



# **LAW REFORM COMMISSION**

**2016 Report on the Activities of the Commission**

**(Under section 17 of the Law Reform Commission Act)**

**[Period 1 July 2015 to 30 June 2016]**

**[September 2016]**

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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]
- Ms. Narghis BUNDHUN, SC [Barrister]
- Mr. Gilbert NOEL [Attorney]
- Ms. Wenda SAWMYNADEN [Notary]
- Mr. Hambyrajen NARSINGHEN [Law Academic (UoM)]
- Mr. Bernard MARIE [Member of Civil society]
- Mr. Edouard HART DE KEATING [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

**Senior Office Management Assistant** : Mrs. Marie Roseliette 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 Tenth 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 2015-2016 (period 1 July 2015 to 30 June 2016).

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

### **Membership of Commission**

2. The Board was constituted as follows:
  - (a) Mr. G. Ollivry, QC, GOSK, was Chairperson until 3 November 2015;
  - (b) Members were:
    - (i) Mr. N. Ohsan Bellepeau [as Representative of the Judiciary, until 2 June 2016];
    - (ii) Mr. D. Reetoo [as Representative of the Solicitor-General];
    - (iii) Mr. S. Boolell, SC [Director of Public Prosecutions];
    - (iv) Mr. R. Pursem, SC [Barrister];
    - (v) Mr. N. Appa Jala, SA [Attorney];
    - (vi) Mrs. W. Sawmynaden [Notary];
    - (vii) Mrs. L. Seejore Biltoo [full-time member of the Department of Law of the University of Mauritius].

3. During the period 1 July 2015 to 30 June 2016, the Commission held eight meetings.

### Funding of the Commission

4. During the financial year 2015-2016 [1 July 2015 to 30 June 2016], the Commission was afforded a grant of Rs 17,700,000 by the Attorney-General's Office from the sum appropriated by the National Assembly for meeting the operating expenses linked with the fulfillment of its mission.

### Human Resources of the Commission

5. 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.
  
6. The Commission has the power to recruit Consultants for its projects.<sup>1</sup> 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). Prof. Romain Ollard, Vice-Doyen of the Faculty of Law of the University of Réunion also did work on an *ad hoc* basis as Consultant for the reform of the Criminal Code.

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<sup>1</sup> Section 14 of the Law Reform Commission Act.

## Office Premises and Facilities of the Commission

7. The Office of the Commission is now located on the 13<sup>th</sup> Floor of New SICOM Building House and occupies an office space of about 450 square meters. The Commission has a conference room and a documentation centre.

## 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.<sup>2</sup>
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

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<sup>2</sup> Mr. S. Kadel, Senior law Reform Officer, delivered a Talk, at the *Colloque OSOI [Observatoire des Sociétés de l'océan Indien] de l'Université de la Réunion - "Dire l'océan indien"* (5 & 6 novembre 2015) on « L'émancipation de la femme à l'aune du droit mauricien. »

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.

Three Advisory Panels were set up in respect of the following projects:

- (a) Jury System (with Mr. Bellepeau, as Chair);
- (b) Judicial Review (with Mr. Pursem, SC, as Chair); and
- (c) « Régimes Matrimoniaux » and « Successions & Libéralités » (with Mr. Appa Jala, SA, as Chair).

The Advisory Panels have now lapsed with the reconstitution of the Board.

- 11. A 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 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].
- 13. The Commission also interacts with experts from research institutions on aspects of the law it reviews. During the period 1 July 2015 to 30 June 2016, the Commission has discussed aspects of Criminal Code and Code Civil Mauricien under review with law academics from the Faculty of Law of University of Réunion (Professor Romain Ollard and his colleagues).

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

14. The Commission has been reviewing, at the request of the Hon. Attorney-General, the Code Civil Mauricien and the Code de Commerce and other legislation relating to the criminal justice system.
15. The Commission has been reviewing, of its own initiative, the Criminal Code and other penal legislation.
16. In the *Review Paper on « Statut des Personnes non-mariées vivant en couple »* [October 2015], the Commission examined the status in other jurisdictions of people living together without being married. The Commission has focused on how the following countries: France, Canada (Quebec), Australia (South Australia) and the USA (California), deal with, on the one hand “*Partenariats de vie informels*” and on the other hand “*Unions de vie enregistrées*”. The former include: *concubinage*, *union de fait* and domestic partnership, while the latter comprise of *Pacs (pacte civil de solidarité)*, *union civile*, and registered domestic partnership.
17. In the *Interim Report « Reform of Code Civil Mauricien (Droit des personnes) »* [April 2016], the Commission consolidated reform proposals on aspects of the law relating to « *Droit des personnes* », which could be reformed: « *Personnalité Juridique & Protection de la Personne Humaine* », « *Nom de famille* », and « *Majeurs Protégés* ». The Interim Report, which consolidates the reform proposals contained in LRC’s Papers, is meant to facilitate further consultations and discussions with stakeholders, and generate further analysis on aspects reviewed, before final recommendations for change are submitted to Hon. Attorney-General. A « *Table de concordance des sources matérielles relatives à la réforme* » was annexed to the Interim Report.

18. In the *Interim Report « Reform of Code Civil Mauricien (Droit extrapatrimonial de la famille) »* [April 2016], the Commission has highlighted aspects of the law relating to « *Droit extrapatrimonial de la famille* », which could be reformed: « *filiation* » [« *établissement de la filiation maternelle* » and « *action en recherche de paternité* »]; « *adoption* » [the status of the « *adoptants* », the concepts « *d’abandon d’enfant* » and « *droit de rétractation* »]; « *autorité parentale* »; other aspects of family law [« *nullité du mariage pour violence et contrainte* »; « *divorce par consentement mutuel* »; « *divorce pour faute* »; « *procédure de divorce* »; « *conséquences du divorce pour les époux et notamment la prestation compensatoire* »; and « *protection du logement familial* »]. The Interim Report, which consolidates the reform proposals contained in LRC’s Papers, is meant to facilitate further consultations and discussions with stakeholders, and generate further analysis on aspects reviewed, before final recommendations for change are submitted to Hon. Attorney-General. A « *Table de concordance des sources matérielles relatives à la réforme* » was annexed to the Interim Report.
19. In the *Interim Report «Reform of Code Civil Mauricien (Droit patrimonial de la famille) »* [April 2016], the Commission has highlighted aspects of the law relating to « *Droit patrimonial de la famille* », which could be reformed: « *administration de l’indivision* »; « *libéralités-partages* »; « *mandat posthume* »; « *libéralités graduelles* »; « *comourants* » « *indignité successorale* »; « *preuve de la qualité d’héritier par l’acte de notoriété* »; « *représentation* »; « *étendue des droits des collatéraux privilégiés* »; « *réserve des parents* »; « *conjoint survivant* »; « *le droit de retour légal au profit des frères et sœurs du défunt* »; « *obligations des héritiers aux dettes du défunt* »; « *séparation des patrimoines* »; « *droit du légataire particulier aux fruits* »; « *l’exécuteur testamentaire* »; « *survenance d’enfants au donateur et révocation des donations* »; « *la protection de l’époux collaborateur dans une exploitation agricole, commerciale, artisanale ou libérale* »; « *la protection de l’époux du titulaire d’un bail rural* »; « *le sort des dettes professionnelles des époux* »; « *les pouvoirs du/des époux sur l’économie réalisée sur des gains et salaires* »; « *les revenus des biens propres d’un époux et le gage* ».

*des créanciers de l'autre* »; « *le changement de régime matrimonial* »; « *les conventions matrimoniales passées par des majeurs en tutelle ou curatelle* »; and « *les communautés conventionnelles* ». The Interim Report, which consolidates the reform proposals contained in LRC's Papers, is meant to facilitate further consultations and discussions with stakeholders, and generate further analysis on aspects reviewed, before final recommendations for change are submitted to Hon. Attorney-General. A « *Table de concordance des sources matérielles relatives à la réforme* » was annexed to the Interim Report.

20. In the *Issue Paper on « Incorporation in the Code Civil Mauricien of Provisions relating to Aspects of Private International Law »* [April 2016], the Commission examined, in the context of the review of the Code Civil Mauricien, the current provisions of the Code civil Mauricien and the Supreme Court case-law on aspects of Private International Law from a comparative perspective (French and Québec law). In the Issue Paper, the following matters were *inter alia* discussed: the “*règles générales de droit international privé*” [such as “*qualification*”, “*rattachement*”, “*renvoi*”, “*exception d'ordre public*”], aspects of conflict of laws [“*Statut personnel*”, “*Statut réel*”, and “*Statut des obligations*”], and also aspects of conflict of jurisdictions [“*Statut de la procédure et la compétence internationale des autorités judiciaires en droit international privé*” and “*Compétence des autorités étrangères et la reconnaissance et l'exécution des décisions étrangères*”]. Aspects of the law on which the Mauritian Legislature could legislate were raised. An « *Avant-Projet de Réforme du Code Civil Mauricien pour l'inclusion de dispositions relatives au Droit International Privé* » [new Articles 2284 to 2376], inspired by the *Livre Dixième* of the Code Civil of Quebec (Articles 3071 to 3168), has been annexed to the Paper.
21. In the *Review Paper on « Hague Conventions on Private International Law and Mauritian Law »* [May 2016], the Commission, with a view to the inclusion of rules on aspects of private international law therein, examined The Hague Conventions on Private

international Law to determine to what extent the provisions of the *Avant-Projet de Réforme du Code Civil Mauricien pour l'inclusion de règles relatives au Droit International Privé* [included in the Issue Paper on Incorporation in Code Civil Mauricien of Provisions relating to Aspects of Private International Law (April 2016)] are compatible with the Conventions, and the changes which would be required to further harmonize our law with these Conventions.<sup>3</sup>

22. In the *Interim Report «Reform of Code de Commerce»* [May 2016], the Commission highlighted aspects which could be reformed or developed: « *l'incapacité du mineur émancipé par le mariage d'exercer le commerce* » ; « *le statut du conjoint d'un chef d'entreprise qui participe à l'exploitation commerciale ou artisanale de celle-ci* » ; « *la prescription des actions commerciales* » ; « *le vendeur à domicile indépendant* » ; « *le tutorat rémunéré en entreprise* » ; « *la réglementation des activités des principaux intermédiaires du commerce* » [« *les agents commerciaux, les agents d'affaires et les courtiers* », « *les commissionnaires pour les transports* »] ; « *le fonds de commerce* » ; « *les garanties autonomes* » ; « *le crédit documentaire* » ; « *la franchise* » ; « *la concession exclusive* » ; « *la jouissance à temps partagé et le timeshare* » ; « *les effets de commerce* » ; « *la navigation et le commerce maritimes* » [« *responsabilité des propriétaires de navire* », « *responsabilité de l'armateur du fait de ses préposés maritimes et terrestres* », « *connaissance* », « *responsabilité relativement aux marchandises* », « *transport des passagers* », « *assistance* »] ; « *la navigation et le*

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<sup>3</sup> The objective of The Hague Conference on Private International Law is to harmonize the rules of private international law with a view to enabling individuals and juridical persons around the world to enjoy a high degree of legal security despite differences in the legal systems. Since 1951, The Hague Conference on Private International Law has adopted 40 international Conventions (including the Statute, Protocols, and Principles).

On 19 January 2011, Mauritius became a Member of The Hague Conference on Private International Law. Mauritius has so far acceded to/ratified the following conventions: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents ; Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ; Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption ; Convention of 5 July 2006 on the Law Applicable to Certain Rights in Respect of Securities held with an Intermediary. Two of these Conventions have been incorporated into our law: The Convention Abolishing the Requirement of Legalisation for Foreign Public Documents Act and The Convention on the Civil Aspects of International Child Abduction Act.

*commerce aériens* ». The Interim Report, which consolidates the reform proposals contained in LRC’s Reports, is meant to facilitate further consultations and discussions with stakeholders, and generate further analysis on aspects reviewed, before final recommendations for change are submitted to Hon. Attorney-General. A « *Table de concordance des sources matérielles relatives à la réforme* » was annexed to the Interim Report.

23. In the *Review Paper on « Regulation of the Activities of Real Estate Agents »* [February 2016], the Commission reviewed from a comparative perspective the statutory regulation of real estate agents (UK, Ireland, Australia, New Zealand, Singapore, South Africa, New Brunswick, and France). Observations were made as to some of the best practices, which a new statutory regime in Mauritius could include.
24. In the *Paper on « Legislative Framework for the Regulation of the Activities of Real Estate Agents »* [February 2016], the Commission recommended that the regulation of the activities of estate agents could be done either by the adoption of a new statute [the Real Estates Agents Act] or through an amendment to the Code de Commerce. The Real Estate Agents Bill is modelled on the New Zealand Real Estate Agents Act of 2008, whereas the amendment to the Code de Commerce is inspired by the French “Loi no. 70-9 du 2 janvier 1970 réglementant les conditions d’exercice des activités relatives à certaines opérations portant sur les immeubles et les fonds de commerce”.
25. In the *Interim Report on « Reform of Criminal Code »* [May 2016], the Commission has highlighted aspects of the Criminal Code, which could be reformed:
  - (a) Books I and II: “Territorial applicability of Criminal law”, “Recidivism”, “Sentences applicable to concurrent offences”, the offence of “Receiving property obtained unlawfully”, “Psychological Disorder and Duress” as a defence, the defence of “State of necessity”, “Criminal Liability of Minors”, and “Criminal liability of a corporate body”;

- (b) Book III, Title I, about “Offences against the State”: “Attack on the institutions of the Republic or the integrity of national territory”, “Sabotage”, “Abuse of authority directed against the administration”, “Violating the confidentiality of correspondence by public officer”, “Discrimination by public officer”, “Improper demands in relation to taxes or duties by public officer”, “Counterfeit money”, “Aggravating circumstances of forgery in writing”, “Public officer exercising functions without lawful authority”, “Inciting Rebellion”, “Outrage against depository of public authority”, “Obstructing the intervention of justice”, “Obstructing the course of justice”, “Usurpation of insignia reserved to a public authority”, “Exploitation of begging”, and “Publishing matter conducive to crime”;
- (c) Book III, Title II, Chapter I, relating to “Offences against Persons”: “Penalty for manslaughter”, “Torture and acts of barbarity”, “Threats”, “Acts of violence”, “Administering noxious substances”, “Offer to commit homicide”, “Involuntary homicide”, “Involuntary wounds and blows”, “Exposure to risk of death or injury”, “Incitation to commit suicide”, “Manslaughter in case of adultery”, “Castration under provocation”, “Order of the Law or Commandment of Lawful Authority”, “Self defence”, “Indecent sexual exposure”, “Sexual Assault”, “Rape”, “Incest on Minor”, “Sexual act without violence on Minor”, “Pornographic Exploitation of the Image of a Minor”, “Promoting the corruption of a minor”, “Sexual proposals by way of an electronic means of communication to a minor under 16 years of age”, “Procuring prostitute”, “Recourse to prostitution”, “Sexual harassment”, “Moral harassment”, “Endangering minors”, “Failure by person under an obligation to pay alimony to notify change of domicile”, “Failure by legal guardian to notify change of domicile”, “Abandonment of a person unable to protect himself”, “Violation of respect due to the dead”, “Subornation of perjury”, “Abstaining to exonerate an accused”, “Public incitement to discrimination, hatred or violence”, “Non-public incitement to discrimination, hatred or violence”, “Sedition”, “Insult”, “Malicious denunciation”, “False alarm about disaster”, “Infringement of privacy”, “Violation of the representation of a person”, and “Breach of the secrecy of correspondence”;

- (d) Book III, Title II, Chapter II, relating to “Offences against Property”: “Larceny”, “Extortion”, “Blackmail”, “Falsely obtaining credit”, “Swindling”, “Fraudulently making available immovable property belonging to someone else”, “Fraudulently abusing the state of ignorance or situation of weakness of a vulnerable person”, “Embezzlement”, “Fraudulent organization or aggravation of insolvency”, “Unlawful interference with bidding”, “Deceiving contractor”, “Destruction, degradation and deterioration of property”, “Poisoning animal” and “Failing to notify of infected animal”;
- (e) Book IV about “Contraventions”: repeal of obsolete provisions and addition of new ones.

The Interim Report is meant to facilitate further consultations and discussions with stakeholders, and generate further analysis on aspects reviewed. It shall be followed by Working Papers on specific aspects before final recommendations for change are made to Hon. Attorney-General. A “*Table de concordance des sources matérielles relatives à la réforme*” was annexed to the Interim Report.

26. In the *Review Paper on « Criminal Protection of Children’s Rights »* [May 2016], the Commission reviewed from a comparative perspective the criminal protection of children’s rights in various jurisdictions – such as UK, Australia, New Zealand, Canada, France, and South Africa – in relation to sexual offences, abduction, endangering child’s life and criminal responsibility.

27. In the *Review Paper « Law on Fraud »* [May 2016], the Commission reviewed from a comparative perspective - by examining the law in the various Commonwealth and/or Common Law jurisdictions, such as UK, Australia, New Zealand, Canada, South Africa, Jersey, Singapore and Hong Kong - the substantive offence of “Fraud” (from the point of view of its different constitutive elements: Fraud by false representation, by failing to

disclose information, by abuse of position, and by deception) and the offence of conspiracy to defraud.

## **Status of Commission's Recommendations/Proposals for Reform of the Law**

(A) Reports/Papers containing final recommendations for reform, or observations about aspects of laws being reformed, which have been implemented or taken into account by Legislature when reforming the Law

28. The Commission's Final recommendations for reform, or observations about aspects of laws being reformed, which have been implemented or taken into account by Legislature when reforming the Law are as follows:

- Report (together with draft Bill) on "Opening Mauritius to International Law Firms and Formation of Law Firms/Corporations" [May 2007];
- Report (together with draft Bill) on "Relationship of Children with Grand Parents and Other persons under the Code Civil Mauricien" [June 2007];
- Report (together with draft Bill) about "Law on Divorce" [December 2008];
- Report (together with draft Local Government Bill) on "Local Government Reform" [June 2009], as well as Working Paper on 'Reform of Local Government Legislative Framework' [December 2008];
- Discussion Paper on "Forensic Use of DNA" [April 2009];
- Report on "Bail and other Related Issues" [together with draft Bail (Amendment) Bill] [August 2009];
- Opinion Paper on "Liberalization of Usher Services" [January 2011];
- Report on "Prevention of Vexatious Litigation" [October 2010], as well as Opinion Paper on "Appeal by Vexatious Litigant" [April 2011];

- Opinion Paper on “Legal Aid Reform” [February 2011];
- Report on “Crédit-Bail & Location Financière” [November 2011], as well as Discussion Paper on “Crédit-Bail (Leasing)” [November 2011];
- Issue Paper on “Road Traffic Legislation and Penalty Points System” [December 2011];
- Opinion Paper on “Offences against Persons [Re Draft Criminal Code (Amendment) Bill]” [April 2012]; and
- Report on “Mechanisms for Review of Alleged Wrongful Convictions or Acquittals” [November 2012].

(B) LRC’s Recommendations/Observations for Reform of Law which could be considered for Implementation

29. Aspects of laws reviewed by LRC on which recommendations for reform have been made and which have not so far been implemented are listed below:

***(1) Amendments to Constitution & human rights legislation***

- Recommendations in *Issue Paper on “Equality/Anti-Discrimination Legislative Framework (Re Equal Opportunities Bill No. XXXVI of 2008)”* [November 2008];
- Recommendations in *Issue Paper on “Constitutional Protection of Human Rights”* [October 2010];
- Recommendations in *Opinion Paper on “Establishment Court of Appeal and Composition of JLSC (Judicial and Legal Service Commission)”* [August 2011]; and
- Recommendations in *Opinion Paper on “Electoral Reform”* [May 2014].

***(2) Amendments to Code Civil Mauricien***

- Recommendations contained in *Report on “New Regime for Copropriété”* [Nov 2012] (as well as *Report on “Copropriété des immeubles sociaux”*) [August 2012]);

- Recommendations contained in *Issue Paper on “Secured Transactions Reform” [Oct 2013]* (as well as *Report on Report on “Droit des Sûretés”*) [August 2012]; and
- Recommendations contained in *Report on “Encadrement des Opérations de Crédit”* [December 2014];
- Recommendations contained in *Interim Report on “Reform of Code Civil Mauricien (Droit des personnes)”* [April 2016];<sup>4</sup>
- Recommendations contained in *Interim Report on “Reform of Code Civil Mauricien (Droit extrapatrimonial de la famille)”* [April 2016];<sup>5</sup>
- Observations contained in *Review Paper on “Statut des Personnes non-mariées vivant en couple)”* [October 2015];
- Recommendations contained in *Interim Report on “Reform Code Civil Mauricien (Droit patrimonial de la famille)”* [April 2016];<sup>6</sup>
- Observations in *Issue Paper on “Law of Contracts and Obligations under Code Civil Mauricien”* [March 2013];
- Recommendations in *Paper on “Changes to Provisions in Code Civil Mauricien about Louage des choses, bail à loyer et bail d’habitation”* [March 2015], as well as *Issue Paper on “Bail d’habitation”* [December 2014];
- Observations in *Issue Paper on “Law of Prescription under Code Civil Mauricien”* [March 2013]; and
- Observations in *Issue Paper on “Droit des Biens”* [June 2015];

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<sup>4</sup> This is a follow-up to LRC’s previous Papers:

- Issue Paper on “Personnalité Juridique & Protection de la Personne Humaine” [July 2013], as well as Review Paper on “Law on Surrogacy [Maternité pour autrui]” [July 2013]; and
- Issue Paper on “Nom de famille” [July 2013].

<sup>5</sup> This Interim Report builds on observations/recommendations made in LRC’ previous Papers:

- Issue Paper on “Filiation” [October 2013];
- Issue Paper on “Filiation Adoptive” [April 2014];
- Issue Paper on “Autorité Parentale” [October 2013];
- Issue Paper on “Majeurs Protégés” [October 2013]; and
- Issue Paper on “Aspects of Family Law” [April 2014].

<sup>6</sup> This is a follow-up to LRC’s previous Papers:

- Issue Paper on “Régimes Matrimoniaux” [December 2014]; and
- Issue Paper on “Successions & Libéralités” [February 2014], as well as Issue Paper on “Other Aspects of law relating to Successions & Libéralités” [June 2014].

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

### (3) *Amendments to Code de Commerce*

- Recommendations contained in *Interim Report on « Reform of Code de Commerce »* [May 2016].<sup>7</sup>

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<sup>7</sup> During the past years, the Commission has reviewed the Code de Commerce and identified aspects which could be reformed:

- *Report on "Miscellaneous Aspects of Code de Commerce"* [May 2015];
- *Report on "Intermédiaires du commerce"* [December 2014];
- *Report on «Code de Commerce (Livre Premier) [fonds de commerce, garanties autonomes, crédit documentaire, franchise, concession exclusive & timeshare]»* [May 2012]. Since then the Commission has reflected further on the concept of ‘*De la jouissance à temps partagé et du timeshare*’ and has made some minor changes to the provisions of the new ‘*Titre Huitième*’ contained in the Report so as to further protect the “consommateur (l’acquéreur)”. The following changes have been made to the Avant-Projet contained in the May 2012 Report on « Code de Commerce (Livre Premier) » : Article 110 has been reformulated to clarify better « la nature juridique des droits de jouissance » (the contract being « d’une durée de plus d’un an ») ; The second alinéa to Article 111 in the initial Avant-Projet has been made the new Article 111-1; A new alinéa has been added to Article 111 regarding « la sécurité juridique de l’acquéreur en rappelant l’autonomie du droit de jouissance par rapport à la propriété » ; A new Article 111-2 has been added about the « régime juridique des droits de jouissance » ; A new Article 117 has been added, based on the former Article 171, about « cession de parts ou actions » ; Article 117 in the initial Avant-Projet has been renumbered Article 117-1 ; A new alinéa has been added to Article 135 regarding « droit de rétractation » in case of « transmission par succession » ; Article 166 has been amended so that the « délai de rétractation » is brought from 10 to 14 days ; A new Article 167 has been added to make provision for « résiliation du contrat » ; The Article 167 in the initial Avant-Projet has been renumbered Article 167-1; Articles 172 to 175 in the initial Avant-Projet have been renumbered Articles 171 to 174; Article 176 in the initial Avant-Projet has been renumbered Article 175 and has been reformulated to ensure it is clear that « la loi nationale est compétente pour tout ce qui concerne les immeubles situés sur le sol mauricien » ; A new Article 176 has been added to provide that the provisions « communes aux sociétés d’attribution et aux entreprises de timeshare » are « d’ordre public ». A new *Titre Huitième Bis*, entitled ‘*De la jouissance à temps partagé des bateaux de plaisance*’ [new Articles 176-1 to 176-24] has also been prepared and has been added in order to extend « la technique de la jouissance à temps partagé dans le domaine de la navigation de plaisance ».
- *Report on « Bail commercial »* [March 2015], the Commission, after taking into account that « la reconnaissance légale du fonds de commerce, qui consacre l’existence juridique de l’exploitation commerciale, doit nécessairement impliquer une réglementation spécifique du bail commercial, c’est-à-dire de la location, par un commerçant, de locaux immobiliers en vue de l’installation de son fonds », suggested that a new « *Chapitre Sixième* » on « *Bail commercial* » [new Articles 109-57 to 109-106] could be added to the proposed « *Titre Septième Bis* » on « *Du Fonds de Commerce* » [recommended in the *avant-projet* of the 2012 Report on « Code de Commerce (Livre Premier) »].

#### ***(4) Adoption of a New Code de Procédure Civile***

- Recommendations contained in *Report on “Code de Procédure Civile”* [May 2012], as well as *Discussion Paper on “the New Code de Procédure Civile”* [May 2012].

#### ***(5) Reform of Criminal Code & Criminal Legislation***

- Recommendations contained in *Interim Report on “Reform of the Criminal Code* [May 2016];<sup>8</sup>
- Observations in *Review Paper on “Criminal Protection of Children's Rights”* [May 2016];
- Observations in *Review Paper on “Law on Fraud”* [May 2016].

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- *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 «Code de Commerce (Livre Deuxième) [navigation & commerce maritimes]»* [June 2012];
  - *Report «Code de Commerce (Livre Troisième) [navigation & commerce aériens]»* [June 2012].

<sup>8</sup> The Interim Report on “Reform of Criminal Code” [May 2016] is a follow-up to LRC’s previous Reports and Papers:

- *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] & *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] & *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].

**(6) Reform of Criminal Justice System**

- Recommendations on investigation procedures/practices
  - \* *Issue Paper on “Criminal Investigation: Reform of Police Procedures and Practices”* [July 2010]; and
  - \* *Opinion Paper on “Draft PACE Bill”* (March 2012);
- Recommendations about disclosure in criminal proceedings
  - *Issue Paper on “Disclosure in Criminal Proceedings”* (December 2007);
  - *Report on “Disclosure in Criminal Proceedings”* [December 2008]; and
  - *Opinion Paper on “Draft PACE Bill”* (March 2012);
- Recommendations on criminal case management in *Opinion Paper on “Effective Handling of Criminal Cases”* [February 2014];
- Recommendations in *Opinion Paper on “Costs in Criminal Cases”* [April 2011]; and
- Recommendations in *Issue Paper on “Evidence of Reluctant/Intimidated Witness in criminal Proceedings - Proposal for Reform of the Law”* [May 2010].

**(7) Other Aspects of the Law to be reformed [under the responsibility of Attorney-General]**

- Recommendations in *Report (together with draft Bill) on “Access to Justice and Limitations of Actions against Public Officers and the State”* [May 2008], as well as *Discussion Paper on “Access to Justice and Limitations of Actions against Public Officers and the State”* [June 2007];
- Recommendations in Discussion Paper on “Judicial Review” [November 2009];
- Recommendations in *Report on “Mediation and Conciliation in Commercial Matters”* [November 2010];
- Recommendations in *Issue Paper on “Law as to Publicity for Appointment and Revocation of Agent and Proxy”* [November 2010];
- Recommendations in *Opinion Paper on «Attorney’s Commission»* [April 2011];

- Recommendations in *Issue Paper on “Establishment of Family Court and Conduct of Family Proceedings”* [November 2011]; and
- Recommendations in *Issue Paper on “Party and Witness Anonymity in Civil Proceedings”* [August 2012].

**(8) Other Aspects of the Law to be reformed [under the responsibility of other Ministers]**

- Recommendations contained in the *Report on “Law relating to NGOs”* [Nov 2008];
- Recommendations in *Issue Paper on “Social Partnership Framework”* [November 2009];
- Recommendations in the *Report on “Review of Aspects of Consumer Protection Law and Proposals for Reform”* [October 2010];
- Recommendations contained in *Paper on “Legislative Framework for the Regulation of the Activities of Real Estate Agents”* [February 2016], as well as Observations in *Review Paper on “Regulation of the Activities of Real Estate Agents”* [February 2016].

30. There are matters on which the Commission may, in the future, through the establishment of Advisory Panels, consult further stakeholders and persons with specialized knowledge.

**Appendix 1: LRC's Reports/Papers on aspects of the law reviewed (chronological) [as at 30 June 2016]**

- (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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- (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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- (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];

- (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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- (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].

## **Appendix 2: LRC's Reports/Papers on aspects of laws reviewed (thematic) as at 30 June 2016**

### **(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)”* [March 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)”* [March 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]

## **(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]
- *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]
- *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]

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- *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]

### (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 «Copropriétés 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]

## (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]