
STATUTORY INSTRUMENTS

1992 No. 1716

JUDICIAL COMMITTEE

The Mauritius Appeals to Judicial Committee Order 1992

Made - - - - *15th July 1992*

At the Court at Buckingham Palace, the 15th day of July 1992

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by section 2 of the Mauritius Republic Act 1992(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Mauritius Appeals to Judicial Committee Order 1992 and shall be deemed to have had effect from 12th March 1992.

2.—(1) The Judicial Committee of the Privy Council shall have and exercise the jurisdiction in respect of appeals from the Court of Appeal or Supreme Court of Mauritius that, in the law of Mauritius, is conferred on the Committee by section 81 of the Constitution of the Republic of Mauritius(2) (in this Order referred to as “the Constitution”) which came into operation on 12th March 1992.

(2) The provisions of the Judicial Committee Act 1833(3) and of any rules made thereunder from time to time shall, in so far as they relate to the powers of the Committee and the procedure to be adopted with respect to proceedings before it, apply in relation to proceedings before the Committee under section 81 of the Constitution and for that purpose shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary by reason of the nature of those proceedings or otherwise to bring them into conformity with the provisions of the Constitution.

3. Without prejudice to the generality of article 2 of this Order, the Judicial Committee shall have jurisdiction—

- (a) to dispose of any petition to Her Majesty for special leave to appeal to Her Majesty in Council from any decision of the Court of Appeal or Supreme Court of Mauritius which was filed in the Office of the Judicial Committee on or before 12th March 1992 as if it were a petition for special leave to the Committee under section 81 of the Constitution;

(1) 1992 c. 45.

(2) Act No. 48 of 1991.

(3) 1833 c. 41.

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- (b) to continue and dispose of any pending appeal to Her Majesty in Council from any decision of the Court of Appeal or Supreme Court of Mauritius the records in which were registered in the Office of the Judicial Committee on or before that day as if it were an appeal to the Committee under section 81 of the Constitution

and to make such judgment and order thereon as they consider appropriate.

G. I. de Deney
Clerk of the Privy Council

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables the Judicial Committee of the Privy Council to exercise the jurisdiction conferred upon it by section 81 of the Constitution of the Republic of Mauritius in respect of appeals from the Court of Appeal or Supreme Court of Mauritius.