

PARLIAMENTARY QUESTION

B/176 The Honourable Third Member for Port-Louis South and Port Louis Central (**Mr. Hossen**)

To ask the Honourable Attorney General:-

Whether he will state if Government proposes to amend legislation with a view to introducing the concept of spent convictions in our legal system?

REPLY

Mr Speaker, Sir,

1. The concept of "spent convictions" does not, at present, exist in Mauritian law. In the case of **Narain Tacoorsing v The State [2002 SCJ 107]**, the Supreme Court held that:

"a reference to the previous conviction as being "spent" is erroneous since there is no concept of "spent convictions" applicable by law in Mauritius, contrary to what is the case in some other countries".

2. In the case of **Khoyratty v R [1987 MR 169]**, the Supreme Court referred to the practice obtaining in the UK with respect to previous convictions. The Court held: Quoting from Sentencing Law and Practice by Boyle and Allen

"While an offender may have a previous record and therefore not be a person of good character, he may be given credit for making the effort to keep from crime if there is a sufficient gap between his previous offences and the current one"

Mr Speaker, Sir,

3. I wish to inform the House that my Office is currently working on a Mauritian version of the English Police and Criminal Evidence Act (PACE). Our legislation will probably be known as the Criminal Investigations, Proceedings and Evidence Bill and will introduce the concept of spent convictions in Mauritian law. It is anticipated that convictions will be treated as spent if they are over 10 years old and relate to minor offences carrying as maximum penalty fines which will be prescribed.

Mr Speaker, Sir,

4. I also wish to inform the House that my Office is also reviewing the legislation relating to certificates of morality-the Certificate of Morality Act 2006. With the introduction of the concept of spent conviction in our law, the Certificate of Morality Act will be revamped to take on board this major development in our law.

5. Mr Speaker, Sir, once the two Bills are finalised, Government approval will be sought and the Bills will then be introduced in the National Assembly.