson and the members of the Administrative Sanctions Panel, including its officers, shall be paid such fees as the Minister may determine.

### **141. Proceedings of Administrative Sanctions Panel**

(1) Where a person has committed a compoundable offence, the Administrative Sanctions Panel shall promptly notify the person of the offence and shall request the person, within 21 working days of receiving such notification, to either consent to, or refuse, administrative proceedings.

(2) Where the person consents to administrative proceedings, he shall notify, in writing, the Administrative Sanctions Panel within 21 working days of the notification consenting to the offence being dealt with by administrative proceedings.

(3) Where the person notifies the Administrative Sanctions Panel pursuant to subsection (2), he shall be deemed to have consented to any seizure which took place in accordance with this Act in relation to the offence that is subject to the administrative proceedings and to have waived any right to any prosecution.

### **142. Payment of compoundable penalty**

(1) Where, pursuant to section 141(2), a person consents to administrative

proceedings, the Administrative Sanctions Panel may, with the consent of the Director of Public Prosecutions, order the person to pay such compoundable penalty, not exceeding the maximum fine specified for the offence, as determined under subsection (2).

(2) In determining the amount of compoundable penalty to be paid, the Administrative Sanctions Panel shall take the following into consideration –

- (a) the circumstances by which the offence was committed;
- (b) any report that may be prepared by the Director regarding the details of the offence;
- (c) the past convictions of the person, if any; and
- (d) the guidelines specified in section 129 and any other penalty that a Court may have imposed under Part XV, the provisions of which shall apply mutatis mutandis.

(3) Any administrative proceedings initiated under section 141 shall be null and void if the full amount of the compoundable penalty determined under subsection (2) is not paid within 14 days of the notification of such penalty to the person, and the matter shall immediately be referred to the Director of Public Prosecutions for prosecution.

(4) An agreement for the payment of a compoundable penalty may provide that any item used or involved in the commission of the offence be confiscated or forfeited.

(5) Where the Director of Public Prosecutions does not give his consent for a person to pay the compoundable penalty, the Director of Public Prosecutions may initiate prosecution against that person for the offence committed.

(6) Any administrative penalty paid for an offence shall accrue to the Consolidated Fund.

### **143. Agreement for administrative penalty final and conclusive**

(1) Every agreement to pay a compoundable penalty shall be final and conclusive and, on payment of the agreed amount, no further proceedings in regard to the offence shall be initiated against the person.

(2) Where a person has been subject to administrative proceedings, any admission made by the person during those proceedings shall not be used against him in the prosecution for the offence committed.

(3) In any proceedings brought against a person for an offence under this Act, it shall be a defence where such person proves that he has paid a compoundable penalty for that offence.

## **PART XVIII – MISCELLANEOUS PROVISIONS**

### **144. Protection from liability**

(1) No civil or criminal liability shall attach to the Minister, the Director, an officer of the Ministry, the Chief Commissioner, the Island Chief Executive, an authorised officer, an officer of a public department or a statutory committee, unit or department under this Act or any officer thereof, in respect of any act done in good faith in the discharge of his or its functions or exercise of his or its powers under this Act.

(2) Subsection (1) shall be in addition to, and not in derogation from, the Public Officers' Protection Act.

### **145. Disclosure of information**

Where the Director or any other officer of the Department, or any person appointed on a committee or any other person discharging any function or exercising any power under this Act discloses, otherwise than in the discharge of his functions or exercise of his powers, any information relating to any trade secret used in carrying on a particular undertaking, and the information has been given to him or obtained by him by virtue of this Act, he shall commit an offence.

### **146. Code of practice**

(1) The Minister may, after consultation with the Environment Coordination Committee, cause to be published in the Gazette codes of practice for the purpose of providing practical guidance with respect to appropriate pollution control technology, and generally with respect to the environmental protection, management and conservation.

(2) The Minister may, for the preparation of a Code of practice, consult a technical advisory committee or any person he deems necessary.



## **147. Regulations**

(1) The Minister may make such regulations as may be necessary for the purposes of this Act.

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

- (a) for the amendment of any Schedule;
- (b) for the issue, amendment and revocation of a licence, a permit, an approval or any other permission;
- (c) for the taking of fees and the levying of charges;
- (d) for the implementation or enforcement of an obligation under an MEA, including the introduction of a quota system;
- (e) for issuing policy and environmental guidance or standards for an activity that may have an adverse effect on the environment;
- (f) for the exemption from standards for noise under section 78 in relation to events or celebrations organised, sponsored or approved by the State;
- (g) for the implementation and enforcement of circular economy;
- (h) for issues pertaining to environmental, social and governance;
- (i) for restrictions on the affixing of posters or the type of material used for advertising, including the advertising of the colours of any group or organisation, in public places;
- (j) for the issue of guidelines with regard to the processing of Environmental Monitoring Plans; and
- (k) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 10 years.

## **148. Repeal**

The Environment Protection Act is repealed.

## 149. Consequential amendments

(1) The Beach Authority Act is amended, in section 2, in the definition of “beach enforcement officer”, in paragraph (b), by repealing subparagraph (iii) and replacing it by the following subparagraph –

(iii) an officer of the Department of Environment under the Environment Act 2024;

(2) The Building Control Act is amended, in section 4(1)(a), by repealing subparagraph (ii) and replacing it by the following subparagraph –

(ii) the Environment Act 2024;

(3) The Construction Industry Authority Act 2023 is amended, in section 16(1)(a), by repealing subparagraph (ii) and replacing it by the following subparagraph –

(ii) the Environment Act 2024;

(4) The Electricity Act 2005 is amended, in section (4)(6), by repealing paragraph (g) and replacing it by the following paragraph –

(g) the impact on the environment after consultation with the Department of Environment established under the Environment Act 2024;

(5) The Environment and Land Use Appeal Tribunal Act is amended –

(a) in section 2, in the definition of “relevant Act”, by repealing paragraph (b) and replacing it by the following paragraph –

(b) the Environment Act 2024;

(b) in section 4(1)(a), by repealing subparagraph (i) and replacing it by the following subparagraph –

(i) under section 119 of the Environment Act 2024;

(6) The Genetically Modified Organisms Act is amended, in section 2, by deleting the definition of “environment” and replacing it by the following definition –

“environment” has the same meaning as in the Environment Act 2024;

(7) The Land Drainage Authority Act is amended, in section 11, by deleting the words “the Environment Protection Act” and replacing them by the words “Environment Act 2024”.

(8) The Local Government Act is amended –

(a) in section 2, by deleting the definitions “EIA licence”, “Environment Coordination Committee”, “hazardous waste”, “preliminary environmental report” and “undertaking” and replacing them by the following definitions –

“EIA licence” has the same meaning as in the Environment Act 2024;

“Environment Coordination Committee” means the Environment Coordination Committee set up under the Environment Act 2024;

“hazardous waste” has the same meaning as in the Environment Act 2024;

“preliminary environmental report” has the same meaning as in the Environment Act 2024;

“undertaking” has the same meaning as in the Environment Act 2024;

(b) in section 50(2), in paragraph (k), by deleting the words “the Environment Protection Act” and replacing them by the words “Environment Act 2024”;

(c) in section 60, by repealing subsection (2);

(d) in section 61(7), by deleting the words “the Environment Protection Act” and replacing them by the words “Environment Act 2024”;

(e) in section 117 –

(i) in subsection (3), by repealing paragraph (d) and replacing it by the following paragraph –

(d) the Environment Act 2024;

- (ii) in subsection (4)(e) –
  - (A) by deleting the definition of “approved preliminary environmental report” and replacing it by the following definition –

“approved preliminary environmental report” means a preliminary environmental report approved under the Environment Act 2024;
  - (B) by deleting the definition of “EIA licence”;
- (iii) in subsection (6), (7)(a)(ii) and (8)(a)(ii), by deleting the words “the Environment Protection Act” and replacing them by the words “Environment Act 2024”.

(9) The Maritime Zones Act is amended, in section 21B(2), by repealing paragraph (d) and replacing it by the following paragraph –

- (d) obtains an EIA licence under the Environment Act 2024; and

(10) The Mauritius Fire and Rescue Service Act is amended, in section 2, by deleting the definition of “environment” and replacing it by the following definition –

“environment” has the same meaning as in the Environment Act 2024;

(11) The Mauritius Revenue Authority Act is amended –

- (a) in section 3(3)(b), by repealing subparagraph (i);
- (b) in section 21C(1)(a) and (c)(i), by deleting the words “section 69 of the Environment Protection Act” and replacing them by the words “section 97 of the Environment Act 2024”;
- (c) in section 28(14) –
  - (i) in paragraph (a), in subparagraphs (i) and (iii)(A), by deleting the words “section 69 of the Environment Protection Act” and replacing them by the words “section 97 of the Environment Act 2024”;

(ii) in paragraph (f), in subparagraph (iv), by deleting the words “the Environment Protection Act” and replacing them by the words “the Environment Act 2024”;

(d) in the First and Fifth Schedules, by deleting the following item –

Environment Protection Act in so far as it relates to Part X

and replacing it by the following item –

Environment Act 2024 in so far as it relates to Part IX

(12) The Morcellement Act is amended, in section 2, by deleting the definition of “EIA licence” and replacing it by the following definition –

“EIA licence” has the same meaning as in the Environment Act 2024;

(13) The National Coast Guard Act is amended, in section 2, by deleting the definition of “environmental laws” and replacing it by the following definition –

“environmental laws” has the same meaning as in section 2 of the Environment Act 2024;

(14) The National Disaster Risk Reduction and Management Act is amended, in section 16, by adding the following new subsection –

(3) Notwithstanding this Act, the National Crisis Committee shall, in the case of an oil spill to the environment, work in close collaboration with the National Oil Spill Coordination Committee under the Environment Act 2024.

(15) The National Environment Cleaning Authority Act 2022 is amended, in section 2, by deleting the definition of “National Environment and Climate Change Fund”

“National Environment and Climate Change Fund” means the National Environment and Climate Change Fund established under section 88 of the Environment Act 2024;

(16) The Native Terrestrial Biodiversity and National Parks Act is amended, in section 50(2), by deleting the words “Part IV of the Environment Protection Act” and replacing them by the words “Part IV of the Environment Act 2024”.

(17) The Occupational Safety and Health Act is amended, in section 4(1), by deleting the words “Environment Protection Act” and replacing them by the words “Environment Act 2024”.

(18) The Planning and Development Act is amended –

(a) in section 2, by deleting the definitions “Director” and “EIA” and “preliminary environmental report” and replacing them by the following definitions –

“Director” means the Director of Environment appointed under the Environment Act 2024;

“EIA” and “preliminary environmental report” have the same meaning as in the Environment Act 2024;

(b) in section 26(2), by repealing paragraph (f) and replacing it by the following paragraph –

(f) accompanied by such relevant application for EIA licence or a preliminary environmental report as may be required under the Environment Act 2024.

(c) in section 30(5)(f), by deleting the words “Environment Protection Act” and replacing them by the words “Environment Act 2024”.

(19) The Ports Act is amended, in section 5, by inserting, after subsection (1), the following new subsection –

(1A) The port master plan shall include –

(a) an assessment of the environmental, social and economic impacts and proposed mitigating measures;

(b) an assessment of the effects of climate change and proposed mitigating and adaptation measures;

(c) an assessment of the cumulative impacts on the environment; and

- (d) such measures as may be required for the purpose of monitoring the environmental impact of the project.

(20) The Professional Land Surveyors' Council Act is amended, in the Second Schedule, by deleting the following item –

Environment Protection Act

and replacing it by the following item –

Environment Act 2024

(21) The Public Health Act is amended, in section 2, by deleting the definition of “environmental law” and replacing it by the following definition –

“environmental law” has the meaning as in the Environment Act 2024;

(22) The Recovery of State Debts Act is amended, in section 10, by adding the following new paragraph, the full stop at the end of paragraph (g) being deleted and replaced by a semicolon –

- (h) expenses, including interests and costs, incurred as a result of an oil spill pursuant to section 73(2) of the Environment Act 2024 or incurred for the removal of an eyesore pursuant to section 117(4)(b) or (5)(c) of the Environment Act 2024, be exercised by the Director of Environment under the Environment Act 2024.

(23) The Rivers and Canals Act is amended –

- (a) in section 26, by repealing subsection (2);
- (b) in section 68, by repealing paragraphs (c), (i) and (j);
- (c) by repealing sections 70, 87, 88 and 91.

(24) The Shooting and Fishing Leases Act is amended, in the Schedule, in the Annex, by deleting the words “Environment Protection Act” and replacing them by the words “Environment Act 2024”.

(25) The Town and Country Planning Act is amended –

- (a) in section 2 –

(i) by deleting the definitions “EIA licence”, “preliminary environment report” and “undertaking”;

(ii) by inserting, in the appropriate alphabetical order, the following new definitions –

“PER approval” has the same meaning as in the Environment Act 2024;

“EIA licence” has the meaning as in the Environment Act 2024;

“SEA approval” has the same meaning as in the Environment Act 2024;

“undertaking” has the meaning as in the Environment Act 2024.

(b) by inserting, after section 14, the following new section –

**14A. Permit for undertaking**

No permit for development shall be issued in respect of an undertaking unless there is a PER approval, an EIA licence or a SEA approval in respect of that undertaking.

(26) The Waste Management and Resource Recovery Act 2023 is amended –

(a) by inserting, after section 8, the following new section –

**8A. Designation of temporary or permanent waste disposal site or waste management facility**

(1) Subject to any other enactment, the Minister may designate, by notice in the Gazette, a temporary or permanent waste disposal site or a waste management facility for hazardous or non-hazardous waste.

(2) Any temporary or permanent waste disposal site or waste management facility for hazardous or non-hazardous waste designated under section 60(2) of the Local Government Act shall be deemed to have been designated under this Act.



- (b) by repealing section 44 and replacing it by the following section –

**44. Fixed penalties**

(1) Notwithstanding any other enactment, where a person commits an offence specified in the second column of the Second Schedule, the authorised officer who detects the offence may, as soon as is reasonably practicable, and not later than 14 days after the commission of the offence, serve on that person a Fixed Penalty Notice (FPN) in the form set out in the Third Schedule calling upon him to pay in respect of the offence, the corresponding fixed penalty provided in the third column of the Second Schedule.

(2) An FPN under subsection (1) shall –

- (a) be drawn in quadruplicate; and
- (b) be served by personal service or registered post with a request for an "*accusé de réception*" or, where there has not been personal service or service with an "*accusé de réception*", by affixing a copy on the premises of the offender.

(3) The authorised officer who detects the offence shall –

- (a) cause the original of the notice to be served on the offender;
- (b) forward one copy to the Director and another copy to the appropriate District Court; and
- (c) retain one copy.

(4) A person who is served with an FPN pursuant to this section shall, within 21 days –

- (a) attend the appropriate District Court specified in the FPN;

- (b) produce the FPN and his National Identity Card or any other proof of identity; and
- (c) pay the fixed penalty specified in the FPN.

(5) On receipt of payment made under subsection (1), the District Court Officer shall fill in Part B of the FPN and, within 14 days of the date of payment, return Part B of FPN to the authorised officer.

(6) Where a person who has been served with an FPN under this section fails to pay the appropriate fixed penalty within the time limit mentioned in the FPN and criminal proceedings are instituted against him for the offence in respect of which he was served with the FPN, he shall, notwithstanding this Act or any other enactment, be liable, on conviction, to a fine which shall not be less than thrice the fixed penalty in respect of that offence.

(7) Where applicable, the authorised officer who detects the offence may, in addition to the fixed penalty notice served, require the person who committed the offence to –

- (a) remove any nuisance that may have been caused as a result of the offence; or
- (b) remove or destroy any article or material used in the commission of the offence,

within such time as he may specify, which shall not be less than 2 days nor more than 30 days from the date the notice is served or, in the case of registered service, from the date the notice is received by the person.

(8) Any person who, without any reasonable excuse, fails to comply with subsection (1) shall commit an offence.

- (c) in section 50(3), by deleting the words “sections 24 and 25” and replacing them by the words “sections 23 and 24”;
- (d) by adding the Third Schedule set out in the Sixteenth Schedule to this Act.

## 150. Savings and transitional provisions

(1) (a) Any prosecution in respect of any act instituted under the repealed enactment shall, on the commencement of this Act, continue under that enactment as if that enactment had not been repealed.

(b) A prosecution in respect of any act so investigated under the repealed enactment may, on the commencement of this Act, be instituted under that enactment as if that enactment had not been repealed.

(c) The Court shall, in respect of any prosecution instituted pursuant to paragraph (a) or (b), have all the powers that it could exercise under the repealed enactment as if that enactment had not been repealed.

(2) Any enforcement notice, variation notice, programme notice, stop order, prohibition notice, eyesore abatement notice or fixed penalty notice issued under the repealed enactment shall continue to be in force under that enactment as if that enactment had not been repealed.

(3) (a) Any matter instituted before any Court or the Tribunal pursuant to the repealed enactment shall continue under that enactment as if that enactment had not been repealed.

(b) The Court or the Tribunal shall, in respect of any matter instituted pursuant to paragraph (a), have all the powers that it could exercise under the repealed enactment as if that enactment had not been repealed.

(4) (a) Any registration, licence, authorisation, approval, clearance or other permission, or any requirement, order or direction, granted or issued under the repealed enactment and valid on the commencement of this Act shall continue to be valid under the repealed enactment as if that enactment had not been repealed.

(b) Any application for a registration, a licence, an authorisation, an approval, a clearance or other permission made under the repealed enactment and which is pending on the commencement of this Act shall be dealt with in accordance with this Act.

(5) Any fee or surcharge due under the repealed enactment may be recovered under this Act.

(6) Any reference to the Environment Protection Act under any enactment shall be deemed to be a reference to the Environment Act 2024.

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

### **151. 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.

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**FIRST SCHEDULE**  
[Section 2]

**LIST OF ENVIRONMENTALLY SENSITIVE AREAS**

1. Boreholes (wells)
  2. Caves (and other geological features)
  3. Coastal freshwater marshlands
  4. Coral reefs
  5. Forests with high native content
  6. Inter-tidal mudflats
  7. Islets
  8. Lakes and reservoirs
  9. Mangroves
  10. Rivers and creeks
  11. Sand beaches and dunes
  12. Seagrass beds
  13. Steep slopes
  14. Upland marshlands
-

## **SECOND SCHEDULE**

[Section 5(2)(b)]

### **MINISTERS ON NATIONAL ENVIRONMENT AND SUSTAINABLE DEVELOPMENT COMMISSION**

1. The Attorney-General
2. The Minister to whom responsibility for the subject of agriculture is assigned
3. The Minister to whom responsibility for the subject of commerce is assigned
4. The Minister to whom responsibility for the subject of disaster is assigned
5. The Minister to whom responsibility for the subject of economic development is assigned
6. The Minister to whom responsibility for the subject of education is assigned
7. The Minister to whom responsibility for the subject of environment is assigned
8. The Minister to whom responsibility for the subject of finance is assigned
9. The Minister to whom responsibility for the subject of financial services and good governance is assigned
10. The Minister to whom responsibility for the subject of fisheries is assigned
11. The Minister to whom responsibility for the subject of foreign affairs is assigned
12. The Minister to whom responsibility for the subject of health is assigned
13. The Minister to whom responsibility for the subject of housing and lands is assigned
14. The Minister to whom responsibility for the subject of industry is assigned
15. The Minister to whom responsibility for the subject of labour and industrial relations is assigned
16. The Minister to whom responsibility for the subject of local government is assigned

17. The Minister to whom responsibility for the subject of public infrastructure is assigned
  18. The Minister to whom responsibility for the subject of public service is assigned
  19. The Minister to whom responsibility for the subject of public utilities is assigned
  20. The Minister to whom responsibility for Rodrigues is assigned
  21. The Minister to whom responsibility for the subject of shipping is assigned
  22. The Minister to whom responsibility for the subject of solid waste and hazardous waste is assigned
  23. The Minister to whom responsibility for the subject of tourism is assigned
  24. The Minister to whom responsibility for the subject of transport is assigned
  25. The Minister to whom responsibility for the subject of women's rights, child development and family welfare is assigned
  26. The Minister to whom responsibility for the subject of youth and sports is assigned
-

### **THIRD SCHEDULE**

[Section 8(2)(d)]

#### **REPRESENTATIVES OF MINISTRIES ON NATIONAL NETWORK FOR SUSTAINABLE DEVELOPMENT**

1. The Prime Minister's Office
2. The Ministry responsible for the subject of agriculture
3. The Ministry responsible for the subject of climate change
4. The Ministry responsible for the subject of commerce
5. The Ministry responsible for the subject of economic development
6. The Ministry responsible for the subject of education
7. The Ministry responsible for the subject of environment
8. The Ministry responsible for the subject of finance
9. The Ministry responsible for the subject of fisheries
10. The Ministry responsible for the subject of good governance
11. The Ministry responsible for the subject of health
12. The Ministry responsible for the subject of housing and lands
13. The Ministry responsible for the subject of industry
14. The Ministry responsible for the subject of labour and industrial relations
15. The Ministry responsible for the subject of land transport
16. The Ministry responsible for the subject of local government
17. The Ministry responsible for the subject of national infrastructure
18. The Ministry responsible for the subject of public service
19. The Ministry responsible for the subject of public utilities



**20.** The Ministry responsible for the subject of solid waste and hazardous waste

**21.** The Ministry responsible for the subject of tourism

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## **FOURTH SCHEDULE**

[Section 11(2)(e)]

### **REPRESENTATIVES OF MINISTRIES AND OTHER ORGANISATIONS ON MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs) COORDINATING COMMITTEE**

1. The Prime Minister's Office
  2. The Attorney-General's Office
  3. The Ministry responsible for the subject of agriculture
  4. The Ministry responsible for the subject of economic development
  5. The Ministry responsible for the subject of environment
  6. The Ministry responsible for the subject of finance
  7. The Ministry responsible for the subject of fisheries
  8. The Ministry responsible for the subject of foreign affairs
  9. The Ministry responsible for the subject of health
  10. The Ministry responsible for the subject of local government
  11. The Ministry responsible for the subject of public utilities
  12. The Ministry responsible for the subject of solid waste and hazardous waste
  13. The Ministry responsible for the subject of shipping
  14. The Mauritius Oceanographic Institute
  15. The Mauritius Ports Authority
  16. The Mauritius Meteorological Services
-

**FIFTH SCHEDULE**  
[Sections 18(4)(b) and 21]

**ENFORCING AGENCIES**

**1.** In this Schedule –

“inland waters” –

(a) includes –

- (i) any river, watercourse, stream, lake and pond;
- (ii) ground water, water in a well, borehole or any passage or adit constructed in connection with a well or borehole;
- (iii) effluents, other than those containing hazardous substances; but

(b) does not include –

- (i) water in the coastal and maritime zones, except effluents discharged in the coastal zone;
- (ii) water supplied for drinking and domestic purposes;

“port” means the port named “Port Louis” and delimited in the manner described in the second column of the Schedule to the Ports Act;

“Port Master” has the meaning as in the Ports Act;

“record” means a record of inspections, compliance monitoring exercises and information and environmental data obtained as result of such monitoring;

“relevant enforcing agency” means the enforcing agency designated in respect of a medium or the aspects of a medium, or a pollutant, specified in paragraph 2;

“sphere of responsibility” means the functions and powers exercisable by an enforcing agency over the medium or the aspects of a medium, or a pollutant, specified in paragraph 3.

**2.** (1) Subject to subparagraph (2), an enforcing agency shall –

- (a) in relation to noise, odour and quality control of drinking water, be the supervising officer of the Ministry responsible for the subject of health;
  - (b) in relation to inland waters, be the supervising officer of the Ministry responsible for the subject of water resources;
  - (c) in relation to effluents, be the supervising officer of the Ministry responsible for the subject of waste water;
  - (d) in relation to solid wastes and hazardous wastes, be the supervising officer of the Ministry responsible for the subject of solid waste and hazardous waste;
  - (e) in relation to pesticide residue, soil, compost and wetlands, be the supervising officer of the Ministry responsible for the subject of agriculture;
  - (f) in relation to the enforcement of an environmental law within its administrative area, be the local authority;
  - (g) in relation to waters and any other activities in the zone, other than waters in the port, be the supervising officer of the Ministry responsible for the subject of fisheries and marine resources;
  - (h) in relation to waters in the port, including hull cleaning activities, ballast water management, ship repairs and dry dock control, be the Port Master;
  - (i) in relation to the enforcement of an environmental law within proclaimed public beaches, be the Beach Authority;
  - (j) in relation to smoke and noise emissions by motor vehicles, be the Chief National Transport Commissioner of the National Land Transport Authority;
  - (k) in relation to ionizing radiation, be the supervising officer to the Ministry responsible for the subject of radiation protection; and
  - (l) in relation to offshore petroleum activities, be the Department for Continental Shelf, Maritime Zones Administration and Exploration.
- (2) The Director of the Department shall be an enforcing agency who –

- (a) may discharge his functions and exercise his powers as an enforcing agency in respect of any medium or aspects of a medium or pollutant specified in subparagraph (1);
- (b) shall, where no enforcing agency is specifically designated in relation to any medium or aspects of a medium or pollutant, discharge his functions and exercise his powers in relation to that medium or aspects of medium or pollutant.

**3.** An enforcing agency shall, in respect of its sphere of responsibility –

- (a) supervise enforcement of national environmental standards and notices, orders and directives issued under an environmental law;
- (b) verify compliance with environmental laws;
- (c) conduct such regular monitoring, sampling, test and analyses as to ensure compliance with environmental laws;
- (d) provide such assistance as may be required for determining a PER, an EIA or a SEA application;
- (e) provide such assistance as may be necessary in case of an oil spill or of an environmental emergency;
- (f) with the consent of the Director of Public Prosecutions, initiate and conduct prosecution in respect of an offence under an environmental law before a Magistrate;
- (d) discharge such other functions as the Minister deems necessary.

**4.** (1) An enforcing agency shall have all the powers conferred on the Director by sections 109, 110, 112, 113(1), 114 and 116 to issue and to revoke any notice other than a prohibition notice.

(2) An enforcing agency shall –

- (a) have all the powers conferred on an authorised officer under sections 103, 104, 105, 117, 126 and 136 and may delegate in writing its powers to any officer of the Ministry, authority, corporate body or Department, as the case may be;

- (b) make available to other enforcing agencies and to the Department all facilities required for carrying out any environmental monitoring, laboratory analyses and tests;
- (c) keep a record of all inspections and compliance monitoring exercises and information and environmental data obtained as a result of such monitoring;
- (d) at his request, provide the Director with a copy of the record.

**5.** An enforcing agency shall report, as soon as is practicable, to the Director, through its environment liaison officer, any contravention of an environmental law relating to its sphere of responsibility and report on any activity undertaken under section 85.

**6.** Where an enforcing agency suspects, or detects any contravention of an environmental law, beyond its sphere of responsibility, it shall forthwith inform the Director and the relevant enforcing agency.

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**SIXTH SCHEDULE**  
[Sections 25, 30 and 74]

**PART A – LIST OF UNDERTAKINGS REQUIRING A PRELIMINARY  
ENVIRONMENTAL REPORT (PER)**

1. Construction of heliports, including helipads
2. Coral crushing and processing
3. Creation of bathing areas by mechanical means
4. Depot for at least 50 buses and any other heavy duty diesel driven vehicles
5. Discotheque or nightclub
6. Food processing industry, excluding small and medium enterprises
7. Foundry, smelting plant or metallurgical work having a total daily capacity to melt not less than 500 kilogrammes nor more than 2,000 kilogrammes
8. Galvanising industry
9. Housing projects and apartments of 30 to 50 units, within one kilometre of high water mark, other than housing projects implemented by the National Housing Development Company Ltd, the New Social Living Development Ltd and housing projects in the Island of Agaléga
10. Industrial-scale laundry and dry-cleaning within one kilometre of high water mark
11. Land reclamation and backfilling
12. Manufacture of animal feed
13. Manufacture of ceramics
14. Manufacture of paint, pigment and varnish
15. Manufacture of photographic films
16. Manufacture of plastics and plastic products
17. Manufacture of rubber products

18. Mechanical removal of marine flora such as marine algae in the lagoon
19. Quarantine station for livestock
20. Ready-mix concrete plant, other than a ready-mix concrete plant set up temporarily for the purpose of a project undertaken by a public department
21. Rearing of –
  - (a) more than 125 cattle heads;
  - (b) more than 1,000 goat and sheep heads; or
  - (c) pigs
22. Rearing of poultry above 15,000 heads
23. Recycling plant
24. Rendering plant
25. Sawmill
26. Slaughter house
27. Textile industry associated with washing, bleaching and printing
28. Timber treatment plant
29. Industrial-scale composting plant (less than 5,000 tonnes per year)

**PART B – LIST OF UNDERTAKINGS REQUIRING AN  
ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

1. Asphalt plant, other than an asphalt plant set up temporarily for the purposes of a project by a public department
2. Assembly of motor vehicles
3. Block making plant manufacturing above 10,000 blocks per day
4. Bulk processing, storage and handling of petroleum products, coal, petro-chemical products, and liquefied gas exceeding 200 cubic metres



5. Clinic and hospital, including animal hospital
6. Construction of airports and runways, except for the construction of runways in the Island of Agaléga and the Island of Rodrigues
7. Construction of breakwaters, groynes, jetties, floating pontoons, revetments and seawalls, except for the construction of –
  - (a) jetties in the Island of Agaléga; and
  - (b) the jetty associated with the new runway at Plaine Corail Airport in the Island of Rodrigues
8. Construction of dam and dyke
9. Construction of marinas
10. Conversion of forest land to any other land use
11. Creation of, and/or development on, barachois
12. Deep sea water extraction and associated activities
13. Desalination plant, except for desalination plant in the Island of Agaléga
14. Distillery
15. Dyehouse
16. Fish farm in the fish farming zones under the Fisheries Act 2023
17. Fishing port
18. Foundry, smelting plant or metallurgical work having a total daily capacity to melt more than 2,000 kilogrammes
19. Golf course
20. Harbour dredging operation, construction and development
21. Hazardous waste facility

- 22.** Highway and mass transit system, except for the light rail transit system known as the Metro Express Project and undertaken by Metro Express Ltd, a company with registration no. C16142606
- 23.** Hotel or any Government approved hotel scheme, including extension, with first boundary within one kilometre of high water mark
- 24.** Housing project and apartments above 50 units within one kilometre of high water mark other than housing projects implemented by the National Housing Development Company Ltd and the New Social Living Development Ltd, except housing project and apartment above 50 units within one kilometre of high water mark in the Island of Agaléga
- 25.** Incineration of municipal solid waste, quarantine waste, medical and clinical wastes, except for the construction of incinerators, for quarantine and medical waste, at the Plaine Corail Airport in the Island of Rodrigues
- 26.** Industrial manufacture of alcoholic beverages
- 27.** Lagoon dredging and reprofiling of sea-beds
- 28.** Land clearing and development in or on environmentally sensitive areas
- 29.** Landfill
- 30.** Manufacture of batteries
- 31.** Manufacture of dangerous chemicals, chemical fertilizers and pesticides
- 32.** Manufacture of lime
- 33.** Manufacturing and or blending and/or packing of cement
- 34.** Manufacture of pharmaceutical products
- 35.** Modification of existing coastline such as reprofiling, coastal protection works and removal of basaltic and beach rock, except for urgent rehabilitation works as approved by the Minister after adverse weather conditions
- 36.** Municipal wastewater treatment plant
- 37.** Offshore sand mining
- 38.** Parcelling out of land exceeding 5 hectares –

- (a) otherwise than by way of division in kind among heirs;
- (b) to be allocated to persons other than such persons as may be approved by the Minister to whom responsibility for the subject of agriculture is assigned and who are –
  - (i) bona fide occupiers of housing units forming part of sugar estate camps owned by sugar millers or sugarcane planters;
  - (ii) bona fide occupiers of housing units forming part of tea estate camps;
  - (iii) workers affected by the closure of a sugar factory; or
  - (iv) workers opting for the Voluntary Retirement Scheme

**40.** Petroleum refinery

**41.** Power generating plants, including extension and decommissioning, and excluding photovoltaic farms below 2 megawatts

**42.** Pulp and paper manufacture

**43.** Rearing of monkeys

**44.** Rock quarrying

**45.** Sea outfall

**46.** Shipyard and dry dock

**47.** Stone crushing plant, other than a stone crushing plant set up temporarily for the purposes of a project by –

- (a) a public department;
- (b) the Metro Express Project and undertaken by Metro Express Ltd, a company with registration no. C16142606;
- (c) the National Housing Development Company Ltd; and
- (d) the National Social Living Development Ltd

48. Sugar factory or refinery, including extension
49. Tannery and leather finishing
50. Transfer station for solid waste
51. Used or waste oil treatment and disposal
52. Shopping malls on land of surface area exceeding 5 hectares
53. Telepheric projects
54. Industrial-scale composting plant (above 5,000 tonnes per year)

**PART C – LIST OF UNDERTAKINGS REQUIRING A STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)**

<b>Sectors</b>	<b>Types of development</b>
1. Environmentally sensitive areas	Restoration of large and important ESAs
2. Fisheries	(1) Plans and programmes in major aquaculture projects  (2) Marine spatial planning
3. Energy	(1) Reform in the energy sector  (2) Introduction of Liquefied Natural Gas (LNG) and other fuel  (3) Exploration and exploitation of oil, gas and land minerals
4. Industry	(1) Development of Industrial estates  (2) Petroleum hub
5. Transport	Plans and programmes on the construction of tramways, elevated and underground railways, suspended lines or similar lines of a particular type used exclusively or mainly for passenger transport or highways

- |   |  |
|---|--|
| <b>6. Waste management</b>                              | (1) Solid waste master plan<br>(2) Municipal sewerage network<br>(3) Hazardous Waste Master Plan |
| <b>7. Water management</b>                              | Plans and programmes including dams and reservoirs   |
| <b>8. Tourism</b>                                       | (1) Coastal Waterfront Development<br>(2) National Tourism Plan                                  |
| <b>9. Real Estate Developments and Smart Cities</b>     | Plans and programmes of real estates and smart cities, including development of new towns        |
| <b>10. Port area</b>                                    | Bunkering activities in the port area  |
| <b>11. Others development above 20 hectares of land</b> | (1) Animal parks<br>(2) Theme parks<br>(3) Amusement park  |
| <b>12. Multiple undertakings</b>                        | Undertakings listed in Part A and Part B of this Schedule in one location or different locations |
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**SEVENTH SCHEDULE**  
[Sections 28(2)(b) and 29(2)(b)]

**REPRESENTATIVES OF MINISTRIES AND OTHER ORGANISATIONS ON EIA/SEA  
COMMITTEE OR PER/EIA/SEA MONITIRING COMMITTEE**

1. The Ministry responsible for the subject of agriculture
  2. The Ministry responsible for the subject of fisheries
  3. The Ministry responsible for the subject of health
  4. The Ministry responsible for the subject of housing and lands
  5. The Ministry responsible for the subject of industry
  6. The Ministry responsible for the subject of local government
  7. The Ministry responsible for the subject of land transport
  8. The Ministry responsible for the subject of infrastructure development
  9. The Ministry responsible for the subject of road traffic
  10. The Ministry responsible for the subject of water resources
  11. The Ministry responsible for the subject of waste water
  12. The Ministry responsible for the subject of solid waste and hazardous waste
  13. The Ministry responsible for the subject of land drainage
  14. The Ministry responsible for the subject of geotechnical matters and landslide
  15. The Ministry responsible for the subject of social security
  16. The Ministry responsible for the subject of tourism
  17. The representative of the Economic Development Board
-

## **EIGHTH SCHEDULE**

[Section 58(2)(c)]

### **REPRESENTATIVES OF MINISTRIES AND OTHER ORGANISATIONS ON NATIONAL OIL SPILL COORDINATION COMMITTEE**

1. The Ministry responsible for the subject of continental shelf
  2. The Ministry responsible for the subject of local government
  3. The Ministry responsible for the subject of outer islands
  4. The Ministry responsible for the subject of marine resources and fisheries
  5. The Ministry responsible for the subject of shipping
  6. The Ministry responsible for the subject of solid waste and hazardous waste
  7. The Forestry Services
  8. The Mauritius Fire and Rescue Service
  9. The Mauritius Oceanography Institute
  10. The Mauritius Police Force
  11. The Mauritius Ports Authority
  12. The National Coast Guard
  13. The National Disaster Risk Reduction and Management Centre
  14. The National Parks and Conservation Service
  15. The Special Mobile Force
-

**NINTH SCHEDULE**  
[Section 85(2)(b)]

**REPRESENTATIVES OF MINISTRIES AND OTHER ORGANISATIONS ON  
ICZM COMMITTEE**

1. The Ministry responsible for the subject of environment
2. The Ministry responsible for the subject of fisheries and marine resources
3. The Ministry responsible for the subject of housing and lands
4. The Ministry responsible for the subject of local government
5. The Ministry responsible for the subject of port development
6. The Ministry responsible for the subject of shipping
7. The Ministry responsible for the subject of tourism
8. The Ministry responsible for the subject of water resources
9. The Ministry responsible for the subject of social security
10. The *Association des Hôteliers et Restaurateurs, Ile Maurice (AHRIM)*
11. The Beach Authority
12. The Central Water Authority
13. The Department responsible for the subject of maritime zones administration
14. The Forestry Services
15. The Island Chief Executive or his representative
16. The Mauritius Meteorological Services
17. The Mauritius Oceanography Institute
18. The Mauritius Ports Authority
19. The Municipal City Council, every Municipal Town Council and every District Council



20. The National Coast Guard
  21. The National Parks and Conservation Service
  22. The *Police de L'Environnement*
  23. A representative of academia
  24. The Waste Water Management Authority
-

**TENTH SCHEDULE**  
[Sections 93 and 94]

**PART I – DESIGNATED ESTABLISHMENTS AND PAYMENT  
OF ENVIRONMENT PROTECTION FEE**

SN	Designated establishment	Fee payable (Rs)	Date payable
1.	Hotel		Within 20 days after the end of every month
2.	Guest house or tourist residence of more than 4 bedrooms		Within 20 days after the end of every month
3.	Premises used in connection with an enterprise engaged in stone crushing or in the manufacture or processing of aggregates, concrete blocks, pre-cast units, coral sand, rock sand or basalt sand	0.75 per cent of monthly turnover	Within 20 days after the end of every month
4.	Premises used in connection with an enterprise engaged in the manufacture or assembly of –		
5.	(a) mobile phones having a transaction value exceeding 1,000 rupees;	70 rupees per unit	Within 20 days after the end of every month
	(b) batteries for vehicles other than motorcycles, electric bicycles and electric wheelchairs; or	50 rupees per unit	Within 20 days after the end of every month
	(c) pneumatic tyres, except those used for motorcycles, bicycles and wheelchairs	50 rupees per unit	Within 20 days after the end of every month

**PART II – IMPORTED GOODS FOR HOME CONSUMPTION ON WHICH  
ENVIRONMENT PROTECTION FEE IS PAYABLE UNDER  
SECTION 9A OF THE CUSTOMS ACT**

<b>Goods</b>		<b>Fee payable (Rs)</b>	
<b>1.</b>	Mobile phones having an import value exceeding 1,000 rupees	70	per unit
<b>2.</b>	Batteries for vehicles other than motorcycles, electric bicycles and electric wheelchairs	50	per unit
<b>3.</b>	Pneumatic tyres, except those used for motorcycles, bicycles and wheelchairs	50	per unit

## **ELEVENTH SCHEDULE**

[Section 102(c)]

### **REPRESENTATIVES OF MINISTRIES AND OTHER ORGANISATIONS ON PLASTIC MANAGEMENT COMMITTEE**

1. The Attorney-General's Office
  2. The Ministry responsible for the subject of agriculture
  3. The Ministry responsible for the subject of commerce
  4. The Ministry responsible for the subject of education
  5. The Ministry responsible for the subject of environment
  6. The Ministry responsible for the subject of finance
  7. The Ministry responsible for the subject of fisheries
  8. The Ministry responsible for the subject of health
  9. The Ministry responsible for the subject of industry
  10. The Ministry responsible for the subject of solid waste and hazardous waste
  11. The Mauritius Chamber of Commerce and Industry
  12. The Mauritius Export Association
-

## **TWELFTH SCHEDULE**

[Section 117(1)]

### **EYESORES**

1. Depositing or dumping household, or causing to be dumped or deposited, commercial or trade refuse, vehicle wrecks, agricultural, building or excavation waste, animal carcasses or any other waste materials on any premises.
  2. Erection, placement or display of an advertisement, sign, banner, bill or poster, which is visible from the road and which disfigures or injuriously affects the view of rural scenery or the beauty of a landscape or the amenities of any historic or public building or monument, or any place frequented by the public
  3. Keeping of any house, tenement or other building in a state of disrepair, which has become derelict and ruinous, or has become the receptacle for filth or other nuisances
  4. Unsightly overgrowth of vegetation, green waste on any premises
  5. Unsightly stockpile of any material on any premises
  6. Keeping any house, tenement, wall or any other structure or building in a dirty or unsightly state
-

**THIRTEENTH SCHEDULE**  
[Section 117(2)]

**REPUBLIC OF MAURITIUS**

**EYESORE ABATEMENT NOTICE**

[Issued under section 117(2) of the Environment Act 2024]

To –

..... (name)

..... (address)

National Identity Card no. (if known).....

TAKE NOTICE THAT the authorised officer of .....  
..... (enforcing agency) has, in accordance with section 117 of the  
Environment Act 2024, inspected the premises situated at  
..... (address), of which you are the  
owner/occupier/ heir, and has observed the presence of the following eyesore(s) –

(a) .....

(b) .....

(c) .....

NOW, THEREFORE, TAKE NOTICE THAT you are hereby required to remove the  
eyesore(s) specified in this notice within ..... days of service of the notice upon you.

Take notice that failure to comply with the requirement of the notice constitutes an  
offence under the Environment Act 2024.

.....  
Name of authorised officer who  
detected the offence

.....  
Designation of authorised officer who  
detected the offence

.....  
Signature

.....  
Stamp

## FOURTEENTH SCHEDULE

[Section 136(1)]

Offences	Fine (Rs)
1. Depositing or dumping, or causing or allowing to be deposited or dumped, any household or commercial waste, vehicles wreck, excavation or builder's rubble, construction debris, household furniture, animal carcass, medical waste, agricultural or green waste or any other material, whether liquid or solid, in any public place, canal, drain, lake, river, rivulet, reservoir, stream or watercourse, or upon the bank of any lake, river, rivulet, reservoir, stream or watercourse, or on any street, pavement, road, road reserve, bare land, State land, mountain, vacant premises, forest, forest reserves, beach or public beach	25,000
2. Littering or causing any litter to be dropped, thrown, discarded or leaving behind any odds and ends, bits of paper, wrappings, nappies, beverage containers, remains of fruit and any other such matter –	
(a) in the nature, public park or garden, canal, drain, lake, river, rivulet, reservoir, stream or watercourse, or upon the bank of any lake, river, rivulet, reservoir, stream or watercourse, mountain, forest, forest reserves, islets, beach or public beach, lagoon, or any part of the sea	5,000
(b) on any street, vacant premises, pavement, road, road reserve, bare land, State land and any other public place	3,000
3. Failure to comply with an eyesore abatement notice	10,000
4. Affixing a poster elsewhere than on a designated site or in any way defacing a designated site	6,000

**FIFTEENTH SCHEDULE**  
[Section 136(1)]

**ENVIRONMENT ACT 2024**

**FIXED PENALTY NOTICE**

[Issued under section 136(1) of the Environment Act 2024]

**PART A**

Fixed Penalty Notice no. ....

Surname of offender .....

Name(s) of offender .....

National Identity Card no./passport no. of offender \* .....

Address .....

This is to bring to your attention that on ..... (date)  
at ..... (time) at ..... (place) you have  
committed the following offence(s) –

	<b>Offence</b>	<b>Fine (Rs)</b>
<b>1.</b>		
<b>2.</b>		
<b>3.</b>		

You are called upon to pay the fine(s) specified in the notice to the cashier of any District Court convenient to you at latest by ..... (date).

TAKE NOTICE THAT if you fail to pay the fine(s) within the specified delay, you may be liable to prosecution and shall, upon conviction, be liable, in respect of the offence/each offence, to a fine being not less than thrice the relevant amount specified above and costs which shall not be less than 1,000 rupees nor more than 3,000 rupees.



You have to attend Court personally and produce the FPN and your National Identity Card or passport in case you are not the holder of a National Identity Card.

TAKE FURTHER NOTICE that you are required to remove/destroy the article or material, which is the source of the nuisance, within a period of not more than ..... days from the date the notice is served on you, or in the case by service by post, from the date you received the notice.

Take notice that failure to comply with the requirement to remove/destroy the article or material, which is the source of the nuisance, constitutes an offence under section 128(1) of the Environment Act 2024.

.....  
Name of authorised officer

.....  
Signature of authorised officer

**PART B**

**IN THE DISTRICT COURT OF .....**

**PARTICULARS OF OFFENDER**

(to be filled in by District Court Officer)

Fixed Penalty Notice no. ....

Surname of offender .....

Name(s) of offender .....

National Identity Card no./passport no. of offender \* .....

Date of payment .....

.....  
Signature of offender

.....  
Name of District Court Officer

.....  
Signature of District Court Officer

.....  
Office stamp

*\*Delete as appropriate*

\_\_\_\_\_

**SIXTEENTH SCHEDULE**  
[Section 149(26)(d)]

**THIRD SCHEDULE**  
[Section 44(1)]

**WASTE MANAGEMENT AND RESOURCE RECOVERY ACT 2023**

**FIXED PENALTY NOTICE**

[Issued under section 44(1) of the Waste Management and Resource Recovery Act 2023]

**PART A**

Fixed Penalty Notice no. ....

Surname of offender .....

Name(s) of offender .....

National Identity Card no./passport no. of offender \* .....

Address of offender .....

This is to bring to your attention that on ..... (date)  
at ..... (time) at ..... (place) you have  
committed the following offence(s) –

	<b>Offence</b>	<b>Fine (Rs)</b>
<b>1.</b>		
<b>2.</b>		
<b>3.</b>		

You are called upon to pay the fine(s) specified in the notice to the cashier of any District Court convenient to you at latest by ..... (date).

TAKE NOTICE THAT if you fail to pay the fine(s) within the specified delay, you may be liable to prosecution and shall, upon conviction, be liable, in respect of the offence/each offence, to a fine being not less than thrice the relevant amount specified above and costs which shall not be less than 1,000 rupees nor more than 3,000 rupees.

You have to attend Court personally and produce the FPN and your National Identity Card or passport in case you are not the holder of a National Identity Card.

TAKE FURTHER NOTICE that you are required to remove/destroy the article or material, which is the source of the nuisance, within a period of not more than ..... days from the date the notice is served on you, or in the case by service by post, from the date you received the notice.

Take notice that failure to comply with the requirement to remove/destroy the article or material, which is the source of the nuisance, constitutes an offence under the Waste Management and Resource Recovery Act.

.....  
Name of authorised officer

.....  
Signature of authorised officer

## **PART B**

**IN THE DISTRICT COURT OF .....**

### **PARTICULARS OF OFFENDER**

(to be filled in by District Court Officer)

Fixed Penalty Notice no. ....

Surname of offender .....

Name(s) of offender .....

National Identity Card no./passport no. of offender \* .....

Date of payment .....

.....  
Signature of offender

.....  
Name of District Court Officer

.....  
Signature of District Court Officer

.....  
Office stamp

*\*Delete as appropriate*

\_\_\_\_\_