



# LAW REFORM COMMISSION

## 2012 Annual Program of Review, Reform and Development of the Law

[Under section 4(3) of the Law Reform Commission Act]

[January 2012]

Port Louis, Republic of Mauritius

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## About the Commission

The functions of the Commission are to –

- (a) keep under review in a systematic way the law of Mauritius;
- (b) make recommendations for the reform and development of the law of Mauritius;
- (c) advise the Attorney-General on ways in which the law of Mauritius can be made as understandable and accessible as is practicable.

The Commission consists of –

- (a) a Chairperson, appointed by the Attorney-General;
- (b) a representative of the Judiciary appointed by the Chief Justice;
- (c) the Solicitor-General or his representative;
- (d) the Director of Public Prosecutions or his representative;
- (e) a barrister, appointed by the Attorney-General after consultation with the Mauritius Bar Council;
- (f) an attorney, appointed by the Attorney-General after consultation with the Mauritius Law Society;
- (g) a notary, appointed by the Attorney-General after consultation with the Chambre des Notaires;
- (h) a full-time member of the Department of Law of the University of Mauritius, appointed by the Attorney-General after consultation with the Vice-Chancellor of the University of Mauritius; and
- (i) two members of the civil society, appointed by the Attorney-General.

The Chief Executive Officer has responsibility for all research to be done by the Commission in the discharge of its functions, for the drafting of all reports to be made by the Commission and, generally, for the day-to-day supervision of the staff and work of the Commission.

The Secretary to the Commission is also responsible, under the supervision of the Chief Executive Officer, for the administration of the Commission.



# LAW REFORM COMMISSION

**Chairperson** : Mr. Guy OLLIVRY, QC, GOSK

**Chief Executive Officer** : Mr. Pierre Rosario DOMINGUE [Barrister]

**Members** : Mr. Satyajit BOOLELL, SC [Director of Public Prosecutions]

Mrs. Aruna D. NARAIN [Parliamentary Counsel]

Mr. Nicholas F. OHSAN BELLEPEAU [Ag. Deputy Master & Registrar]

Mr. Rishi PURSEM, SC [Barrister]

Mr. Narendra APPA JALA, SA [Attorney]

Mr. Michel Nicolas BOULLÉ [Notary]

Mrs. Luvishka SEEJORE BILTOO [Law Academic (UoM)]

Mrs. Daisy Rani BRIGEMOHANE [Civil Society]

Mr. Navin GUNNASAYA [Civil Society]

**Secretary** : Mrs. Saroj BUNDHUN

**Legal Research Cadre (other than Chief Executive Officer)**

**Consultant** : Professor Robert Louis GARRON

**Law Reform Officer** : Mr. Sabir M. KADEL

**Legal Research Assistant** : Mr. Goran GEORGIJEVIC

**Administrative Support Staff (other than Secretary to Commission)**

**Senior Officer** : Mrs. Marie Roseliette SOOBRAMANIA

**Officer** : Mrs. Neelamani BANSRAM

Mrs. Kajal RAMDUT

**Senior Office Attendant** : Mr. Subhas CHUMMUN

**Office Attendant-Driver** : Mr. Claude Francois JEAN-PIERRE

Mr. Naraindranathsingh JANKEE

## **Introductory Note: Background**

As required by section 4(3) of the Law Reform Commission Act [Act No. 26 of 2005], the Commission has elaborated, and is submitting to the Hon. Attorney-General, its 2012 Annual Programme for the review of specific aspects of the law of Mauritius with a view to their reform and/or development.

In preparing this program, the Commission has been guided by its strategic objectives, which are to ensure our laws are responsive to the needs of society in the light of the exigencies of globalization, are in conformity with our international obligations and reflect best international practices.

The following Outcome is expected:

- (a) More accessible and user-friendly legislation that enhances public awareness, confidence and understanding of the law;
- (b) Higher quality legislation that facilitates underlying policy objectives, that meets society's contemporary needs and reflects its diverse values;
- (c) Constitutionally appropriate and consistent law that acknowledges the international human rights instruments and other treaties to which Mauritius is a party;
- (d) The development of a legal environment that reflects the increasingly global nature of law and co-operation between legal systems.

## LRC Current Projects

<b>Constitution, Human Rights, Court System &amp; Legal Services, and other Public Law issues</b>	<b>Criminal Justice System and Criminal Law</b>	<b>Civil Justice System and Civil Law</b>	<b>Business Law, Tax Law, and other Law and Development Issues</b>
<ul style="list-style-type: none"> <li>- Constitution, Public Law Framework (incl. laws applicable in Rodrigues) &amp; Mechanisms for Securing Human Rights (including Compliance of laws with provisions in human rights treaties)</li> <li>- Court Structure and Functioning, Alternative Dispute Resolution Mechanisms, Legal Education and Provision of Legal Services (including Legal Assistance Scheme)</li> </ul>	<ul style="list-style-type: none"> <li>- Criminal Investigation Framework; Criminal Procedural and Evidential rules</li> <li>- Penal Offences under Criminal Code and other Legislation</li> </ul>	<ul style="list-style-type: none"> <li>- Code de Procédure Civile and other civil procedural rules (including Public Interest Litigation)</li> <li>- Code Civil Mauricien &amp; other civil law legislation (including Conformity of laws with Hague Conventions on Private International Law)</li> </ul>	<ul style="list-style-type: none"> <li>- Code de Commerce (incl. Legal Framework for Business and Impact of Laws on Ease of Doing Business)</li> <li>- Other Contemporary Legal Issues</li> </ul>

## **LRC Action Plan 2012** **[Expected Outputs on Projects]**

**PBB 2012 Programme 563: Law Reform and Development**

**Expected Performance:** At least 9 Reports/Papers on areas of law reviewed containing recommendations for reform

<b>Projects</b>	<b>Expected Outputs</b>
Constitution, Public Law Framework and Human Rights Compliance	Issue Paper/Report on Judicial Review by June 2012
Laws applicable in Rodrigues	Discussion Paper on Devolution & Decentralized Government by December 2012
Court Structure and Functioning, Provision of Legal Services, Legal Education and Training	Discussion Paper by December 2012 on 'Law Reform & Legal Education'
Criminal Justice	Issue Paper on Evidential Rules by September 2012
Criminal Code and other penal legislation	Issue Papers/Reports on aspects of criminal law reviewed First Issue Paper/Report by September 2012
Code Civil Mauricien & other civil law legislation	Issue Papers/Reports on aspects of Code (such as co-propriété, droit des personnes) First Issue Paper/Report by June 2012
Code de Procédure Civile	Report by March 2012
Code de Commerce & Framework for doing business	Issue Papers/Reports on aspects of law relating to business (such as fonds de commerce, timeshare, garanties autonomes and crédit documentaire) First Issue Paper/Report by March 2012
<p>NB: Should the need arise for the Commission to review and report on any emerging contemporary legal issue, it shall do so to the best of its ability within the constraint of its resources</p>	