

PROCEDURES WITH THE REGISTRAR OFFICE OF PORT-LOUIS

The documents required for each spouse for the legal procedures with the Registrar office are :

- 1.The first six pages of passport.
- 2.Birth certificate which date of issue shall not be more than three (3) months at the time of wedding in Mauritius.
- 3.Divorce Certificate (Final decree) if applicable. (The couple may be also be requested to send the previous marriage certificate in specific cases).
- 4.Divorced women or widowed getting married within ten (10) months (300 days) of the divorce pronouncement/death of spouse will require a certificate of non-pregnancy issued by a medical practitioner/doctor in Mauritius (at clients' expenses). The pregnancy test should compulsorily be done on our Island and the bride should present the medical certificate on the date of the formalities. It is understood that if the bride is pregnant, the civil marriage cannot be celebrated in Mauritius.
- 5.Deed poll in case of name change (official document legally stamped stating the change of name).
- 6.Is a widow or a widower, the death certificate of the deceased spouse.
- 7.Adoption documents if has been adopted.
- 8.For the wedding of two non-citizens in Mauritius where one or both of the parties are British Citizens their birth certificates should bear the official seal 'General Register Office – England' or an Embossed Seal'
- 9.The form " Application to marry for non – citizens " filled and signed by the couple.

OTHER INFORMATION WITH REGARDS TO THE CIVIL WEDDING

- All documents should be legally translated in English or French.
- All the above mentioned documents (copies) + the application form filled and signed by the clients should be sent to Mautourco at least 8 weeks before the wedding day.
- The wedding day must have already been confirmed when sending the documents for the procedures.
- It is recommended to the bride and the groom to be on the island 72 hours before the civil wedding as the banns have to be published and formalities have to be done by both parties at the Registrar office at least one or two working days before the civil wedding.
- The date of the legal formalities will be confirmed in advance to the agency by the Wedding Consultant. The legal formalities are done only during weekdays (working days).
- The couple should be in possession of original documents for the legal formalities in Mauritius.
- The couple should bring along originals of their civil status documents, whose date of issue shall not be more than 3 months, for verification purposes at the Central Civil Status, Port-Louis. However, where any party cannot produce any civil status documents, he may instead produce an affidavit sworn in his country of residence or in such form as the Registrar of Civil Status may approve.
- The deed poll will not be accepted in every cases of name change and may required additional documents or procedures. It is advisable to check with the wedding consultant in advance.
- Dress Code on day of the formalities : Casual smart (No slippers, no shorts).
- No shopping done on the date of the formalities.
- Wedding are celebrated after 4 pm during weekdays however the exact wedding time will be confirmed by the civil officer on the date of the formalities.
- Weddings during weekends and on public holidays are on request as per hotel availability. This may involve additional charges.

You will find hereunder information about the various matrimonial systems proposed. In case couple decides to make a marriage contract, they will have to bring the original contract (in English OR French) in Mauritius OR a certified true copy of the original (certified by the notary). The original contract or the certified true copy of the original has to be submitted to the Civil Status Officer on the date of the formalities and same shall be kept, at the relevant Civil Status Office, for record purposes.

A NOTE TO HELP FUTURE SPOUSES IN CHOOSING A MATRIMONIAL SYSTEM

In accordance with section 59 of the civil status amendment act No. 30 of 1979, this note has been prepared mainly to inform future spouses about the several matrimonial systems they may opt for prior to their marriage. This information, which is being made available to them by government, deals only with the main features and the general aspects of the different matrimonial systems being proposed. In no case, should this note be considered as a complete and full description of the legal provision in force. Future spouses should therefore, if they wish to have further details, consult a legal adviser.

Various matrimonial systems proposed:-

The future spouses may, before their marriage, choose among three matrimonial systems which are:-

1. The legal system of community of goods.
2. The legal system of separations of property.
3. A marriage settlement embodied in a notarial deed in accordance with the common wish of the future spouses.

The legal system of community of goods

The civil code provides for a system of legal community of goods - this means that if the future spouses do not opt for a specific matrimonial system, if they marry without stating by what matrimonial system they wish to be governed, they are deemed to have chosen the system of legal community goods.

The Legal community of goods as provided by the civil code is a community reduced to "acquisitions" characterised by the following features:-

(A) The main one, as regards the ownership of property between the spouses, is the existence of a mass of property which is common to both of them and which differs from the property belonging personally to either of them.

The Mass of the common property consists of "acquisitions" that is the whole of the property either movable or immovable acquired as from the date of the marriage by either of the spouses and which the law does not expressly consider as personal property. (It consists mainly of property purchased with money derived from the incomes or salaries of the spouses).

Personal property includes immovable property which belonged to either of the spouses prior to the marriage or which accrued to that spouse by succession or donation after the date of the marriage. It will remain the exclusive property of the spouse to whom it belonged or to whom it accrued by way of inheritance or donation.

(B) Under the system of the legal community of goods the administration of personal property differs from the administration of common property, that is:-

- Each spouse has the usufruct and free disposition of his/her personal property.
- Each spouse has the power to administer the common property which has been obtained from his/her work. For example, the wife freely administers her common property which is derived from her gains emoluments, and profits whereas the husband administers all the other common property.

2.The Legal system of separation of goods and property

To be governed by the system the spouses must clearly express the wish accordingly on the celebration of their marriage.

Under this system of separation of goods, the husband or the wife retains the ownership of the property which he or she possessed prior to the marriage and those acquired during the marriage. Either spouse may administer such property and dispose of it freely without the intervention of the other spouse as if he/she were not married.

In the event of a divorce or legal separation, either spouse takes back his personal property. If the marriage is dissolved by death the property of the deceased spouse accrues to his heirs. There is no partition of property.

3. The marriage settlement embodied in a notarial deed

Prior to their marriage the future spouse may have a marriage contract drawn up by a Notary public establishing the matrimonial system by which they wish to be governed (community of property limited to the "acquisitions", a general community of property, separation of property, etc..) and containing all stipulations considered desirable.

The future spouse are at liberty to choose an adequate matrimonial system that safeguards their respective rights provided there is no incompatibility with public order and morality.

It is obvious that because of the contractual liberty given to the spouse and the wide range of marriage systems available to them it is not possible for the government to advise citizens beforehand as regards the hypothetical contents of such system.

The future spouses who wish to choose a system enshrined in a marriage contract should therefore seek information about the possibilities offered to them.

PROCEDURES WITH EMBASSIES / CONSULATES

French Citizens:

The bride and groom must send their original documents as well as the forms filled and signed by them directly to the French Embassy in Mauritius 2 months before the ceremony. This procedure is compulsory for the legalization of the wedding afterwards in France.

The wedding couple will find the list of documents required as well as the address of the French Embassy in Mauritius on the embassy website: www.ambafrance-mu.org / <https://mu.ambafrance.org/Mariage>. The clients should personally contact the Embassy to ensure that their documents have been received / processed and that nothing is missing.

The newlyweds will not leave Mauritius with their family record book.

The bride and groom will have to leave the documents listed below with Mautourco driver after the formalities with civil status offices:

- The original of the marriage transcription request form (which can be found on the embassy website) by specifying their full residence address, telephone number and email address.
- Original birth certificates not older than three months at the time of marriage, if the couple has not sent these documents in advance to the French Embassy.
- Copies of the passports.
- The family booklet (if the case is applicable / if the couple already have children together).
- Copy of the marriage contract (if the clients have made a marriage contract beforehand).

The documents given to our driver will be dispatched at the wedding department which will follow up so that the said documents as well as the original of the Apostilled Mauritian marriage certificate are sent to the French Embassy in Mauritius. Then the French Embassy will send the family record book at least 2 months (or more) after the wedding to the town hall of the clients in France or at the French embassy of the country of residence of the clients (if they are not living in France).

Italian Citizens:

Compulsory appointment with the Honorary Consul at the clients' hotel for the formalities after the civil wedding.

The relevant documents will be sent to the Italian Consulate in Mauritius /to the Italian Embassy in Pretoria and then to Italy for the registration –The procedures will take at least 6 months.

The clients will not receive any official document on spot after the ceremony.

Swiss Citizens:

The swiss citizens should send us in advance a copy of the certificate called: "certificate individuel d'état civil pour personne de nationalité suisse"/ personenstandsausweis für schweizerische staatsangehörige/certificate of civil status for swiss nationals.

After the wedding, the relevant documents will be sent to the Embassy of Switzerland in South Africa and then to Switzerland for the registration of the wedding. This procedure will take at least 3 months. (Compulsory procedure)

The couple will not receive any official document on spot after the ceremony.