Mauritius

National Identity Card Act

Act 60 of 1985

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Mauritius

National Identity Card Act

Act 60 of 1985

Commenced on 11 April 1986

[This is the version of this document at 30 June 2017.]

1. Short title

This Act may be cited as the National Identity Card Act.

2. Interpretation

In this Act —

"**biometric information**", in relation to an individual, means data about his external characteristics, including his fingerprints;

"**identity card**" means a National Identity Card issued under section 5;

"**Minister**" means the Minister to whom responsiblity for the subject of civil status is assigned;

"**NIC number**" has the same meaning as in the Civil Status Act;

"**register**" means the register kept under section 3;

"**Registrar**" means the Registrar of Civil Status.

[S. 2 amended by s. 15 (a) of Act 20 of 2009 w.e.f. 16 September 2013.]

3. Register to be kept

(1) The Registrar shall cause to be kept at such office as the Minister may designate, a register in which shall be recorded particulars of the identity of every citizen of Mauritius.

(2) The particulars required to be recorded in respect of any person under subsection (1) shall be—

(a) the sex and names of that person; and

(b) such other reasonable or necessary information as may be prescribed regarding the identity of the person.

(3) The register to be kept under subsection (1) shall be in electronic form or such other form as may be prescribed.

[S. 3 amended by s. 15 (b) of Act 20 of 2009 w.e.f. 16 September 2013.]

4. Duty to be registered

(1) (a) Subject to paragraph (b), every person who is a citizen of Mauritius shall, within 6 months of attaining the age of 1 8 and on such form as may be prescribed, apply for an identity card at any office designated by the Registrar.

(b) Where a person—

(i) is not a resident of Mauritius; or

(ii) is unable to comply with paragraph (a) on account of serious illness, as certified by a medical practioner in the public service, or on any other compelling and reasonable ground,

he may apply for an identity card in such manner and within such period of attaining the age of 18 as the Registrar may determine.

(2) Every person who applies for an identity card shall—

(a) produce his birth certificate or his certificate of registration or naturalisation as a citizen of Mauritius, as the case may be;

(b) produce such other documents as the Registrar may require;

(c) allow his fingerprints, and other biometric information about himself, to be taken and recorded; and

(d) allow himself to be photographed,

for the purpose of the identity card.

(3) Subsection (2) (c) shall not apply to a person who is certified by a medical practitioner in the public service to be unable to provide his biometric information by reason of any permanent infirmity or permanent disability.

[S. 4 amended by s. 15 (c) of Act 20 of 2009 w.e.f. 16 September 2013; s. 2 (a) of Act 18 of 2013 w.e.f. 16 September 2013.]

5. National Identity Card

(1) Every person who makes an application under this Act shall be issued with an identity card.

(2) Every identity card shall contain, in electronic form or otherwise—

(a) the surname, first name and, where applicable, the surname at birth of the person;

(b) the date of birth of the person;

(c) the gender of the person;

(d) the photograph of the person;

(e) the signature or thumbprint of the person;

(f) the NIC number;

(g) the date of issue; and

(h) such other information as may be prescribed.

(2A) Notwithstanding subsection (2) (e), an identity card need not contain—

(a) the signature of the person where he is unable to sign his name; and

(b) the thumbprint of the person where he is certified by a medical practitioner in the public service to be unable to provide his thumbprint by reason of any permanent infirmity or permanent disability.

(3) Every identity card shall be—

(a) valid for such period; and

(b) renewed by the holder in such form and manner,

as may be prescribed.

(4) Every holder of an identity card shall apply for a new identity card on the occurrence of such events or for such reasons as may be prescribed.

[S. 5 amended by s. 15 (d) of Act 20 of 2009 w.e.f. 16 September 2013.]

6. Change of residence

(1) Where any person issued with an identity card changes his residence, he shall, within 28 days of the occurrence, notify the change at any office designated by the Registrar.

(2) Any change of residence reported under subsection (1) shall be in such form as may be prescribed.

[S. 6 amended by s. 15 (e) of Act 20 of 2009 w.e.f. 16 September 2013; s. 2 (b) of Act 18 of 2013 w.e.f. 16 September 2013.]

7. Production of identity card

(1) Every person may—

(a) in reasonable circumstances and for the purpose of ascertaining the identity of another person; or

(b) where he is empowered by law to ascertain the identity of another person,

request that other person to produce his identity card where that person is a citizen of Mauritius.

(1A) Where a person is required to produce his identity card in accordance with subsection (1) (b), he shall—

(a) forthwith produce his identity card to the person making the request; or

(b) where he is not in possession of his identity card, produce his identity card within such reasonable period, to such person and at such place as may be directed by the person making the request.

(2) Where any person is required to produce evidence of his identity, it shall be sufficient for that purpose if he produces his identity card.

[S. 7 amended by s. 2 (c) of Act 18 of 2013 w.e.f. 16 September 2013.]

7A. Lost or mislaid identity card

Any person who—

(a) finds an identity card issued in the name of another person who is unknown to him; or

(b) after being issued with a new identity card by reason of his identity card being lost, finds the original identity card,

shall, as soon as practicable within 7 working days, return the identity card found to any office designated by the Registrar.

[S. 7A inserted by s. 2 (d) of Act 18 of 2013 w.e.f. 16 September 2013.]

8. Cancellation of identity card

(1) Where the Minister is satisfied that an identity card—

(a) was obtained by means of fraud, false representation or the concealment of any material fact;

(b) was issued by mistake; or

(c) bears a number which shall be cancelled,

the Minister may order the cancellation of the card and require that it be surrendered.

(2) Every person who is required under subsection (1) to surrender an identity card shall surrender it unless he can satisfy the Minister that he is no longer in possession of the card.

9. Offences

(1) Every person who—

(a) forges, falsifies, defaces or mutilates an identity card or the register;

(b) makes a false entry or alters in any material particular any entry in the register or an identity card;

(c) knowingly makes use of an identity card, which is altered, forged, defaced or mutilated;

(d) for the purpose of obtaining an identity card, personates a fictitious or inexistent person, or gives a false name;

(e) obtains or seeks to obtain an identity card in a name other than the name which appears in his birth certificate;

(f) without lawful authority or reasonable excuse, has in his possession an identity card not belonging to him; or

(g) produces any false document for the purpose of being issued with an identity card,

shall commit an offence.

(2) Every person who contravenes this Act or any regulations made under it shall commit an offence.

(3) Every person who commits an offence under this Act or any regulations made under this Act shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.

[S. 9 amended by s. 4 and Second Sch. of Act 5 of 1999 w.e.f. 1 July 1999; s. 15 (f) of Act 20 of 2009 w.e.f. 16 September 2013; s. 2 (e) of Act 18 of 2013 w.e.f. 16 September 2013.]

10. Regulations

(1) Subject to subsection (2), the Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Where the Prime Minister is of the opinion that the particulars of an identity card have to be recorded in a document drawn up by a notary, public officer, a judicial officer or some other person, he may make such regulations in regard thereto as he thinks fit.

(3) Regulations made under subsection (1) may provide for the levying of fees and charges.

10A. Transitional provisions

(1) Subject to subsection (2), every holder of an existing identity card shall, within 12 months from 16 September 2013 or from such other period as may be prescribed, apply for a new identity card at any place designated by the Registrar.

(2) Every holder of an existing identity card who resides abroad shall, on such opportunity and at such time as may be convenient to him, apply for a new identity card at any office designated by the Registrar.

(3) Any person who, without reasonable excuse, fails to comply with 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 5 years.

(4) An application under subsection (1) or (2) shall be made in such form and manner as may be prescribed.

(5) Notwithstanding the National Identity Card Regulations 1986, an existing identity card shall remain valid for a period of 12 months as from 16 September 2013 or for such other period as may be prescribed.

(6) Every person to whom a new identity card is issued shall, at the time the card is issued to him, surrender his existing identity card.

(7) In this section—

"existing identity card" means an identity card issued before 16 September 2013.

[S. 10A inserted by s. 15 (g) of Act 20 of 2009 w.e.f. 16 September 2013.]

11. Designation of office

Where the Registrar designates any office or place under this Act, he shall forthwith cause notice of such designation to be given in the *Gazette*.

[S. 11 inserted by s. 2 (f) of Act 18 of 2013 w.e.f. 16 September 2013.]

12. Collection and processing of data to be subject to Data Protection Act

The collection and processing of personal data, including biometric information, under this Act shall be subject to the Data Protection Act.

[S. 12 added by s. 2 (f) of Act 18 of 201 3 w.e.f. 16 September 2013.]

13. ***