

LAW OFFICERS ACT

Act 40 of 1957 – 1 May 1958

ARRANGEMENT OF SECTIONS

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LAW OFFICERS ACT

1. Short title

This Act may be cited as the Law Officers Act.

2. Interpretation

In this Act—

“law officer” means the holder of a public office specified in Part II of the Schedule;

“State Attorney” means the holder of a public office specified in Part I of the Schedule.

[S. 2 amended by Act 48 of 1991.]

3. – 4. —

5. Alteration in designation of office

The President may, by regulations, amend the Schedule.

[S. 5 amended by Act 48 of 1991.]

6. Rights and privileges of Attorney-General

The Attorney-General shall be entitled in the Courts of Mauritius to the same rights and privileges as are enjoyed by the Attorney-General in the Courts in England.

7. Law officers entitled to practise as barristers

Every law officer shall have and enjoy all the rights and privileges of a barrister entitled to practise in Mauritius.

8. Powers of Solicitor-General

(1) Any function authorised or required by any enactment to be discharged by the Attorney-General in relation to any civil proceedings may be discharged by the Solicitor-General in the case of absence or inability to act of the Attorney-General or by his direction.

(2) Any certificate, petition, direction, notice, proceeding or other document, matter or thing authorised or required by any enactment to be given, delivered, served, taken or done to, on or against the Attorney-General may be given, delivered, served, taken or done to, on or against the Solicitor-General.

9. —

10. State Attorneys

(1) The Judicial and Legal Service Commission may appoint State Attorneys from among attorneys entitled to practise before the Supreme Court.

(2) State Attorneys shall have and enjoy, without being required to pay any licence duty, all the privileges and rights of an attorney of the Supreme Court, duly enrolled and admitted.

[S. 10 amended by Act 48 of 1991.]

11. —

12. Duties of Chief State Attorney

The Chief State Attorney shall act as an attorney for Government, or any of its departments, in all cases in which he is authorised or instructed so to act by the President or by the Attorney-General, and he shall perform such other legal work as the Attorney-General may instruct him to do.

[S. 12 amended by Act 48 of 1991.]

13. Duties of State Attorney

A State Attorney shall have all the powers of the Chief State Attorney, and, subject to the directions of the Attorney-General, may do and may be required to do any act which the Chief State Attorney may do or may be required to do.

[S. 13 amended by Act 48 of 1991.]

14. —

15. Accounts

The Chief State Attorney shall keep an account of all cases entrusted to him, of all sums paid to him by the Treasury, for disbursements, and of all fees taxed or to be taxed and payable to, or by, the party for whom he has acted.

[S. 15 amended by Act 48 of 1991.]

16. —

17. Law officers and State Attorneys not entitled to private practice

(1) Subject to subsection (2), the law officers and the State Attorneys shall not, except with the authorisation in writing of the President, be entitled to practise as barrister or attorney, as the case may be, on behalf of any private party, but only for and on behalf of the State.

(2) Any person acting temporarily as Chief State Attorney may, with the written permission of the President and subject to such conditions as the President thinks fit, retain his right to private practice.

[S. 17 amended by Act 48 of 1991.]

18. Bill of costs

(1) In any proceedings in which a law officer or a State Attorney has appeared, any bill of costs, including Counsel and attorney's fees, due to the party for whom the law officer or the State Attorney appeared, shall be taxed as against the losing party in the same manner as if the law officer or the State Attorney had been entitled to receive such fees as Counsel or attorney.

(2) The amount of any such bill shall, when recovered, be paid into the Consolidated Fund.

[S. 18 amended by Act 48 of 1991.]

SCHEDULE

[Section 2]

PART I

Chief State Attorney

Deputy Chief State Attorney

Principal State Attorney

Senior State Attorney

State Attorney

PART II

Attorney-General

Solicitor-General

Director of Public Prosecutions

Deputy Solicitor-General/Parliamentary Counsel/Deputy Director of Public Prosecutions

SCHEDULE—*continued*

Assistant Solicitor-General/Senior Assistant Director of Public Prosecutions

Assistant Parliamentary Counsel/Assistant Director of Public Prosecutions

Principal State Counsel

Senior State Counsel

State Counsel

[Sch. amended by Act 48 of 1991; Act 29 of 1992.]
