

RODRIGUES DESTITUTE IMMIGRANTS AND STOWAWAYS REGULATIONS 1934

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RODRIGUES, ST.BRANDON AND AGALEGA

1. Short title

These regulations may be cited as the **Rodrigues Destitute Immigrants and Stowaways Regulations 1934**.

2. Definition of terms

“costs and charges” mean-

- (1) Any money expended out of public funds for the relief, maintenance, care or treatment of any destitute immigrant or stowaway
- (2) The expenses, computed according to a scale prescribed by the President, of any such relief, maintenance, care, or treatment in any hospital, almshouse or other institution for the relief of sick or destitute persons which is maintained out of public funds;
- (3) In the case of a stowaway, any money expended out of public funds for his deportation from Rodrigues and for his maintenance, care and treatment until such deportation;

“destitute immigrant” shall mean a “destitute person” within the meaning of sections 2 and 3 of the Deportation Act, as to whom notice that he is a destitute immigrant is given in accordance with the provisions of these regulations;

“Vessel” means any vessel of whatever kind used in navigating the sea;

“Visiting Officer” shall mean the Medical Officer of Rodrigues, and shall include any officer of the Police Force not below the rank of sergeant, and any officer of Customs.

Amended by [\[Act No. 48 of 1991\]](#)

3. Destitute immigrants

- (1) If, on the arrival in Rodrigues of any vessel, there is on board any person not being a native of Mauritius who, in the opinion of the Visiting Officer visiting such vessel, is unable, by reason of physical or mental infirmity, to maintain himself by his own labour, or is destitute, and in either case is likely, if permitted to land, to become chargeable to the Government of Mauritius, such Visiting Officer shall give notice that such person is a destitute immigrant:

[Proviso spent]

- (2) Such notice may be given either verbally or in writing to the master or any of the crew of the vessel or by writing nailed or affixed to any mast or other part of the vessel, but shall, where practicable, be given to the master.

4. Restriction on landing of destitute immigrants

A destitute immigrant shall not, except by permission of the Island Secretary, land in Rodrigues, unless some person resident therein and approved by the Island Secretary as sufficient in that behalf enters into a bond, undertaking to repay to the Government of Mauritius any expenses not exceeding 500 rupees which, within two years from the date of such bond, may be incurred by it in respect of such destitute immigrant.

Amended by [Act No. 3 of 1988]; [Act No. 12 of 1990]

5. Penalty for landing destitute immigrant

Every person who-

- (1) being the master of a vessel, suffers any destitute immigrant who arrives in such vessel to land in Rodrigues contrary to these regulations; or
- (2) knowingly lands or procures to be landed in Rodrigues any destitute immigrant contrary to these regulations; or
- (3) being a destitute immigrant, lands or suffers himself to be landed in Rodrigues contrary to these regulations;

shall be liable to a fine not exceeding 500 rupees.

6. Duty of master of vessel to answer questions of Visiting Officer

The master of any vessel arriving in Rodrigues shall answer all questions which a Visiting Officer may put to him for the purposes of these regulations; and any master who either refuses to answer any such question or gives an untrue answer thereto shall be liable to a fine not exceeding 100 rupees.

7. Liability of master to repay costs and charges in respect of immigrants unlawfully landed and stowaways

- (a) Where any destitute immigrant lands in Rodrigues from any vessel contrary to the provisions of these regulations;
- (b) Where any stowaway is landed from any vessel at any place in Rodrigues, the master of the vessel shall be liable to pay to the Government of Mauritius-

- (1) All costs and charges incurred by the Government in connection with such destitute immigrant during a period of two months from his landing.
- (2) All costs and charges incurred by the Government in connection with such stowaway until he shall have been placed on board a vessel on which a passage has been provided for him to some place at which he can lawfully be landed:

Provided that in the case of a destitute immigrant the master shall incur no liability to repay the said costs and charges, if he proves that the destitute immigrant was at the time of landing under an engagement of service, or in possession of a sum of money of not less than 150 rupees:

Provided further that in the case of a stowaway if no arrangement for his deportation shall have been made by the master, owner, agent or charterer of the vessel within two months of his landing, such arrangement may be made by the Government.

8. Liability of owner in the absence of master

- (1) The liability incurred by the master of a vessel under the preceding regulation shall in the absence of such master, or in case such master departs from Rodrigues before repaying such costs and charges, devolve upon the owner, agent, or charterer of such vessel at the time when the destitute immigrant or stowaway landed.
- (2) Such costs and charges shall be recoverable by action as if an express agreement had been entered into with the Government of Mauritius by the person firm, company, association, body, master, owner, agent or charterer chargeable.

9. Evidence as to costs and charges

As regards costs and charges incurred on behalf of a destitute immigrant or stowaway, a written statement purporting to be signed by the Public Assistance Officer of Rodrigues shall be prima facie evidence of the amount thereof and also that they have been incurred by the Government of Mauritius.

Amended by [Act No. 41 of 1947]