

## THE CIVIL STATUS (AMENDMENT) BILL

(No. XXIII of 2004)

### Explanatory Memorandum

The object of this Bill is to amend the Civil Status Act -

- (a) to make better provision for -
  - (i) the registration of births, deaths and marriages in the Chagos Archipelago since 1965;
  - (ii) the issuing of copies of entries relating to any civil status matter;
- (b) to provide for an increase of the fees payable under the Act and for all fees to be paid to the Registrar of Civil Status or at any District Court Cash Office;
- (c) to make it mandatory for either the father or the mother to declare the birth of their child, save in specified circumstances.

16 July 2004

**Paul Raymond BERENGER**

*Prime Minister, Minister of Defence and Home Affairs*

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### ARRANGEMENT OF CLAUSES

*Clause*

- 1. Short title
- 2. Interpretation
- 3. Section 2 of principal Act amended
- 4. New section 4A added to principal Act
- 5. Section 5 of principal Act amended
- 6. Section 8A of principal Act amended
- 7. Section 9 of principal Act amended
- 8. Section 14 of principal Act amended
- 9. Section 19A of principal Act amended
- 10. Section 35 of principal Act amended
- 11. Section 62 of principal Act amended
- 12. Schedule to principal Act repealed and replaced
- 13. Commencement

## A BILL

### To amend the Civil Status Act

ENACTED by the Parliament of Mauritius, as follows -

**1. Short title**

This Act may be cited as the Civil Status (Amendment) Act 2004.

**2. Interpretation**

In this Act -

"principal Act" means the Civil Status Act.

**3. Section 2 of principal Act amended**

Section 2 of the principal Act is amended -

(a) by deleting the definition of "entry" and replacing it by the following definition -

"entry -

(a) means a manuscript entry in a register or an input on a computer system recording a civil status matter and containing such particulars as may be specified in this Act; and

(b) includes the particulars of births, deaths and marriages in the Chagos Archipelago civil status records;

(b) by deleting the definition of "Registrar of Civil Status";

(c) by inserting the following definitions in the appropriate alphabetical order -

"Chagos Archipelago civil status records" means such copies as may have been duly certified by the Chief Officer of the Civil Status in the Seychelles of official documents recording the births, deaths and marriages that took place in the Chagos Archipelago from 1965 to 1973;

"copy", in relation to any entry, means a certified photocopy of the entry;

"District Court Cash Office" means the cashier's office situated on the same premises as a District Court;

**4. New section 4A added to principal Act**

The principal Act is amended by inserting immediately after section 4, the following new section -

#### **4A Births, deaths and marriages in the Chagos Archipelago**

(1) Where a person informs the Registrar of Civil Status of any birth, death or marriage that has taken place in the Chagos Archipelago after 1973, the Registrar of Civil Status may, upon production of a court order of a District Magistrate, cause the birth, death or marriage to be registered in the register of births, deaths and marriages in the Chagos Archipelago.

(2) The District Magistrate may require such evidence as he thinks necessary to satisfy himself of the exact date of the birth, death or marriage to be registered.

(3) No order shall be made by the District Magistrate, except -

(a) on the conclusions of the Ministère Public;

(b) on payment of such fee not exceeding 500 rupees as may be determined by the Magistrate.

#### **5. Section 5 of principal Act amended**

Section 5 of the principal Act is amended -

(a) in subsection (1)(b) -

(i) by adding immediately before subparagraph (i) the following new subparagraph, the existing subparagraph (i) being relettered (iA) accordingly -

(i) births, deaths and marriages in the Chagos Archipelago under section 4A;

(ii) by deleting the comma at the end of subparagraph (vi) and replacing it by a full stop;

(b) by inserting immediately after subsection (1), the following new subsection -

(1A) The Chagos Archipelago Civil Status records shall be deemed to form part of the register of births, deaths and marriages in the Chagos Archipelago and shall be kept as a permanent record at the Central Civil Status Office.

#### **6. Section 8A of principal Act amended**

Section 8A of the principal Act is amended by deleting subsection (3) and replacing it by the following subsection -

(3) The CSD shall -

(a) consist of all entries registered under this Act and kept on a computer or other electronic device at the Central Civil Status Office; and

- (b) include -
  - (i) the particulars in the Chagos Archipelago civil status records;
  - (ii) such information in relation to a person who has acquired citizenship under Part II of the Mauritius Citizenship Act, as may be prescribed.

**7. Section 9 of principal Act amended**

Section 9 of the principal Act is amended -

- (a) in subsection (1), by inserting immediately after the word "entry", the words "or copy of an entry";
- (b) in subsection (2), by inserting immediately after the word "certificate", the words "or copy of an entry";
- (c) in subsection (5), by inserting immediately after the word "entry", the words "or a copy of the entry";
- (d) by inserting immediately after subsection (8), the following new subsection -
  - (8A) An application for a copy of an entry shall be made to an officer at the Central Civil Status Office or at such other office as the Registrar may determine.
- (e) in subsection (9), by inserting immediately after the word "Registrar", the words "of Civil Status";
- (f) by repealing subsection (11) and replacing it by the following subsection -
  - (11) Where a certificate or a copy of an entry is required by a consulate or an embassy for its official purposes, the Registrar of Civil Status may deliver the certificate or the copy of an entry free of charge to the consulate or embassy, as the case may be.

**8. Section 14 of principal Act amended**

Section 14 of the principal Act is amended -

- (a) by repealing subsection (1) and replacing it by the following subsection -
  - (1) (a) Subject to paragraph (b), the father or mother of a child shall declare the birth of the child.
  - (b) Where a child is born in a prison, asylum, quarantine area or station, orphanage or other institution and the father is unknown or untraceable and the mother has passed away, is insane or otherwise incapable on medical grounds of declaring the birth, the person in charge of that place shall declare the birth.

(b) by repealing subsection (2).

**9. Section 19A of principal Act amended**

Section 19A of the principal Act is amended in subsection (2)(a)(iii)(E), by inserting immediately after the word "disease", the words "or he is not HIV/AIDS positive".

**10. Section 35 of principal Act amended**

Section 35 of the principal Act is amended in subsection (1)(b)(i), by deleting the words "prescribed fee" and replacing them by the words "appropriate fee specified in the Schedule".

**11. Section 62 of principal Act amended**

Section 62 of the principal Act is amended -

(a) in subsection (1), by deleting the words "levied by means of stamps" and replacing them by the words "paid to the Registrar of Civil Status or any District Court Cash Office";

(b) by repealing subsection (2).

**12. Schedule to principal Act repealed and replaced**

The Schedule to the principal Act is repealed and replaced by the Schedule to this Act.

**13. Commencement**

(1) Subject to subsection (2), this Act shall come into force on the date of its publication in the *Gazette*.

(2) Sections 10, 11 and 12 shall come into force on a date to be fixed by Proclamation.

**SCHEDULE**

(section 11)

**SCHEDULE**

(sections 9, 35, 58 and 62)

	Fees (Rs)
1. For certificate, other than the first certificate delivered	50
2. For copy of entry	100
3. For any change of name	1000
4. For marriage celebrated in private residential premises	1000
5. For marriage celebrated in hotels and private premises other than private residential premises	2500