

ENVIRONMENT PROTECTION (AMENDMENT) ACT 2008

Act No. 6 of 2008

Proclaimed by [Proclamation No. 8 of 2008] w.e.f 15th July 2008, except section 28

I assent

SIR ANEROOD JUGNAUTH

President of the Republic

8th May 2008

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An Act

To amend the Environment Protection Act 2002

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the **Environment Protection (Amendment) Act 2008**.

2. Interpretation

In this Act –

“principal Act” means the Environment Protection Act 2002.

3. Section 3 of principal Act amended

Section 3 of the principal Act is amended –

- (a) in the definition of “environmental law”, in paragraph (b), by deleting the words “with the approval of the Commission,”;
- (b) in the definition of “notice”, by inserting immediately after the words “an enforcement notice,”, the words “an eyesore abatement notice, a fixed penalty notice, a programme notice”;
- (c) in the definition of “owner of a pollutant”, by adding immediately after the word “spilled”, the words “or unlawfully discharged”;
- (d) by deleting the definition of “preliminary environmental report”;
- (e) (e) by deleting the definition of “radioactive emission”;
- (f) (f) by deleting the definition of “strategic EIA”;
- (g) (g) by deleting the definition of “undertaking” and replacing it by the following definition –

“undertaking” –

- (a) means an enterprise or activity referred to in section 15(2), or a proposal, plan or programme in respect of an enterprise or activity by a public department, a local authority, or any other person;
- (b) (b) includes a modification or an addition to an undertaking;

- (h) (h) by inserting the following definitions in the appropriate alphabetical order –

“EIA/PER Monitoring Committee” means the Committee set up under section 28A;

“MEA” –

(a) (a) means a multilateral environmental agreement to which Mauritius is a party;

(b) includes a treaty, convention, protocol, covenant or other internationally binding instrument dealing with environmental matters, to which Mauritius is a party;

“MEAs Co-ordinating Committee” means the Committee set up under section 12A;

“PER” means a preliminary environmental report referred to in section 16;

“PER Committee” means the Committee set up under section 16(5A);

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

4. Section 8 of principal Act amended

Section 8 of the principal Act is amended –

(a) (a) by inserting after subsection (4), the following subsection -

(4A) There shall be a National Environmental Laboratory which shall be a Division of the Department.

(b) (b) by adding the following subsections -

(6) Subject to subsection (7), the Director may in writing authorise an officer of a local authority to exercise the powers vested in an authorised officer under this Act.

(7) No officer of a local authority shall be authorised to issue or to revoke a prohibition notice.

5. Section 10 of principal Act amended

Section 10 of the principal Act is amended –

(a) in subsection (2)(e), by deleting the words “the representative of every non-governmental organization registered with the Ministry” and replacing them by the words “a representative of each of 5 or more non-governmental organisations designated by the Minister”;

(b) by repealing subsection (3) and replacing it by the following subsection –

(3) The National Network for Sustainable Development shall meet as and when, and at such place as, the Chairperson thinks fit.

6. New section 12A inserted in principal Act

The principal Act is amended by inserting after section 12, the following new section –

12A. Multilateral Environmental Agreements Co-ordinating Committee

(1) (a) There shall be a Multilateral Environmental Agreements Co-ordinating Committee, which shall be known as the MEAs Co-ordinating Committee and shall consist of -

(i) the Minister, who shall be the Chairperson;

(ii) (ii) the Permanent Secretary;

(iii) (iii) the Director; and

- (iv) (iv) a representative of each of the Ministries and Departments specified in the Third Schedule.
 - (b) The Minister may co-opt another officer of a Ministry or organisation to attend and participate in a meeting of the Committee.
 - (c) An officer of the Department designated by the Director shall act as Secretary to the Committee.
- (2) The MEAs Co-ordinating Committee shall be responsible for co-ordinating the implementation, by the relevant Ministries, Departments, public bodies and organisations, of MEAs and shall, inter alia, for that purpose –
-
- (a) (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.
- (3) (a) For the purpose of discharging its functions, the MEAs Co-ordinating Committee may –
- (i) establish subcommittees; and
 - (ii) (ii) delegate any of its functions and powers to its Chairperson or to a subcommittee.
- (b) (b) At a meeting of the MEAs Co-ordinating Committee, 5 members including the Chairperson shall constitute a quorum.

- (c) Where the Minister is unable to attend a meeting, the Permanent Secretary shall chair the meeting.
- (d) Subject to this section, the MEAs Co-ordinating Committee shall conduct its proceedings, and regulate those of a subcommittee, in such manner as it thinks fit.

7. Section 15 of principal Act amended

Section 15 of the principal Act is amended –

- (a) (a) in subsection (1), by inserting after the words “Subject to”, the words “subsection (2) and”;
- (b) (b) in subsection (2) -
 - (i) by deleting the words “, proceed with, carry out, execute, or conduct” and the words “, proceeded with, carried out, executed or conducted”;
 - (ii) in paragraphs (a) and (b), by deleting the words “an undertaking” and replacing them by the words “a proposed new undertaking”;
 - (iii) in paragraph (b), by deleting the words “or Part C”; and
 - (iv) in paragraph (c), by deleting the words “2 years after the issue of an EIA licence” and replacing them by the words “3 years after the issue of an EIA licence or PER approval unless the Minister, in circumstances beyond the control of the proponent, otherwise determines”.

8. Section 16 of principal Act amended

Section 16 of the principal Act is amended –

- (a) (a) in subsection (1) –

- (i) in paragraph (a), by inserting before the words “in such form”, the words “in conformity with such policy or environmental guidance as may be published in respect of an undertaking and”;
 - (ii) in paragraph (c), by deleting the figure “5” and replacing it by the figure “10”;
- (b) (b) by repealing subsection (5) and replacing it by the following subsection –
- (5) (a) The Director shall, within 14 days of receiving such information or observations as he may have requested under subsection (4), review the PER submitted by the proponent and refer it to the PER Committee.
 - (b) The PER Committee shall examine the PER in the light of the Director’s review and make such recommendations to the Minister as it thinks fit.
- (c) by inserting after subsection (5), the following subsection -
- (5A) (a) There shall be set up a PER Committee consisting of –
 - (i) the Director or his representative, who shall be the Chairperson;
 - (ii) a representative of each of the Ministries responsible for the subject of –
 - (A) agriculture;
 - (B) health;
 - (C) wastewater;
 - (D) water resources;

- (iii) the Chief Executive of the relevant local authority.
 - (b) An officer of the Department designated by the Director shall act as Secretary to the Committee.
 - (c) The Committee may, with the approval of the Permanent Secretary and where the examination of a PER so requires, co-opt an officer of the Department or a representative of the Ministry responsible for the subject of fisheries, housing and lands, tourism or public infrastructure or of the Irrigation Authority or any other public officer to attend and participate in a meeting of the Committee.
 - (d) At a meeting of the Committee, 5 members including the Chairperson shall constitute a quorum.
 - (e) No co-opted member shall have the right to vote.
 - (f) Subject to this section, the Committee shall conduct its proceedings in such manner as it thinks fit.
- (d) by adding the following subsections –
- (10) Any person who fails to comply with a term or condition attached to an approved PER shall commit an offence.
 - (11) (11) Notwithstanding the approval of a PER under subsection (6), the Minister shall, in respect of that PER, have the same powers as those conferred upon him by section 24 (3) in respect of an EIA licence, and any person who fails to comply with a direction or requirement issued under this subsection shall commit an offence.

9. Section 20 of principal Act amended

Section 20 of the principal Act is amended -

- (a) by repealing subsection (2) and replacing it by the following subsection -

- (2) The Director shall, not later than 14 days after the submission of an application for an EIA licence under section 18, give notice of the public inspection specified in subsection (1) in the Gazette and in 2 consecutive issues of 2 daily newspapers.
- (b) in subsection (3)(d), by deleting the words “not be later than 28 days after the date of the first appearance of the notice in the Gazette” and replacing them by the words “be not less than 10 days and not more than 21 days after the date of the publication of the notice in the Gazette”.

10. Section 21 of principal Act amended

Section 21 of the principal Act is amended in subsection (1)(b), by deleting the words “subject to subsection (5),” and the words “other than the EIA relating to an exempt undertaking,”.

11. Section 22 of principal Act amended

Section 22 of the principal Act is amended –

- (a) by repealing subsection (3) and replacing it by the following subsection –
 - (3) At a meeting of the EIA Committee, 5 members including the Chairperson shall constitute a quorum.
- (b) in subsection (8), by deleting the words “as far as possible” and replacing them by the words “, except in a case of ‘force majeure’ or where further consultation is required,”.

12. Section 23 of principal Act amended

Section 23 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “on the EIA –
 - (a) within 7 days, in the case of an EIA submitted through the Board of Investment;
 - (b) within 14 days, in any other case,of the receipt of the recommendations.”

and replacing them by the words “on the EIA within 7 days of the receipt of the recommendations.”;
- (b) in subsection (2)(a), by inserting after the word “issue”, the word “of”;
- (c) in subsection (4), by deleting the words “may, within 14 days of receipt of” and replacing them by the words “shall, within 14 days of receiving”;
- (d) in subsection (5), by inserting after the words “The Director shall”, the words “, as soon as possible but not later than 7 working days after the day on which the Minister makes his decision,”;

(e) by adding the following subsection –

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

13. Section 24 of principal Act amended

Section 24 of the principal Act is amended in subsection (1), by inserting after the words “account shall be taken of -“, the following paragraph, the existing paragraph (a) being relettered (aa) accordingly –

- (a) (a) such policy or environmental guidance as may be published in respect of an undertaking;

14. Section 25 of principal Act amended

Section 25 of the principal Act is amended by repealing subsection (3) and replacing it by the following subsection -

- (3) A licensee who fails to comply with a direction issued under subsection (1) shall commit an offence and the Court may, on conviction, in addition to the penalty provided in section 85, cancel his EIA licence or suspend it for a period not exceeding one year.

15. Section 26 of principal Act amended

Section 26 of the principal Act is amended in subsections (1), (2) and (4) by inserting after the words “an EIA licence”, the words “or a PER approval”.

16. Section 28 of principal Act amended

Section 28 of the principal Act is amended –

- (a) in subsection (1), by inserting after the word “undertaking”, the words “specified in Part B of the First Schedule;”;
- (b) in subsection (2), by inserting after the words “shall refer it”, the words “, together with any public comments received,”;
- (c) in subsection (5), by deleting the words “On approving an EIA under subsection (4), the Minister” and replacing them by the words “Where the Minister approves an EIA under subsection (4), the Director”.

17. New section 28A inserted in principal Act

The principal Act is amended by inserting after section 28, the following section –

28A. EIA/PER Monitoring Committee

(1) (1) There shall be an EIA/PER Monitoring Committee which shall consist of –

- (a) (a) the Director or his representative, who shall be the Chairperson;
- (b) (b) a representative of each of the Ministries specified in the Sixth Schedule;
- (c) (c) one or more officers of the Department, designated by the Director, one of whom shall be the Secretary to the Committee;
- (d) (d) an officer of the 'Police de l'Environnement'; and
- (e) (e) the Chief Executive of the relevant local authority.

(2) (2) The Committee shall –

- (a) (a) set up and lay down programmes for the purpose of following up progress after the grant of an EIA licence or the approval of a PER;
- (b) (b) coordinate the implementation of a programme referred to in paragraph (a);
- (c) (c) conduct such monitoring exercise as may be necessary to ensure that the conditions of an EIA licence or those imposed on the approval of a PER are complied with;
- (d) (d) determine appropriate enforcement measures where it finds that any condition referred to in paragraph (c) is not complied with; and

- (e) (e) prepare and submit to the Minister, not later than 31 July and 31 January in every year, a report on its activities for every half year.
- (3) (a) The Committee shall meet at least once monthly at such time and place as the Chairperson may determine.
- (b) (b) At a meeting of the Committee, 5 members including the Chairperson shall constitute a quorum.
- (c) (c) Subject to paragraphs (a) and (b), the Committee shall conduct its proceedings in such manner as it thinks fit.

18. Section 34 of principal Act amended

Section 34 of the principal Act is amended in subsection (3), by deleting the word “Commission” and replacing it by the words “public department which has been given a direction under subsection (2)”.

19. New section 34A inserted in principal Act

The principal Act is amended by inserting after section 34, the following section –

34A. Other threat to the environment

- (1) Where a threat other than a major threat to the environment referred to in section 34(1) is posed as a result of a spill or otherwise, 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 recommendation as it may deem fit.
- (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 to deal with the pollutant,

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

(3) Where the identity of the owner of the spill or pollutant 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.

20. Section 37 of principal Act amended

Section 37 of the principal Act is amended in subsection (1), by repealing paragraph (h).

21. Section 41 of principal Act repealed and replaced

Section 41 of the principal Act is repealed and replaced by the following section –

41. 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 regulations 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.

22. Section 42 of principal Act amended

Section 42 of the principal Act is amended in subsection (4)(a), by inserting after the word “movement,” the word “transit,”

23. Section 44 of principal Act amended

Section 44 of the principal Act is amended in subsection (1), by deleting the word “feeds” and replacing it by the word “feed”.

24. Section 60 of principal Act amended

Section 60 of the principal Act is amended by repealing paragraph (h) and replacing it by the following paragraph –

- (h) to provide for expenditure incurred as a result of any operation or measure taken under section 34A or section 89(4).

25. Section 70 of principal Act amended

Section 70 of the principal Act is amended by inserting after subsection (1), the following subsection –

- (1A) Where he is satisfied that an activity or an existing structure is causing harm to the environment without contravening an environmental law, the Director may issue a programme notice to any person responsible for the activity or the existing structure.

26. Section 73 of principal Act amended

Section 73 of the principal Act is amended in subsection (1), by deleting the words “or any legislation dealing with town and country planning, or the Trade and Industry Classification Act” and, “, where such development or activity contravenes an environmental law, serve, or”.

27. Section 80 of principal Act amended

Section 80 of the principal Act is amended –

- (a) by deleting the words “(1)”;
- (b) by inserting after subparagraph (iii), the following sub-paragraph –
 - (iiiA) require any person suspected of having committed an offence to produce satisfactory proof of his identity and address;
- (c) in subparagraph (iv), by adding after the word “contravention” the words “whose name and address cannot be immediately ascertained, and detain him until his identity and address are known”.

28. Section 84 of principal Act amended

Section 84 of the principal Act is amended in subsection (2) –

- (a) by deleting the words “, as he considers necessary,”;

(b) in paragraph (b), by inserting after the word “monitoring”, the words “and provide such other information”.

29. Section 85 of principal Act amended

Section 85 of the principal Act is amended –

- (a) in subsection (1) -
 - (i) in paragraph (a), by deleting the words “under this Act” and replacing them by the words “, or condition imposed, under an environmental law,”;
 - (ii) by deleting paragraph (d) and replacing it by the following paragraph -
 - (d) otherwise contravenes an environmental law;
- (b) in subsection (2) –
 - (i) by deleting the word “sections” and replacing it by the word “section”;
 - (ii) by deleting the words “and 72(5)” and replacing them by the words “, 72(5) or 73(2)”;
- (c) in subsection (3), by deleting the words “sections 24(4), 26(5) and 84(3)” and replacing them by the words “section 23(9), 24(4), 26(5) or 84(3)”.

30. Section 88 of principal Act amended

Section 88 of the principal Act is amended –

- (a) by repealing subsection (1) and replacing it by the following subsection –
 - (1) Notwithstanding any other enactment, where a person commits an offence specified in the Ninth 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 notice in the form set out in the Tenth Schedule calling upon him to pay in respect of the offence the fixed penalty provided in the Ninth Schedule.

- (b) in subsections (2)(c)(vi), (3)(b) and (4), by deleting the words “District Court” wherever they appear and replacing them by the word “Court or Tribunal”.

31. Section 89 of principal Act repealed and replaced

Section 89 of the principal Act is repealed and replaced by the following section –

89. Eyesores

- (1) An authorised officer may serve an eyesore abatement notice on the owner or occupier of any land, building or structure on which any eyesore specified in the Eleventh Schedule is detected.
- (2) An eyesore abatement notice shall be in the form set out in the Twelfth Schedule and may be served on the owner or occupier 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 on whom an eyesore abatement notice is served shall abate the violation mentioned in it within the period specified in the notice, which shall be not less than 2 days nor more than 30 days from the day the notice is served or, in the case of service by post, is deemed to have been received by the person.
- (b) Any person who fails to comply with the notice shall commit an offence.
- (4) Where the name or address of the owner or occupier of any land, building or structure on which an eyesore is detected cannot be ascertained, the Director may authorise in writing 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.

- (5) Where the name or address of the owner or occupier of any land, building or structure from which an eyesore has been removed under subsection (4) is later ascertained, the amount disbursed in the removal of the eyesore may, within a period of 10 years of the removal, be recovered by the Director from the said owner or occupier and any amount so recovered, including interest and costs, shall be credited to the Fund.

32. Section 96 of principal Act repealed and replaced

Section 96 of the principal Act is repealed and replaced by the following section –

96. Regulations

(1) The Minister may, for the purposes of this Act, make such regulations as he thinks fit.

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

- (a) subject to this Act, for the amendment of a Schedule;
- (b) for the issue, amendment and revocation of a licence;
- (c) for the taking of fees and the levying of charges;
- (d) for the implementation or enforcement of an obligation under an MEA;
- (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 41 in relation to events or celebrations organised, sponsored or approved by the State;
- (g) in relation to sustainable consumption and production, for –

- (i) the introduction of eco-labelling schemes for products;
 - (ii) carrying out cleaner production opportunity assessments in industry; or
 - (iii) the introduction of producer and importer responsibility;
- (h) 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; and
- (i) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 250,000 rupees and to imprisonment for a term not exceeding 10 years.

33. Minor amendments to principal Act

- (1) Sections 10, 14, 22, 50, 53, 55, 56, 57, 61 and 90 of the principal Act are amended by deleting the words “Chairman” and “Vice-Chairman” wherever they occur and replacing them by the words “Chairperson” and “Vice-Chairperson” respectively.
- (2) Sections 15, 16, 17 and 54 of the principal Act are amended by deleting the words “Preliminary Environmental Report” wherever they appear and replacing them by the word “PER”, except the heading in section 16.
- (3) The sections of the principal Act listed below in the first column are amended by deleting the words respectively listed in the second column to be found in those sections and replacing them by the words respectively set out opposite those sections in the third column –

Section	Words to be deleted	Words to be inserted
5(2)	Second Schedule	First Schedule
10(2)	Third Schedule	Second Schedule

15(2)	First Schedule	Fifth Schedule
65	Fifth Schedule	Eighth Schedule

34. Renaming and reordering of Schedules to principal Act

- (1) The Schedules set out in the first column below are renamed as indicated respectively in the second column –

First Schedule (section 15(2))	Fifth Schedule (section 15(2))
Second Schedule (section 5(2))	First Schedule (section 5(2))
Third Schedule (section 10(2))	Second Schedule (section 10(2))
Fifth Schedule (section 65)	Eighth Schedule (section 65)
Sixth Schedule (Section 22) EIA Committee	Sixth Schedule (sections 22 and 28A)

- (2) The First Schedule to this Act is inserted after the Second Schedule to the principal Act and shall be named Third Schedule.
- (3) The Second, Third, Fourth and Fifth Schedules to this Act are added to the principal Act and shall be named Ninth, Tenth, Eleventh and Twelfth Schedules respectively.

35. Second Schedule to principal Act amended

The Second Schedule to the principal Act, as renamed, is amended by inserting in their appropriate numerical order, the following items -

- 12A. The Ministry responsible for the subject of housing and lands
- 12B. The Ministry responsible for the subject of tourism
- 12C. The Ministry responsible for the subject of land transport
- 12D. The Ministry responsible for the subject of education
- 25. The University of Mauritius
- 26. A trade union designated in such manner as may determined by the Minister

36. Fourth Schedule to principal Act amended

The Fourth Schedule to the principal Act, as renamed, is amended –

- (a) in paragraph (1), by inserting after the definition of “inland waters”, the following definition –

“Permanent Secretary” includes, where appropriate, the Senior Chief Executive of that Ministry;

- (b) in paragraph 2(1) –
 - (i) in item (e), by inserting, after the words “pesticide residue,”, the words “soil and compost”;
 - (ii) by inserting after item (e), the following item –
 - (ea) in relation to the enforcement of an environmental law within its administrative area, the local authority;

- (c) in paragraph 4(1) –
 - (i) by inserting after the figure “71”, the figure “73”; and
 - (ii) by deleting the words “and stop order”;
- (d) in paragraph 4(2), by inserting after the figure “71”, the figure “73”;
- (e) in paragraph 4 (3), by deleting item (a) and replacing it by the following item –
 - (a) have all the powers conferred on an authorized officer under sections 79, 80, 81, 88 and 89, and may delegate in writing its powers to any officer of the Ministry, authority, corporate body or Department, as the case may be;

37. Sixth Schedule to principal Act amended

The Sixth Schedule to the principal Act, as renamed, is amended by deleting item 7 and replacing it by the following item –

7. Housing and Lands

38. Eighth Schedule to principal Act amended

The Eighth Schedule to the principal Act, as renamed, is amended in column 1, in item 2, by deleting the words “Boarding houses” and replacing them by the words “Boarding houses, bungalows, villas, guest houses, apartments, or other tourist accommodation,”.

39. Repeal

The following enactments are repealed –

- (a) the Noise Prevention Act 1938;
- (b) the Noise Prevention (Beau Bassin/Rose Hill) Regulations 1939;
- (c) the Noise Prevention (Curepipe) Regulations 1939;
- (d) the Noise Prevention (Port Louis) Regulations 1939;

- (e) the Noise Prevention (Quatre Bornes) Regulations 1939;
- (f) the Prevention of Noise (Victoria Hospital) Regulations 1939;
- (g) the Prevention of Noise (Rural Districts) Regulations 1942;
- (h) the Loud Speakers and Amplifiers (Restriction of Use) Beau Bassin and Rose Hill Regulations 1955;
- (i) the Loud Speakers and Amplifiers (Restriction of Use) Curepipe Regulations 1955;
- (j) the Loud Speakers and Amplifiers (Restriction of Use) Quatre Bornes Regulations 1955;
- (k) the Loud Speakers and Amplifiers (Restriction of Use) (Port Louis) Regulations 1955;
- (l) the Prevention of Noise (Vacoas–Phoenix) Regulations 1967.

40. Consequential amendment

The Residential Care Homes Act 2003 is amended –

- (a) in section 9(2), by deleting paragraph (c);
- (b) by repealing section 28.

41. Transitional provision

Any term or condition attached to an EIA licence or an approved PER for an undertaking which is no longer included in the Fifth Schedule shall be deemed to have ceased to have effect since the commencement of the Environment Protection (Amendment of Schedule) Regulations 2006.

42. Commencement - Proclaimed by [Proclamation No. 8 of 2008] w.e.f 15th July 2008, except section 28

(1) (1) Subject to subsection (2), this Act shall come into operation on a day to be fixed by Proclamation.

(2) (2) Different dates may be fixed for the coming into operation of different sections of the Act.

Passed by the National Assembly on the first day of April two thousand and eight

Ram Ranjit Dowlutta
Clerk of the National Assembly

FIRST SCHEDULE

(section 35(2))

THIRD SCHEDULE

(section 12A)

Attorney General's Office

Mauritius Oceanographic Institute

Mauritius Ports Authority

Meteorological Services

Ministry responsible for the subject of agriculture

Ministry responsible for the subject of economic development

Ministry responsible for the subject of environment

Ministry responsible for the subject of finance

Ministry responsible for the subject of fisheries

Ministry responsible for the subject of foreign affairs

Ministry responsible for the subject of health

Ministry responsible for the subject of local government

Ministry responsible for the subject of public utilities

Ministry responsible for the subject of shipping

Prime Minister's Office

SECOND SCHEDULE

(section 35(3))

NINTH SCHEDULE

(section 88(1))

Offences	Fine (R)
1. Discarding or placing or throwing or leaving behind or causing to be dropped any litter or any other article or thing in any –	
(i) lake, reservoir, stream or watercourse or upon the bank of any of the same or any part of the sea.....	10,000
(ii) canal, drain or public place.....	600
2. Smoking any tobacco product on any office premises or in any other place of work intended for use or access by the public.....	600
3. Smoking any tobacco product on any premises of an educational institution.....	600
4. Failure to comply with an eyesore abatement notice.....	10,000
5. Affixing a poster elsewhere than on a designated site or in any way defacing a designated site.....	600
6. Unnecessary honking in any place.....	500

THIRD SCHEDULE

(section 35(3))

TENTH SCHEDULE

(section 88(1))

REPUBLIC OF MAURITIUS

MINISTRY OF ENVIRONMENT AND NATIONAL DEVELOPMENT UNIT

Fixed Penalty Notice

(Issued under section 88 of the Environment Protection Act 2002)

Date

Name of
offender.....
.....

National Identity Card Number (if known)
.....

Date of
Birth.....
.....

Address
.....
.....
.....
.....
.....
.....

This is to bring to your attention that on..... (date)
at..... (place)..... (time) you have committed
the following offence(s) –

(1).....
.....

(2).....
.....

(3).....
.....

The fine(s) provided for this/these offence(s) as set out in section 88 of the Environment Protection Act is/are respectively -

- (1) Rs..... cents
- (2) Rs..... cents
- (3) Rs..... cents

and may be paid to the cashier of the District Court of.....
by..... at latest in accordance with section 88 of the Act.

You are hereby called upon to pay the above fine(s) within the time limit mentioned above, failing which you may be prosecuted for the above offence(s) and may, upon conviction, be liable in respect of this offence/each of these offences, to a fine being not less than thrice the relevant amount specified above and costs which shall not be less Rs1000 nor more than Rs3000.

Signature:.....
(Name and designation of officer
who detected the offence(s))

FOURTH SCHEDULE

(section 35(3))

ELEVENTH SCHEDULE

(section 89(1))

Eyesores

1. Depositing or dumping household, 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 natural 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 waste and ruinous, or has become the receptacle for filth or other nuisances
 4. Unsightly overgrowth of vegetation on any premises
 5. Unsightly stockpile of any material on any premises
-

FIFTH SCHEDULE

(section 35(3))

TWELFTH SCHEDULE

(section 89(2))

REPUBLIC OF MAURITIUS

MINISTRY OF ENVIRONMENT AND NATIONAL DEVELOPMENT UNIT

Eyesore Abatement Notice

Name of
offender:.....
.....

Address:.....
.....

Take notice that for the purpose of enquiry under section 89 of the Environment Protection Act 2002, authorised officer..... of Enforcing Agency..... has inspected your premises and building/structure/land and has observed the presence of the following eyesore/s -

(a).....
.....

(b).....
.....

(c).....
.....

You are requested to remove the eyesore/s constituting the violation on your premises or land/building/structure within a period of not more than..... days from the date on which this notice is served upon you.

Take notice that failure to comply with the requirement of the notice constitutes an offence under section 85(1)(a) and (d) of the Environment Protection Act 2002.

.....
(Authorised officer)