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## Mauritius

### Overview of emergency legislation adopted in response to COVID-19

#### **Cut-off date for the research**

The material analysed has been gathered until the morning of 27 March 2020. The analysis is comprehensive up to that point in time.

#### **Analysis under the different research questions**

##### **1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?**

No mention of coordination with non-state actors was found in any of the documents analysed.

##### **2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?**

No mention of the role of the RC or other humanitarian actors was found in any of the documents analysed.

However, according to the Mauritius Red Cross Society Act of 1973, the object of the Society is to “carry on and assist in work for the improvement of public health, the prevention of disease and the mitigation of suffering throughout the world in time of peace and war.”<sup>1</sup> The involvement of the National Society in a case such as the present one seems therefore to fall in its mandate.

##### **3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?**

The limitations to arrivals in the territory of Mauritius are outlined below. No exception appears to be made for humanitarian personnel. However, vessels and aircrafts transporting goods are still allowed to enter Mauritian territory.

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<sup>1</sup> Mauritius Red Cross Society Act, 1973, art. 4(1).



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Limits to entry or transit in the Republic of Mauritius were first placed on 2 February 2020. On this date, a Communiqué from the Ministry of Health and Wellness established a ban to the entrance in the country of foreigners travelling from China or who had been to China in the previous 14 days. Mauritian nationals or residents were excluded from the ban, but were going to be placed in quarantine upon arrival.<sup>2</sup> This was the only exception to the ban included in the Communiqué.

These measures were extended for arrivals from the Republic of Korea and certain particularly affected areas of Italy on 24 February<sup>3</sup>, and for arrivals from the whole Italy and Iran on 28 February<sup>4</sup>.

On 4 March the Ministry of Health and Wellness decided to quarantine all individuals arriving from or having transited through France and Germany in light of the spreading of the epidemic in those two countries.<sup>5</sup>

On 16 March, during a meeting of the Ministerial Committee on Covid-19, the ban on entrance in the territory of Mauritius was extended to all foreigners arriving from Europe (including the UK, Norway and Switzerland) or having transited there in the previous 14 days, as well as those coming from the Reunion Island. The exception for Mauritian nationals and residents was maintained<sup>6</sup>, but no other exception was envisaged. The measures were set to be in place for two weeks<sup>7</sup>.

On 19 March the Minister of Health issued the Quarantine (Quarantinable Diseases) Regulations 2020, under section 4(1)(a) and (b) of the Quarantine Act. These Regulations authorize the Minister, through a Ministerial Order, to limit the arrival of aircrafts or vessels in the territory of Mauritius if satisfied that the measure is needed to prevent the spread of the Covid-19.<sup>8</sup> The same Regulations also authorize the Minister to limit the embarkment or disembarkment of passengers from aircrafts and vessels for the same reason.<sup>9</sup>

On the same day, the Minister issued two Orders, prohibiting the arrival in Mauritius of any vessel or aircraft for a period of 15 days starting from 10 am on 19 March and the boarding or

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<sup>2</sup> Ministry of Health and Wellness, Communiqué, 2 February 2020.

<sup>3</sup> Ministry of Health and Wellness, Press Communiqué, "3e réunion du comité ministériel sur le Covid-19, présidée par le Premier ministre", 24 February 2020.

<sup>4</sup> Ministry of Health and Wellness, Press Communiqué, "Réunion du sur le Covid-19, placée sous la présidence du Premier ministre Pravind Junauth", 28 February 2020.

<sup>5</sup> Ministry of Health and Wellness, Press Communiqué, "Mise à jour de la veille sanitaire pour la France et l'Allemagne", 4 March 2020.

<sup>6</sup> Ministry of Health and Wellness, Press Communiqué, "6eme réunion du comité ministériel sur le Covid-19, présidée par le Premier ministre », 16 March 2020.

<sup>7</sup> *Ibid.*

<sup>8</sup> Quarantine (Quarantinable Diseases) Regulations 2020, para. 3 and 4.

<sup>9</sup> Quarantine (Quarantinable Diseases) Regulations 2020, para. 5.



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disembarking of any passenger from any aircraft or vessel for the same period.<sup>10</sup> The prohibition covers aircrafts and vessels coming from any country, as the prevalence of Covid-19 was designated to be worldwide, but does not cover aircrafts and vessels transporting goods nor the crew members of these aircrafts and vessels.<sup>11</sup>

The prohibition appears to be covering also own citizens and residents. This seems to be confirmed by a Communiqué of the Ministry of Foreign Affairs of 24 March 2020 informing Mauritian nationals abroad unable to travel back that the restrictions are in place for a period of two weeks subject to review, and advising them to remain in the countries where they are currently located.<sup>12</sup> Air Mauritius was however allowed to operate three flights on 21 March to allow for Mauritian nationals to return home.<sup>13</sup>

Under the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, issued on 20 March 2020, any person arriving in Mauritius on an aircraft or ship from a high-risk country must be subjected to quarantine. Medical practitioners are also authorized to impose further restrictions or conditions.<sup>14</sup>

In conclusion, Mauritian borders are now effectively closed and no exception appears to be made for humanitarian personnel. Should any individual be allowed to enter, they would have to remain in quarantine. It is however important to note that vessels and aircrafts transporting goods are still allowed to enter Mauritian territory.

#### **4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?**

There are no explicit exceptions for humanitarian personnel to the quarantine and curfew measures adopted in Mauritius and described below. However, humanitarian personnel may be able to benefit from the general exceptions established for the provision of essential goods and services, also described below.

The main measures adopted to restrict movement within the country are:

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<sup>10</sup> Ministry of Health and Wellness, Order under Regulation 3 of the Quarantine (Quarantinable Diseases Regulations 2020, General Notice No. 459 of 2020, 19 March 2020 and Ministry of Health and Wellness, Order under Regulation 5 of the Quarantine (Quarantinable Diseases Regulations 2020, General Notice No. 460 of 2020.

<sup>11</sup> *Ibid.*

<sup>12</sup> Ministry of Foreign Affairs, Communiqué, “Covid-19 Travel Situation”, 24 March 2020.

<sup>13</sup> Information provided by Air Mauritius at the following link: <https://www.airmauritius.com/news/news-release---20-march-2020-special-authorisation-for-flights-mk749-mk852-and-mk053>.

<sup>14</sup> Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, para. 6.



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(1) Isolation and quarantine

According to the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020 adopted on 20 March 2020, persons infected with coronavirus must be isolated<sup>15</sup>, and those who are suspected of being infected, who arrived from high-risk countries or who had contact with infected persons must be quarantined<sup>16</sup> either at home or in a place designated by the Ministry of Health and Wellness<sup>17</sup>. The conditions of, and the risk posed by, persons isolated or quarantined must be assessed by a doctor<sup>18</sup>, and further restrictions can be applied if deemed necessary, also after the end of isolation and quarantine.<sup>19</sup>

No exceptions to these measures are envisaged and the refusal to comply is an offence.<sup>20</sup>

(2) Designation of restricted areas

Since 20 March the Minister of Health has issued Orders under para 13(2) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020 declaring some areas as “Restricted”. These are mostly hospitals and hotels where quarantine is taking place, and access to these areas must be authorised by the Commissioner of Police. The list of areas has been updated by subsequent Orders.<sup>21</sup>

(3) Curfew

On 22 March, the Minister of Health issued a Curfew Order under para 14(1) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020. The Order imposes a curfew on the whole territory of Mauritius from 8 pm on 23 March until 8 pm on 2 April, during which no individuals is allowed outside.<sup>22</sup>

Exceptions are made for, among others,

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<sup>15</sup> Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, para. 4; for a definition of isolation see para. 20.

<sup>16</sup> Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, para. 5 and 7. For a definition of quarantine, see para. 20.

<sup>17</sup> Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, para. 8.

<sup>18</sup> Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, para. 9.

<sup>19</sup> Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, para. 10. For a list of restrictions please see paras. 10(3) and 10 (4).

<sup>20</sup> Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, para. 19.

<sup>21</sup> Minister of Health and Wellness, Order made by the Minister under regulation 13(2) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 20 March 2020 and Minister of Health and Wellness, Order made by the Minister under regulation 13(2) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 23 March 2020.

<sup>22</sup> Curfew Order made by the Minister under regulation 14(1) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 22 March 2020, para. 2.



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- (1) Public sector employees and employees of public enterprises and statutory bodies providing essential services to the public as may be designed by the Head of the public bodies concerned<sup>23</sup>;
- (2) Employees of the private sector providing strictly essential minimum services<sup>24</sup>;
- (3) Members of the public seeking urgent medical treatment, essential supplies, foodstuff, medicines and other items essential for their livelihood.<sup>25</sup>

Individuals under points (1) and (2) must obtain a permit from the Commissioner of Police to be allowed outside.<sup>26</sup>

A Police Communiqué of the same day detailed the sectors deemed to provide essential services and for which a limited number of permits could be issued. These are, among others:

- a) Medical services (including but not limited to private clinics, pharmacies, laboratories and manufacturers of medical devices);
- b) Nursing homes and medical care providers;
- c) Supply of food (including home deliveries and take away)<sup>27</sup>.

The permits are granted for the sole purpose of allowing workers to leave home to go to work and vice versa.

Employers must make an application for their employees to the Commissioner for Police using the designated form.<sup>28</sup>

Similar measures had already been put in place from 20 March according to a Communiqué issued to Economic Operators by the Ministry of Finance, Economic Planning and Development.<sup>29</sup>

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<sup>23</sup> Curfew Order made by the Minister under regulation 14(1) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 22 March 2020, para. 3.

<sup>24</sup> Curfew Order made by the Minister under regulation 14(1) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 22 March 2020, para. 3.

<sup>25</sup> Curfew Order made by the Minister under regulation 14(1) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 22 March 2020, para. 6.

<sup>26</sup> Curfew Order made by the Minister under regulation 14(1) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 22 March 2020, para. 4.

<sup>27</sup> The Mauritius Police Force, Communiqué, “COVID-19 Workplace Access permit during curfew period”, 22 March 2020, para. 4.

<sup>28</sup> The Mauritius Police Force, Communiqué, “COVID-19 Workplace Access permit during curfew period”, 22 March 2020, para. 5.

<sup>29</sup> Ministry of Finance, Economic Planning and Development, Communiqué to Economic Operators, “COVID-19 Work Access Permit during confinement period”.



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**5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?**

Nothing specific is mentioned in the documents analysed regarding specifically exemptions for the import from abroad of medical aid or relief items. Some measures on some medical items were however adopted.

On 20 March, a press release on the Cabinet decisions of the same day stated that the Cabinet took note of the stock position of strategic commodities imported by the State Trading Corporation, including pharmaceutical products, and that no shortage of these products was anticipated.<sup>30</sup>

Moreover, on the same day the Ministry of Commerce and Consumer Protection issued a Communiqué stating that the Government would have controlled from that day forward the price of face masks, had sanitisers and respirators.<sup>31</sup> To this effect, amendments were made to the Consumer Protection (Price and Supplies Control) Act to allow the Government to control the price of those items<sup>32</sup>, and to the Consumer Protection (Consumer Goods) (Maximum Mark-Up) Regulations 1998 to limit the mark-up of this goods to 15% of the original cost.<sup>33</sup>

On 24 March, a note was issued for the Minister of Finance, Economic Planning and Development stating that VAT had been removed on hand sanitisers and protective masks with immediate effect and that the measure was being implemented administratively by the Mauritius Revenue Authority while waiting for the measure to be included in the forthcoming Finance Bill.<sup>34</sup>

The removal was confirmed by a notice issued by the Mauritius Revenue Authority to all economic operators on the same day stating that VAT on those goods had been reduced from 15% to 0% with immediate effect.<sup>35</sup>

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<sup>30</sup> Office of the prime Minister, Press Release, “Cabinet Decisions – 20 March 2020”, 20 March 2020, para 3.

<sup>31</sup> Ministry of Commerce and Consumer Protection, Communiqué, 20 March 2020.

<sup>32</sup> The Consumer Protection (Price and Supplies Control) (Amendment) Regulations 2020, 20 March 2020, para. 3 and 4.

<sup>33</sup> The Consumer Protection (Consumer Goods) (Maximum Mark-Up) (Amendment) Regulations 2020, 20 March 2020, para. 3.

<sup>34</sup> Government of Mauritius, Communiqué, “Note for Minister of Finance, Economic Planning and Development – Removal of VAT on hand sanitizer and protective mask”, 24 March 2020, para. 2 and 3.

<sup>35</sup> Mauritius Revenue Authority, “Notice to all economic operators – amendments to the integrated tariff with respect to the applicable rates of vat to masks and hand sanitizer”, 24 March 2020.



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**6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?**

No mention is made in any document of the RC or of other humanitarian organizations.

Should however the RC undertake some of the activities for which an exception to the curfew exists, it might be possible to obtain a permit from the Commissioner for Police to allow a very small number of individuals to carry out relief activities. Moreover, as mentioned under point 2, the involvement of the Mauritius RC in a case such as the present seems to fall in its mandate.

**7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).**

Apart from the limitations described in the sections above, other limitations adopted are:

- a) The possibility for the Minister of Health to close or limit customer access to trade premises when it appears that they are being used for any purpose or in any manner which may lead to the spread of coronavirus<sup>36</sup>.
- b) The possibility for the Sanitary Authority to enter and inspect, during the day and night, any premises where it may have reasonable grounds to believe that coronavirus exists or has recently existed, to exercise the necessary supervision or to enforce the regulations; and to enter any common lodging house. The Authority can also examine any person on the premises to ascertain whether the person is suffering or suffered from coronavirus<sup>37</sup>.
- c) Since 3 February, authorities have imposed a temporary ban on the import of live animals and fish coming from China<sup>38</sup>. The ban, which on 3 March was extended to Italy, Iran and South Korea<sup>39</sup>, was further extended on 16 March to Switzerland, Reunion Island and all EU countries.<sup>40</sup>

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<sup>36</sup> Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, para. 16.

<sup>37</sup> Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, para. 117

<sup>38</sup> Ministry of Agro Industry and Food Security and Ministry of Blue Economy, Marine Resources , Ferries and Shipping, Communiqué, “Ban in importation of live animals, live fish, and products of animal origin”, 3 February 2020, and Ministry of Agro Industry and Food Security and Ministry of Blue Economy, Marine Resources , Ferries and Shipping, Communiqué, “Novel Coronavirus – Temporary ban on import of live animals including fish from China”, 7 February 2020.

<sup>39</sup> Ministry of Commerce and Consumer Protection, Communiqué, “COVID-19 (NOVEL CORONAVIRUS) – Temporary ban on importation of live animals including fish”, 3 March 2020.



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- d) A *Plan de Soutien aux Activités Economiques* in the wake of the COVID-19 emergency was published on the website of the Ministry of Finance, Economic Planning and Development on 13 March 2020, aiming at giving the necessary support to economic operators. On top of financial measures and measures aimed at labour support (such as the Government's support to home working and the extension of all work permit expiring this year until up to 31 December 2021), the plan also contains a section on support to health sector. This section states that additional funds amounting to Rs 208 million are made available to the Ministry of Health and Wellness for the acquisition of new medical equipment.<sup>41</sup>
- e) On 20 March 2020 the Government agreed to the implementation of a COVID-19 Wage Support Scheme to provide financial support to employees of some sectors who became technically unemployed during the emergency and restriction period.<sup>42</sup>
- f) Limitations to working hours of supermarkets and other essential shops have been put in place. The opening times have been amended since the adoption of the measure on 20 March 2020.<sup>43</sup>
- g) On 23 March 2020 the Ministry of Commerce and Consumer Protection fixed the retail prices of onion and potatoes at Rs 40 per Kg.<sup>44</sup> This was done through the issuance of the Consumer Protection (Control of Price of Taxable and Non-taxable Goods) Regulations 2020, which amended the First Schedule of the Consumer Protection (Control of Price of Taxable and Non-taxable Goods) Regulations 1998.<sup>45</sup>
- h) According to a communiqué of the Office of the Chief Justice of the Supreme Court, as of 24 March 2020 individuals on parole no longer have to report daily to the police until the curfew is lifted.<sup>46</sup>

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<sup>40</sup> Ministry of Commerce and Consumer Protection, Communiqué, "Novel Coronavirus – Temporary ban on import of live animals and fish", 16 March 2020.

<sup>41</sup> Ministry of Finance, Economic Planning and Development, *Plan de Soutien aux Activités Economiques*, 13 March 2020, section B4.

<sup>42</sup> Office of the prime Minister, Press Release, "Cabinet Decisions – 20 March 2020", 20 March 2020, para. 2.

<sup>43</sup> Ministry of Commerce and Consumer Protection, Communiqué, "Opening hours", 23 March 2020.

<sup>44</sup> Ministry of Commerce and Consumer Protection, Communiqué, 23 March 2020.

<sup>45</sup> Consumer Protection (Control of Price of Taxable and Non-taxable Goods) Regulations 2020, para. 3.

<sup>46</sup> Office of the Chief Justice of the Supreme Court, Communiqué, 24 March 2020.





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- i) On 25 March 2020 the Government set up a COVID-19 solidarity fund to provide support to the population and the community at large affected by the COVID-19.<sup>47</sup>
- j) As of 26 March, all courts and tribunals are closed, despite judges still being reachable through telecommunication means for urgent matters.<sup>48</sup>

### List of sources analysed

#### a) Laws, regulations and orders

- The Mauritius Red Cross Society Act, Act No. 55 of 1973, 18 December 1973.
- Quarantine (Quarantinable Diseases) Regulations 2020, 19 March 2020;
- Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 20 March 2020;
- Ministry of Health and Wellness, Order under Regulation 3 of the Quarantine (Quarantinable Diseases) Regulations 2020, General Notice No. 459 of 2020, 19 March 2020.
- Ministry of Health and Wellness, Order under Regulation 5 of the Quarantine (Quarantinable Diseases) Regulations 2020, General Notice No. 460 of 2020, 19 March 2020.
- Minister of Health and Wellness, Order made by the Minister under regulation 13(2) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 20 March 2020.
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- Prevention and Mitigation of Infectious Disease (Coronavirus) (Amendment) Regulations 2020, 21 March 2020.
- Minister of Health and Wellness, Curfew Order made by the Minister under regulation 14(1) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 22 March 2020.

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<sup>47</sup> Ministry of Finance, Economic Planning and Development, Press Communiqué, “COVID-19 Solidarity Fund”, 25 March 2020.

<sup>48</sup> Office of the Chief Justice of the Supreme Court, Communiqué, 26 March 2020.



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- Minister of Health and Wellness, Order made by the Minister under regulation 13(2) of the Prevention and Mitigation of Infectious Disease (Coronavirus) Regulations 2020, 23 March 2020.
- Consumer Protection (Control of Price of Taxable and Non-taxable Goods) Regulations 2020, 23 March 2020.

#### b) Communiqués

- Ministry of Health and Wellness, Communiqué, 2 February 2020, available at <http://health.govmu.org/English/Pages/covid%20-19.aspx>.
- Ministry of Agro Industry and Food Security and Ministry of Blue Economy, Marine Resources, Ferries and Shipping, Communiqué, “Ban in importation of live animals, live fish, and products of animal origin”, 3 February 2020, available at [http://agriculture.govmu.org/English/Documents/YEAR%202020/Coronavirus%20\(1\).pdf](http://agriculture.govmu.org/English/Documents/YEAR%202020/Coronavirus%20(1).pdf)
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- Ministry of Health and Wellness, Press Communiqué, “Réunion du sur le Covid-19, placée sous la présidence du Premier ministre Pravind Junauth”, 28 February 2020, available at <http://health.govmu.org/English/Documents/2020/Communique%20C3%A9%204eme%20r%C3%A9union%20minist%C3%A9riel%20COVID-19.pdf>.
- Ministry of Commerce and Consumer Protection, Communiqué, “COVID-19 (NOVEL CORONAVIRUS) –Temporary ban on importation of live animals including fish”, 3 March 2020, available at [http://commerce.govmu.org/English//DOCUMENTS/COVID-19%20\(NOVEL%20CORONAVIRUS\)-TEMPORARY%20BAN%20ON%20IMPORTATION%20OF%20LIVE%20ANIMALS%20INCLUDING%20FISH.PDF](http://commerce.govmu.org/English//DOCUMENTS/COVID-19%20(NOVEL%20CORONAVIRUS)-TEMPORARY%20BAN%20ON%20IMPORTATION%20OF%20LIVE%20ANIMALS%20INCLUDING%20FISH.PDF).
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- The Mauritius Police Force, Communiqué, “COVID-19 Workplace Access permit during curfew period”, 22 March 2020, available at [http://pmo.govmu.org/English/Documents/Communique%C3%A9%20and%20Reports/Communique%C3%A9%20\\_COVID-19%20Workplace%20Access%20Permit.pdf](http://pmo.govmu.org/English/Documents/Communique%C3%A9%20and%20Reports/Communique%C3%A9%20_COVID-19%20Workplace%20Access%20Permit.pdf).
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**c) Others**

- Ministry of Finance, Economic Planning and Development, *Plan de Soutien aux Activités Economiques*, 13 March 2020, available at [http://mof.govmu.org/English//DOCUMENTS/PLAN%20DE%20SOUTIEN\\_13%20MARCH%202020.PDF](http://mof.govmu.org/English//DOCUMENTS/PLAN%20DE%20SOUTIEN_13%20MARCH%202020.PDF).
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