

**THE NATIONAL FLAG, ARMS OF MAURITIUS, NATIONAL ANTHEM AND
OTHER NATIONAL SYMBOLS OF MAURITIUS BILL**

(No. I of 2022)

Explanatory Memorandum

The main object of this Bill is to consolidate and update the laws with regard to the national symbols of Mauritius, such as the Arms of Mauritius, the National Flag of Mauritius and the Seal of Mauritius.

2. Opportunity is being taken to –

- (a) give legal effect to the National Anthem of Mauritius (Motherland) and to the National Flower of Mauritius (*Trochetia boutoniana*); and
- (b) declare the Mauritius Kestrel (*Falco punctatus*) as the National Bird of Mauritius.

3. In addition, the Bill provides for better protection and use of our national symbols, and for matters related thereto.

P. K. JUGNAUTH

*Prime Minister, Minister of Defence, Home Affairs and
External Communications, Minister for Rodrigues,
Outer Islands and Territorial Integrity*

25 March 2022

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ARRANGEMENT OF CLAUSES

Clause

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A BILL

To consolidate and update the laws with regard to the national symbols of Mauritius, to provide better protection and use of our national symbols, and to provide for matters related thereto

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Flag, Arms of Mauritius, National Anthem and Other National Symbols of Mauritius Act 2022.

2. Interpretation

In this Act –

“Arms of Mauritius” –

- (a) means the Arms of Mauritius referred to in section 4; and
- (b) includes, for the purposes of sections 11(2) and 12(1)(a), any picture, painting, drawing or photograph, or such other visible representation of the Arms of Mauritius made of any substance or represented on any substance;

“National Anthem” means the National Anthem of Mauritius referred to in section 6;

“National Bird” means the National Bird of Mauritius specified in section 9;

“National Flag” –

- (a) means the National Flag of Mauritius referred to in section 5; and
- (b) includes, for the purposes of sections 11(2) and 12(1)(a), any picture, painting, drawing or photograph, or such other visible representation of the National Flag made of any substance or represented on any substance;

“National Flower” means the National Flower of Mauritius specified in section 8;

“national symbol” –

- (a) means the Arms of Mauritius, the National Flag, the National Anthem, the Seal of Mauritius, the National Flower and the National Bird; and
- (b) such other national symbol as may be designated under section 10(1);

“Seal of Mauritius” –

- (a) means the Seal of Mauritius referred to in section 7; and
- (b) includes, for the purposes of sections 11(2) and 12(1)(a), any picture, painting, drawing or photograph, or such other visible representation of

the Seal of Mauritius made of any substance or represented on any substance;

“type of National Flag” means the mast flag, desk flag or handheld flag, car flag or such other type as may be prescribed.

3. Application of Act

This Act shall bind the State.

PART II – NATIONAL SYMBOLS

4. Arms of Mauritius

(1) The armorial ensigns and supporters of Mauritius, as set out and described in Part I of the First Schedule, shall be the Arms of Mauritius.

(2) The colours of the Arms of Mauritius, including its colour codes, shall be as specified in Part II of the First Schedule.

(3) Subject to this Act, the Arms of Mauritius shall be used solely on every official correspondence and activities of the Government, or as may be permitted by law.

5. National Flag of Mauritius

(1) The National Flag of Mauritius shall be the symbol of the Government and the people of Mauritius.

(2) The National Flag, including its national colours with their corresponding symbolic meaning, shall be as set out and described in Part I of the Second Schedule.

(3) The standard size and dimension for any type of National Flag and the colour codes and materials to be used in relation to any type of National Flag shall be as specified in Part II of the Second Schedule.

(4) The National Flag shall be for general use in Mauritius and, where appropriate, for international purposes.

6. National Anthem of Mauritius

(1) The National Anthem of Mauritius shall be the “Motherland”.

(2) The lyrics of the National Anthem shall be as specified, and its music and melody shall be as described, in Part I and Part II of the Third Schedule, respectively.

7. Seal of Mauritius

(1) The Seal of Mauritius shall be a seal of the Government bearing the Arms of Mauritius.

(2) The seal of Mauritius shall be used solely on every official correspondence and activities of the Government, or as may be permitted by law.

8. National Flower of Mauritius

The National Flower of Mauritius shall be the *Trochetia boutoniana*.

9. National Bird of Mauritius

The National Bird of Mauritius shall be the Mauritius Kestrel (*Falcao punctatus*).

10. Other national symbol

(1) Subject to the approval by resolution of the Assembly, the President may, by Order, designate a national symbol.

(2) The Prime Minister may make such regulations as he thinks fit with regard to the national symbol designated under subsection (1).

PART III – PROTECTION OF NATIONAL SYMBOLS

11. Insulting national symbols

(1) No person shall, by any means, or in any manner, bring into hatred, ridicule or dishonour, a national symbol or the national symbol of any other State.

(2) No person shall, without lawful authority, burn, mutilate or otherwise destroy or damage the Arms of Mauritius, the National Flag or the Seal of Mauritius.

(3) Any person who contravenes subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to penal servitude.

12. Prohibition from altering Arms of Mauritius, National Flag, National Anthem and Seal of Mauritius

(1) No person shall –

- (a) alter the Arms of Mauritius, the National Flag or the Seal of Mauritius by placing thereon any letter, emblem or representation or by any other manner whatsoever;
- (b) alter the lyrics, or the music and melody, of the National Anthem.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

13. Prohibition from improper exhibition of Arms of Mauritius and National Flag

(1) Subject to this section, no person shall –

- (a) exhibit as the Arms of Mauritius or the National Flag which is not as described in Part I of the First Schedule or Part I of the Second Schedule, as the case may be;
- (b) exhibit on any item or article an image of the Arms of Mauritius or the National Flag which is not as described in Part I of the First Schedule or Part I of the Second Schedule, as the case may be.

(2) No person shall commit an offence under subsection (1) where that person is a minor who, in good faith and in the course of educational or social activities, represents the Arms of Mauritius or the National Flag which is not as described in Part I of the First Schedule or Part I of the Second Schedule, as the case may be.

(3) Notwithstanding subsection (1), a person may, on the occasion of a national event, exhibit a flag as the National Flag or exhibit on any item or article an image of the National Flag as the National Flag –

- (a) without that flag, or any image of the National Flag, complying with the size and dimension as specified in Part II of the Second Schedule; but
- (b) subject to that flag, or image of the National Flag, being displayed horizontally and bearing the colours red, blue, yellow and green in that order.

(4) It shall be a defence for a person charged with an offence under subsection (1)(b) to show that any variance between the image on the item or article and the Arms of Mauritius and the National Flag as described in Part I of the First Schedule or Part I of the Second Schedule, as the case may be, is the consequence of the ordinary use of the item or article.

(5) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(6) In this section –

“national event” means the Independence Day and the Republic Day or such other event as may be prescribed.

14. Prohibition from counterfeiting or making use of Seal of Mauritius

(1) No person shall –

- (a) counterfeit the Seal of Mauritius or make use of such counterfeit seals; or
- (b) in connection with any business, trade, calling, advertising or any professional or public activity, make use of the Seal of Mauritius.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to penal servitude.

15. Prohibition from improper use of Arms of Mauritius, National Flag and National Anthem

(1) No person shall, without the written authorisation of the Prime Minister –

- (a) in connection with any business, trade, calling, advertising or any professional or public activity, make use of the Arms of Mauritius, the National Flag or the National Anthem, or any image thereof; or
- (b) offer for sale or sell any article, or any matter, whether produced by technological means, in electronic medium or otherwise,

bearing the Arms of Mauritius, the National Flag or the National Anthem.

(2) Subsection (1) shall not apply to any public activity of the Government.

(3) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

PART IV – MISCELLANEOUS

16. Offences and jurisdiction

(1) Any person who otherwise contravenes this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) Where an offence is committed in respect of the Arms of Mauritius or the National Flag, it shall not be a defence to any person that the Arms of Mauritius or the National Flag did not bear the colour codes as specified in Part II of the First Schedule or Part II of the Second Schedule, as the case may be.

(3) No prosecution shall be instituted in relation to an offence under this Act except on information filed with the consent of the Director of Public Prosecutions.

(4) (a) Any act alleged to constitute an offence under this Act and which is committed outside Mauritius by a person shall, regardless of whether or not the act constitutes an offence or not at the place of its commission, be deemed to have been committed in Mauritius where that person is found to be in Mauritius.

(b) An offence under this Act committed in a country outside Mauritius shall, for the purpose of determining the jurisdiction of a Court to try the offence, be deemed to have been committed –

(i) at the place where the accused is ordinarily resident; or

(ii) at the accused person's principal place of business.

(5) Notwithstanding section 114 of the Courts Act and section 72 of the District and Intermediate (Criminal Jurisdiction) Act, the District Court and the Intermediate Court shall have jurisdiction to try an offence under this Act and may impose any penalty provided in this Act.

(6) The Court before which a person is convicted for an offence under this Act may, in addition to the penalty imposed, order any article or matter used in the commission of the offence to be forfeited.

17. Regulations

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

(2) Any regulations made under subsection (1) may, in particular, provide for –

- (a) the places where, the days or occasions on which, and the times during which, the National Flag shall be flown; and
- (b) the manner by which the National Flag is to be flown, including the precedence to be accorded in relation to other specified flags or classes of flags.

(3) Any regulations made under this Act may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

18. Repeal

(1) The National Flag Act 2016 is repealed.

(2) The National Flag (Standard Size and Dimension, Colour Codes and Materials) Regulations 2016 are revoked.

19. Consequential amendments

(1) The Copyright Act is amended, in section 2 –

(a) in the definition of “artistic, literary or scientific work”, in paragraph (b), by repealing subparagraph (xii) and replacing it by the following subparagraph –

(xii) a national symbol under the National Flag, Arms of Mauritius, National Anthem and Other National Symbols of Mauritius Act 2022; but

- (b) by deleting the definition of “national flag”.
- (2) The Criminal Code is amended –
 - (a) by repealing section 76A;
 - (b) in section 100, in subsection (1), by repealing paragraph (a).
- (3) The Interpretation and General Clauses Act is amended –
 - (a) in section 2, by deleting the definition of “Arms of Mauritius” and replacing it by the following definition –

“Arms of Mauritius” means the armorial ensigns and supporters of Mauritius as set out and described in Part I of the First Schedule to the National Flag, Arms of Mauritius, National Anthem and Other National Symbols of Mauritius Act 2022;
 - (b) by repealing the Schedule.
- (4) The Merchant Shipping Act is amended, in section 2, by deleting the definition of “national flag” and replacing it by the following definition –

“National Flag” has the same meaning as in the National Flag, Arms of Mauritius, National Anthem and Other National Symbols of Mauritius Act 2022;

20. Saving provision

Any authorisation granted by the Prime Minister under section 5(1)(f) under the repealed National Flag Act 2016 shall be deemed to have been granted under this Act.

21. 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.

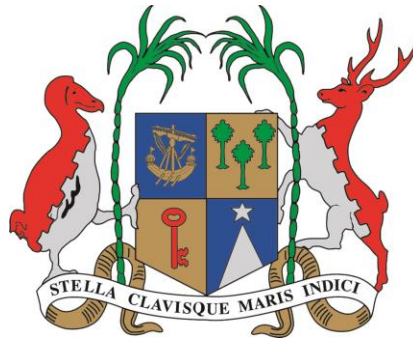
FIRST SCHEDULE

[Section 4]

PART I – ARMS OF MAURITIUS

The armorial ensigns and supporters of Mauritius –

(a) shall be as follows –



(b) shall be described as –

(i) for arms –

- (A) quarterly azure (blue) and or, in the first quarter a lymphad of the last;
- (B) in the second, 3 palm trees eradicated vert (green);
- (C) in the third, a key in pale the wards downwards gules (red); and
- (D) in the last issuant, from the base a pile, and in chief a mullet argent (silver); and

(ii) for supporters –

- (A) on the dexter side, a dodo per bend sinister embattled gules (red) and argent (silver); and
- (B) on the sinister side, a sambar deer per bend embattled argent (silver) and gules (red),

each supporting a sugar cane erect proper;

(iii) with the motto "*Stella Clavisque Maris Indici*".

PART II – COLOURS AND COLOUR CODES OF ARMS OF MAURITIUS

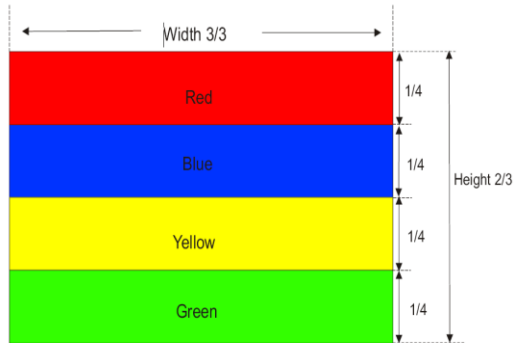
Colours of Arms of Mauritius	Pantone colour codes	Cyan, Magenta, Yellow and Black values			
		Cyan (%)	Magenta (%)	Yellow (%)	Black (%)
Red	1795CP	0	96	93	2
Blue	661CP	100	75	0	6
Green	7482CP	90	0	93	0
Gold	465CP	9	29	66	24
Silver	Process black C	0	0	0	30

SECOND SCHEDULE
[Section 5]

PART I – NATIONAL FLAG OF MAURITIUS

1. The National Flag of Mauritius –

(a) shall be as follows –



(b) shall –

- (i) consist of 4 horizontal stripes of equal width;
- (ii) bear the national colours red, blue, yellow and green in that order starting from the top; and
- (iii) be in the proportion of 3 horizontally to 2 vertically.

2. The symbolic meaning of colours of the National Flag of Mauritius shall be as follows –

- (a) red, representing the struggle for freedom and independence;
- (b) blue, representing the Indian Ocean in the middle of which Mauritius is situated;
- (c) yellow, representing the new light of independence; and
- (d) green, representing the agriculture of Mauritius and its colour throughout the 12 months of the year.

**PART II – STANDARD SIZE AND DIMENSION, COLOUR CODES AND MATERIALS
OF NATIONAL FLAG OF MAURITIUS**

STANDARD SIZE AND DIMENSION

1. The standard size and dimension for the National Flag shall be as follows –

Type of National Flag	Width x height (mm)	Height of each colour band (mm)
Mast flag	1,800 x 1,200	300
Desk flag or handheld flag	150 x 100	25
Car flag	300 x 200	50

2. A tolerance of ± 2 per cent shall be allowed on the dimensions of the different coloured sections of the National Flag.

COLOUR CODES

1. The colour codes corresponding to the 4 colours of the National Flag shall be as follows –

Colour	Pantone fashion home cotton
Red	18 – 1664TCX
Blue	19 – 3939TCX
Yellow	14 – 0957TCX
Green	17 – 6030TCX

2. The tolerance for overlapping between 2 different colours shall be one millimetre.

MATERIALS

The properties of the materials for the mast flag shall be as follows –

Property	Requirement	Test method
Composition – % polyester	100	*
Construction	Plain weave	ISO 3572
Mass per unit area (free from non-fibrous material), g/m ²	150 ± 5	ISO 3801

**Polyester fibres dissolve at room temperature (or on slight warming in o-chlorophenol) and in hot m-cresol*

THIRD SCHEDULE

[Section 6]

NATIONAL ANTHEM OF MAURITIUS

PART I –LYRICS OF MOTHERLAND

Glory to thee, Motherland

O motherland of mine.

Sweet is thy beauty,

Sweet is thy fragrance,

Around thee we gather

As one people,

As one nation,

In peace, justice and liberty.

Beloved Country,

May God bless thee.

For ever and ever.
