

**THE COURTS (AMENDMENT) ACT 2011****Act No. 6 of 2011***I assent**29<sup>th</sup> April 2011***SIR ANEROOD JUGNAUTH**  
*President of the Republic*

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**ARRANGEMENT OF SECTIONS***Section*

1. Short title
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**An Act****To amend the Courts Act so as to enable the Supreme Court  
to restrain vexatious proceedings**

ENACTED by the Parliament of Mauritius, as follows –

**1. Short title**

This Act may be cited as the Courts (Amendment) Act 2011.

**2. Interpretation**

In this Act –

“principal Act” means the Courts Act.

### 3. New section 197F inserted in principal Act

The principal Act is amended by inserting, after section 197E, the following new section –

#### **197F. Vexatious proceedings**

(1) Where, on an application made by the Attorney-General, a Judge is satisfied that any person has habitually, persistently and without any reasonable grounds –

- (a) instituted vexatious legal proceedings against the same person or against different persons; or
- (b) made vexatious applications in any legal proceedings instituted by him or another person,

the Judge may, after giving that person an opportunity of being heard, declare the person to be a vexatious litigant and order that –

- (i) no legal proceedings shall, without the leave of the Supreme Court, be instituted by him in any Court;
- (ii) any legal proceedings instituted by him in any Court before the making of the order shall not be continued by him without the leave of the Supreme Court; or
- (iii) no application, other than an application for leave under this section, shall, without the leave of the Supreme Court, be made by him in any legal proceedings instituted by him or another person in any Court.

(2) The Master and Registrar of the Supreme Court shall cause a copy of any order made under subsection (1) declaring any person to be a vexatious litigant to be published in the *Gazette* and in such other manner as a Judge may direct.

(3) An order made under subsection (1) may provide that it is to cease to have effect at the end of a specified period, but shall otherwise remain in force indefinitely.

(4) Leave for the institution or continuance of, or for the making of an application in, any legal proceedings by a person who is the subject of an order for the time being in force under subsection (1) shall not be given unless the Supreme Court is satisfied that the proceedings or the application are not an abuse of the process of the Court in question and that there are reasonable grounds for the proceedings or application.

(5) No appeal shall lie from a decision of the Supreme Court refusing leave for the institution or continuance of, or for the making of an application in, legal proceedings by a person who is the subject of an order for the time being in force under subsection (1).

(6) The provisions of this section shall be in addition to and not in derogation from –

- (a) the provisions of any other law for the striking out of vexatious pleadings or prevention of abuse of process of the Court, or which require consent, sanction or approval in any form of any other authority for the institution or continuance of any civil or criminal proceedings;
- (b) the inherent jurisdiction of the Supreme Court to prevent its process from being abused or obstructed.

Passed by the National Assembly on the twelfth day of April two thousand and eleven.

**Ram Ranjit Dowlutta**  
*Clerk of the National Assembly*