

THE CODE NAPOLEON (AMENDMENT) ACT 1985

Act No. 31 of 1985

I assent,

S. RAMGOOLAM

19 April 1985

Governor-General

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Article 1399 added to the Code.
4. Consequential amendment.
5. Transitional provision.

20th April, 1985

To amend the Code Napoléon

ENACTED by the Parliament of Mauritius, as follows –

1. Short title.

This Act may be cited as the Code Napoleon (Amendment) Act 1985.

2. Interpretation.

In this Act –

"Code" means the Code Napoléon.

3. Article 1399 added to the Code.

The Code is amended by inserting immediately after article 1398, the following article –

Article 1399: Sans prejudice des dispositions de l'article 1398, tout mauricien marié à l'étranger peut opter pour l'un quelconque. Des régimes matrimoniaux, conventionnels ou légaux, visés au présent titre, dans un délai de six mois à dater du jour où il établit, pour la première fois, son domicile conjugal à L'ile Maurice.

L'option s'effectue devant notaire du consentement commun des époux.

4. Consequential amendment.

The Status of Married Women (Amendment) Act 1952 is repealed.

5. Transitional provision.

- (1) Notwithstanding the five-year period specified in article 1398 of the Code for the exercise of an option, any person domiciled in Mauritius whose marriage still subsists may, not later than 6 months from the commencement of this Act, opt to be governed by any one of the matrimonial régimes provided under the Code.
- (2) Subsection (1) shall apply to a person as is referred to therein notwithstanding that 5 years have not elapsed since he last exercised an option under article 1398 of the Code.
- (3) Article 1398 of the Code shall, otherwise, apply to an option exercisable under subsection (1).