

PARLIAMENTARY QUESTION

B/69 The Honorable Fourth Member for Vacoas and Floreal
(Ms Anquetil)

To ask the Honorable Attorney General:-

Whether, in regard to the Court Ushers, he will state if it is proposed to bring changes to the profession thereof and, if so, give details thereof.

REPLY

Mr Speaker, Sir,

I wish to inform the House that, following the recommendations made in the Mackay Report as regards the profession of Court Ushers, it is indeed proposed to bring changes to the profession.

Mr Speaker, Sir,

Allow me, at the outset, to brief the House on the role of Court Ushers. At present, the profession of Court Ushers is governed by the Court Ushers Act which dates back to 1952. They are all public officers appointed by the Public Service Commission and they play an important role in the administration of justice. Under the current system, Court Ushers are attached either to the Supreme Court, Intermediate Court or a District Court.

Generally, Court Ushers are Court Officers and their tasks are mainly to ensure the proper and efficient functioning of the Courts,

that is, maintaining order and discipline in Courts, calling cases, parties and witnesses, and administering oaths to such parties and witnesses.

In addition, Court Ushers are responsible for serving or executing judicial and extra-judicial processes, such as serving summonses, executing writs, orders and warrants of the Court and effecting sales of forfeited and seized articles.

Mr Speaker, Sir,

It is obvious that Ushers have major responsibilities in the day-to-day functioning of Courts. There have, however, always been complaints that cases are delayed due to a lack of Usher services, more particularly in relation to the service process. I should add that this is inevitable since Ushers are primarily required to perform Court duties and as such very little time is available for their other activities.

To cure that problem, the Mackay Commission has recommended the liberalisation of the profession of Ushers by authorising persons, who are not public officers, to perform the functions of Court Ushers to serve process or execute judgment.

Mr Speaker, Sir,

The views of stakeholders have been sought and obtained on the changes proposed to be made to the profession. Comments and proposals were received from the Honourable Chief Justice, the Office of the Director of Public Prosecutions, the Law Reform Commission, the Bar Council, the Mauritius Law Society and the Chamber of

Notaries, and they are all agreeable to the changes recommended by Mackay Commission. However, the Ushers themselves are split on this issue of liberalisation.

A decision will be taken shortly as to the changes to be brought to the profession.