



LAW REFORM COMMISSION

2017 Report on the Activities of the Commission

(Under section 17 of the Law Reform Commission Act)

[Period 1 July 2016 to 30 June 2017]

[July 2017]

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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. Abdool Raouf GULBUL [Barrister]

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

Members : Representative of Judiciary
[Mr. Patrick Michel Tat KON KAM SING]

Solicitor-General or his Representative
[Mr. Dinay REETOO]

Director of Public Prosecutions or his Representative
[Mr. Satyajit BOOLELL, SC]

Mrs. Narghis BUNDHUN, SC [Barrister]

Mr. Gilbert NOEL [Attorney]

Mrs. Wenda SAWMYNADEN [Notary]

Mr. Hambyrajen NARSINGHEN [Law Academic (UoM)]

Mr. Bernard MARIE [Member of Civil society]

Secretary : Mrs. Saroj BUNDHUN

Law Reform Cadre

Chief Executive Officer : Mr. Pierre Rosario DOMINGUE

Senior Law Reform Officer : Mr. Sabir M. KADEL

Law Reform Officer : Dr. Goran GEORGIJEVIC

Administrative Support Staff

Secretary : Mrs. Saroj BUNDHUN

Office Superintendent : Mrs. Marie Roselilette SOOBRAMANIA

Office Management Assistant : Mrs. Neelamani BANSRAM

: Mrs. Kajal RAMDUT

Senior Office Attendant/Technical Assistant : Mr. Subhas CHUMMUN

Driver/Office Attendant : Mr. Claude François JEAN-PIERRE

Mr. Naraindranathsingh JANKEE

Introductory Note to this Report

1. This is the Eleventh Report of the Law Reform Commission [LRC] to the Honourable Attorney-General, under section 17(1) of the Law Reform Commission Act. This Report concerns the activities of the Commission during the financial year 2016-2017 (period 1 July 2016 to 30 June 2017).

The Commission: its Resources, Working Method and Law Reform Strategy

Membership of Commission

2. During the financial year 2016-2017, the Board was constituted as follows:
 - (a) Mr. A. Raouf GULBUL, Barrister-at-Law, appointed by Hon. Attorney-General as Chairperson for a period of five years as from 1st September 2016;
 - (b) Members were:
 - (i) Mr. Patrick Michel Tat KON KAM SING [Deputy Master and Registrar & Judge in Bankruptcy, appointed by Chief Justice as Representative of the Judiciary as from 3rd June 2016];
 - (ii) Mr. Dinay REETOO [Principal State Counsel, appointed to act as Representative of the Solicitor-General for a period of one year as from 1st September 2016];
 - (iii) Mr. Satyajit BOOLELL, SC [Director of Public Prosecutions];

- (iv) Mrs. Narghis BUNDHUN, SC [Barrister, appointed by Hon. Attorney-General (after consultation with Mauritius Bar Council) for a period of five years as from 1st September 2016];
- (v) Mr. Gilbert NOEL [Attorney, appointed by Hon. Attorney-General (after consultation with Mauritius Law Society) for a period of five years as from 1st September 2016];
- (vi) Mrs. Wenda SAWMYNADEN [Notary, appointed by Hon. Attorney-General (after consultation with the *Chambre des Notaires*) for a period of five years as from 1st September 2016];
- (vii) Mr. Hambyrajen NARSINGHEN [full-time member of the Department of Law of the University of Mauritius, appointed by Hon. Attorney-General (after consultation with the Vice-Chancellor of the University of Mauritius) for a period of five years as from 1st September 2016]; and
- (viii) Mr. Bernard MARIE [Bar-at-Law, Member of Civil Society, appointed by Hon. Attorney-General for a period of five years as from 1st September 2016].

Mr. Edouard HART DE KEATING was appointed by Hon. Attorney-General as Member of Civil Society for a period of five years, as from 1st September 2016, but resigned, owing to professional reasons, as from 31st March 2017.

3. During the period 1st July 2016 to 30th June 2017, the Commission held ten meetings.

Human Resources of the Commission

4. The staff of the Commission was composed as follows:
 - (a) The Chief Executive Officer;
 - (b) The Secretary to the Commission and other administrative support staff; and
 - (c) Two Officers of Law Reform Cadre.

5. The Commission has the power to recruit Consultants for its projects.¹ Professor Robert Louis GARRON has worked for the Commission on an *ad hoc* basis as Consultant for the Reform of the Codes (Code Civil, Code de Commerce and Code de Procédure Civile). Professor Romain OLLARD, of the Faculty of Law of the University of Réunion, also acted on an *ad hoc* basis as Consultant for the reform of the Criminal Code.

Office Premises and Facilities of the Commission

6. The Office of the Commission is located on the 13th Floor of SICOM Building 2 at reverend Jean Lebrun Street, Port Louis, and occupies an office space of about 450 square meters. The Commission has a conference room and a documentation centre.

The Commission at its 100th LRC Meeting, held on 14th June 2017, has decided that its Conference Room be named the “Guy Ollivry Conference Room”, in honour of the first Chairperson of the Law Reform Commission, late Mr. Marie Joseph Emmanuel Guy Ollivry, QC, GOSK, a skillful barrister with insights, who remains a source of inspiration for current and future generations of lawyers.

¹ Section 14 of the Law Reform Commission Act.

Funding of the Commission

7. The operating expenses of the Commission are met from grants provided by the National Assembly.

During the financial year 2016-2017, the sum of Rs 19,300,000 was appropriated for LRC's expenses [Appropriation (2016-2017) Act No. 15 of 2016]: The sum of Rs 17,800,000 for meeting LRC's operational costs and the sum of Rs 1,500,000 for hosting an ALRAESA [Association of Law Reform Agencies of Eastern and Southern Africa] Conference.

Working Method & Law Reform Strategy

8. The Commission considers our laws should reflect best international practices, meet the exigencies of globalization, and be adapted to the changing needs of the people. The Commission is thus committed to comparative legal research in order to evaluate the merits and demerits of our law in the light of the experience of other jurisdictions. The Commission also holds the view that, where possible, any proposed solution must be tested against empirical evidence.
9. Consultations with all the relevant stakeholders have been regarded as crucial for the performance of the Commission's functions and have invariably been resorted to in order to develop greater awareness of legal issues and contribute to capacity building for those called upon to apply the law. The Commission regards it as imperative that it participates in workshops, conferences and seminars, and has done so as far as possible in order to develop greater awareness of legal issues and contribute to capacity building of those called upon to apply the law.

During the period 2016-2017, presentations were made on aspects of consumer law² and criminal law,³ as well as the legal dimensions of EU-Mauritius cooperation.⁴

10. The Commission may, pursuant to section 8(1) of the Law Reform Commission Act, set up Advisory Panels to advise and assist the Commission in particular projects. An Advisory Panel is presided over by a Member and consists of persons having specialized knowledge in, or particularly affected by, the matter to be studied and such other Members as the Commission may deem appropriate.

Four Advisory Panels have been established in respect of the following projects:

- (a) Law of Persons & Family Law (Mrs. N. Bundhun, SC, as Chair);⁵
- (b) Jury System (Mr. P. Kon Kam Sing, as Chair);⁶

² « Le Droit Mauricien de la Consommation : ses lacunes et les projets de réforme de la LRC » [S. Kadel, *Colloque Capitant sur le Droit de la Consommation* (1st September 2016)] ;

« Propositions de la LRC pour renforcer le régime juridique de la protection du consommateur acheteur » [S. Kadel, *Colloque Capitant sur le Droit de la Consommation* (1st September 2016)] ;

« Propositions de la LRC pour la réforme de l'encadrement des opérations de crédit » [G. Georgijevic, *Colloque Capitant sur le Droit de la Consommation* (2nd September 2016)] ;

« Propositions de réforme de la LRC pour mieux protéger le consommateur des atteintes à ses droits » [G. Georgijevic, *Colloque Capitant sur le Droit de la Consommation* (2nd September 2016)] ; and

« Le Droit de la Consommation à l'ère numérique - Perspectives de Réforme » [S. Kadel, APEC (Association for the Protection of the Environment & Consumers), International Consumer Day, 15th March 2017].

³ «The Protection from Domestic Violence (Amendment) Act: Implications » [P.R. Domingue, *Working Session on Domestic Violence and on the Protection from Domestic Violence (Amendment) Act 2016*, organized by Australian High Commission and Ministry of Gender Equality, Child Development & Family Welfare, NWDC, Phoenix, 2nd September 2016]; and

« Le faux et l'usage du faux en droit mauricien et les perspectives de réforme » [S. Kadel, Institute of Judicial and Legal Studies, 29th May 2017].

⁴ « Aspects Juridiques de la Coopération Union Européenne – Maurice » [P.R. Domingue, *Colloque Union Européenne dans l'Océan Indien, modèle de puissance ou puissance modèle ? Faculté de Droit et d'Économie, Université de la Réunion*, 14th April 2017].

⁵ The following persons have been designated to form part of the Advisory panel:

Attorneys - Me Beena Ramloll and Me Georgy Ng Wong Hing;

Notary - Me Swalekha Jagan;

Barristers - Me Varuna R Bunwaree, Me Angeliqve Desveaux de Marigny, Me Nadia Mungly, and Me Nahida Mungly.

⁶ The following persons have been designated:

- Global Business: Mr Shahed Hoolash, Vice President, Deutsche International Trust Corporation Ltd; Mr Yan Ng, Member of Managing Committee ATMC Intercontinental Trust;

(c) Financial Services Law (Mr. G. Noel, as Chair);⁷ and

(d) Law on Prescriptive Acquisition (Mrs. W. Sawmynaden, as Chair).⁸

11. The Criminal Justice Committee, established as far back as January 2011, with DPP as Chair, has been working closely with CEO as to the approach to be taken by the Commission in relation to the review/reform of criminal law/evidence/procedure.

12. The Commission considers it as part of its mission that it should encourage critical thinking about the laws of Mauritius and legal practice. The Commission has thus established the “Guy Ollivry Law Reform Prize”, in honour of the first Chairperson of the Law Reform Commission. The Prize would be awarded following a “Law Reform Essay Competition”, open to undergraduate law students and postgraduate law students registered at an approved tertiary education institution in Mauritius, as well as young law practitioners, who would be invited to submit, on a theme of their choice, an essay of about 5000 words on an aspect of the law they consider is in need of reform. The “Prize” is meant to encourage critical legal writing, while generating new ideas for law reform, and would be awarded to students/young law practitioners with best insights as to an aspect of the law that is inadequate or incomplete.

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- Insurance: Mrs. Delphine Ahnee, Head of Group Risk, Legal and Customer Care, Mauritius Union Group; Mr. Michel Thomas, LL.M., F.C.I.I, MCI Arb, Chartered Insurer, Chief Operations Officer, SWAN General Ltd;
 - Banking: Mrs. Aisha Timol, Chief Executive, Mauritius Bankers Association Limited;
 - A representative of the Bank of Mauritius;
 - Representative FSC, Mr. Ajmal Burthun, Legal Analyst;
 - A Representative of Attorney-General’s Office; and
 - A Representative of the Office of DPP.

⁷ The Advisory Panel has been constituted as follows:

- A Member of the Magistrates Association;
- A representative of the Office of DPP [Mr. M. Armoogum];
- Two members of the Mauritian Bar;
- The Chief Registrar or his Deputy; and
- Judicial Research Officers [A. Oozageer & H. Khedun].

⁸ Mr. F. Ramchurn, Chief Land Surveyor, has been co-opted as representative of the Ministry of Housing and Lands; Mr. N. Luchoo, Principal Land Surveyor, has been designated as alternate.

An Internship Program is also being established for young law graduates/postgraduates to offer them the opportunity to enhance their knowledge, skills, attitudes and ability, whilst contributing to the work of the Commission.

13. The Commission has links with other law reform agencies. It is a member of the Commonwealth Association of Law Reform Agencies [CALRAs] and the Association of Law Reform Agencies of Eastern and Southern Africa [ALRAESA].

14. On 29th and 30th June 2017, the Commission hosted ALRAESA's Conference on "Role of Law Reform in Development."

The Conference Sessions were on:

- (1) Value & Usefulness of Law Reform Agencies to Legal Policy Development;
- (2) Challenges of Law Reform in Small States;
- (3) Constitutional Reform;
- (4) Business and Consumer Law Reform;
- (5) Reform related to Gender-based Violence; and
- (6) Reform of Law of Evidence.

The Conference was attended by 21 foreign delegates from 10 countries: 20 representatives from law reform agencies & AGOs (2 from Kenya, 2 from Lesotho, 2 from Malawi, 2 from Namibia, 2 from Uganda, 2 from South Africa, 3 from Swaziland, 2 from Zanzibar {Tanzania}, 2 from Zimbabwe, and 1 from Botswana); and 1 representative from Commonwealth Secretariat (Law and Development Section).

The Work of the Commission: Reports/Papers on Review of Laws and Proposals for Reform

15. The Commission has been reviewing, at the request of the Attorney-General's Office, the Code Civil Mauricien and legislation relating to the Judicial System.

The Commission has also been reviewing, of its own initiative, the Criminal Code and other penal legislation.

16. On 12th September 2016, the Hon. Attorney-General, under Section 6 of the Law Reform Commission Act, has made the following request:

“The Government Programme 2015-2019 contains a number of measures concerning reforms to be brought to the Judiciary. The reforms contemplated are inter alia based on the recommendations of the MacKay Report of 1997. The Report of Justice Albie Sachs in 2002 also contained certain recommendations on the reform of the Judiciary more particularly in Chapter Four thereof which included the issue of the separation of the Appellate Division of the Supreme Court from its other divisions.

It is almost 20 years since the MacKay Report has been made public. While some recommendations of the said Report have been gradually implemented over the years by successive Governments, there still remain other recommendations which are yet to be implemented.

The purpose of this Request is therefore to require the Law Reform Commission to examine the status of implementation of the MacKay Report 1997 coupled with the relevant parts of the Sachs Report 2002 and to report on the way forward towards full implementation of the recommendations made therein with respect to the Judiciary.”

The Commission has already considered the Status of Implementation of Mackay & Sachs Recommendations, and shall soon formulate its views about Reform of the Judicial System.

17. In the *Review Paper on “Comparative Approaches to Aspects of Private International Law”* [March 2017], the Commission, with a view to further enhancing understanding of aspects of Private International Law, has reviewed, *inter alia*, legislation and legislative proposals in other jurisdictions: Belgium (*Loi portant le Code de droit international privé du 16 juillet 2004*) ; Bulgaria (Private International Law Code of 4th May 2005); China (Law of the People’s Republic of China on the Laws Applicable to Foreign-Related Civil Relations of 28th October 2010); Great Britain (Private International Law (Miscellaneous Provisions) Act 1995); Gibraltar (Trusts (Private International Law) Bill 2015); Japan (Act on the General Rules of Application of Laws [Hō no Tekiyō ni Kansuru Tsūsokuhō], Law No. 10 of 1898, as newly titled and amended 21st June 2006); New Zealand (Private International Law (Choice of Law in Tort) Bill 2013); Switzerland (*Loi fédérale sur le droit international privé du 18 décembre 1987*) ; and Tunisia (*Code de Droit International Privé Loi N° 98-97 du 27 novembre 1998*). The Commission is also considering aspects of Private International Law under OHADAC [*Organisation pour l’Harmonisation du droit des affaires dans la Caraïbe*] Model Law on Private International Law of April 2014: *Loi Type OHADAC de Droit International Privé*.
18. In the *Discussion Paper about « Reform of Law on Responsabilité Civile in the Code Civil Mauricien »* [May 2017], the Commission has examined the provisions of the March 2017 French « *Projet de Réforme de la Responsabilité Civile* », as well as the « *Avant-Projet de Loi* » of April 2016, in the light of the proposals of the *Avant-projet Catala* [considered in LRC’s *Issue Paper on « Law of Contracts and Obligations under Code Civil Mauricien »* (March 2013)], proposals of the « *Groupe de Travail de l’Académie des sciences morales et politiques* » chaired by Prof. Terré [« *Propositions de réforme du droit de la responsabilité civile* » of 18th October 2011], as well as the current provisions of the Code Civil Mauricien and our case-law on « *responsabilité civile* », with a view to determining changes which can be brought to this aspect of our law.

19. In the *Discussion Paper about « Reform of Law of Contract & Regime and Proof of Obligations in the Code Civil Mauricien »* [June 2017], the Commission has examined the French « *Ordonnance n° 2016-131 du 10 février 2016 portant réforme du droit des contrats, du régime général et de la preuve des obligations* », which have come into force on 1st October 2016, in the light of other reform proposals, with a view to considering the implications of incorporating in the future such changes to our law. A “*Note Explicative*” is given on the new Provisions, which is followed by an analysis of possible “*Modifications, ajouts et suppressions envisageables du point de vue d’une future réforme du droit mauricien des contrats et obligations.*”
20. In the *Paper on “Changes to Sources and Regime of Law Obligations in Code Civil Mauricien”* [June 2017], the Commission has set out its reform proposals based on the suggestions made in the *Discussion Paper about « Reform of Law of Contract & Regime and Proof of Obligations in the Code Civil Mauricien »* [June 2017] and the *Discussion Paper about « Reform of Law on Responsabilité Civile in the Code Civil Mauricien »* [May 2017]. It is recommended that the “Titre troisième” of the “Livre troisième” of the Code Civil Mauricien (Articles 1101 to 1369) and “Titre quatrième” of the “Livre troisième” of the Code Civil Mauricien (Articles 1370 to 1386) be repealed and replaced by a new “Titre troisième” (new Articles 1100A to 1303), a new “Titre quatrième” (new Articles 1304 to 1352-9) and a new “Titre quatrième bis” (new Articles 1353 to 1386-1). This Paper is meant for consultation with stakeholders as to the way forward for the reform of this aspect of the law.
21. The Commission has also examined, in the *Issue Paper on « Indemnisation des victimes d’accidents de la circulation & Réforme du Droit des Assurances »* [June 2017], the protection afforded to victims of road traffic accidents [in particular sections 88 *seq.* of the Insurance Act 2015, which deal *inter alia* with the establishment and management of a “Compensation Fund”, as well as the Insurance (Industry Compensation Fund) Regulations 2015 (GN No. 249 of 2015)]. It is recommended that provisions on « *De*

l'indemnisation des victimes d'accidents de la circulation » - based on provisions of the French *Loi n° 85-677 du 5 juillet 1985 tendant à l'amélioration de la situation des victimes d'accidents de la circulation et à l'accélération des procédures d'indemnisation* and *Loi n° 2003-706 du 1^{er} août 2003 de sécurité financière pour instaurer un Fonds de garantie des accidents de la circulation* – could be added to the Code Civil Mauricien [new Articles 1386-1 to 1386-26].

In this Issue Paper, the Commission has also reviewed the provisions on « Contrat d'assurance », Articles 1983-1 to 1983-92, as enacted by Act No. 7 of 1983, which are based on the « *Loi française du 13 juillet 1930* » and the « *Décrets No. 76-666 & 76-667 du 16 juillet 1976* », and has made proposals for change. The proposals contained are inspired from provisions in French *Code des Assurances*, and in particular the following laws: *Loi n° 2005-67 du 28 janvier 2005, dite loi Chatel, tendant à conforter la confiance et la protection du consommateur*; and *Loi n° 2007-1775 du 17 décembre 2007 permettant la recherche des bénéficiaires des contrats d'assurance sur la vie non-réclamés et garantissant les droits des assurés*.

22. In the *Review Paper on « Criminal Code (Supplementary) Act »* [March 2017], the Commission analyzed the offences contained in the Act, which are mainly of British inspiration and date back to 1870, such as coinage offences, fictitious stamps, vagrancy, disclosure of official secrets, obscene publications, disorderly houses. Many of these provisions are outdated and need to be either amended or, in some cases, repealed. The Commission has suggested changes which could be brought to them.

23. In the *Working Paper about « Reform of Law on Forgery in the Criminal Code »* [March 2017], the Commission, after reviewing further the provisions of our law on forgery (as provided by Sections 105A to 121 of the Criminal Code, which are based on Articles 145 to 162 of the French Penal Code of 1810), in the light of the provisions of the current French Penal Code (Articles 441-1 *seq.* of the 1994 Penal Code),

recommended a more comprehensive Reform of the Law than what was proposed in the May 2016 *Interim Report on Reform of the Criminal Code* (where it was merely suggested that a new Section 112A about “Aggravating circumstances of forgery in writing” be added, based on Article 441-2 of the 1994 French Penal Code): Sections 105A to 120 of the Criminal Code to be repealed and replaced by new Sections 106 to 113, which are inspired by Articles 441-1 to 441-8 of the 1994 French Penal Code.

24. In the *Discussion Paper about “Reform of Law on larceny & Aggravated Larceny in the Criminal Code”* [May 2017], the current law in Mauritius (based on Articles 379 *seq.* of the 1810 French Penal Code) was examined; the proposed changes aimed at remedying lacunas in our law and which are modelled on current law in France [Articles 311-1, 311-2, 311-4, 311-4-1, 311-4-2, 311-5, 311-6, 311-7, 311-9, 311-10 & 311-11 of the 1994 Penal Code] were also discussed.⁹

25. In the *Discussion Paper about « Reform of Law on Embezzlement in the Criminal Code »* [March 2017], the Commission examined the current law and its lacunas (which had been recognized by the Supreme Court); the manner in which the provisions of the 1994 French Penal Code have simplified the law and remedied the shortcomings in the 1810 statutory definition of the offence.¹⁰

26. In the *Discussion Paper about “Reform of Law on Swindling in the Criminal Code”* [May 2017], the current law in Mauritius (based on Article 405 of the 1810 French Penal

⁹ In the May 2016 *Interim Report on “Reform of Criminal Code”*, the Commission recommended changes to Section 301 (Larceny), Sections 301A and 302 regarding “Penalty applicable to Larcenies”, Section 303 (Larceny with wounding), Section 304 (Larceny with violence by night breaking), Section 305 (Larceny with other aggravating circumstance), Section 309 (Larceny with breaking), Sections 312 and 314 (in relation to “dwelling house”) of the Criminal Code. The Commission also proposed the addition of a new Section 302A (Larceny of cultural property), a new Section 310A (Larceny by organized band) and a new Section 310B (Interpretation of larceny followed by violence).

¹⁰ In the May 2016 *Interim Report on “Reform of Criminal Code”*, the Commission recommended that the offence of embezzlement in the Criminal Code be simplified; the current section 333, based on article 408 of the French Penal Code of 1810, be repealed and replaced by provisions inspired by Articles 314-1 & 314-2 of the 1994 French Penal Code.

Code) has been examined; the proposed changes aimed at remedying lacunas in our law and which are based on current law in France have also been highlighted.¹¹

27. In the *Discussion Paper about « Reform of Law on Destruction, Degradation and Deterioration of Property in the Criminal Code »* [June 2017], the current law in Mauritius [based on Articles 434 to 459 of the 1810 French Penal Code] is examined and the proposed changes, aimed at remedying lacunas in our law and which are modelled on current law in France [Articles 322-1 to 322-14 of the 1994 Penal Code], are highlighted.¹²

Status of Commission’s Recommendations/Proposals for Reform of the Law

28. A significant proportion of the Final Recommendations of the Commission has been implemented:

- (a) Recommendations contained in Report on “Opening Mauritius to International law Firms and Formation of Law Firms” [May 2007];¹³

¹¹ In the May 2016 *Interim Report on “Reform of Criminal Code”*, the Commission recommended that section 330 of the Criminal Code be repealed and replaced by a new section, inspired by Articles 313-1 and 313-2 of the 1994 French Penal Code, so as to simplify the offence of swindling by providing, *inter alia*, as a fraudulent means “abuse of a true character”; and also by providing for aggravating circumstances to the offence, such as when committed by a person making a public appeal with a view to issuing securities or raising funds for humanitarian or social assistance, or to the prejudice of a person whose particular vulnerability, due to age, sickness, infirmity, physical or psychological disability or to pregnancy, is apparent or known to the author.

¹² In the May 2016 *Interim Report on “Reform of Criminal Code”*, the Commission recommended changes to provisions relating to arson or damage to property: Sections 346 to 349, 351 to 357, 362 to 365 and 369 of the Criminal Code to be repealed and replaced with provisions on “Destruction, degradation and deterioration of property not endangering persons” (new Section 346), “Destruction, degradation and deterioration of property dangerous to persons” (new Section 347), and “Threat of destruction, degradation or deterioration of property and false alarm” (new Section 348).

¹³ The Law Practitioners (Amendment) Act No. 8 of 2008. The Act came into force on 15 Dec 2008 [P 21/08].

- (b) The recommendation contained in the Report on “Relationship of Children with Grandparents and other Persons under the Code Civil Mauricien” [June 2007];¹⁴
- (c) The recommendations in the Report on “Law on Divorce” [December 2008];¹⁵
- (d) Recommendations of the Report on “Bail and Related Issues” [Aug 2009];¹⁶
- (e) Recommendations and Observations of the Commission in the Report on “Prevention of Vexatious Litigation” [October 2010] and in the Opinion Paper on “Appeal by Vexatious Litigant” [April 2011];¹⁷
- (f) The recommendations contained in the Report on “Crédit-Bail & Location Financière” [November 2011];¹⁸
- (g) The recommendations contained in the Report on “Mechanisms for Review of Alleged Wrongful Convictions or Acquittals” [Nov 2012] were partly approved and have been implemented.¹⁹

29. Observations contained in Reports/Papers submitted by the Commission have also been taken into account by the legislature.²⁰

¹⁴ The Code Civil Mauricien (Amendment) Act No. 24 of 2007.

¹⁵ The Divorce and Judicial Separation (Miscellaneous Provisions) Act No. 2 of 2011. The provisions of the Act came into operation on 15 May 2011 [P 2/11].

¹⁶ Some of the provisions of the Bail Amendment Act No. 34 of 2011 [Sections 1 to 7, 8 in so far as it relates to Section (1), (2), (3), (5) and (6) of the Bail Act and Sections 9 to 14] have come into operation on 1 January 2012 [P 24/11].

¹⁷ The Courts (Amendment) Act No. 6 of 2011.

¹⁸ The Economic & Financial Measures (Miscellaneous Provisions) (No. 2) Act.

¹⁹ The Criminal Appeal (Amendment) Act of 2013.

²⁰ These include, *inter alia*:

- (a) Observations in Discussion Paper on “Forensic Use of DNA” [April 2009], about appropriate legislative framework, was taken into account when DNA Identification Bill was debated in 2009 in the National Assembly;
- (b) Views expressed in Opinion Paper on “Liberalization of Usher Services” [January 2011] taken into account when the Court Ushers (Amendment) Bill 2011 was passed;
- (c) Observations in Opinion Paper on “Legal Aid Reform” [February 2011] were retained when the Legal Aid (Amendment) Bill No. VII of 2012 was passed;
- (d) Observations in Opinion Paper “Offences against Persons [Re Draft Criminal Code (Amendment) Bill]” [April 2012] retained when the Criminal Code (Amendment) Bill No VIII of 2012, which provided for termination of pregnancy in specified circumstances, was passed; the provisions of the Criminal Code (Amendment) Act No. 11 of 2012 are now in force.

30. The Recommendations and Observations of the Commission contained in other Reports and Papers are under consideration.

31. The Commission reiterates the view taken at the 62nd Meeting of the Commission, held on 6th March 2013,²¹ that it would be highly desirable that:

- (1) The Attorney-General's Office could consider providing an interim response to the Commission as soon as possible and in any event within three months of submission of a Report/Paper containing final recommendations for change to the law, unless otherwise agreed with the Commission;
- (2) The Attorney-General's Office could consider providing a full response to the Commission as soon as possible after delivery of the interim response and in any event within one year of publication of the Report/Paper unless otherwise agreed with the Commission. The response shall set out which recommendations the Attorney-General accepts, rejects or intends to implement in modified form, together with an indication as to timescale for implementation;
- (3) Should the Attorney-General's Office be minded either to reject or substantially modify any significant recommendations, it should first give the Commission the opportunity to discuss and comment on its reasons before finalizing the decision.

²¹ Members then took note that in England, the Law Commission Act 2009, which came into force on 12th January 2010, creates a duty on the Lord Chancellor to report annually to Parliament on the extent to which Government has implemented Law Commission recommendations. The Protocol between the Lord Chancellor (on behalf of the Government) and the Law Commission, which arose from the Act, sets out how Ministers of the Crown, Government Departments and the Law Commission should work together. The purpose of the Law Commission Act 2009 and the Protocol is to improve the rate at which the Commission's recommendations for reform of the law are implemented by Government.

Appendix 1: LRC's Reports/Papers on aspects of the law reviewed (chronological) [as at 30th June 2017]

- (1) Report (together with draft Bill) on “Opening Mauritius to International Law Firms and Formation of Law Firms/Corporations” [May 2007];
- (2) Report (together with draft Bill) on “Relationship of Children with Grand Parents and Other persons under the Code Civil Mauricien” [June 2007];
- (3) Discussion Paper on “Access to Justice and Limitations of Actions against Public Officers and the State” [June 2007];
- (4) Issue Paper “Commentary on some of the Human Rights dimensions of the Sexual Offences Bill No. VI of 2007” [June 2007];
- (5) Issue Paper on “Disclosure in Criminal Proceedings” [December 2007];
- (6) Discussion Paper on “Law and Practice relating to Criminal Investigation, Arrest and Bail” [April 2008];
- (7) Report (together with draft Bill) on “Access to Justice and Limitations of Actions against Public Officers and the State” [May 2008];
- (8) Review Paper on “The Criminal Justice System and The Rights of an Accused Person” [September 2008];
- (9) Report (together with draft legislation) on “Law relating to NGOs” [November 2008];
- (10) Issue Paper on “Equality/Anti-Discrimination Legislative Framework (*Re* Equal Opportunities Bill No. XXXVI of 2008)” [November 2008];
- (11) Working Paper on “Reform of Local Government Legislative Framework” [December 2008];
- (12) Report (together with draft Bill) on “Disclosure in Criminal Proceedings” [December 2008];
- (13) Report (together with draft Bill) about “Law on Divorce” [December 2008];
- (14) Issue Paper on “The Office of Director of Public Prosecutions [DPP] and its Operational Autonomy” [March 2009];

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- (15) Discussion Paper on “Forensic Use of DNA” [April 2009];
- (16) Report (together with draft Local Government Bill) on “Local Government Reform” [June 2009];
- (17) Report on “Bail and other Related Issues” [together with draft Bail (Amendment) Bill] [August 2009];
- (18) Issue Paper on “Social Partnership Framework” [November 2009];
- (19) Discussion Paper on “Judicial Review” [November 2009];
- (20) Issue Paper on “Evidence of Reluctant/Intimidated Witness in criminal Proceedings: Proposal for Reform of the Law” [May 2010];
- (21) Issue Paper on “Criminal Investigation: Reform of Police Procedures and Practices” [July 2010];
- (22) Background Paper on “Reform of Codes (Code Civil Mauricien, Code de Commerce & Code de Procédure Civile)” [October 2010];
- (23) Report on “Review of Aspects of Consumer Protection Law and Proposals for Reform” [October 2010];
- (24) Report on “Prevention of Vexatious Litigation” [October 2010];
- (25) Issue Paper on “Constitutional Protection of Human Rights” [October 2010];
- (26) Issue Paper on “Law as to Publicity for Appointment and Revocation of Agent and Proxy” [November 2010];
- (27) Report on “Mediation and Conciliation in Commercial Matters” [November 2010];
- (28) Opinion Paper on “Liberalization of Usher Services” [January 2011];
- (29) Opinion Paper on “Legal Aid Reform” [February 2011];
- (30) Opinion Paper on “Appeal by Vexatious Litigant” [April 2011];
- (31) Opinion Paper on “Costs in Criminal Cases” [April 2011];

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[July 2017]

- (32) Opinion Paper on “Attorney’s Commission” [April 2011];
- (33) Issue Paper on “Timeshare (Droits de Séjour à Temps Partagé)” [July 2011];
- (34) Opinion Paper on “Establishment Court of Appeal and Composition of JLSC (Judicial and Legal Service Commission)” [August 2011];
- (35) Issue Paper on “Reform of Criminal Code” [November 2011];
- (36) Issue Paper on “Establishment of Family Court and Conduct of Family Proceedings” [November 2011];
- (37) Discussion Paper on “Crédit-Bail (Leasing)” [November 2011];
- (38) Report on “Crédit-Bail & Location Financière” [November 2011];
- (39) Issue Paper on “Crédit-Bail (Leasing)” [December 2011];
- (40) Issue Paper on “Road Traffic Legislation and Penalty Points System” [December 2011];
- (41) Issue Paper on “Offences against Persons (Atteintes à la vie & à l’intégrité physique - homicides, menaces, violences)” [December 2011];
- (42) Opinion Paper on “Draft Police and Criminal Evidence Bill” [March 2012];
- (43) Opinion Paper on “Offences against Persons [Re Draft Criminal Code (Amendment) Bill]” [April 2012];
- (44) Discussion Paper on “the New Code de Procédure Civile” [May 2012];
- (45) Report on “Code de Procédure Civile” [May 2012];
- (46) Report on “Code de Commerce (Livre Premier) [Fonds de commerce, garanties autonomes, crédit documentaire, franchise, concession exclusive & timeshare]” [May 2012];
- (47) Report on “Code de Commerce (Livre Deuxième) [Navigation & commerce maritimes]” [June 2012];
- (48) Report on “Code de Commerce (Livre Troisième) [Navigation & commerce aériens]” [June 2012];

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[July 2017]

- (49) Issue Paper on “Party and Witness Anonymity in Civil Proceedings” [August 2012];
- (50) Issue Paper on “Offences against Persons (Autres atteintes à la personne humaine – atteintes à la vie, à l’intégrité sexuelle, à la liberté de la personne, à la dignité humaine et la personnalité, et atteintes aux mineurs et à la famille)” [August 2012];
- (51) Report on “Copropriété des immeubles sociaux” [August 2012];
- (52) Report on “Droit des Sûretés” [August 2012];
- (53) Report on “Incorporation of Provisions relating to Effets de Commerce (Lettre de Change & Billet à Ordre) in the Livre Premier of Code de Commerce” [November 2012];
- (54) Report on “New Regime for Copropriété” [November 2012];
- (55) Report on “Mechanisms for Review of Alleged Wrongful Convictions or Acquittals” [November 2012];
- (56) Issue Paper on “General Principles of Criminal Law” [February 2013];
- (57) Issue Paper on “Law of Contracts and Obligations under Code Civil Mauricien” [March 2013];
- (58) Issue Paper on “Law of Prescription under Code Civil Mauricien” [March 2013];
- (59) Issue Paper on “Personnalité Juridique & Protection de la Personne Humaine” [July 2013];
- (60) Review Paper on “Law on Surrogacy [Maternité pour autrui]” [July 2013];
- (61) Issue Paper on “Nom de famille” [July 2013];
- (62) Issue Paper on “Secured Transactions Reform” [October 2013];
- (63) Issue Paper on “Filiation” [October 2013];
- (64) Issue Paper on “Autorité Parentale” [October 2013];
- (65) Issue Paper on “Majeurs Protégés” [October 2013];

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- (66) Issue Paper on “Offences against Property (1) (‘Des appropriations frauduleuses’)” [December 2013];
- (67) Issue Paper on “Offences against Property (2) (‘Autres Atteintes aux Biens’)” [December 2013];
- (68) Issue Paper on “Offences against the Nation, the State and Public Peace” [December 2013];
- (69) Issue Paper on “Contraventions in the Criminal Code” [December 2013];
- (70) Issue Paper on “Specific Contracts” [February 2014];
- (71) Issue Paper on “Successions & Libéralités” [February 2014];
- (72) Opinion Paper on “Effective Handling of Criminal Cases” [February 2014];
- (73) Issue Paper on “Filiation Adoptive” [April 2014];
- (74) Issue Paper on “Aspects of Family Law” [April 2014];
- (75) Opinion Paper on “Electoral Reform” [May 2014];
- (76) Issue Paper on “Other Aspects of law relating to Successions & Libéralités” [June 2014];
- (77) Issue Paper on “Régimes Matrimoniaux” [December 2014];
- (78) Issue Paper on “Bail d’habitation” [December 2014];
- (79) Report on “Encadrement des Opérations de Crédit” [December 2014];
- (80) Report on “Intermédiaires du commerce” [December 2014];
- (81) Paper on “Changes to Books I & II of Criminal Code (General Provisions)” [December 2014];
- (82) Paper on “Changes to Book III of Criminal Code (Offences against Nation, State & Public Peace)” [December 2014];
- (83) Paper on “Changes to Book IV of Criminal Code (Contraventions)” [December 2014];

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- (84) Paper on “Changes to Provisions in Code Civil Mauricien about Louage des choses, bail à loyer et bail d’habitation” [March 2015];
- (85) Report on “Bail commercial” [March 2015];
- (86) Paper on “Changes to Book III of Criminal Code (Offences against Persons)” [March 2015];
- (87) Paper on “Changes to Book III of Criminal Code (Offences against Property)” [March 2015];
- (88) Report on “Miscellaneous Aspects of Code de Commerce” [May 2015];
- (89) Issue Paper on “Droit des biens” [June 2015];
- (90) Paper on “Changes to Book III of Criminal Code (Incorporation of Provisions on Cybercrime)” [June 2015];
- (91) Review Paper on “Statut des Personnes non-mariées vivant en couple” [October 2015] ;
- (92) Review Paper on “Regulation of the Activities of Real Estate Agents” [February 2016];
- (93) Paper on “Legislative Framework for the Regulation of the Activities of Real Estate Agents” [February 2016];
- (94) Interim Report on "Reform of Code Civil Mauricien (Droit des personnes)" [April 2016];
- (95) Interim Report on "Reform of Code Civil Mauricien (Droit extrapatrimonial de la famille)" [April 2016];
- (96) Interim Report on "Reform Code Civil Mauricien (Droit patrimonial de la famille)" [April 2016];
- (97) Issue Paper on "Incorporation in Code Civil Mauricien of Provisions relating to Aspects of Private International Law" [April 2016];
- (98) Review Paper on “Hague Conventions on Private International Law and Mauritian Law” [May 2016];
- (99) Interim Report on “Reform Code de Commerce” [May 2016];

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[July 2017]

- (100) Interim Report on “Reform of Criminal Code” [May 2016];
- (101) Review Paper on “Criminal Protection of Children's Rights” [May 2016];
- (102) Review Paper on “Law on Fraud” [May 2016];
- (103) Review Paper on “Comparative Approaches to Aspects of Private International Law” [March 2017];
- (104) Review Paper on “Criminal Code (Supplementary) Act” [March 2017];
- (105) Working Paper about “Reform of Law on Forgery in the Criminal Code” [March 2017];
- (106) Discussion Paper about “Reform of Law on Embezzlement in the Criminal Code” [March 2017];
- (107) Discussion Paper about “Reform of Law on Swindling in the Criminal Code” [May 2017];
- (108) Discussion Paper about “Reform of Law on Larceny & Aggravated Larceny in the Criminal Code” [May 2017];
- (109) Discussion Paper about “Reform of Law on Responsabilité Civile in the Code Civil Mauricien” [May 2017];
- (110) Discussion Paper about “Reform of Law of Contract & Regime and Proof of Obligations in Code Civil Mauricien” [June 2017];
- (111) Paper on “Changes to Sources and Regime of Law Obligations in Code Civil Mauricien” [June 2017];
- (112) Issue Paper on “Indemnisation des victimes d’accidents de la circulation & Réforme du Droit des Assurances” [June 2017];
- (113) Discussion Paper about “Reform of Law on Destruction, Degradation and Deterioration of Property in the Criminal Code” [June 2017].

Appendix 2: LRC’s Reports/Papers on aspects of laws reviewed (thematic) as at 30th June 2017

(A) Strengthening the rule of law, good governance and the human rights protection system

(1) Strengthening the rule of law

- *Discussion Paper on “Access to Justice and Limitations of Actions against Public Officers and the State”* [June 2007] & *Report on “Access to Justice and Limitations of Actions against Public Officers and the State”* [May 2008]
- *Issue Paper on “The Office of Director of Public Prosecutions [DPP] and the Constitutional Requirement for its Operational Autonomy”* [March 2009]
- *Discussion Paper on “Judicial Review”* [November 2009]

(2) Consolidating good governance and democracy

- *Working Paper on “Reform of Local Government Legislative Framework”* [December 2008] & *Report on “Local Government Reform”* [June 2009]
- *Report on “Law relating to NGOs”* [November 2008] & *Issue Paper on “Social Partnership Framework”* [November 2009]
- *Opinion Paper on “Aspects of Electoral Reform”* [May 2014]

(3) Reinforcing the human rights protection system

- *Issue Paper on “Equality/Anti-Discrimination Legislative Framework (Re Equal Opportunities Bill No. XXXVI of 2008)”* [November 2008]
- *Issue Paper on “Constitutional Protection of Human Rights”* [October 2010]

(B) Improving the judicial system, the operation of the legal profession and the provision of legal services

- *Report on “Opening Mauritius to International Law Firms and Formation of Law Firms/Corporations”* [May 2007]
- *Issue Paper on “Establishment of Family Court and Conduct of Family Proceedings”* [November 2011]
- *Opinion Paper on “Establishment of Court of Appeal and Composition of JLSC (Judicial and Legal Service Commission)”* [August 2011]
- *Opinion Paper on “Liberalization of Usher Services”* [January 2011]
- *Opinion Paper on “Legal Aid Reform”* [February 2011]

(C) Modernizing the civil justice system

- *Discussion Paper on “The New Code de Procédure Civile”* [May 2012] & *Report on “Code de Procédure Civile”* [May 2012]
- *Issue Paper on “Law as to Publicity for Appointment and Revocation of Agent and Proxy”* [November 2010]

- *Report on “Prevention of Vexatious Litigation”* [October 2010] & *Opinion Paper on “Appeal by Vexatious Litigant”* [April 2011]
- *Issue Paper “Party and Witness Anonymity in Civil Proceedings”* [August 2012]
- *Opinion Paper on «Attorney’s Commission»* [April 2011]

(D) Modernizing the criminal justice system

(1) Criminal investigation procedures

- *Discussion Paper on “Law and Practice relating to Criminal Investigation, Arrest and Bail”* [April 2008]
- *Discussion Paper on “Forensic Use of DNA”* [April 2009]
- *Issue Paper on “Criminal Investigation: Reform of Police Procedures and Practices”* [July 2010], as well as *Opinion Paper on “Draft PACE Bill”* [March 2012]

(2) Law on bail

- *Report on “Bail and other Related issues”* [August 2009]

(3) Fairness of Trial & Effective Handling of Criminal Cases

- *Review Paper on “The Criminal Justice System and The Rights of an Accused Person”* [September 2008]
- *Opinion Paper on “Effective Handling of Criminal Cases”* [February 2014]

(4) Rules as to disclosure

- *Issue Paper on “Disclosure in Criminal Proceedings”* [December 2007] & *Report on “Disclosure in Criminal Proceedings”* [December 2008], as well as *Opinion Paper on “Draft PACE Bill”* [March 2012]

(5) Criminal evidential rules

- *Issue Paper on “Evidence of Reluctant/Intimidated Witness in Criminal Proceedings: Proposal for Reform of the Law”* [May 2010]; also *Opinion Paper on “Draft PACE Bill”* [March 2012]

(6) Mechanism for review of miscarriages of justice and for the correction of errors

- *Report on “Mechanisms for Review of Alleged Wrongful Convictions or Acquittals”* [Nov 2012]

(7) Rules as to costs

- *Opinion Paper on “Costs in Criminal Cases”* [April 2011]

(E) Renovating the criminal law in accordance with human rights norms and best international practices

- *Issue Paper on «Reform of Criminal Code»* [November 2011]
- *Issue Paper on «General Principles of Criminal Law»* [February 2013] & *Paper on “Changes to Books I & II of Criminal Code (General Provisions)”* [December 2014]
- *Issue Paper on «Offences against the Nation, the State and Public Peace»* [December 2013] & *Paper on “Changes to Book III of Criminal Code (Offences against Nation, State & Public Peace)”* [December 2014]

- *Issue Paper on “Offences against Persons (Atteintes à la vie & à l’intégrité physique - homicide, menaces, violences)”* [December 2011], *Issue Paper “Offences against Persons (Autres atteintes à la personne humaine – atteintes à la vie, à l’intégrité sexuelle, à la liberté de la personne, à la dignité humaine et la personnalité, et atteintes aux mineurs et à la famille)”* [August 2012], as well as *Opinion Paper “Offences against Persons [Re Draft Criminal Code (Amendment) Bill]”* [April 2012] and *Issue Paper “Commentary on some of the Human Rights dimensions of the Sexual Offences Bill No. VI of 2007”* [June 2007], and *Paper on “Changes to Book III of Criminal Code (Offences against Persons)”* [Mar 2015]
- *Issue Paper on “Offences against Property (1) (“Des appropriations frauduleuses”)* [December 2013] & *Issue Paper on “Offences against Property (2) (“Autres Atteintes aux Biens”)* [December 2013], as well as *Paper on “Changes to Book III of Criminal Code (Offences against Property)”* [Mar 2015]
- *Paper on “Changes to Book III of Criminal Code (Incorporation of Provisions on Cybercrime)”* [June 2015]
- *Issue Paper on «Contraventions in the Criminal Code»* [December 2013] & *Paper on “Changes to Book IV of Criminal Code (Contraventions)”* [December 2014]
- *Issue Paper on “Road Traffic Legislation and Penalty Points System”* [December 2011]
- *Review Paper on “Criminal Protection of Children’s Rights”* [May 2016]
- *Review Paper on “Law on Fraud”* [May 2016]

- *Interim Report on “Reform of Criminal Code”* [May 2016]

- *Review Paper on “Criminal Code (Supplementary) Act* [March 2017]

- *Working Paper about “Reform of Law on Forgery in the Criminal Code”* [March 2017]
- *Discussion Paper about “Reform of Law on Embezzlement in the Criminal Code”* [March 2017]
- *Discussion Paper about “Reform of law on Swindling in the criminal Code”* [May 2017]
- *Discussion Paper about “Reform of Law on Larceny & Aggravated Larceny in the Criminal Code”* [May 2017]
- *Discussion Paper about “Reform of Law on Destruction, Degradation and Deterioration of Property in the Criminal Code”* [June 2017]

(F) Modernizing the Code Civil Mauricien

- *Background Paper to the Reform of the Codes* [October 2010]

- (1) **Law on persons and “Droit extra-patrimonial de la famille”**
 - *Issue Paper on «Personnalité Juridique & Protection de la Personne Humaine»* [July 2013]
 - *Review Paper on «Law on Surrogacy» [“Maternité pour autrui”]* [July 2013]
 - *Issue Paper on «Nom de famille»* [July 2013]
 - *Report on “Law on Divorce”* [December 2008]
 - *Issue Paper «Filiation»* [October 2013]
 - *Issue Paper on «Filiation Adoptive»* [April 2014]
 - *Issue Paper «Autorité Parentale»* [October 2013]
 - *Report on “Relationship of Children with Grand Parents and Other persons under the Code Civil Mauricien”* [June 2007]
 - *Issue Paper «Majeurs Protégés»* [October 2013]
 - *Issue Paper on «Aspects of Family Law»* [April 2014]
 - *Review Paper on “Statut des Personnes non-mariées vivant en couple”* [October 2015]

- *Interim Report on « Reform of Code Civil Mauricien (Droit des personnes) »* [April 2016]

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- *Interim Report on « Reform of Code Civil Mauricien (Droit extrapatrimonial de la famille) »* [April 2016]

(2) Law on succession and matrimonial regimes

- *Issue Paper on “Régimes Matrimoniaux”* [December 2014]
- *Issue Paper on « Successions et libéralités »* [February 2014]
- *Issue Paper on « Other Aspects Law of ‘Successions & Libéralités’ »* [June 2014]
- *Interim Report on « Reform Code Civil Mauricien (Droit patrimonial de la famille) »* [April 2016].

(3) Law on obligations and specific contracts

- *Issue Paper on «Law of Contracts and Obligations under Code Civil Mauricien»* [March 2013]
- *Discussion Paper about “Reform of Law on Responsabilité Civile in the Code Civil Mauricien”* [May 2017]
- *Discussion Paper about “Reform of Law of Contract & Regime and Proof of Obligations in Code Civil Mauricien”* [June 2017]
- *Paper on “Changes to Sources and Regime of Law Obligations in Code Civil Mauricien”* [June 2017]
- *Issue Paper on “Indemnisation des victimes d’accidents de la circulation & Réforme du Droit des Assurances”* [June 2017]
- *Report on “Crédit-Bail (Leasing) & Location Financière”* [November 2011], as well as *Discussion Paper on “Crédit-Bail (Leasing) & Location Financière”* [November 2011] and *Issue Paper “Crédit-Bail (Leasing)”* [December 2011]
- *Issue Paper on «Specific Contracts»* [February 2014]
- *Issue Paper on “Bail d’habitation”* [December 2014] & *Paper on “Changes to Provisions in Code Civil Mauricien about Louage des choses, bail à loyer et bail d’habitation”* [March 2015]

(4) Property Law (including law on “co-propriété”)

- *Issue Paper on “Droit des biens”* [June 2015]
- *Report on “New Regime for Copropriété”* [November 2012] & *Report on « Copropriété des immeubles sociaux »* [August 2012]

(5) Law on “sûretés” and credit transactions

- *Issue Paper on «Secured Transactions Reform»* [October 2013], as well as *Report on «Droit des Sûretés»* [August 2012]
- *Report on “ Encadrement des Opérations de Crédit ”* [December 2014]

(6) Law on prescription

- *Issue Paper on «Law of Prescription under Code Civil Mauricien»* [March 2013]

(7) Aspects of Private International Law

- *Issue Paper on "Incorporation in Code Civil Mauricien of Provisions relating to Aspects of Private International Law"* [April 2016]
- *Review Paper on "Hague Conventions on Private International Law and Mauritian Law"* [May 2016]
- *Review Paper on "Comparative Approaches to Aspects of Private International Law"* [March 2017]

(G) Improving the legal infrastructure for business

(1) Reform of the Code de Commerce

- *Report on « Code de Commerce (Livre Premier) [fonds de commerce, garanties autonomes, crédit documentaire, franchise, concession exclusive & timeshare] »* [May 2012], following *Issue Paper on "Timeshare (Droits de Séjour à Temps Partagé)"* [July 2011]
- *Report on "Bail commercial"* [March 2015]
- *Report on "Intermédiaires du commerce"* [December 2014]
- *Report on "Incorporation of Provisions relating to Effets de Commerce (Lettre de Change & Billet à Ordre) in the Livre Premier of Code de Commerce"* [Nov 2012]
- *Report on "Miscellaneous Aspects of Code de Commerce"* [May 2015]
- *Report on «Code de Commerce (Livre Deuxième) [navigation & commerce maritimes]»* [June 2012]
- *Report «Code de Commerce (Livre Troisième) [navigation & commerce aériens]»* [June 2012]
- *Interim Report on "Reform Code de Commerce"* [May 2016]

(2) Regulatory Framework for the activities of Real Estate Agents

- *Review Paper on "Regulation of the Activities of Real Estate Agents"* [February 2016]
- *Paper on "Legislative Framework for the Regulation of the Activities of Real Estate Agents"* [February 2016]

(3) Reform of the consumer protection regime

- *Report on "Review of Aspects of Consumer Protection Law and Proposals for Reform"* [October 2010]

(4) Mediation and Conciliation as Mechanisms for settlement of disputes in commercial matters

- *Report on "Mediation and Conciliation in Commercial Matters"* [November 2010]

Appendix 3: Requests from Hon. Attorney-General under section 6(1) of Law Reform Commission Act

Aspect of the Law to be reviewed	
1	To review Law Practitioners Act to allow the formation of law corporations and the opening of Mauritius to international law firms [Nov. 2006]
2	To review law on disclosure in criminal proceedings [prosecution and defence disclosure] in the light of UK Criminal Procedure and Investigations Act 1996, and the Code of Practice and Guidelines issued there under [Nov. 2006]
3	Review the proposal for the putting in place of a system of “Juge d’Instruction” in order to ensure greater transparency and professionalism in the conduct of criminal investigations [Nov. 2006]
4	To review the Law and Practice relating to Criminal Investigation, Arrest and Bail [March 2008]
5	To review the grounds for divorce [Oct. 2008]
6	To review the Law on Mediation and Conciliation in commercial matters [May 2009]
7	To review the Code Civil Mauricien, the Code de Commerce and the Code de Procédure Civile, recommend reforms thereto, and draft the Codes in both English and French languages [May 2010]
8	Views sought on draft Law Practitioners (Amendment) Bill and on Institute for Judicial and Legal Studies Bill. The Bills deal with access to the profession of barrister, the training to be afforded to law practitioners, judicial and legal officers [July 2010]
9	Views sought on policy aspects of draft Asset Recovery Bill [August 2010]
10	To review Procedure for Appointment and Revocation of Agent and Proxy [Sept 2010]
11	Request for a comparative review of the law as to vexatious litigation and for views on draft Courts (Amendment) Bill, which seeks to restrain vexatious litigation [Aug 2010]
12	To submit views on drafts of the Constitution (Amendment) Bill and the Judicial and Legal Provisions Bill [Aug 2010, July 2011]

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13	Views sought on attorney's commission (which as a matter of practice is inserted by banks and other financial institutions in loan agreements/notarial deeds), and its constitutionality [Dec 2010]
14	To submit views on the Green paper "Equal Access to Justice – Reform of Legal Aid in Mauritius" [Dec 2010]
15	To submit views on proposed amendment to Court Ushers Act [Dec 2010]
16	Views sought as to observations made by Supreme Court in <i>Sookun v State</i> (2010) SCJ 349 regarding need for reform of law as to award of costs in criminal cases [Dec 2010]
17	Views sought on draft Family Court Bill, which establishes the Family Court [which would have exclusive original civil and criminal jurisdiction in respect of family affairs] and provides for the Conduct of Family Proceedings [resort to Conciliation for the settlement of family disputes, Counselling Services to be available to parties in proceedings before the Family Court and Family Court to be empowered to secure the services of a medical expert or such other person (including a person professionally engaged in promoting the welfare of the family) for the determination of disputes] [Feb 2011]
18	Request for comparative review of penalty point system and to examine how Road Traffic Act can be amended to accommodate this concept [April 2011]
19	To submit views on draft Police and Criminal Evidence Bill [Jan 2012]
20	To consider desirability of having in Mauritius a Criminal Cases Review Commission, such as the one in UK, which would be an independent public body mandated to review possible miscarriage of justice and which could refer appropriate cases to the proper forum for review [July 2012]
21	To examine law relating to surrogacy [May 2013]
22	To review jury system in Mauritius [May 2013]
23.	To examine the status of implementation of the Mackay Report 1998, coupled with relevant parts of the Sachs Report 2002, and report on the way forward towards full implementation of the recommendations made therein with respect to the Judiciary [September 2016]