His Excellency, the President of the Republic,
His Lordship, the Chief Justice,
Excellencies of the Diplomatic Corps,
His Lordship, the Senior Puisne Judge,
Honourable Judges,
The Chairperson and Members of the Institute for Judicial and Legal Studies
Board,
The Ag Director, Institute for Judicial and Legal Studies,
Learned Magistrates,
Colleagues from the legal profession,
Ladies and Gentlemen,

May I at the very outset present the apologies of Dr the Hon. Prime Minister who is unable to attend this function in view of a special sitting of the National Assembly.

We are about to witness the materialisation of yet another major reform in our judicial and legal system which Government introduced last year with the passing of two pieces of legislation, that is, the Institute for Judicial and Legal Studies Act 2011 and the Law Practitioners (Amendment) Act 2011.

As you will be aware, the Hon. Prime Minister set up a Presidential Commission under the chair of Lord Mackay of Clashfern was set up in July 1997, to examine and report upon the structure and operation of the judicial system and legal professions of Mauritius. Government has embarked on a series of reforms to implement the recommendations made in the said Report in order to modernise our judicial and legal systems and ensure that they meet the required standards expected of any country which genuinely attaches fundamental importance to the upholding of the rule of law.

Two major recommendations of the Presidential Commission were to the effect that:

- Courses should be organised for the continuing education of lawyers in legal developments; and
- A Judicial Studies Board should be set up to have the responsibility of organising suitable induction training and continuing training for Judges and Magistrates at their various levels.

Ladies and Gentlemen,

Occupation of a judicial office does indeed require a number of skills and it is essential that prospective judicial officers receive proper training prior to their appointment. In fact, numerous are those who have time and again expressed the opinion that an institute along the lines of the “Ecole Nationale de la Magistrature” in France or the Judicial Studies Board in the UK should be set up in Mauritius.

Following consultations with stakeholders, the Institute for Judicial and Legal Studies Act 2011 and the Law Practitioners (Amendment) Act 2011 were therefore passed by the National Assembly to give effect to the recommendations of the Presidential Commission. These laws are in fact complementary to each other.

The Law Practitioners (Amendment) Act 2011 makes it compulsory as from 03 September this year for every law practitioner and legal officer to participate every year in a Continuing Professional Development Programme for the prescribed number of hours (unless he is excused by the Chief Justice for reasons such as age or ill health).

The Act makes provision for persons who wish to be considered for appointment as a judicial or legal officer as from the same date to follow an appropriate course.

The Institute for Judicial and Legal Studies Act 2011, for its part, establishes the Institute for Judicial and Legal Studies which is entrusted with the responsibility to, inter alia –

- Conduct or supervise courses, seminars or workshops for the continuing training of judicial and legal officers;

- Devise, organise and conduct Continuing Professional Development Programmes for law practitioners, including legal officers, and courses for prospective judicial and legal officers and law practitioners who qualified as such in a State other than Mauritius;

- Promote and coordinate research and development in the judicial and legal sectors;

- Where appropriate, organise and conduct courses for police and public officers, Court staff and persons employed by law practitioners, with a
view to improving the administration of justice – the key words here being "administration of justice".

Ladies and Gentlemen,

It is a fact that, until the passing of the above laws, our legal system did not have the appropriate legal structure and institutional framework to enable members of our legal profession to undergo continuous training in order to improve their skills and to meet the changing needs of their profession. The Institute for Judicial and Legal Studies Act 2011 therefore, with the establishment of the Institute, fills the above vacuum in our law in order to increase efficiency, effectiveness and professionalism in the legal profession.

Indeed, whilst academic education and professional qualification enable a person to acquire the minimum knowledge and skills to practise a profession, such education and training undergone at a particular point in time in a person’s life are certainly not enough over the years to maintain the level of knowledge and efficiency which is required in an ever-changing global and legal environment. This is precisely why continuing education and training are vital throughout the career of any professional to meet the changing needs and demands of their profession, their clients and society at large.

In an era where the world has become a global village and there is increasing competition as regards the provision of legal services, members of the legal profession cannot do otherwise than be aware of developments in different areas of law and improve and increase their knowledge and skills in order to enhance the quality of legal services. This is why continuing professional development has been made compulsory under the Law Practitioners (Amendment) Act 2011.

Ladies and Gentlemen,

In many countries, members of the legal profession are either encouraged or required to complete a certain number of hours of Continuing Professional Development or Continuing Legal Education.

In England and Wales, all solicitors and legal executives who are in legal practice or employment, for instance, are required to complete a minimum number of hours of Continuing Professional Development per year. The same applies to Scotland where all solicitors who are in full-time employment and wish to retain their Practising Certificate are required to undertake a minimum number of hours of Continuing Professional Development per year.

In Queensland, Australia, each legal practitioner is required to undertake a number of hours of Continuing Professional Development (CPD) each year in order to acquire a certain number of CPD points. And core areas for the CPD programme are Professional Skills, Practical Legal Ethics and Practice Management and Business Skills. In many States in the United States too,
Continuing Legal Education participation is required of attorneys to maintain their license to practise law.

The importance of continuing professional development, therefore, cannot be denied or ignored. Continuing professional development, as the term itself suggests, is nothing else than the systematic maintenance, improvement and broadening of relevant knowledge and skills to enable a professional to successfully carry out his or her professional duties and responsibilities throughout his or her career.

The updating of knowledge and skills will not only improve the efficiency and effectiveness of members of the profession, but also give the opportunity to practitioners themselves to redefine their careers by learning new professional skills and areas of practice.

A Continuing Professional Development Programme, under the Law Practitioners (Amendment) Act 2011, may include attendance at such lectures, workshops or seminars as may be approved by the Institute and that the Judicial and Legal Studies Board is already working towards putting in place the Continuing Professional Development Programme “system”.

I have no doubt that the Institute, which has been entrusted with the responsibility of ensuring the maintenance of standards in the Judiciary, among law practitioners and legal officers, and generally in the delivery of Court services will, for its part, fulfill its duties by ensuring that members of the Judiciary, the legal profession and other persons concerned benefit from relevant, worthwhile and affordable continuing professional development.

Ladies and Gentlemen,

We should be thankful to the Hon. Prime Minister for his vision for a modern judicial and legal system and also for his support and guidance in the implementation of this project. A special thanks goes to the Hon. Chief Justice and all the stakeholders for their invaluable support. We are also grateful to the French Embassy for its help in getting experts from the “Ecole Nationale de la Magistrature” to help us in the setting up the institute.

At the Judicial Studies Board Lecture in 2010, the Lord Chief Justice of England and Wales stated the following, and I quote, “The Judicial Studies Board has been the judiciary’s great success story …. It is the jewel in the judicial crown” unquote. I sincerely hope that the Institute will soon become the jewel of our judicial and legal crown.

I wish the Institute all the best in the honourable and challenging task which awaits it.

With these words, Ladies and Gentlemen, I thank you for your kind attention.