

THE NATIONAL COAST GUARD ACT 1988

Act No. 42 of 1988

I assent,

V. RINGADOO

22 December 1988

Governor-General

ARRANGEMENT OF SECTIONS

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An Act

To set up a **National Coast Guard** for the purpose of exercising surveillance over the maritime water of Mauritius

ENACTED by the Parliament of Mauritius, as follows-

1. Short title.

This Act may be cited as the **National Coast Guard Act** 1988.

2. Interpretation, In this Act-

“aircraft” includes fixed-wing aircraft, rotary-wing aircraft and lighter than air balloon or other flying devices;

“**Coast Guard** Area” means a geographical division of the State of Mauritius into **coast guard** areas in accordance with section 7;

“**Coast Guard** Shore Establishment” means a place or premises where shore-based facilities and personnel of the **National Coast Guard** are deployed;

“**Coast Guard** Station” means any station maintained in a **Coast Guard** Area by or for the benefit of the **National Coast Guard**;

“department” means any Ministry, government department, statutory body or similar Organisation;

“ensign” includes any pennant or other insignia;

“Maritime Zones” means the territorial waters, the contiguous waters, the exclusive economic zone and the historic waters specified in the Maritime Zones Act;

“Minister” means the Minister having responsibility for Home Affairs;

“vessel” means any ship or other water-craft and includes any non-displacement craft and seaplane used or capable of being used as a means of transportation on water.

3. Establishment of the National Coast Guard.

- (1) There is established for the purpose of this Act a specialised body which shall be known as the **National Coast Guard**.
- (2) The **National Coast Guard** shall be a specialised unit of the Police Force and be under the command of the Commissioner of Police.

4. The Commandant of the National Coast Guard.

There shall be a Commandant of the **National Coast Guard** who shall be responsible, subject to the directions of the Commissioner of Police, for the day-to-day operations of the **National Coast Guard**.

5. Structure of the National Coast Guard.

- (1) The **National Coast Guard** shall consist of-
 - (a) a Marine Training Establishment which shall primarily be responsible for the planning and conduct of such training as may be needed for the efficient operation of the **National Coast Guard**;
 - (b) an Afloat Support Team which shall be responsible primarily for the maintenance, repair and upkeep of all items of machinery under the charge of the **National Coast Guard**;
 - (c) such **Coast Guard** Shore Establishments and **Coast Guard** Stations as may be set up with the approval of the Minister;
 - (d) such task forces or other operational units as the Commandant may set up.

6. Duties of the National Coast Guard.

- (1) Subject to the other provisions of this section, the **National Coast Guard** shall be responsible for-
 - (a) the enforcement of any law relating to the security of the State of Mauritius;
 - (b) the enforcement of any law relating to the protection of the maritime zones;
 - (c) the detection, prevention and suppression of any illegal activity within the maritime zones.
- (2) Subsection (1) shall be without prejudice to the performance by any department of similar duties under any enactment enabling them to do so.
- (3) Where the Minister is informed that any conflict has arisen or is likely to arise between the duties of the **National Coast Guard** and any department, the Minister may give such directions as he thinks fit.
- (4) Any direction issued by the Minister under subsection (3) shall be binding.

7. Coast Guard Areas.

There shall be such number of **Coast Guard** Areas as the Minister may approve, provided that-

- (a) at least five such areas shall cover the island of Mauritius; and
- (b) at least one such area shall cover each -of the islands of Rodrigues, Agalega and Tromelin and the archipelagoes of Cargados Carajos and Chagos.

8. Staff and equipment.

The **National Coast Guard** shall be assigned such staff, equipment and other materials and facilities as the Commissioner of Police may, with the concurrence of the Minister, determine.

9. Commissioning of vessels.

The **National Coast Guard** shall have the use of such vessels and aircraft as the Governor-General may, after consultation with the Minister by Commission declare.

10. Authority to board a vessel.

- (1) Members of the **National Coast Guard** may, in the execution of their duties or in the exercise of their authority, board any vessel.
- (2) Every vessel that is under way shall, upon being hailed to by a vessel of the **National Coast Guard**, stop immediately and lie to or manoeuvre in such a way as to permit the members of the **National Coast Guard** to board the vessel.
- (3) The officer in charge of the **National Coast Guard** boarding party shall, upon boarding a vessel, identify himself to the master, owner, skipper or operator of the vessel and explain his mission.
- (4) Where a vessel does not bring to upon being ordered by any vessel or aircraft of the **National Coast Guard** to do so, the person in command of the vessel or aircraft of the **National Coast Guard** may, after a gun has been fired as a warning signal, fire at or into the vessel which does not bring to.
- (5) No **action**, civil or criminal, shall lie in respect of anything done in good faith in compliance with subsection (4).

11. Insignia of the National Coast Guard.

- (1) All members of the **National Coast Guard** shall be dressed in such uniform as may be approved for the **National Coast Guard**.
- (2) Every vessel or aircraft of the **National Coast Guard** shall be identified by the display of the **National Coast Guard** ensign as a symbol of authority.
- (3) No vessel or aircraft which is not commissioned for use by the **National Coast Guard** shall carry, hoist or display within the maritime zones of Mauritius any ensign prescribed for use by the **National Coast Guard** or any ensign which closely resembles that ensign.

12. Powers of the National Coast Guard.

- (1) The **National Coast Guard** shall have authority-
 - (a) to prevent the entry by sea of any person or group of persons who threaten to undermine the security or to violate the territorial integrity of the State of Mauritius;

- (b) to prevent any **activity** which is likely to constitute a threat to the maritime zones, including the seabed, the flora, the reefs, the beach and the **coastline**;
 - (c) to undertake search and rescue operations in all situations of distress in the maritime zones;
 - (d) to undertake or participate in any salvage operations;
 - (e) to design, maintain, operate and repair vessels, aircraft and marine equipment under the responsibility of the **National Coast Guard**;
 - (f) to monitor and control all seaborne **activities** within the maritime zones;
 - (g) to prevent any form of maritime pollution or any **activity** likely to cause maritime pollution;
 - (h) to stop, arrest, search, detain or seize any vessel or aircraft upon reasonable suspicion that it is engaged or about to be engaged in any illegal **activity**;
 - (i) to stop, arrest and search any person upon reasonable suspicion that he is engaged in or about to be engaged in any illegal **activity**;
 - (j) to prevent the smuggling by or at sea of any dangerous drugs or other contraband goods or articles;
 - (k) to prevent the escape by sea of any criminal or fugitive from justice;
 - (l) to conduct such investigation, study or experiment as may be conducive to its efficiency;
 - (m) to record such statements and make such inquiries, inspections and examinations as may be necessary;
 - (n) to maintain such water, land and air patrols as may be necessary;
 - (o) to take charge of and protect any jetsam, flotsam or other property emanating from any aircraft or vessel;
 - (p) to lay such buoyage or other navigation aids as it may consider necessary to serve the needs of safe maritime navigation;
 - (q) to take such steps as it may consider necessary to prevent any collision or other accident or disaster at sea;
 - (r) to co-operate or maintain **contact** with such department or authority or other agency as it may consider necessary in or for the execution of its duties and any related matter.
- (2) The powers specified in subsection (1) shall be-
- (a) in addition to and not in derogation of the powers of the **National Coast Guard** under section 6 (1) and (2); and
 - (b) limited to any matter or **activity** within the maritime zones.
- (3) The **National Coast Guard** shall have the use of such arms and ammunition for the performance of its functions as the Minister may determine.

13. Offences.

- (1) No person shall use the words "**Coast Guard**" or "**National Coast Guard**" or "Mauritius **Coast Guard**" or any combination thereof for the purposes of any trade or by way of any advertisement in a manner likely to induce any person or the public to believe that he has any connection with or enjoys the patronage of the **National Coast Guard**.
- (2) No person shall interfere with any buoyage or other navigation aid set up by the **National Coast Guard**.
- (3) No person shall set up any navigation aid without the prior written approval of or in breach of any term or condition specified by the **National Coast Guard**.
- (4) The master of every vessel which fails to comply with section 10 (2) shall commit an offence.
- (5) Subsection (3) shall be without prejudice to any navigation aid set up within any part of the harbour by the Mauritius Marine Authority.

14. Regulations.

- (1) The Minister may make such regulations as he thinks fit to give effect to the provisions of this **Act**.
- (2) Any regulations made under subsection (1) may provide for the levying of fees.

15. Penalty.

Every person who contravenes section 11 (3) or 13 or any regulation made under this **Act** shall commit an offence and shall on conviction be liable to pay a fine which shall not be less than 500 rupees or more than 5,000 rupees and to imprisonment for a period which shall not exceed 2 years.

Passed by the Legislative Assembly on the sixteenth day of December one thousand nine hundred and eighty-eight.

L Rivaltz Quenette
Clerk of the Legislative Assembly