

INVESTMENT DISPUTES (ENFORCEMENT OF AWARDS) ACT

Act 12 of 1969 – 2 July 1969

ARRANGEMENT OF SECTIONS

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INVESTMENT DISPUTES (ENFORCEMENT OF AWARDS) ACT

1. Short title

This Act may be cited as the Investment Disputes (Enforcement of Awards) Act.

2. Interpretation

In this Act—

“award” means an award made in accordance with the Convention and includes any decision interpreting, revising or annulling an award under article 50, 51 or 52 of the Convention;

“Centre” means the International Centre for Settlement of Investment Disputes established under the Convention;

“Convention” means the Convention on the Settlement of Investment Disputes between States and Nationals of other States done at Washington on 18 March 1965;

“investment dispute” means a legal dispute arising directly out of an investment which is within the scope of the Convention;

“party” means a person who has had an investment dispute which has resulted in an award;

“Secretary-General” means the Secretary-General of the Centre.

3. Binding effect of award

Every award shall be binding on the parties.

4. Application for registration of award

(1) Where an award has been obtained, a party may apply to the Supreme Court for registration of the award within 6 years after the date of the award, or within such longer periods as the Supreme Court may allow.

(2) An application under subsection (1) shall be accompanied by—

- (a) a copy of the award certified by the Secretary-General; and
- (b) a sworn statement to the effect that no application is pending under article 52 of the Convention and that enforcement of the award has not been stayed.

(3) Where a document required to be furnished under subsection (2) is in a language other than English or French, the applicant shall produce a translation of it certified as correct in such manner as may be approved by the Court.

(4) Where the Court is satisfied that the sworn statement referred to in subsection (2) (b) is true, the Court shall direct that the award be registered.

5. Effect of registration of award

Where an award is registered under section 4—

- (a) the award shall, as from the date of registration, have the same effect as a judgment of the Supreme Court and the pecuniary obligations imposed under it may be enforced in Mauritius as if it were a final judgment of the Supreme Court;
- (b) the reasonable costs of, and incidental to, the registration of the award, including the cost of obtaining a certified copy of it and of the application for registration, shall be recoverable in the same manner as sums payable under the award.

6. Rules

The Chief Justice may make rules prescribing the procedure to be followed in relation to the registration and enforcement of an award.

7. Status, privileges and immunities

(1) Subject to subsection (2), section 6 of Chapter I of the Convention shall have the force of law in Mauritius.

(2) Nothing in section 6 of Chapter I of the Convention shall be construed as—

- (a) entitling the Centre to import goods free of customs duty without any restriction on their subsequent sale in Mauritius;
- (b) conferring on the Centre any exemption from taxes or duties which form part of the price of goods sold;
- (c) conferring on the Centre any exemption from taxes or duties which are in fact no more than charges for services rendered.

8. Act binding the State

This Act shall bind the State.
