

THE SENIOR COUNSEL AND SENIOR ATTORNEY ACT 2025

Act No. 23 of 2025

I assent

15th October 2025

DHARAMBEER GOKHOOL, G.C.S.K

President of the Republic of Mauritius

ARRANGEMENT OF SECTIONS

Section

1. Short title
 2. Interpretation
 3. Eligibility for appointment as Senior Counsel or Senior Attorney
 4. Recommendation Panel
 5. Conflict of interests
 6. Selection exercise
 7. Appointment of Senior Counsel and Senior Attorney
 8. Use of honorary titles
 9. Cancellation of honorary title
 10. List of Senior Counsel and Senior Attorneys
 11. Consequential amendment
-

An Act

To make provisions for the appointment of Senior Counsel and Senior Attorneys

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Senior Counsel and Senior Attorney Act 2025.

2 Interpretation

In this Act –

“attorney” includes a State Attorney under the Law Officers Act;

“barrister” includes a law officer under the Law Officers Act;

“eligible person” means a barrister or an attorney eligible for recommendation as Senior Counsel or Senior Attorney, as the case may be;

“member” means a member of the Recommendation Panel;

“Recommendation Panel” –

(a) means the Recommendation Panel referred to in section 4(1); and

(b) includes, where necessary, the Recommendation Panel as reconstituted under section 4(4) or (5) or 5(2);

“Roll” –

(a) means the Roll of law practitioners kept under section 10(1) of the Law Practitioners Act; but

(b) does not include the list referred to in section 10(4) of the Law Practitioners Act.

3. Eligibility for appointment as Senior Counsel or Senior Attorney

- (1) No person shall be eligible for appointment as –
 - (a) Senior Counsel for the Republic of Mauritius unless –
 - (i) he is, or has been, a barrister of not less than 15 years' standing; and
 - (ii) his name is on, and has not been erased from, the Roll; or
 - (b) Senior Attorney for the Republic of Mauritius unless –
 - (i) he is, or has been, an attorney of not less than 15 years' standing; and
 - (ii) his name is on, and has not been erased from, the Roll.

(2) Nothing in this Act shall prevent the appointment of a non-practising barrister or attorney as Senior Counsel or Senior Attorney.

(3) Notwithstanding any other enactment, the title of Senior Counsel and Senior Attorney shall be honorary and no barrister or attorney shall have a legal right to such title.

4. Recommendation Panel

(1) There shall be, for the purposes of this Act, a Recommendation Panel.

(2) The Recommendation Panel shall, subject to this Act, make recommendations to the President of the Republic for the appointment of Senior Counsel and Senior Attorneys.

- (3) The Recommendation Panel shall consist of –
 - (a) the Chief Justice, as Chairperson;
 - (b) the Senior Puisne Judge;
 - (c) the next 2 senior-most Puisne Judges;

- (d) the Attorney-General;
- (e) subject to subsection (4)(a) or (5)(a), the Chairperson of the Bar Council; and
- (f) subject to subsection (4)(b) or (5)(b), the President of the Mauritius Law Society Council.

(4) Where –

- (a) the Chairperson of the Bar Council is not a Senior Counsel, the Bar Council shall designate a Senior Counsel to form part of the Recommendation Panel;
- (b) the President of the Mauritius Law Society Council is not a Senior Attorney, the Mauritius Law Society Council shall designate a Senior Attorney to form part of the Recommendation Panel.

(5) Where, for any reason –

- (a) the Bar Council fails, pursuant to subsection (4)(a), to designate a Senior Counsel, the President of the Republic shall appoint a Senior Counsel to form part of the Recommendation Panel;
- (b) the Mauritius Law Society Council fails, pursuant to subsection (4)(b), to designate a Senior Attorney, the President of the Republic shall appoint a Senior Attorney to form part of the Recommendation Panel.

(6) An appointment made under subsection (5) shall be for such period as the President of the Republic may, in the circumstances, think fit.

(7) A meeting of the Recommendation Panel shall be convened by the Chief Justice or at the request of at least 3 members.

(8) At any meeting of the Recommendation Panel, 5 members shall constitute a quorum.

(9) Any matter to be considered by the Recommendation Panel shall be decided by a simple majority of the members present and voting.

(10) The Recommendation Panel shall establish its own practice and regulate its own proceedings.

(11) The first meeting of the Recommendation Panel shall be held within 4 weeks of the coming into operation of this Act.

5. Conflict of interests

(1) Where a member has a personal interest in a selection exercise which the Recommendation Panel is to carry out under section 6, that member shall not vote or take part in any proceedings relating to such selection.

(2) Where, due to conflict of interests, the Recommendation Panel cannot constitute a quorum of 5 members for a selection exercise, the President of the Republic shall appoint, instead of –

- (a) the Chief Justice, the Senior Puisne Judge or the next 2 senior-most Puisne Judges, as the case may be, the next senior-most Puisne Judge;
- (b) the Attorney-General, the Solicitor-General;
- (c) the Senior Counsel, another Senior Counsel; or
- (d) the Senior Attorney, another Senior Attorney,

to form part of the Recommendation Panel.

(3) An appointment under subsection (2) shall be made only for the selection exercise where the Recommendation Panel cannot constitute a quorum of 5 members.

6. Selection exercise

(1) The Recommendation Panel shall meet as and when required but it shall, at least every 3 years, make recommendations, if any, to the President of the Republic for the appointment of Senior Counsel and Senior Attorneys.

(2) In selecting an eligible person for recommendation under subsection (1), any member may propose any barrister or attorney to be appointed as Senior Counsel or Senior Attorney and the Recommendation Panel shall, in addition to the eligibility criteria specified in section 3, take any of, but not limited to, the following into consideration –

- (a) any contribution made by the person to the development of the law;
- (b) any specialised skill possessed by the person in the legal field;
- (c) any academic or other distinction obtained by the person in the legal field;
- (d) the good standing of the person in the legal fraternity; or
- (e) any other trait of distinction demonstrated by the person in the practice of law, including but not limited to competence, integrity and a sense of fairness.

(3) Nothing shall preclude the Recommendation Panel from consulting any Judge, Senior Counsel or Senior Attorney for the purpose of subsection (2), but the Recommendation Panel shall not be obliged to act in accordance with the opinion of any Judge, Senior Counsel or Senior Attorney so consulted.

7. Appointment of Senior Counsel and Senior Attorney

(1) The Recommendation Panel shall, after selecting any person under section 6, make its recommendations to the President of the Republic.

(2) On the recommendation of the Recommendation Panel pursuant to subsection (1), the President of the Republic may, by Letters Patent, appoint a barrister as Senior Counsel for the Republic of Mauritius or an attorney as Senior Attorney for the Republic of Mauritius.

(3) The President of the Republic shall transmit the Letters Patent to the Chief Justice who shall, within 4 weeks of receipt of the Letters Patent, hold a honorary ceremony before the Supreme Court for the handing over of the Letters Patent to the newly appointed Senior Counsel and Senior Attorneys.

8. Use of honorary title

- (1) The holder of a honorary title under this Act may –
- (a) in the case of Senior Counsel, use after his name the post-nominal letters “SC”;
 - (b) in the case of Senior Attorney, use after his name the post-nominal letters “SA”.

(2) Nothing shall prevent the use of the post-nominal letters “SC” or “SA” after the name of the holder after his death.

9. Cancellation of honorary title

(1) Where the name of a barrister or an attorney has been erased from the Roll, the President of the Republic shall cancel his honorary title of Senior Counsel or Senior Attorney, as the case may be.

(2) Public notice shall be given of the cancellation of a honorary title under subsection (1).

10. List of Senior Counsel and Senior Attorneys

The Supreme Court shall, for the purpose of this Act, keep a list of Senior Counsel and a list of Senior Attorneys, including the date of their appointments.

11. Consequential amendment

The Law Practitioners Act is amended by repealing section 9A.

Passed by the National Assembly on the tenth day of October two thousand and twenty five.

Bibi Safeena Lotun, C.S.K. (Mrs)
Clerk of the National Assembly