

THE CODE CIVIL MAURICIEN (AMENDMENT) BILL
(No. XXVIII of 2007)

Explanatory Memorandum

The object of this Bill is to amend the Code Civil Mauricien to provide for –

- (a) a child to have the right to entertain a relationship with his grand parents and other ascendants;
- (b) the Supreme Court to have the power to enable a third party, who may or may not be related to a child, to entertain a relationship with that child when such is in the best interests of that child; and
- (c) a child not to be separated, save in exceptional circumstances, from his brothers and sisters.

JAYARAMA VALAYDEN
Attorney-General and
Minister of Justice and Human Rights

08 November 2007

THE CODE CIVIL MAURICIEN (AMENDMENT) BILL
(No. XXVIII of 2007)

ARRANGEMENT OF CLAUSES

Clause

- 1. Short title
 - 2. Code Civil Mauricien amended
-

A BILL

To amend the Code Civil Mauricien to provide for the relationship of children with ascendants and third parties, and for brothers and sisters not to be separated

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Code Civil Mauricien (Amendment) Act 2007.

2. Code Civil Mauricien amended

The Code Civil Mauricien is amended by adding immediately after article 371-3, the following articles -

371-4 L'enfant a le droit d'entretenir des relations personnelles avec ses ascendants. Seul l'intérêt de l'enfant peut faire obstacle à l'exercice de ce droit.

Si tel est l'intérêt de l'enfant, la Cour Suprême fixe les modalités des relations entre l'enfant et un tiers, parent ou non.

371-5 L'enfant ne doit pas être séparé de ses frères et soeurs, sauf si cela n'est pas possible ou si son intérêt commande une autre solution. S'il y a lieu la Cour Suprême statue sur les relations personnelles entre les frères et soeurs.