

CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS ACT

Act 8 of 2001 – 15 March 2004

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CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS ACT

1. Short title

This Act may be cited as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards Act.

2. Interpretation

In this Act—

“arbitral awards” has the meaning set out in Article I of the Convention;

“Convention” means the Convention on the Recognition and Enforcement of Foreign Arbitral Awards signed at New York on 10 June 1958, which came into force on 7 June 1959, as set out in the Schedule;

“Court” means the Supreme Court constituted as specified in section 42 of the International Arbitration Act.

[S. 2 amended by s. 43 (a) of Act 37 of 2008 w.e.f. 1 January 2009.]

3. Convention to have force of law

(1) Notwithstanding any other enactment, the Convention shall have force of law in Mauritius.

(2) In applying the Convention, regard shall be had to the Recommendation regarding the interpretation of Article II (2) and Article VII (1) of the Convention adopted by UNCITRAL at its Thirty-Ninth session on 7 July 2006.

[S. 3 repealed and replaced by s. 43 (b) of Act 37 of 2008 w.e.f. 1 January 2009.]

4. Jurisdiction

(1) The Court shall have jurisdiction to entertain any application made under any provision of the Convention.

(2) For the purposes of an application under subsection (1), the expression “the competent authority”, wherever it occurs in the Convention, shall be construed as referring to the Court unless the context otherwise requires.

(3) An appeal shall lie as of right to the Judicial Committee of the Privy Council against any final decision of the Supreme Court under this Act.

[S. 4 amended by s. 43 (c) of Act 37 of 2008 w.e.f. 1 January 2009.]

5. Proof of documents and evidence

(1) For the purposes of Article IV (1) of the Convention, a copy shall be duly certified if it is certified by any person whom the Court can be expected to rely on for such certification, including any competent officer of the Court, and any notary or attorney-at-law qualified to practise in Mauritius.

(2) For the purposes of the Convention, any document mentioned in Article IV of the Convention, or a certified copy of any such document, shall be conclusive evidence of anything stated in it.

[S. 5 amended by s. 43 (d) of Act 37 of 2008 w.e.f. 1 January 2009.]

6. Regulations

The Chief Justice may make such regulations as he thinks fit for the purposes of this Act.

[S. 6 repealed and replaced by s. 43 (e) of Act 37 of 2008 w.e.f. 1 January 2009.]

7. —

Schedule

[Section 2]

CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Article I

1. This Convention shall apply to the recognition and enforcement of arbitral awards made in territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought.

2. The term “arbitral awards” shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.

3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.