

**THE LAW REFORM COMMISSION BILL**  
(No. XXXI of 2025)

**Explanatory Memorandum**

The object of this Bill is to repeal the Law Reform Commission Act and re-enact a more appropriate and modern legislative framework.

2. The Law Reform Commission under this new legislation will, in keeping with the laws of Mauritius under review, have wider functions and powers to propose reforms aimed at simplifying, modernising and consolidating the laws of Mauritius.

3. In addition, the Law Reform Commission will be empowered to conduct post-legislative analysis of any enactment which has been wholly or partly based on its recommendations.

4. The Bill further provides for matters connected and related thereto.

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

05 December 2025

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**ARRANGEMENT OF CLAUSES**

*Clause*

<b>PART I – PRELIMINARY</b>	<b>Commission</b>
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<b>PART III – ADMINISTRATION AND MANAGEMENT OF COMMISSION</b>	<b>PART V – MISCELLANEOUS</b>
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**A BILL**

**To repeal the Law Reform Commission Act and re-enact a more appropriate and modern legislative framework**

ENACTED by the Parliament of Mauritius, as follows –

**PART I – PRELIMINARY**

**1. Short title**

This Act may be cited as the Law Reform Commission Act 2025.

**2. Interpretation**

In this Act –

“Advisory Committee” means a committee set up under section 11;

“Board” means the Law Reform Board referred to in section 8;

“Chairperson” means the Chairperson of the Board:

“Chief Executive Officer” means the Chief Executive Officer of the Commission;

“Commission” means the Law Reform Commission established under section 3;

“member” –

(a) means a member of the Board; and

(b) includes the Chairperson;

“Ministry” includes any Government department, statutory corporation and Government-owned company;

“officer” means an officer appointed or designated as such under section 14.

## **PART II – THE COMMISSION**

### **3. Establishment of Commission**

(1) There is established, for the purposes of this Act, the Law Reform Commission, which shall be responsible to keep the laws of Mauritius under review and to propose reforms aimed at simplifying, modernising and consolidating the laws of Mauritius.

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

(3) The Commission shall be a body corporate.

### **4. Developing, improving and updating laws of Mauritius**

(1) The Commission shall, in the discharge of its functions and exercise of its powers –

(a) engage in research and studies to ensure that the laws of Mauritius evolve to meet the contemporary needs and challenges of the society and the legal community;

(b) consider any proposal for law reform made to it by the Attorney-General or any Ministry;

- (c) make recommendations to the Attorney-General and any Ministry, pursuant to paragraph (b) or on its own initiative, on how to develop, improve and update the laws of Mauritius;
- (d) request information from any Ministry, any organisation or individual in relation to the law reform process;
- (e) engage public involvement in the law reform process by publicising its works and conducting public hearings;
- (f) engage in post-legislative analysis;
- (g) cooperate, collaborate and establish links with regional and international law reform agencies; and
- (h) do such things as may be necessary for the proper discharge of its functions and exercise of its powers under this Act.

(2) Where the Commission makes its recommendations to the Attorney-General or any Ministry, it shall, as far as practicable, attach a draft Bill to the recommendations.

(3) The Commission shall, at least once every year, prepare and submit to the Attorney-General a programme for the review of specified aspects of the laws of Mauritius with a view to their development or improvement.

## **5. Post-legislative analysis**

(1) The Commission may conduct post-legislative analysis of any enactment which has been wholly or partly based on its recommendations.

(2) For the purpose of subsection (1), the Commission may –

- (a) monitor the operation of such enactment;
- (b) assess the extent to which the enactment has achieved the objectives set out in the Commission's report or recommendations;
- (c) identify any unintended consequences or deficiencies arising from the enactment, and consult the Ministry concerned accordingly; and
- (d) where necessary, make further recommendations for reform.

## **6. Directions of Attorney-General**

(1) The Attorney-General may, at any time, direct the Commission to examine any aspect of the law of Mauritius, and the Commission shall review that aspect of the law accordingly.

(2) The Commission shall report to the Attorney-General on the results of any review it carries out and shall include in the report such recommendations as it deems necessary.

## **7. Liaison authority**

(1) Where the Commission requests information from any Ministry, the Attorney-General's Office shall act as the liaison authority between the Commission and the Ministry.

(2) The Solicitor-General shall, for the purpose of subsection (1), appoint any officer of the Attorney-General's Office to act as the liaison authority's representative between the Commission and the Ministry.

# **PART III – ADMINISTRATION AND MANAGEMENT OF COMMISSION**

## **Sub-Part A – The Law Reform Board**

## **8. Setting up of Board**

(1) The Commission shall be administered and managed by a Board to be known as the Law Reform Board.

(2) The Board shall be the governing body of the Commission and shall determine all matters of policy of the Commission.

## **9. Composition of Board**

(1) The Board shall consist of –

- (a) a Chairperson, to be appointed by the Attorney-General;
- (b) a representative of the Judiciary, to be designated by the Chief Justice;
- (c) the Solicitor-General or his representative;
- (d) the Director of Public Prosecutions or his representative;
- (e) a barrister, to be appointed by the Attorney-General after consultation with the Bar Council;

- (f) an attorney, to be appointed by the Attorney-General after consultation with the Mauritius Law Society;
- (g) a notary, to be appointed by the Attorney-General after consultation with the Chamber of Notaries;
- (h) the Director of the Institute for Judicial and Legal Studies;
- (i) a full-time member of the Department of Law of the University of Mauritius, to be appointed by the Attorney-General after consultation with the Vice-Chancellor of the University of Mauritius; and
- (j) 2 persons from the civil society, to be appointed by the Attorney-General.

(2) Every member, other than a member referred to in subsection (1)(c), (d) and (h) shall hold office for a term of 2 years and may be eligible for reappointment.

(3) Every member shall be paid such fees and allowances as the Attorney-General may determine.

## **10. Meetings of Board**

(1) The Board shall meet as often as necessary but at least once every month.

(2) Every meeting of the Board shall be convened by the Chairperson or at the request of at least 5 members.

(3) At any meeting of the Board, 6 members shall constitute a quorum.

(4) The Board may co-opt other persons capable of assisting it in the discharge of its functions but that person shall have no right to vote on any matter considered by it.

(5) A member, including a co-opted member, who has a direct or an indirect interest in a matter being considered or about to be considered by the Board shall forthwith, or as soon as is practicable after the relevant facts have come to his knowledge, disclose in writing the nature of his interest to the Board and shall not –

- (a) be present during the deliberations of the Board with respect to that matter; and

- (b) take part in any decision of the Board with respect to that matter.

(6) The Board shall regulate its meetings and procedures in such manner as it may determine.

## **11. Advisory Committee**

(1) The Board may set up such Advisory Committee as it deems necessary to assist it in the discharge of its functions.

(2) An Advisory Committee shall consist of such board members as it may determine, including such other persons that may assist the committee in the discharge of its functions.

(3) Every Advisory Committee shall –

- (a) be subject to, and act in accordance with, any directive given to it by the Board; and
- (b) report to the Board.

(4) Every Advisory Committee shall regulate its meetings and proceedings in such manner as it may determine.

(5) An Advisory Committee may request any person to attend any of its meetings for the purpose of advising it on any matter under discussion but that person shall have no right to vote on any matter considered by it.

(6) Every member of an Advisory Committee shall be paid such fees as the Attorney-General may determine.

## **Sub-Part B – Staff of Commission**

## **12. Chief Executive Officer**

(1) There shall be a Chief Executive Officer of the Commission who shall be the head of the Commission.

(2) The Chief Executive Officer shall be a person qualified in law and having experience in legal research and shall, in consultation with the Attorney-General, be appointed by the Board.

(3) The Chief Executive Officer shall, in the discharge of his functions and exercise of his powers –

- (a) be responsible for the control and management of the day to day business and operations of the Commission;
- (b) attend every meeting of the Board and take part in its deliberations, but shall have no right to vote;
- (c) be responsible for the execution of the policy and functions of the Board; and
- (d) do such other things as may be necessary to meet the objectives of the Commission.

(4) The Chief Executive Officer may, with the approval of the Board, delegate any of his functions and powers to any officer.

### **13. Secretary to Commission**

(1) There shall be a Secretary to the Commission who shall, under the supervision of the Chief Executive Officer, be responsible for the administration of the Commission.

(2) The Secretary to the Commission shall, in addition –

- (a) prepare and attend every meeting of the Board;
- (b) keep minutes of the proceedings of every meeting of the Board;
- (c) perform such other duties as may be conferred upon him by the Board.

(3) The Secretary to the Commission shall be an officer of the Commission.

### **14. Other staff of Commission**

(1) The Commission may, on such terms and conditions as it may determine, appoint –

- (a) such officers as it considers necessary for the proper discharge of its functions under this Act; and
- (b) consultants, with suitable qualifications and experience, for specific projects.

(2) Upon the request of the Commission, the Secretary to Cabinet and Head of the Civil Service may, subject to the approval of the Public Service



Commission, designate such public officers to assist the Commission in the discharge of its functions and exercise of its powers under this Act.

(3) Every officer of the Commission shall be under the administrative control of the Chief Executive Officer.

(4) The Commission may make provisions to govern the conditions of service of the officers and, in particular, for –

- (a) the appointment, dismissal, discipline, pay and leave of the officers;
- (b) appeals by officers against dismissal and other disciplinary measures; and
- (c) the establishment and maintenance of a superannuation scheme and the contributions and the benefits payable to, or from the scheme.

#### **PART IV – FINANCIAL PROVISIONS AND ACCOUNTS**

##### **15. General Fund**

(1) There shall be a General Fund for the Commission –

- (a) into which shall be paid all sums received from the Consolidated Fund or from such other sum as may lawfully accrue to it; and
- (b) out of which all payments required to be made by the Commission and all charges on the Commission shall be effected.

(2) Subsection (1) shall not prevent the investment of surplus money of the Commission.

##### **16. Estimate of income and expenditure**

(1) The Commission shall submit to the Attorney-General, not later than 31 March in every year, an estimate of its income and expenditure in respect of the following financial year for his approval.

(2) The Attorney-General may –

- (a) give his approval under subsection (1); or

- (b) approve only part of the estimate and direct the Commission to amend the estimate.

## **17. Annual report and audit**

(1) The Commission shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Attorney-General, together with an audited statement of accounts on the operations of the Commission, in respect of every financial year.

(2) The auditor of the Commission shall be the Director of Audit.

(3) The Attorney-General shall, at the earliest available opportunity, lay a copy of the annual report and the audited statement of accounts of the Commission before the Assembly.

## **PART V – MISCELLANEOUS**

## **18. Execution of deed, contract and cheque**

No deed, contract or cheque shall be executed by, or on behalf of, the Commission, unless it is signed by –

- (a) the Chairperson, or in his absence, a member designated by the Board; and
- (b) the Chief Executive Officer, or in his absence, any officer designated by the Board.

## **19. Donations and legacies**

Article 910 of the Code Civil Mauricien shall not apply to the Commission.

## **20. Protection from liability**

No action shall lie against the Commission, the Chief Executive Officer, a member or any officer in respect of any act done or omission made by it or him in good faith in the discharge of its or his functions, or exercise of its or his powers, under this Act or any other enactment.

## **21. Regulations**

(1) The Attorney-General may, after consultation with the Commission, make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for the levying of fees or the taking of charges.

## **22. Repeal**

The Law Reform Commission Act is repealed.

## **23. Consequential amendments**

(1) The Statutory Bodies Pension Funds Act is amended, in the First Schedule, by deleting the following item and its corresponding entry –

Law Reform Commission	10 January 2006
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and replacing it by the following item –

Law Reform Commission	
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(2) The Statutory Bodies (Accounts and Audit) Act is amended, in the Schedule, by deleting the following item and its corresponding entry –

Law Reform Commission	Law Reform Commission Act
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and replacing it by the following item and its corresponding entry –

Law Reform Commission	Law Reform Commission Act 2025
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## **24. Savings and transitional provisions**

(1) (a) The Chief Executive Officer of the Commission appointed under the repealed enactment shall, on the commencement of this Act, be deemed to be the Chief Executive Officer of the Commission under this Act on the same terms and conditions of his appointment under the repealed enactment.

(b) An officer of the Commission appointed or designated under the repealed enactment shall, on the commencement of this Act, be deemed to be an officer of the Commission under this Act on the same terms and conditions of his appointment or designation under the repealed enactment.

(2) (a) The Chairperson of the Commission appointed under the repealed enactment shall, on the commencement of this Act, be deemed to be the Chairperson of the Board under this Act on the same terms and conditions of his appointment under the repealed enactment.

(b) Any other member of the Commission appointed under the repealed enactment shall, on the commencement of this Act, be deemed to be a member of the Board under this Act on the same terms and conditions of his appointment under the repealed enactment.

(3) Any proceedings, whether judicial or extra-judicial, started by or against the Commission under the repealed enactment and pending on the commencement of this Act shall be deemed to have been started by or against the Commission under this Act.

(4) All rights, obligations and liabilities subsisting in favour of or against the Commission under the repealed enactment shall, on the commencement of this Act, continue to exist on the same terms and conditions in favour of or against the Commission under this Act.

(5) The assets and funds of the Commission under the repealed enactment shall, on the commencement of this Act, vest in the Commission under this Act.

(6) Any act done by the Commission under the repealed enactment shall, on the commencement of this Act, be deemed to have been done, and shall continue to be done, by the Commission under this Act.

(7) Where this Act does not make provision for any saving or transition, the Minister may make such regulations as may be necessary for such saving or transition.

(8) In this section –

“repealed enactment” means the Law Reform Commission Act repealed under section 22.

## **25. Commencement**

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

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