

The Non-Citizens Property Restriction Act

The Non-Citizens Property Restriction Act deals with the following:

- (1) The purchase , acquisition or holding of property by non-citizens
- (2) Disposal of property by non-citizens
- (3) Consequences of contravention
- (4) Validation of transactions

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NON-CITIZENS (PROPERTY RESTRICTION) ACT RL 4/71 - 12 JULY 1975

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1 Short title

This Act may be cited as the Non-Citizens (Property Restriction) Act.

2. Interpretation

In this Act-

“acquire, alienate, hold or purchase” does not include the burdening of a property with a mortgage or a charge;

“Authority” means the Mauritius Offshore Business Activities Authority established under the Mauritius Offshore Business Activities Act 1992;

“certificate” means a certificate issued under section 3(2);

“charge” means a fixed or floating charge under the Loans, Charges and Privileges (Authorised Bodies) Act;

[This Act repealed 8/83]

“Minister” means the Minister to whom responsibility for the subject of internal affairs is assigned;

“non-citizen” means-

(a) a person who is not a citizen of Mauritius;

(b) an association or body of persons, whether corporate or incorporate-

(i) which is not domiciled in Mauritius; or

(ii) the control or management of which is vested in persons who are not citizens of Mauritius;

“offshore certificate” means an offshore certificate issued under section 16(4) of the Mauritius Offshore Business Activities Act 1992;

“offshore company” has the meaning assigned to it in the Mauritius Offshore Business Activities Act 1992;

“offshore fund” includes a company incorporated in Mauritius or elsewhere (whether open-ended or close-ended), a unit trust or any other collective investment vehicle, established with the objective of spreading investment risk and managing the assets

for the benefit of shareholders or participants and holding a certificate under the Mauritius Offshore Business Activities Act 1992;

“property” means an immovable property in Mauritius and includes any shares;

“resident” means an immovable property in Mauritius and includes any shares;

“resident in Mauritius” means -

(a) in relation to an individual, a person who has his domicile in Mauritius;

(b) in relation to a body corporate, a body incorporated or registered under the laws of Mauritius;

“share” means an interest, by any name called, in a company, partnership or society or any other body corporate which holds or purchases or otherwise acquires an immovable property in Mauritius.

[Amended 18/92;25/94]

3. Non-citizen’s property rights

(1) Subject to subsection (3), a non-citizen who wishes to hold or purchase or otherwise acquire a property shall make a written application to the Minister giving, wherever applicable -

(a) the precise location of the property;

(b) a site plan showing its extent and precise location;

(c) the nature of the interest intended to be purchased or otherwise acquired or held;

(d) the reasons for which the application is made;

(e) such other information as the Minister may require.

(2) On receipt of an application under subsection (1), the Minister may issue to the applicant a certificate authorising him to purchase, acquire or hold the property, subject to such terms and conditions as the Minister may impose.

(3) No certificate shall be required -

(a) to enable a non-citizen to hold property in virtue of a lease for a term not exceeding, in the aggregate, 6 months in any year;

(b) in the case of a non-citizen -

any (i) who purchases or otherwise acquires or holds any property in accordance with other enactment or any convention to which Mauritius is a party;

(ii) who purchases or otherwise acquires or holds property -

(A) while he is the spouse, married in accordance with the regime legal de communaute, of a citizen;

(B) by inheritance; or

(C) by the effect of marriage.

(c) in the case of an offshore company;

(d) in the case of a non-citizen or a person not resident in Mauritius who -

(i) purchases, acquires, holds, sells or otherwise deals with shares or other securities of a company which is desirous of being admitted for quotation on the Official List of the stock Exchange through a public issue, offer for sale of shares and private placement of shares, or quoted on the Official List of the stock Exchange or admitted to any second Market which may be established under the stock exchange Act 1988; or

(ii) invests in a unit trust scheme and any other collective investment vehicle.

(e) for the purpose of paragraph (d), “company” includes unit trust, offshore fund or any other collective investment vehicle.

(Amended 18/92; 25/94; 17/95)

5. Consequence of contravention

- (1) An agreement which is in contravention of -
 - (a) section 3; or
 - (b) a condition imposed in a Certificate, shall be void.

- (2) Where property is purchased or otherwise acquired or held in contravention of -
 - (a) section 3; or
 - (b) a condition imposed in a certificate,

the Curator shall forthwith -

- (i) take possession of the property; and
- (ii) cause it to be sold in accordance with the Sale of immovable Property act.

(3) A person, other than a non-citizen, who acquires property pursuant to a sale under subsection (2), shall acquire a good title to the property.

(4) The proceeds of a sale under subsection (2) shall, after deduction of all charges, be paid over, in such manner as the registrar may direct, to the non-citizen or other person who appears to be entitled to them.

6. Offshore Company

(1) Subject to subsection (2), an offshore company of an applicant for an offshore certificate who wishes to hold or purchase or otherwise acquire a property shall apply to the Authority.

(2) The Minister may -

(a) make regulations to provide for the manner in which applications submitted by the Authority on behalf of an offshore company or an applicant for an offshore certificate, shall be processed;

(b) delegate to the Authority, subject to such directions as he thinks fit, his powers to issue a certificate.

(3) Any certificate issued by the Authority under powers delegated by the Minister shall be deemed to be a certificate issued under section 3(2) of this Act,

(Added 19/92)

NON-CITIZENS (VALIDATION OF TRANSACTIONS) ACT 1984

Act 43 of 1984 - 16 July 1984

(Not Reproduced)
