

THE LAW PRACTITIONERS (DISCIPLINARY PROCEEDINGS) BILL
(No. XXIX of 2025)

Explanatory Memorandum

The main object of this Bill is to make provisions for simplified and codified procedures, and provide clarity and transparency, with regard to –

- (a) the conduct of an independent investigation into an alleged act of professional misconduct by a law practitioner in the exercise of his profession; and
- (b) the institution and conduct of disciplinary proceedings against a law practitioner before the Supreme Court.

2. The Bill therefore provides for the establishment of the Law Practitioners Complaints Commission, which will be the sole body empowered to investigate into an alleged act of professional misconduct by a law practitioner, and decide upon the institution of disciplinary proceedings, if any, against the law practitioner before the Supreme Court.

3. Accordingly, neither the Attorney-General, nor the Bar Council, the Chamber of Notaries and the Mauritius Law Society Council will henceforth investigate into an alleged act of professional misconduct by a law practitioner in the exercise of his profession, and none of these bodies will have the power to inflict any sanction on a law practitioner.

4. As a result of these new provisions, consequential amendments are being brought to the Courts Act, the Law Officers Act, the Law Practitioners Act, the Mauritius Bar Association Act, the Mauritius Law Society Act and the Notaries Act.

G. P. C. GLOVER, SC
Attorney-General

18 November 2025

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A BILL

To provide for the enactment of a new legislation with regard to disciplinary proceedings against law practitioners

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Law Practitioners (Disciplinary Proceedings) Act 2025.

2. Interpretation

In this Act –

“Bar Council” means the Bar Council established under section 5 of the Mauritius Bar Association Act;

“Chamber of Notaries” means the Chamber of Notaries constituted in accordance with section 25 of the Notaries Act;

“Code of Ethics” means the Code of Ethics for Attorneys, the Code of Ethics for Barristers or the Code of Ethics for Notaries, as the case may be;

“Code of Ethics for Attorneys” means the Code of Ethics established under section 17 of the Mauritius Law Society Act;

“Code of Ethics for Barristers” means the Code of Ethics prescribed under section 12(b) the Mauritius Bar Association Act;

“Code of Ethics for Notaries” means the Code of Ethics referred to in section 35 of the Notaries Act;

“Complaints Commission” means the Law Practitioners Complaints Commission established under section 5;

“law officer” has the same meaning as in the Law Officers Act;

“law practitioner” –

- (a) means an attorney, a barrister or a notary whose name has been entered on, and has not been erased from, the Roll; but
- (b) does not include, for the purposes of this Act, a law officer and State Attorney;

“Mauritius Law Society Council” means the Mauritius Law Society Council referred to in section 6 of the Mauritius Law Society Act;

“profession” –

- (a) in the case of an attorney, means the profession of attorney;
- (b) in the case of a barrister, means the profession of barrister;
- (c) in the case of a notary, means the profession of notary;

“professional misconduct”, in relation to a law practitioner, means –

- (a) a breach of the relevant Code of Ethics;
- (b) an improper, a disgraceful, a dishonourable or an unworthy act, or any other act, which is of such nature that it has brought his profession or the administration of justice into disrepute;
- (c) instances where he is under a sentence of death imposed on him by a Court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him by such a Court or substituted by competent authority for some other sentence imposed on him by such a Court, or is under such a sentence of imprisonment the execution of which has been suspended;
- (d) instances where he has failed or is failing to comply with, or has failed or is failing to take such measures as are required under the Financial Intelligence and Anti-Money Laundering Act or the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act, or any regulations made or guidelines issued under those Acts;

“Roll” means the Roll of law practitioners kept under section 10 of the Law Practitioners Act;

“State Attorney” has the same meaning as in the Law Officers Act.

3. Non-application of Act

- (1) Subject to this section, this Act shall apply to every law practitioner.
- (2) Any complaint of professional misconduct made against a law officer or State Attorney shall be referred to the Judicial and Legal Service Commission and dealt with in accordance with the Judicial and Legal Service Commission Regulations.

(3) Nothing shall preclude the Judicial and Legal Service Commission, after having dealt with a complaint of professional misconduct by a law officer or State Attorney, to refer the complaint to the Complaints Commission.

PART II – LAW PRACTITIONERS COMPLAINTS COMMISSION

Sub-Part A – Complaints Commission

4. Establishment of Complaints Commission

(1) There is established, for the purposes of this Act, a Complaints Commission to be known as the Law Practitioners Complaints Commission.

(2) Subject to this Act, the Complaints Commission shall, in the discharge of its functions and exercise of its powers, not be under the direction and control of any person or authority.

(3) The Complaints Commission shall meet as and when required and at such place as the Chairperson may determine.

(4) Any hearing or investigation carried out by the Complaints Commission, or the proceedings of the Complaints Commission, shall be held in camera.

5. Composition of Complaints Commission

(1) The Complaints Commission shall consist of –

- (a) a Chairperson;
- (b) 2 Vice-chairpersons; and
- (c) 9 other members.

(2) The Chairperson or the Vice-chairperson shall be a person who –

- (a) has served as a Judge of the Supreme Court;
- (b) has served as a Magistrate in Mauritius for a period of not less than 15 years;
- (c) is, or has been, a practising barrister or a law officer for a period of not less than 15 years; or

- (d) has served as a Magistrate in Mauritius and has either been a practising barrister or a law officer, or both as a practising barrister and a law officer, for an aggregate period of not less than 15 years.

(3) (a) For the purpose of subsection (1)(a) and (b), there shall be an Appointment Committee comprising the –

- (i) Attorney-General, as Chairperson;
- (ii) Chairperson of the Bar Council;
- (iii) President of the Law Society; and
- (iv) Chairperson of the Chamber of Notaries,

that shall decide on the nomination of the Chairperson and the Vice-chairpersons of the Complaints Commission.

(b) Where the Chairperson and the Vice-chairpersons are nominated pursuant to paragraph (a), the Attorney-General shall, on such terms and conditions as he may determine, appoint them.

(4) For the purpose of subsection (1)(c), the Bar Council, the Chamber of Notaries and the Mauritius Law Society Council shall each nominate 3 attorneys, 3 barristers and 3 notaries, respectively, and the Attorney-General shall, on such terms and conditions as he may determine, appoint the nominated attorneys, barristers and notaries.

(5) Every Vice-chairperson and member shall be under the administrative control of the Chairperson.

6. Divisions of Complaints Commission

(1) Subject to subsection (2), the Complaints Commission shall sit in one or more divisions.

(2) A division shall –

- (a) in case there is a complaint against a barrister, consist of the Chairperson or a Vice-chairperson, and 2 barristers to be selected by the Chairperson;

- (b) in case there is a complaint against an attorney, consist of the Chairperson or a Vice-chairperson, and 2 attorneys to be selected by the Chairperson;
- (c) in case there is a complaint against a notary, consist of the Chairperson or a Vice-chairperson, and 2 notaries to be selected by the Chairperson.

(3) A decision of a division shall be considered to be the decision of the Complaints Commission.

7. Staff of Complaints Commission

(1) The Secretary to Cabinet and the Head of the Civil Service shall designate such public officers as may be necessary to assist the Complaints Commission in the discharge of its functions and exercise of its powers under this Act.

(2) (a) There shall be a Secretary to the Complaints Commission who shall be a public officer.

(b) The Secretary to the Complaints Commission shall be responsible for –

- (i) keeping a record of the proceedings of the Complaints Commission;
- (ii) keeping in safe custody the papers and documents of the Complaints Commission;
- (iii) issuing summonses and recording statements of witnesses called before the Complaints Commission; and
- (iv) performing such other duties as the Complaints Commission may require.

(3) The public officers under this section shall serve on an ad hoc basis and shall be under the administrative control of the Chairperson.

Sub-Part B – Complaint of Professional Misconduct

8. Complaint against law practitioner

(1) A complainant, including but not limited to a judicial officer, the Attorney-General, the Bar Council, the Chamber of Notaries and the Mauritius Law Society Council, that alleges that a law practitioner has committed an act of professional misconduct shall lodge a written complaint with the Complaints Commission, setting out in detail the facts which are deemed to be an act of alleged professional misconduct.

(2) Where a complaint against a law practitioner is addressed to the Attorney-General, the Bar Council, the Chamber of Notaries and the Mauritius Law Society Council, that complaint shall promptly be referred to the Complaints Commission.

(3) A complaint shall be lodged within 6 months of the date of the alleged act of professional misconduct or within 6 months of the complainant becoming aware of the alleged act of professional misconduct.

(4) Nothing in this section shall be construed as limiting the powers of the Complaints Commission to initiate, *proprio motu*, an investigation into an alleged act of professional misconduct by a law practitioner or, notwithstanding subsection (3), to consider a late complaint if such a complaint is of a serious character.

Sub-Part C – Proceedings of Complaints Commission

9. Trivial, frivolous or vexatious complaints

Where, on receipt of a complaint under section 9, the Complaints Commission is of the opinion that the complaint made against the law practitioner is of a trivial, frivolous or vexatious nature, the Complaints Commission shall set aside the complaint and inform the complainant accordingly.

10. Conciliation by Complaints Commission

(1) The Complaints Commission may, depending on the nature of the complaint, attempt to settle the complaint by conciliation.

(2) The Complaints Commission may, for the purpose of subsection (1), require, by written notice, the attendance of –

(a) the complainant;

- (b) any person who is alleged to have committed the act of professional misconduct which is the subject matter of the complaint; and
- (c) any other person –
 - (i) who is likely to be able to provide information relevant to the conciliation proceedings; or
 - (ii) whose presence at the meeting is likely to assist in the matter.

(3) The Complaints Commission may, in a notice under subsection (2), require any person specified in the notice to give such information or produce such document at the conciliation proceedings as may be specified in the notice.

(4) Any conciliation proceedings under this section shall be held in private and, subject to this Act, be conducted in such manner as the Conciliation Commission may determine.

(5) Where a complaint is settled by conciliation, the settlement shall be reduced in writing, signed and dated by all parties to the conciliation.

11. Investigation by Complaints Commission

(1) Notwithstanding section 10, the Complaints Commission may, where a complaint appears to it to be well-founded, conduct an investigation into the complaint.

(2) Where the Complaints Commission conducts an investigation under this Act, it shall promptly notify the law practitioner of the nature of the complaint against him and invite him to give his written explanations thereto within such time as the Complaints Commission may determine.

(3) Where the Complaints Commission is not satisfied with the written explanations of the law practitioner or where the law practitioner fails to give his explanations within the time required by the Complaints Commission, it may –

- (a) summon and hear the law practitioner who shall be given an opportunity of being assisted by a legal representative of his choice; and
- (b) summon any other person to give such evidence, or produce such relevant record, document or article, as it considers necessary.

(4) (a) Subject to subsection (5), where, in the course of an investigation, any person referred to in subsection (3)(b) refuses to produce any record, document or article on the ground of confidentiality, the Complaints Commission may apply ex parte to the Judge in Chambers for an order directing that person to produce the record, document or article required for the purpose of the investigation.

(b) Where the Judge in Chambers is satisfied that the record, document or article sought is bona fide required for the purpose of the investigation, he may make an order under paragraph (a).

(5) A law practitioner or any other person summoned pursuant to subsection (2) shall not be compelled to give evidence, or produce any record, document or article, which he could not be compelled to give in evidence, or produce, in civil proceedings before a Court.

(6) The Complaints Commission shall complete its investigation not later 90 days from the date the investigation starts.

12. Caution by Complaints Commission

(1) The Complaints Commission may, instead of instituting disciplinary proceedings against a law practitioner, administer a caution to the law practitioner where it considers –

- (a) the professional misconduct to be a minor one and that such caution would satisfy the ends of justice; and
- (b) the law practitioner has not previously committed any professional misconduct, whether similar or not.

(2) The Complaints Commission shall, not later than 7 days of administering a caution, inform in writing the Chief Justice and the Attorney-General, and the Bar Council, the Chamber of Notaries or the Mauritius Law Society Council, as the case may be.

13. No evidence of professional misconduct

Where, after having conducted an investigation under section 12, the Complaints Commission is satisfied that there is no evidence of professional misconduct, it shall –

- (a) in writing, inform the complainant, the law practitioner and the Attorney-General, and the Bar Council, the Chamber of Notaries or the Mauritius Law Society Council, as the case may be, of that fact and the reasons for its findings; and
- (b) take no further action on the complaint.

14. Institution of disciplinary proceedings

Where the Complaints Commission is satisfied, after having conducted an investigation under section 12, that there is a prima facie case of professional misconduct against a law practitioner, it shall, after seeking the advice of the Solicitor-General on the terms of the charge or charges to be preferred against the law practitioner, institute disciplinary proceedings against the law practitioner before the Supreme Court.

PART III – DISCIPLINARY PROCEEDINGS

15. Inherent powers of Supreme Court

(1) The Supreme Court shall have full powers and jurisdiction to hear and determine any case of disciplinary nature brought by way of motion before the Supreme Court by any law officer in respect to the alleged act of professional misconduct by a law practitioner.

(2) Any disciplinary proceedings before the Supreme Court shall –

- (a) take place before 2 Judges; and
- (b) be heard in open court unless, for good cause shown in any particular case or in relation to any specific matter, it determines otherwise; and
- (c) be conducted in the same manner as proceedings in a civil matter.

(3) The Supreme Court may require the Ministère Public to intervene in any disciplinary proceedings before it.

(4) The Supreme Court shall make a determination not later than 90 days after the start of the disciplinary proceedings, except where there is a valid reason, and with the consent of the parties.

16. Interim order of Supreme Court

The Supreme Court may, in respect of a matter which is due to be heard by it, either on application made to it by the Complaints Commission or *proprio motu*, make an order for the interim suspension of a law practitioner where it is of opinion that, for reasons of public interest, urgency and the likelihood of undue prejudice, it is necessary to do so pending the hearing of the disciplinary proceedings.

17. Disciplinary powers of Supreme Court

(1) After considering the evidence laid before it, the Supreme Court may –

- (a) set aside the charge against the law practitioner; or
- (b) where the charge against the law practitioner is proved –
 - (i) administer a reprimand or severe reprimand to the law practitioner;
 - (ii) suspend the law practitioner from his right to practise for such period as it may determine;
 - (iii) order that the name of the law practitioner be erased from the Roll; or
 - (iv) make such other order as it may, in the circumstances, deem fit.

(2) Where a law practitioner has failed or is failing to comply with, or has failed or is failing to take such measures as are required under the Financial Intelligence and Anti-Money Laundering Act or the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act, or any regulations made or guidelines issued under those Acts, the Court may, in addition to its powers under subsection (1), issue a warning to the law practitioner.

(3) Any decision of the Supreme Court under this section shall be final.

PART IV – MISCELLANEOUS

18. Appeal

A party to a case who is dissatisfied with the decision of the Supreme Court under section 17 may appeal to the Court of Civil Appeal in accordance with the Civil Appeal Act 2025.

19. Protection from liability

No liability, civil or criminal, shall attach to any person in respect of any act done or omitted to be done in good faith in the discharge of his functions or exercise of his powers under this Act.

20. Consequential amendments

(1) The Courts Act is amended by repealing section 18.

(2) The Financial Intelligence and Anti-Money Laundering Act is amended, in subsection (2) –

(a) in paragraph (b), by deleting the words “pursuant to section 13 of the Law Practitioners Act, report the matter to the Attorney-General” and replacing them by the words “lodge a written complaint with the Complaints Commission in accordance with the Law Practitioners (Disciplinary Proceedings) Act 2025”;

(b) by repealing paragraph (c);

(3) The Law Officers Act is amended, in the Schedule, in Part I –

(a) by inserting, before the words “Chief State Attorney”, the words “Director, Attorney Services”;

(b) by adding the following new words –

Curator of Vacant States

(4) The Law Practitioners Act is amended –

(a) in section 9B, in subsection (4), by deleting the words “Notwithstanding section 13,” and replacing them by the words “Notwithstanding the Law Practitioners (Disciplinary Proceedings) Act 2025,”;

- (b) in section 10 –
 - (i) in subsection (3)(a)(ii), by deleting the words “section 14” and replacing them by the words “section 17(1)(b)(iv) of the Law Practitioners (Disciplinary Proceedings) Act 2025”;
 - (ii) in subsection (4), by repealing paragraph (a) and replacing it by the following paragraph –
 - (a) law practitioners in private practice;
- (c) in section 10D, in subsection (4) –
 - (i) by repealing paragraph (a) and replacing it by the following paragraph –
 - (a) in the case of a law practitioner, to the Law Practitioners Complaints Commission under the Law Practitioners (Disciplinary Proceedings) Act 2025; or
 - (ii) by repealing paragraphs (b) and (c);
- (d) by repealing sections 13 and 14.
- (5) The Mauritius Bar Association Act is amended –
 - (a) by inserting, after section 1, the following new section –

1A. Application of Act

This Act shall be in addition to, and not in derogation from –

 - (a) the Law Practitioners Act; and
 - (b) the Law Practitioners (Disciplinary Proceedings) Act 2025.
 - (b) in section 3, in subsection (2), by repealing paragraph (h), the words “; and” at the end of paragraph (g) being deleted and

replaced by a full stop and the word “and” being added at the end of paragraph (f);

- (c) by repealing section 12 and replacing it by the following section –

12. Professional etiquette

Every barrister shall comply with the Code of Ethics for Barristers.

- (6) The Mauritius Law Society Act is amended –

- (a) by inserting, after section 2, the following new section –

2A. Application of Act

This Act shall be in addition to, and not in derogation from –

- (a) the Law Practitioners Act; and
 - (b) the Law Practitioners (Disciplinary Proceedings) Act 2025.
 - (b) in section 5, in subsection (2), by repealing paragraph (h), the words “; and” at the end of paragraph (g) being deleted and replaced by a full stop and the word “and” being added at the end of paragraph (f);
 - (c) in section 10 –
 - (i) in subsection (1), by repealing paragraph (c) and replacing it by the following paragraph –
 - (c) where, pursuant to the Law Practitioners (Disciplinary Proceedings) Act 2025, the name of the attorney has been erased from the Roll; or
 - (ii) by repealing subsections (3) and (4);
 - (d) by repealing section 18 and replacing it by the following section –

18. Professional etiquette

Every attorney and exempt member shall comply with the Code.

(e) in the Schedule –

- (i) by inserting, before the words “Chief State Attorney”, the words “Director, Attorney Services”;
- (ii) by inserting, after the words “Chief State Attorney”, the words “Deputy Chief State Attorney”.

(7) The Notaries Act is amended –

(a) by inserting, after section 2, the following new section –

2A. Application of Act

This Act shall be in addition to, and not in derogation from –

- (a) the Law Practitioners Act; and
 - (b) the Law Practitioners (Disciplinary Proceedings) Act 2025.
- (b) in section 24, in subsection (2), by repealing paragraph (f), the words “; and” at the end of paragraph (e) being deleted and replaced by a full stop and the word “and” being added at the end of paragraph (d);
- (c) in section 28, in subsection (1), by repealing paragraph (c) and replacing it by the following paragraph –
- (c) where, pursuant to section 9B(4) of the Law Practitioners Act, the name of the notary has been erased from the Roll.
- (d) by repealing section 36 and replacing it by the following section –

36. Provisional administrator

Where a notary has, pursuant to the Law Practitioners (Disciplinary Proceedings) Act 2025, been suspended from practising, the Chamber shall designate another notary to be the provisional administrator of the notary's Office during that period.

21. Transitional provisions

(1) Any disciplinary proceedings instituted against a law practitioner before the Supreme Court and which are pending on the commencement of this Act shall be discontinued and the complaint against that law practitioner shall, not later than 30 days after the commencement of this Act, be referred to the Complaints Commission for investigation.

(2) Any investigation being conducted by the Bar Council, the Chamber of Notaries or the Mauritius Law Society Council against a law practitioner and which is pending on the commencement of this Act shall be discontinued and the complaint against that law practitioner shall, not later than 30 days after the commencement of this Act, be referred to the Complaints Commission for investigation.

22. Commencement

The Act shall come into operation on a date to be fixed by Proclamation.
