



# LAW REFORM COMMISSION

## 2010 Annual Program of Review, Reform and Development of the Law

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

[January 2010]

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

**Secretary** : Mrs. Saroj BUNDHUN

**Members** : Mr. Satyajit BOOLELL

Mr. David CHAN KAN CHEONG

Mr. Rashad DAUREEAWO

Mr. Pazhany RANGASAMY

Mr. Roland CONSTANTIN

Ms. Odile LIM TUNG

Ms. Juliette FRANÇOIS

Dr. Sheila BUNWAREE

## **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 Attorney-General, its 2010 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. With the integration of Mauritius in the international economy, there is mounting pressure to adopt new laws to reflect international standards. Policies can no longer be devised in ignorance of international norms and practices, hence the need for adequate research so that policy makers are made fully aware of the integration of proposed legislative changes.

## 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 (including Electoral System)</li> <li>- Public Law Framework [including Freedom of Information legislation, Regulatory Impact Assessment legislation, and Judicial Review]</li> <li>- 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 and Contempt of Court Proceedings)</li> </ul>	<ul style="list-style-type: none"> <li>- Criminal Investigation Framework; Criminal Procedural and Evidential rules (including Law relating to admissibility of Confessions, Rights of Victims and ‘Constitution de partie civile’ in road accident cases)</li> <li>- Penal Offences under Criminal Code and other Legislation (including Road Traffic Act)</li> </ul>	<ul style="list-style-type: none"> <li>- Code de Procédure Civile and other civil procedural rules (including Public Interest Litigation)</li> <li>- Family Law (including matrimonial regimes and successions)</li> <li>- Legal Framework for land transfer and property registration</li> <li>- Conformity of laws with Hague Conventions on Private International Law</li> </ul>	<ul style="list-style-type: none"> <li>- Legal Framework for Business (including Empowerment of the Poor through Reform of Business and Labour Rights) and Impact of Laws on Ease of Doing Business</li> <li>- Tax Laws</li> <li>- Legal Environment for the emergence of Mauritius as an International Arbitration and Mediation Centre</li> <li>- Other Contemporary Legal Issues (such as Consumer Protection Law, cyber law and environment law)</li> </ul>

## **LRC Action Plan 2010** **[Expected Outputs on Projects]**

**PBB 2010 Programme 563: Law Reform and Development**

- Expected Performance:** (a) At least 6 Reports/Papers on areas of law reviewed  
 (b) Preliminary assessment paper on any area of the law to be reviewed to be ready within one month

<b>Projects</b>	<b>Expected Outputs</b>
Consumer Protection Law	Report (with draft legislation embodying proposals for reform) by end April 2010
Mediation and Conciliation in Commercial Matters	Report by end April 2010
Criminal Investigation, System of 'juge d'instruction', and Police and Criminal Evidence Legislation Framework	Issue Paper by end April 2010
Civil Procedural Rules	Paper/Report by end August 2010
Framework for doing business (including framework for land transfer and property registration)	Paper/Report by end August 2010
Tax Laws and Policies	Paper/Report by end December 2010
Family Law and Implementation of Hague Conventions on Private International Law	Paper/Report by end December 2010
Constitution and Electoral System (including implementation of human rights norms)	...
Legal Environment for the emergence of Mauritius as an International Arbitration and Mediation Centre	...

NB: Should the need arise for the Commission to review and report on any other pressing contemporary legal issue, it shall do so.