

# THE MAURITIUS METEOROLOGICAL SERVICES BILL

Bill No. 26 of 2019

Government Gazette of Mauritius No. 90 of 29 August 2019

## THE MAURITIUS METEOROLOGICAL SERVICES BILL

(No. XXVI of 2019)

### Explanatory Memorandum

The object of this Bill is to provide a regulatory framework for the establishment and operation of the Mauritius Meteorological Services.

2. The Mauritius Meteorological Services shall, inter alia –
- (a) take over the functions and powers of the existing Mauritius Meteorological Services which has so far been operating administratively without a regulatory framework;
  - (b) be the sole official authority responsible for monitoring the general weather and climate conditions, including extreme weather events, throughout Mauritius and for providing weather forecasts, warnings and advisories for the welfare and safety of the general public and for the protection and safety of maritime and aeronautical navigation; and
  - (c) act as the National Tsunami Warning Centre for Mauritius.

**M. J. N. E. G. SINATAMBOU**

*Minister of Social Security, National Solidarity and  
Environment and Sustainable Development*

19 August 2019

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# THE MAURITIUS METEOROLOGICAL SERVICES BILL

(No. XXVI of 2019)

## ARRANGEMENT OF CLAUSES

*Clause*

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1. Short title
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4. Objects of Mauritius Meteorological Services
5. Functions and powers of Mauritius Meteorological Services
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## **A BILL**

**To provide a regulatory framework for the establishment and operation of  
the Mauritius Meteorological Services**

ENACTED by the Parliament of Mauritius, as follows –

### **PART I – PRELIMINARY**

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

This Act may be cited as the Mauritius Meteorological Services Act 2019.

#### **2. Interpretation**

In this Act –

“climate services” means climate information provided to individuals and organisations to assist them in making decisions to help society adapt to climate variability and change and to respond to other needs;

“Director” means the Director of the Mauritius Meteorological Services; “extreme weather event–

(a) means tropical storm, tropical cyclone, heavy rain, torrential rain, flood, flash flood, high waves, storm surge, drought and tsunami; and

(b) includes any other weather condition likely to endanger life or property;

“IOC” means the UNESCO's Intergovernmental Oceanographic Commission;

“Mauritius Meteorological Services” means the Mauritius Meteorological Services established under section 3;

“Metarea VIII (S)” means Metarea VIII (S) of the Global Maritime Distress Safety System determined by the WMO–IOC Joint Technical Commission for Oceanography and Marine Meteorology;

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

“Ministry” means the Ministry responsible for meteorology; “officer”

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(a) means an officer referred to in section 7; and

(b) includes the Director;

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

“World Meteorological Organization” or “WMO” means the agency of the United Nations specialised in meteorology.

## **PART II – MAURITIUS METEOROLOGICAL SERVICES**

### **3. Establishment of Mauritius Meteorological Services**

For the purposes of this Act, there shall be, within the Ministry, a department to be known as the Mauritius Meteorological Services.

#### **4. Objects of Mauritius Meteorological Services**

The Mauritius Meteorological Services shall be the sole official authority responsible for –

- (a) monitoring the general weather and climate conditions, including extreme weather events, throughout Mauritius;
- (b) monitoring tsunami caused mainly by seismic activity;
- (c) providing weather forecasts, advisories and warnings for the welfare and safety of the general public;
- (d) providing climate services for the sustainable socio-economic development of Mauritius;
- (e) fulfilling the international obligations of Mauritius under the Convention of the World Meteorological Organization;
- (f) fulfilling the international obligations of Mauritius under Annex 3 to the Convention on International Civil Aviation on Meteorological Service for International Air Navigation; and
- (g) fulfilling such other weather or climate-related international obligations as may be necessary.

#### **5. Functions and powers of Mauritius Meteorological Services**

The Mauritius Meteorological Services shall –

- (a) provide daily forecasts in relation to general weather and climate conditions;
- (b) provide advisories and warnings, including during extreme weather events;
- (c) provide advisories and warnings to ensure the protection and safety of –
  - (i) maritime navigation within Metarea VIII (S);
  - (ii) aeronautical navigation within the MAURITIUS FIR;
- (d) provide special weather forecasts for the agricultural sector and other socio-economic sectors whose operations are weather-sensitive;
- (e) in accordance with the standards and procedures of the World Meteorological Organization, make, collect and exchange meteorological and other related observations;
- (f) record, process and archive meteorological and other related observations for climatological, environmental and research purposes;

- (g) assess the state of the atmosphere and ocean;
- (h) keep the National Disaster Risk Reduction Management Centre and the Rodrigues Centre set up under the National Disaster Risk Reduction and Management Act and other appropriate authorities informed of all advisories and warnings during extreme weather events;
- (i) as the only official source, prepare, disseminate and supply meteorological information, data, products and advice, in line with established procedures;
- (j) publish and distribute timely meteorological publications and reports;
- (k) conduct and assist in research and investigations for the advancement of meteorology;
- (l) monitor, assess and conduct research on climate change, in particular on the science of climate change and sea level rise and provide baseline information for the sustainable development of Mauritius;
- (m) promote, cooperate and participate in regional and international cooperation programmes in meteorology and seismology;
- (n) participate in the activities of, and collaborate with, the World Meteorological Organization or any other United Nations agencies dealing with weather, climate and natural hazards;
- (o) establish offices and stations for the observation of parameters related to weather, water and climate over land, in the atmosphere and the oceans;
- (p) arrange with any institution, authority or person to perform and record meteorological observations, in accordance with established standards of the World Meteorological Organization;
- (q) ensure optimum use of communication facilities for the transmission and reception of meteorological data and information at local, regional and international levels;
- (r) act as the National Tsunami Warning Centre for Mauritius which shall coordinate the international tsunami warning and shall participate in mitigation activities and in the Intergovernmental Coordination Group of the Indian Ocean Tsunami Warning and Mitigation System; and
- (s) do all such other acts or things as may be necessary or desirable for the attainment of its objects.

## **6. Director of Mauritius Meteorological Services**

There shall be a Director of the Mauritius Meteorological Services, to be appointed

by the Public Service Commission, who shall –

- (a) be under the administrative control of the supervising officer and be responsible to the supervising officer for the proper discharge of his functions and exercise of his powers under this Act;
- (b) be responsible for the control, management and administration of the day to day business of the Mauritius Meteorological Services;
- (c) be the sole representative of Mauritius to the World Meteorological Organization;
- (d) be responsible for the execution of the policy of the Ministry on meteorological matters; and
- (e) carry out such other assignments given to him by the Minister or the supervising officer.

## **7. Officers of Mauritius Meteorological Services**

(1) The supervising officer, in consultation with the Director, shall designate such officers as may be necessary to assist the Mauritius Meteorological Services in the proper discharge of its functions under this Act.

(2) The officers referred to in subsection (1) shall be public officers and shall be under the administrative control of the Director.

## **PART III – MISCELLANEOUS**

### **8. Protection from liability**

(1) No liability, civil or criminal, shall be incurred by the Mauritius Meteorological Services or an officer in respect of any act done or omitted in good faith in the performance of its or his functions or exercise of its or his powers under this Act.

(2) This section shall be in addition to, and not in derogation from, the Public Officers' Protection Act, and for the purposes of that Act, every officer shall be deemed to be a public officer or a person lawfully engaged, authorised or employed in the performance of a public duty.

### **9. Confidentiality**

(1) No officer shall, during or after the tenure of his office, use or disclose any matter which came to his knowledge in the discharge of his functions, except -

- (a) for the purposes of this Act; or
- (b) where he is so required by a Court or under any enactment.

(2) Any person who, without lawful excuse, 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.

## **10. Powers of Minister**

(1) The Minister may give such directions of a general character to the Mauritius Meteorological Services, not inconsistent with this Act, as he considers necessary in the public interest, and the Mauritius Meteorological Services shall comply with those directions.

(2) The Minister may require the Mauritius Meteorological Services to furnish such information in such manner and at such time as he may determine and the Mauritius Meteorological Services shall supply such information.

(3) The Minister may set up such committees as may be necessary to assist the Mauritius Meteorological Services in the discharge of its functions under this Act.

## **11. Regulations**

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

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

- (a) provide for the levying of fees and the taking of charges;
- (b) notwithstanding any other enactment, provide for the supply, free of charge, of meteorological forecasts and other meteorological services, climate services, climatological data, advice, publications and reports; and
- (c) 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.

## **12. Consequential amendments**

(1) The Environment Protection Act is amended –

- (a) in the Second Schedule, in the item “The Meteorological Services”, by deleting the word “The” and replacing it by the word “Mauritius”;
- (b) in the Third Schedule –

- (i) by deleting the following item –  
Meteorological Services
- (ii) by inserting, in the appropriate alphabetical order, the following new item –  
Mauritius Meteorological Services

- (c) in the Seventh Schedule, in item 16, by deleting the word “The” and replacing it by the word “Mauritius”.

(2) The Mauritius Oceanography Institute Act is amended, in section 8(2)(l), by deleting the words “Meteorological Services” and replacing them by the words “Mauritius Meteorological Services”.

(3) The National Disaster Risk Reduction and Management Act is amended, in section 23(2), by deleting paragraph (h) and replacing it by the following paragraph –

- (h) the Officer in Charge of meteorological services in Rodrigues;

(4) The Outer Islands Development Corporation Act is amended, in section 6(2)(g), by deleting the words “Meteorological Services” and replacing them by the words “Mauritius Meteorological Services”.

(5) The Public Holidays Act is amended, in section 2, in the definition of “cyclone warning of class III”, by deleting the words “Meteorological Services” and replacing them by the words “Mauritius Meteorological Services”.

(6) The Rajiv Gandhi Science Centre Trust Fund Act is amended, in section 5(2)(k), by deleting the words “Meteorological Services” and replacing them by the words “Mauritius Meteorological Services”.

### **13. Transitional provisions and savings**

(1) The Mauritius Meteorological Services shall, at the commencement of this Act, take over the functions and powers of the existing Mauritius Meteorological Services.

(2) The Director of the existing Mauritius Meteorological Services shall, at the commencement of this Act, be the Director of the Mauritius Meteorological Services.

(3) All officers of the existing Mauritius Meteorological Services shall, at the commencement of this Act, be officers of the Mauritius Meteorological Services.

(4) All assets and funds of the existing Mauritius Meteorological Services shall, at the commencement of this Act, vest in the Mauritius Meteorological Services.



(5) All rights, obligations and liabilities subsisting in favour of or against the existing Mauritius Meteorological Services shall, at the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Mauritius Meteorological Services.

(6) A reference in any enactment, arrangement, agreement or document to the Meteorological Services of Mauritius shall be construed as a reference to the Mauritius Meteorological Services.

(7) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

#### **14. 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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