

GOVERNMENT PAYABLE ORDERS ACT

Act 2 of 1955 – 1 November 1955

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GOVERNMENT PAYABLE ORDERS ACT

1. Short title

This Act may be cited as the Government Payable Orders Act.

2. Interpretation

In this Act—

“authorised officer” means a person mentioned in the Second Schedule;

“local bank” means any bank or branches of a bank that may be authorised to transact business in Mauritius;

“payable order” means an order in the form set out in the First Schedule signed by the authorised officer authorising payment according to the tenor of the order by anyone of the paying agents or, where so specified, by one of the paying agents to the exclusion of any other of any sum certain in money to or to the order of a specified person;

“paying agent” means any local bank or any district cashier or officer for the time being in charge of a district cashier’s office or any post-master or officer for the time being in charge of a post office other than a postal agency.

3. When paying agent not to pay

No payable order shall be paid by a paying agent unless—

- (a) there is on the receipt on its back a signature purporting to be that of the person to whom or to whose order payment is authorised under such payable order; or

- (b) where the payable order has been indorsed to any person or persons or to his or their order, a signature purporting to be that of such indorsee or of each of such indorsees.

[S. 3 amended by s. 12 (a) of Act 20 of 2002 w.e.f. 30 May 2003.]

4. Payable orders deemed to be cheques

(1) (a) Subject to this Act and to paragraph (b), the Bills of Exchange Act relating to cheques shall apply to a payable order as if—

- (i) the authorised officer were the drawer;
- (ii) the paying agent were the drawee; and
- (iii) the person to whom payment is authorised were the payee.

(b) No indorsement of a payable order shall be valid unless the signature purporting to be that of the person to whom or to whose order the payable order is payable is written on the back of the payable order.

(2) (a) A payable order shall, for the purposes of the Stamps Act, be deemed to be a cheque.

(b) The acquittance purporting to have been given on the back of a payable order by the person to whom or to whose order payment is authorised under the Stamps Act or that of the indorsee or last indorsee, shall be deemed to be a receipt under that Act.

[S. 4 amended by s. 12 (a) of Act 20 of 2002 w.e.f. 30 May 2003.]

5. Presentment for payment

(1) Every payable order shall be presented to a paying agent for payment within 3 months from its date.

(2) Where it is not so presented within 3 months, it shall be taken to the authorised officer for recertification and shall thereafter be presented to any paying agent for payment within such time as may be fixed by the Ministry of Finance.

6. Returns to be made by local bank

(1) Every local bank at which the authorised officer has an account shall send to him daily or at such periods as may be agreed upon by him, a list in duplicate of all payable orders signed by him, presented at and paid by that local bank during the preceding day or period, as the case may be.

(2) Upon approval by the authorised officer of the list and the return of the original to the local bank, the local bank shall deliver to the authorised officer all the payable orders mentioned in the list.

7. Signature of payee on payable order

A signature purporting to be that of the person to whom payment is authorised under a payable order, appearing on the receipt on the back of the payable order, shall be evidence of the amount payable under the payable

order having been received by such person in full settlement of the services specified on the counterfoil of the payable order when such order is surrendered to a paying agent.

[S. 7 amended by s. 12 (a) of Act 20 of 2002 w.e.f. 30 May 2003.]

8. Amendment of Second Schedule

The President may, by Order, amend the Second Schedule.

[S. 8 amended by Act 48 of 1991.]

FIRST SCHEDULE

[Section 2]

GOVERNMENT OF MAURITIUS

Date Voucher No./Service

The * authorises the payment of the sum of Rupees to or Order
Checked Stamp
.....
for

Received the amount specified on the face in full settlement of the services specified on the counterfoil.

.....
Signature of payee

Date 20....

Instructions as to payment

1. Payment will be made by an authorised paying agent (for list see overleaf) unless a particular agent is named on the order when payment will be made only by that agent.
2. This order should be presented for payment without delay. If not presented within 3 months of the date of issue, it must be taken to the* for recertification.
3. If transferred to a third party, other than an authorised paying agent, the transfer must be evidenced by endorsement.
4. The acceptance and encashment of this order by a third party is at such third party's own risk.
5. This order should be receipted at the time payment is made.

TO BE PRINTED ON REVERSE

Paying agents

* Specify here the authorised officer.

FIRST SCHEDULE—continued

Paying agents

Endorsements

Any local bank
District cashiers
Officers in charge of post offices (not postal agencies)

[First Sch. amended by s. 12 (b) of Act 20 of 2002 w.e.f. 30 May 2003.]

SECOND SCHEDULE

[Section 2]

1. The Accountant-General or any officer of his department deputed by him in writing.
2. The Director-General of the Mauritius Revenue Authority or any officer of his department deputed by him in writing.
3. The Commissioner of Prisons or any officer of his department deputed by him in writing.
4. —
5. The Commissioner of Police or any officer of his department deputed by him in writing.
6. The Island Chief Executive or any officer of the Rodrigues Regional Assembly deputed by him in writing.
7. The Permanent Secretary of the Ministry responsible for the subject of agriculture or any officer of his Ministry deputed by him in writing.
8. The Permanent Secretary of the Ministry responsible for the subject of education or any officer of his Ministry deputed by him in writing.
9. The Permanent Secretary of the Ministry responsible for the subject of health or any officer of his Ministry deputed by him in writing.
10. The Permanent Secretary of the Ministry responsible for the subject of infrastructure or any officer of his Ministry deputed by him in writing.
11. The Permanent Secretary of the Ministry responsible for the subject of social security or any officer of his Ministry deputed by him in writing.
12. —
13. The Secretary for Foreign Affairs or any officer of his Ministry deputed by him in writing.

[Second Sch. amended by Act 145 of 1998; s. 27 (20) of Act 33 of 2004.]