THE COURT OF RODRIGUES JURISDICTION ACT 1913

Act 20/1913

ARRANGEMENT OF SECTIONS

1.   Short title

This Act may be cited as the Court of Rodrigues Jurisdiction Act.

2.   Extension to Rodrigues of certain Acts

Subject to this Act, the District and Intermediate Courts (Civil Jurisdiction) Act, the District and Intermediate Courts (Criminal Jurisdiction) Act, the Criminal Procedure Act and the Courts Act shall, as far as applicable, extend to Rodrigues.

3.   General jurisdiction of Magistrate

Subject to this Act, the Magistrate for Rodrigues shall within Rodrigues have the same powers and jurisdiction as are conferred on every District Magistrate in Mauritius.

4.   Jurisdiction over State debts

(1)   The Magistrate for Rodrigues shall have jurisdiction in all cases of taxes, rents or civil debts of any kind due to the State in Rodrigues, irrespective of the amount of the taxes, rents or civil debts.

(2)   Where a plaint is entered for the recovery of any such taxes, tents or civil debts, the Magistrate for Rodrigues may, after satisfying himself that such order ought to be granted, issue an order for the provisional seizure of the movables of the defendant.

Amended by [Act No. 48 of 1991]

5.   Appointment of ushers

All summonses, orders, writs and warrants and any extra judicial process, as may be required to be served or executed, shall be served or executed, as the case may be by any police officer who shall be sworn in by the Magistrate to act as usher in Rodrigues.

Amended by [Act No. 15 of 1994]

6. Ushers not to furnish security

An usher under section 5 shall not be required to furnish security and shall have all powers and privileges of an usher of a District Court in Mauritius.

7. Powers and privileges of ushers

(1) An usher under section 5 shall also have within Rodrigues the powers and privileges of an usher of the Supreme Court for the purpose of executing all writs and serving all process which can be executed or served within Rodrigues by an usher of the Supreme Court.

(2) All acts and duties performed by the usher shall be taxed at the rate of one half of the fees payable by tariff for similar acts performed by an usher of the Supreme Court.

8. Powers and duties of clerk

Any clerk appointed or transferred to the Judicial Department and posted to Rodrigues shall, within Rodrigues, have the same powers and duties as those of clerk attached to a District Court in Mauritius.

9-10 -Repealed

11. Appeals and cases stated

(1) Appeals shall be governed by section 36 of the District and Intermediate Courts (Civil Jurisdiction) Act and section 92 of the District and Intermediate Courts (Criminal Jurisdiction) Act.

(2) -

(3) The time for prosecuting an appeal before the Supreme Court from a judgment or conviction of the Magistrate for Rodrigues shall be one month from the day of lodging the appeal with the Clerk.

Amended by [Act No. 40 of 1985]; [Act No. 29 of 1990]

12. Further jurisdiction

(1) Notwithstanding any other enactment, the Magistrate for Rodrigues shall have jurisdiction to hear and dispose of any of those cases referred to in section 112 (d) and (f) of the Courts Act which, in Mauritius, would upon a

reference by the Director of Public Prosecutions, be cognizable by the Intermediate Court.

(2)   The District Magistrate of Port Louis or the Intermediate Court, as the case may be, shall, for the trial of cases under the Bankruptcy Act have concurrent jurisdiction with the Magistrate of Rodrigues.

(3)   in the exercise of his jurisdiction under subsection (1), the Magistrate for Rodrigues shall, in respect of penalties and forfeitures, be vested with the same powers as are conferred by section 113 of the Courts Act upon the Intermediate Court.