

**THE CODE CIVIL MAURICIEN (AMENDMENT) BILL**  
(No. XXVIII of 2007)

**Explanatory Memorandum**

The object of this Bill is to amend the Code Civil Mauricien to provide for –

- (a) a child to have the right to entertain a relationship with his grand parents and other ascendants;
- (b) the Supreme Court to have the power to enable a third party, who may or may not be related to a child, to entertain a relationship with that child when such is in the best interests of that child; and
- (c) a child not to be separated, save in exceptional circumstances, from his brothers and sisters.

**JAYARAMA VALAYDEN**  
*Attorney-General and  
Minister of Justice and Human Rights*

08 November 2007

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**ARRANGEMENT OF CLAUSES**

*Clause*

- 1. Short title
  - 2. Code Civil Mauricien amended
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## **A BILL**

### **To amend the Code Civil Mauricien to provide for the relationship of children with ascendants and third parties, and for brothers and sisters not to be separated**

ENACTED by the Parliament of Mauritius, as follows –

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

This Act may be cited as the Code Civil Mauricien (Amendment) Act 2007.

#### **2. Code Civil Mauricien amended**

The Code Civil Mauricien is amended by adding immediately after article 371-3, the following articles -

371-4 L'enfant a le droit d'entretenir des relations personnelles avec ses ascendants. Seul l'intérêt de l'enfant peut faire obstacle à l'exercice de ce droit.

Si tel est l'intérêt de l'enfant, la Cour Suprême fixe les modalités des relations entre l'enfant et un tiers, parent ou non.

371-5 L'enfant ne doit pas être séparé de ses frères et soeurs, sauf si cela n'est pas possible ou si son intérêt commande une autre solution. S'il y a lieu la Cour Suprême statue sur les relations personnelles entre les frères et soeurs.