

DEPOSITS (SUPREME COURT) ACT

Cap 172 – 23 March 1867

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|-----------------------------------|--|
| 1. Short title | 7. Sums received by delegate of Master |
| 2. Deposits with Master | 8. Sums due to sequestrators |
| 3. Deposits in cash and by cheque | 9. Payment of sums on order |
| 4. How cheques to be drawn | FIRST SCHEDULE |
| 5. To whom deposits to be made | SECOND SCHEDULE |
| 6. Account of deposits to be kept | |

DEPOSITS (SUPREME COURT) ACT

1. Short title

This Act may be cited as the Deposits (Supreme Court) Act.

2. Deposits with Master

Where by law money is to be deposited in the hands of the Master, such deposit shall be made as provided in this Act.

3. Deposits in cash and by cheque

Where the sum to be deposited—

- (a) does not exceed 200 rupees, it shall be deposited in cash in legal currency of Mauritius;
- (b) exceeds 200 rupees, it shall be deposited by way of cheque.

4. How cheques to be drawn

Every such cheque shall—

- (a) be drawn on a bank in Mauritius;
- (b) be made payable to the Accountant-General; and
- (c) before being received in the office of the Master, be duly accepted by or on account of the bank on which it is drawn.

5. To whom deposits to be made

All sums deposited, whether in cash or by way of cheque, shall be lodged with the cashier in the Master's office or, in his absence, with the chief clerk of the said office, and a receipt therefor, signed by such cashier or chief clerk and countersigned by the Master, shall be a legal and valid voucher for the payment.

6. Account of deposits to be kept

(1) Every cashier or chief clerk who receives any deposit shall enter the same, both in words and in figures, in a consecutive order in the deposit book kept in the office of the Master, and every such entry shall be signed by the said cashier or chief clerk, and countersigned by the Master.

(2) All sums so received shall be paid into the Treasury at such times and in such manner as may be prescribed.

7. Sums received by delegate of Master

All sums which are received by any delegate of the Master, on account of any sale made by such delegate, shall be paid by him, upon an account under his hand, to the Master at such times and in such manner as may be prescribed.

8. Sums due to sequestrators

(1) Where a sum forming part of the price of an estate sold at the bar of the Supreme Court is payable on account of the expenses of sequestration of the estate, such sum shall be paid in the presence of the Master by the purchaser to the sequestrator, or to a person duly authorised by the sequestrator to receive it, and the receipt of the sequestrator or person aforesaid for the sum shall form part of the record of the judgment of adjudication of the estate.

(2) Nothing in subsection (1) shall be taken as restrictive of any powers which the Master may have to order the deposit in the Treasury of any part of a sequestration account which may be the subject-matter of dispute, pending the determination of such dispute.

9. Payment of sums on order

(1) Where a sum is payable out of funds deposited in the office of the Master, by virtue of an order, whether for distribution or otherwise, granted either by the Master or by the Supreme Court, the Master shall, without delay, after the issuing of such order, cause to be forwarded to the Accountant-General an account as nearly as may be in the form set out in the First Schedule, stating the sums payable to the several parties concerned.

(2) The payments to the said parties shall be made by the Master by way of cheque, in the form set out in the Second Schedule, on the Accountant-General payable to the party having right thereto, or his order.

(3) The Accountant-General, on the presentation of any such cheque by any person representing himself to be the party named in it, or in the indorsement, shall pay out of the money in his hands belonging to the estate to which the cheque refers where the terms of the cheque correspond with the relative entry in the account regarding the estate.

(4) Every such cheque in the hands of the Accountant-General shall be a sufficient voucher for its payment, without regard to any question as to the person who paid in the cheque.

FIRST SCHEDULE

[Section 9]

Supreme Court
(or Master's Office)

Account No.

IN RE

Distribution of the price of the estate in the District of

Account of sums payable to the several parties interested in the estate above-mentioned, in virtue of judgment of the Supreme Court (or order of the Master of the Supreme Court), dated the day of 20

Rs. Cs.

- No. 1 – Name of party and sum in words
- No. 2 – Name of party and sum in words
- No. 3 – Name of party and sum in words
- No. 4 – Name of party and sum in words
-

The above account certified to be true and correct this day of 20,
by me

Master and Registrar of the
Supreme Court

continued on page D8 – 4

SECOND SCHEDULE

[Section 9]

COUNTERFOIL

SUPREME COURT
(or Master's office)

Account No.

Date

IN RE

Distribution of price of
.....

(Master's initials)

ORDER FOR PAYMENT OF MONEY
DEPOSITED IN THE HANDS OF THE
MASTER OF THE SUPREME COURT

SUPREME COURT
(or Master's office)

Account No.

Date

IN RE

Distribution of the price of the estate
in the District of

Pay to .., or order, the sum of on
account of his claim No. on
the above-mentioned estate.

Rs

To

.....

(Master's signature)

The Accountant-General
