

## **ATTORNEY-GENERAL'S OFFICE**

### **FOREWORD**

It is with great pleasure that I am presenting this Customer Charter which provides an insight into the range and quality of legal services provided by the Attorney-General's Office to its customers, namely the Ministries and Government Departments.

In addition, this document describes the processes involved in our endeavour to make of this Office a Centre of Excellence in the provision of legal and legislative drafting services.

**Hon. Y. VARMA**

Attorney-General

### **The Attorney-General**

The Honourable Attorney-General is, by virtue of the Constitution, the principal legal adviser to the Government of Mauritius. He holds office of a Minister. The Attorney-General does not have to be a member of the National Assembly, but is entitled to take part in the proceedings of the Assembly. He must be a barrister.

### **The Solicitor-General**

The Solicitor-General is the highest ranking public officer of the Attorney-General's Office. The Solicitor-General and the other law officers, who are under his administrative control, appear as Counsel for the State in civil, criminal, constitutional and administrative matters before the Supreme Court and other courts. They all have responsibilities relating to legislative drafting for the State. Additionally, they advise all the Ministries, review their contracts and appear in their arbitration cases. They also deal with, and appear in, disciplinary cases against public officers.

The Law Officers Act provides for certain functions and duties that may devolve upon the Solicitor-General in the event of absence, or inability to act, of the Attorney-General, or when so directed by him.

### **Officers of the AGO**

The establishment of the State Law Office provides for some 55 barristers and 14 solicitors in its professional cadre (a lesser number are actually in post). The Office is also manned by the Legal Assistants, Confidential Assistants, Clerical Officers and Word Processing Operators.

**Mission Statement**

To provide, without fear or favour, hatred or ill-will, to the Government sound and independent legal advice, and representation as well as to contribute in the development of a fair and just legal system and the promotion of the rule of law, in the interest of the State and the people.

**Vision of the Office**

To develop the AGO into a Centre of Excellence for Legal and Legislative Drafting Services.

**Core Values of the Attorney-General's Office**

The Rule of Law and the Public Interest

A Fair and Just Legal System

Integrity and Impartiality

Quality and Professionalism

Independence and Competence

Solidarity, Teamwork and Co-operation

## **Services offered to the Public**

### **Ministère Public**

The Ministère Public intervenes in cases specifically provided for by law or when so requested by the Courts.

The areas of intervention of the Ministère Public are:

- (a) Change of Name
- (b) Rectification of Birth, Death and Marriage Certificate
- (c) Nullity of Marriage
- (d) Loss of Parental Authority (*Déchéance de l'Autorité Parentale*)
- (e) Action for Affiliation (*Recherche de la Paternité ou Maternité*)
- (f) Adoption
- (g) Protection of Rights of Minors and of 'majeurs en tutelle'
- (h) Absence and Disappearance (*Disparition*)
- (i) Succession and Division in kind
- (j) Curatorship (*Curatelle*)
- (k) Dispensation of Age
- (l) Guardianship (*Tutelle*)
- (m) Tardy declaration of birth

## **CHANGE OF NAME**

As provided for in section 55 of the Civil Status Act 1981, any Mauritian Citizen may petition the Attorney-General for leave to make any change to his names. The police is immediately requested to enquire and applicant required to make the necessary publications. The law allows 4 months delay for possible objections. After expiry of the delay, the Attorney-General gives his decision on the petition within the least possible delay. This service is provided free of charge BUT the applicant will have to bear the cost of publication and of stamps to be used on the certificate.

## **RECTIFICATIONS OF CIVIL STATUS DOCUMENTS**

Section 50 of the Civil Status Act provides for a mechanism whereby civil status acts (that is entries in the Registers of the Civil Status and also entries in birth, marriage or death certificates) may be rectified. Applications (in an approved form) are made before the relevant District Court which will then refer it to the Ministère Public for its conclusions. Upon receiving favourable conclusions from the Ministère Public, the Magistrate may issue an order authorizing the Registrar of Civil Status to amend the relevant civil status act. It is to be noted that no charge is levied for the services of the Ministère Public in relation to such an application.

The application is processed at the Office at the earliest possible opportunity, once the police report is received.

## **The Curator of Vacant Estates**

The Curator administers all vacant estates, in accordance with the provisions of the Curatelle Act.

- (a) Vacant Successions: where a person who has not made a will dies, without leaving any heir in Mauritius, and this person possesses property, then his succession is deemed to be a vacant succession.
- (b) Unclaimed property: in cases where the owner of any property in Mauritius cannot be ascertained.
- (c) Absences: in case where a person is absent from the country and he owns property in Mauritius but is not lawfully represented nor has a legal representative who is empowered to exercise his rights in relation to that property.

## **Remission of Bail**

The Attorney-General may, on good cause shown, remit in whole or in part the amount of recognizance estreated by the Court. The decision of the Attorney-General is conveyed at the earliest available opportunity after a police report on the application is received.

## **Complaints against a law practitioner – (Barrister, Attorney-at-law or Notary)**

The Attorney-General may enquire into complaints against a law practitioner, and may institute disciplinary proceedings, if he is of the view that this course of action is warranted.