

MA/B3- Colony of Mauritius: The Laws of Mauritius. (Revised to 1920) by Sir Francis Alfred Henderson & E. H. Koening Volume II - C.R.I. - D.S. - 1922 - F.S. Pashington (Koening) Gilt Printer 1922

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† This Regulation is a "War" measure: printed as a foot note to the Shipping Reg. 1912, p. 1528



## I.—GENERAL.

No. 14 of 1853

## No. 14 of 1853.

An Ordinance for amending and repealing  
Ordinance No. 20 of 1852.

[ 26 March 1853 ]\*

\* Published in  
G. G. 15 of 26th  
March, and in  
G. G. 16 of 2nd  
April 1853

WHEREAS an Ordinance has been passed on the 2nd day of June 1852, No. 20, for empowering the Governor in certain cases, to extend to the *Seychelles Islands and other Dependencies* of Mauritius, the laws and regulations published in this Island, and it is expedient that such power be vested in the Governor and His Executive Council; (1)

HIS EXCELLENCY THE GOVERNOR in Council has enacted and does hereby enact as follows :

1. Ordinance No. 20 of 1852 is hereby and shall be repealed, and it is enacted that the Governor in His Executive Council is hereby empowered to extend to the *Seychelles Islands and other*(1) Dependencies of Mauritius, any laws or regulations published in this Colony, under such modifications and restrictions in the said laws and regulations as the Governor may deem fit, according to the local circumstances of the said Dependencies.

2. The present Ordinance shall take effect from the twenty-sixth day of March 1853.

(1) This Ordinance was repealed as to Seychelles by Ord. No. 4 of 1882, art 11.—(Seychelles was erected into a separate Colony by the Seychelles Letters Patent of 31st August 1903).

It was also repealed as to Rodrigues and the Dependencies mentioned in the Schedule to Ord. No. 3 of 1881, by Ord. No. 5 of 1883, art. 3, viz : Rodrigues, Diégo-Garcia, Six Islands, Danger Island, Eagle Island, Peros Banhos, Coetivy, Salomon Islands, Agaléga, St. Brandon Islands (Cargados Carayos), Juan de Nova, and Trois Frères.† It is still in force with regard to any Dependen-† p. 1408  
cies not included in the above repeals.

The following is a list of the Proclamations still in force extending certain laws to certain Dependencies :

## RODRIGUES.

Procl. No. 29 of 1871—presumably still in force—extending the old Ord. No. 54 of 1844 (Church), under certain modifications and restrictions in respect of contributions made from the Treasury.

Procl. of 22nd January 1851—extending Ords. Nos. 26 of 1845 and 46 of 1848 (Dogs), with certain modifications. Ords. Nos. 26 of 1845 and 46 of 1848 are repealed as to Mauritius by

No. 30 of 1867

No. 30 of 1867.<sup>(2)</sup>An Ordinance to impose a Tax on the  
cultivation of Tobacco grown and  
produced in this Colony.

\* Published on the  
30th November  
1867

[1 February 1868]\*

WHEREAS by Ordinance No. 5 of 1850, it is provided that a Licence Duty shall be paid for the Manufacture of Tobacco in this Colony, which provision has been re-enacted by Ordinance No. 37 of 1863 :—

AND WHEREAS Tobacco grown and produced in this Colony is not subject to any Tax or Duty, save and except the Licence Duty aforesaid, which is to be levied on its being manufactured ;—

AND WHEREAS Tobacco grown and produced in the Dependencies of this Colony is introduced duty free into this Colony ;—

AND WHEREAS it is expedient to impose a Tax on the cultivation of Tobacco grown and produced in this Colony, as also a Duty upon the importation into this Colony of Tobacco grown and produced in the Dependencies ;

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

1—12.—*Repealed, Art. 1/29/1883.*

Note 1 continued

Ord. No. 11 of 1915, art. 19 of which provides for its extension to the Dependencies by Regulations.

Procl. No. 5 of 1870—extending Ords. Nos. 15 of 1852, 16 of 1862 and 31 of 1867 : it deals with Labour and is repealed in so far as inconsistent by Rodrigues Labour Regulation No 7 of 1882, *q. v., post.*

Procl. No. 1 of 1870—extending Ord. No. 16 of 1869 (Imprisonment for Debt) with necessary terminology as to Inspector General of Police, Prison, and Keeper. By Ord. No. 20 of 1913, Ord. 22 of 1888 is extended to Rodrigues and that Ordinance contains provisions giving jurisdiction to Magistrates under Ord. No 16 of 1869.

Procl. No. 55 of 1880—extending No. 12 of 1875 (Vaccination) with certain modifications. No. 12 of 1875 is repealed and replaced by No. 22 of 1907—which extends to the Dependencies—but the Ordinance is not yet put into force.†

*FLAT AND GABRIEL ISLANDS, §*

Proclamation No. 2 of 1886—extending to these Islands Art. 16/8/1869 (Game) as re-enacted by 19/1881 and also so much of Art. 12/8/1869 as amended by No. 26 of 1884 as enacts penalties for offences against art. 16.

(<sup>2</sup>) By No. 30 of 1867, art. 13, tobacco grown and produced in the Dependencies was subject to an import duty (4d. per lb.)

By art. 1 (8) of No. 13 of 1874, this duty was increased to 10d. and art. 13 of No. 30 of 1867 was repealed.

By No. 29 of 1883, the law of 1867 was repealed, except

† See Ord. No. 16 of 1913 p. 1455.

§ These Islands are deemed part of Rivière du Rempart District : See note 3 on p. 1645

Import Duty on  
tobacco grown in  
Dependencies.

13. Tobacco grown and produced in any Dependency of this Colony shall, upon the same being imported into this Colony, be chargeable with a Customs Duty of *4d per lb.* (\*)

Proof that Tobacco  
was grown in  
Dependencies.

14. Before any Tobacco shall be entered at the Custom House as being of the produce of any of the Dependencies of this Colony, the Master of the Ship importing the same shall deliver to the Collector of Customs a certificate of produce under the hand of the proper officer of the place where such Tobacco was taken on board, in the Form of the Schedule hereunto annexed.

Any Tobacco imported without such certificate, shall be deemed Foreign Tobacco, and shall be chargeable with duty as such.

Date of operation.

15.\* This Ordinance shall come into operation on and from the first day of February, A.D., 1868.

No. 30 of 1867

\*Rep. R.O. 24 of  
1903; Revised  
R.O. 16 of 1920

#### SCHEDULE.

Port of

These are to certify that proof has been made, to my

arts. 13 & 14, these articles being declared to be in full force: the result was to remove the tax on the cultivation of tobacco in Mauritius, but to retain the import duty for tobacco imported from all the Dependencies.

Note 2 continued

By No. 34 of 1888, art. 2, arts. 13 & 14 of the law of 1867 were repealed as to Rodrigues, the result being to exempt Rodrigues Tobacco from import duty.

By No. 29 of 1895, art. 2 of the law of 1888, was repealed, the result being to re-impose the import duty on Rodrigues Tobacco: and in Sched. B, No. 147, of Ord. No. 29 of 1895, a duty of 35 cents per kilogram was imposed on unmanufactured Tobacco, grown and produced in any of the Dependencies, except Seychelles. The effect of No. 29 of 1895 was to render obsolete the whole of No. 34 of 1888, although art. 2 was alone repealed. Art. 1 established the exemption in favour of Rodrigues which was done away with in 1895: art. 3 prescribed a form of certificate to be used in order to obtain the benefit of the exemption; this article and the Schedule are now obsolete. Ordinance No. 34 of 1888 has therefore not been printed.

The duty for importation of Tobacco from all Dependencies is now governed by Ord. No. 14 of 1908 Sched. B item 116,\* and \* p. 1372 is as follows:

116.—Tobacco Grown and produced in any of the Dependencies of Mauritius (unmanufactured)

per kilogram	...	0.45
ditto manufactured. . . do.	...	0.50

See also note 17 on p. 207.



No. 30 of 1867

No. 3 of 1881

satisfaction, that the undermentioned Tobacco, shipped by the Persons whose names are underwritten, on board the Master, bound for Mauritius, is the produce of the Island of

Names of Exporters.	Marks and Number of Packages.	Quantity, Quality, and Description of Tobacco.

Given under my hand, at \_\_\_\_\_, in the Island of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
One thousand eight hundred and sixty.

Certificate of Produce of Tobacco under Ordinance No. 30 of 1867.

### No. 3 of 1881.

An Ordinance to amend the law relating to Master and Servant and the maintenance of public order in Rodrigues and certain of the lesser Dependencies of Mauritius.

[11 June 1881]

WHEREAS it is expedient to amend the law relating to Masters and Servants and the maintenance of public order in Rodrigues and certain of the lesser Dependencies of Mauritius.

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

Repeal clause.

1. So much of article 26 of Ordinance 41 of 1875\* as provides for the framing of regulations to be observed in certain of the lesser Dependencies of Mauritius is hereby repealed. ←

\* Now replaced by  
Ord. No. 4 of 1904,  
p. 1423

Power to the Governor  
to frame Regulations.

2. It shall be lawful for the Governor in Executive Council to frame regulations respecting employment of labour and the maintenance of public order in the Islands set out in the Schedule to this Ordinance. ←

Subject-matter of  
regulations.

3. Such regulations may relate to the engagement in Mauritius or elsewhere and conveyance to and from such Islands of labourers and their families. ←

The form, duration, subject-matter, fulfilment, prolongation and cancellation of Contracts of service.

The reciprocal duties and liabilities of Employers and Employés. ←

The maintenance and management of shops, hospitals, and camps and places of detention.

The observance or modification of the laws relating to Civil Status and the furnishing of Statistical returns.

The protection of the animal and vegetable produce of the islands, and of birds and fish.

All matters and things arising from or connected with the relation of Master and Servant and the maintenance of public order among and promotion of the well-being of the inhabitants of such islands.

Penalties for contravention of Regulations.

4. Such regulations may also provide penalties for their non-observance not exceeding a pecuniary penalty of Rs. 500 and imprisonment for three months for any one offence, and for the infliction of such penalties by a Magistrate or other person.

Regulations to be published and laid before Council of Government.

5.<sup>(\*)</sup> Such regulations shall be published in the Government Gazette and shall be laid before the Council of Government.

*Provided that the assent of the Governor shall be necessary for the validity of any amended Regulations.*  
*Provided that they shall not come into force in the said islands until such time as shall be fixed by regulation for their coming into force.<sup>(\*)</sup>*

*Provided also that they may be at any time disallowed by the Secretary of State, without prejudice however to the validity of any thing done previously to such disallowance being made known in Mauritius or any Dependency in which such thing has been done, in the same way as the regulations disallowed were made known.*

#### SCHEDULE.

Rodrigues.

Diego Garcia.

Six Islands.

Danger Island.

Eagle Island.

Peros Banhos.

Coëtivy.\*

Salomon Islands.

Agalega.

St. Brandon Islands, also

and otherwise called

Cargados Carayos.

Juan de Nova.

Trois Frères.

(\*) This article in so far as it provided formalities for giving legal effect to Regulations to be made under the Ordinance repealed by the operation of art. 4/9/1898 and art. 1/24/1903; pp. 22 and 129. All the parts of the article which have been admittedly repealed have been excised: those as to which the repeal is not so clear are printed in italics.

\* Deleted by Art. 1/7/1903, post;— Coëtivy now belongs to the Colony of Seychelles

No. 5 of 1883

No. 5 of 1883.

# An Ordinance to extend the enactments of Ordinance 3 of 1881 to certain matters not therein provided for.

[1 August 1883\*]

\* Published on the  
29th May 1883

WHEREAS it is expedient to extend the provisions of Ordinance 3 of 1881 to all things and matters in the Dependencies therein referred to and touching which the Governor of Mauritius is empowered without obtaining the previous authority of Her Majesty, Her Heirs, or Successors to assent to Ordinances passed with the advice and consent of the Council of Government of Mauritius;

BE IT THEREFORE ENACTED by His Honor the Officer Administering the Government, with the advice and consent of the Council of Government, as follows:—

Ordinance 3 of 1881  
extended to certain  
things and matters.

1. Regulations made under the provisions of Ordinance 3 of 1881 may apply to all things and matters in the

Dependencies therein referred to and touching which the Governor of Mauritius is empowered by the Royal Letters Patent of the 22nd March 1879,† without obtaining the previous authority of Her Majesty, Her Heirs or Successors, to assent to Ordinances passed with the advice and consent of the Council of Government of Mauritius.

Saving clause.

2. Provided that nothing contained herein or in the enactments of Ordinance 3 of 1881 shall be deemed to diminish or affect the power of the Governor of Mauritius with the advice and consent of the Council of Government thereof to make laws for the peace, order and good government of the Dependencies aforesaid in the manner provided by the Royal Letters Patent aforesaid.†

Repeal.

3. Ordinance 14 of 1853 shall cease to apply to the Dependencies aforesaid, provided that this repeal shall not affect any Order in Executive Council, Proclamation, Ordinances, Regulations or Laws applicable or extended to the said Dependencies under and by virtue of the last above mentioned Ordinance.

Effect of Regulations.

4. Regulations made or to be made under Ordinance 3 of 1881 or under this Ordinance may repeal or amend previous Laws, Ordinances, Proclamations and Regulations in force in the aforesaid Dependencies.

Commencement of  
this Ordinance.

1883.

5. This Ordinance shall come into operation on and from the 1st August

† Now L. P. 11 Sept.  
1913, p. 797; and  
Instructions  
11 Sept. 1912,  
p. 820, of which  
see Clause 14



## No. 29 of 1883.

## An Ordinance to repeal the Tax on the cultivation of Tobacco in this Colony.

No. 29 of 1883

No. 6 of 1886

[ 15 December 1883 ]

WHEREAS it is expedient to repeal the Tax on the cultivation of Tobacco in this Colony :

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

Repeal of certain Ordinances.

1. Ordinance No. 30 of 1867, intituled "An Ordinance to impose a tax on the cultivation of Tobacco grown and produced in this Colony" (except Articles 13 and 14), Ordinance No. 21 of 1877, intituled "An Ordinance to amend the law relative to the cultivation of Tobacco in Mauritius" and Section V of Schedule D of Ordinance 19 of 1877 are hereby repealed.

Reading of Article 27 of Ordinance 6 of 1878.

2. (<sup>4</sup>) Article 27 of Ordinance 6 of 1878 shall be read as if the words "except Tobacco growers" and the words "except Tobacco" occurring in the second paragraph of the said Article, had been omitted therefrom.

Articles 13 and 14 of Ordinance 30 of 1867 in force.

3. Articles 13 and 14 of Ordinance 30 of 1867 shall remain in full force.

No refund of duty claimable.

4. Spent.

No. 6 of 1886.<sup>(5)</sup>

## An Ordinance to make provision with regard to the acquisition by the Government of land in the Dependencies of Mauritius.

[ 30 September 1886 ]

WHEREAS no adequate provision now exists in the Law of the Colony with regard to the acquisition by the Government of Land in the Dependencies, which it may be advisable in the interest of the Colony to acquire, and it is expedient to make such provision.

(<sup>4</sup>) Art. 27/6/1878 is replaced by Art. 27/32/1915, item (2) of which article now retains the words "except Tobacco growers" and "except Tobacco."

(<sup>5</sup>) This Ordinance is repealed in, and as far as it used to apply to, Seychelles, - by Seychelles Ordinance No. 19 of 1903: (The Acquisition of Land for Public Purposes Ordinance 1903).