

EFFECTING LEGAL ARRANGEMENTS AND
EXECUTING DOCUMENTS BY ELECTRONIC MEANS
- MAURITIUS

USUAL EXECUTION FORMALITIES		ELECTRONIC MEANS
COURT DOCUMENTS		
General	Court documents are usually filed as originals, with wet-ink signatures. However, electronic signatures have also been given legal effect, validity and enforceability under the Electronic Transactions Act 2000 in Mauritius.	Save for cases before the Supreme Court – Commercial Division where it is expressly required that the filing of specific documents (motion and affidavit/ proceipe and affidavit) be done by e-filing, there is no provision of filing documents by electronic means.
AFFIDAVITS		
For Court Proceedings	In normal circumstances, affidavits for use in court proceedings are sworn in the presence of a notary public.	Save for cases before the Supreme Court – Commercial Division where it is expressly required that the filing of specific documents (motion and affidavit/ proceipe and affidavit) be done by e-filing, there is no provision of filing documents by electronic means.
For Other Purposes	In normal circumstances, affidavits filed in support of statutory procedures that are not court-specific are sworn in the presence of a notary public.	Save for cases before the Supreme Court – Commercial Division where it is expressly required that the filing of specific documents (motion and affidavit/ proceipe and affidavit) be done by e-filing, there is no provision of filing documents by electronic means.
AGREEMENTS AND CONTRACTS		
Individual	Agreements and contracts are typically signed by an individual and witnessed. Witnesses are not required for standard agreements and contracts, but are typically used as an evidentiary backstop, so that neither party can claim that they did not sign.	Electronic signatures permitted. Because witnessing is not strictly necessary, there is some freedom to use electronic means for witnessing. It may be prudent to record the signature and witnessing session for future validation.
Company	Companies Act 2001 Section 181(1) A contract made on behalf of a company - <ul style="list-style-type: none"> (a) which, where made between private persons, would he required to be in writing, may he made on behalf of the company in writing - <ul style="list-style-type: none"> (i) signed by the company; or (ii) by any person acting under its authority express or implied, and may in the same manner, be varied or discharged; (b) which, where made between private persons would be valid if made orally, may be made orally on behalf of the company by any person acting under its authority, and may in the same manner be varied or 	Electronic signatures permitted. As above, with the signatory being any person expressly or impliedly authorised to sign on behalf of the company. Advisable to pass resolutions permitting use of electronic signature with respect to company documents and entry into agreements and contracts.

USUAL EXECUTION FORMALITIES		ELECTRONIC MEANS
	discharged. NB: Execution formalities may also be dictated by the Constitution.	
FILINGS AND RETURNS		
Financial Services Commission(FSC)	Documents may be usually filed as originals or by using electronic signatures.	The FSC is accepting all correspondences that have been digitally signed with digital signatures generated using Digital Certificates issued by the following two recognized Certifying Authorities: <ul style="list-style-type: none"> eMudhra DOCUSIGN or ADOBESIGN Digital signatures generated using Digital Certificates issued by any other Certifying Authorities that have not been recognized will not be accepted.
Registrar of Companies	Documents may be usually filed as originals or by using electronic signatures.	There are no announcements with respect to filing of electronic documents.
LAND REGISTRY DOCUMENTS		
All	Land Registry documents are filed as originals, with wet-ink signatures.	Electronic documents may be filed by Management Companies.
NOTARIAL ACTS		
All	Notarial acts must be performed by a notary public and typically require the notary's signature and affixing of the seal.	Electronic Signatures are not permissible.
POWERS OF ATTORNEY		
Individual	Powers of Attorney may be filed in Mauritius as originals, with wet-ink signatures and by electronic signatures	Electronic Signatures are permissible.
Company	Powers of Attorney may be filed in Mauritius as originals, with wet-ink signatures and by electronic signatures	Electronic Signatures are permissible.
PROXY FORMS, APPOINTMENTS AND AUTHORISATIONS		
All	Proxies, appointments, consents and authorisations are, as a matter of best practice rather than statute, signed by the director or member (shareholder). The Constitution may impose additional formalities.	Electronic signatures permitted but check the Constitution re witnesses or specific formalities. Advisable to pass resolutions permitting use of electronic signature with respect to company documents.

USUAL EXECUTION FORMALITIES		ELECTRONIC MEANS
SHARE TRANSFER FORMS		
All	Share transfer forms are required to be signed by the transferor. The Constitution may impose additional requirements with respect to signature by transferee.	Electronic signatures permitted. Advisable to pass resolutions permitting use of electronic signature with respect to company documents.
VIRTUAL CLOSINGS, GENERALLY		
All	The signing of all documents must meet the requirements for execution unique to the documents, as set out above.	It is important to agree the procedures with all parties to the transaction beforehand and, if relevant, consult with local counsel in each party's jurisdiction.
WILLS AND TESTAMENTARY INSTRUMENTS		
All	A Mauritius will must be executed in writing in presence of a notary.	Electronic Signatures are not permissible.