The Administration of Estates by Consular Officers Ordinance 1940

Ordinance No. 12 of 1940

I assent,

S. MOODY,
Officer Administering the Government

19th April 1940.

An Ordinance for the Administration of Estates by Consular Officers.

WHEREAS it is expedient that effect should be given in Mauritius and its Dependencies to the pro-visions of certain Treaties of Commerce and Navigation mentioned in the Schedule hereto-

BE IT THEREFORE ENACTED by the Governor, with the advice and consent of the Council of Government, as follows:-

Short title

1. This Ordinance may be cited as the Administration of Estates by Consular Officers Ordinance 1940.

Definition

2. In this Ordinance "MAURITIUS" includes the Dependencies thereof.

Administration of Estates by Consular Officers.

3. (1) Whenever any subject or citizen of any State mentioned in the first column of the Schedule hereto-

(a) dies within Mauritius, or

(b) dies outside Mauritius, leaving property within Mauritius, and no person is present in Mauritius at the time of his death who is rightfully entitled to administer the estate of such deceased person, the Consul, Vice-Consul, or Consular Agent of such State within Mauritius may take possession and have the custody of the property of such deceased person, and may apply the same in payment of his debts and funeral expenses, and may retain the, surplus for the benefit of the persons entitled thereto ; but such Consul, Vice-Consul, or Consular Agent shall immediately apply for, and shall be entitled to obtain from a Judge, an order vesting in him the estate and property of such deceased person.

(2) The foregoing provision shall have effect anything in any other law to the contrary notwithstanding.

Variation of Schedule.

4. It shall be lawful for the Governor by order published In the Gazette to vary the Schedule-

(a) by deleting therefrom any State when the provision of the Treaty with that State mentioned in the Schedule shall have ceased to have effect ;
(b) by adding thereto any State with whom His Majesty shall make a Treaty of Commerce and Navigation containing provision similar to any of the provisions mentioned in the schedule.