LAW PRACTITIONERS VOCATIONAL COURSE – LM521
(ATTORNEYS, BARRISTERS and NOTARIES)

1. Objectives

The Law Practitioners Vocational Course offers high-quality training in legal principles from a practical perspective with an emphasis on legal techniques, reasoning and ethics. It aims at preparing candidates for either of the three streams (Attorneys, Barristers and Notaries) of legal practice existent in Mauritius. It has been designed in compliance with The Law Practitioners (Amendment) Act 2011 (Act No. 30 of 2011). Courses shall be taught in both English and French in line with the hybrid nature of the Mauritian legal system.

2. Course Requirements

Candidates should hold an LLB (Hons) with at least a Second Class, Second Division or a Maîtrise en Droit/Masters 1 (Mention: Assez Bien) or a law degree as stipulated in The Law Practitioners (Amendment) Act 2011 or any other qualifications deemed acceptable by the Council for Vocational Legal Education.

3. Course Duration

The Law Practitioners Vocational Course will be offered on a full-time basis and should be of a maximum of twelve months’ duration.

4. Course Conditions

(i) The Law Practitioners Vocational Course shall consist of 3 levels for each stream:
   1. Foundation
   2. Advanced
   3. Professional Practice

(ii) Each level is divided into modules as prescribed by the Second Schedule of The Law Practitioners (Amendment) Act 2011 and by the syllabus of the CVLE.

5. List of Subjects

(i) FOUNDATION (Attorneys, Barristers and Notaries)

   CPLS 6001 Introduction to Mauritian Law
   CPLS 6002 Criminal Law: Practical aspects
   CPLS 6003 Droit Civil Approfondi
(ii) ADVANCED (Attorneys and Barristers)

CPLS 6004 Administrative and Constitutional Law
CPLS 6005 Arbitration and Mediation
CPLS 6006 Civil Procedure
CPLS 6007 Commercial and Business Law
CPLS 6008 Criminal Procedure
CPLS 6009 Evidence
CPLS 6010 Family Law

(iii) ADVANCED (Notaries)

CPLS 6007 Commercial and Business Law
CPLS 6011 Civil Procedure (Notaries)
CPLS 6012 Practical aspects of Family Law
CPLS 6013 Practical aspects of the Law of Immovable Property
CPLS 6014 Revenue and Taxation Laws

(iv) PROFESSIONAL PRACTICE (Attorneys and Barristers)

CPLS 6015 Conferencing
CPLS 6016 Drafting of Legal Documents
CPLS 6017 Ethics
CPLS 6018 Opinion Writing
CPLS 6019 Advocacy

(v) PROFESSIONAL PRACTICE (Notaries)

CPLS 6015 Conferencing
CPLS 6016 Drafting of Legal Documents
CPLS 6017 Ethics
CPLS 6018 Opinion Writing
CPLS 6020 Rédaction des Actes
CPLS 6021 Responsabilité Notariale
CPLS 6022 Tenue de l’Office Notariale

6. Course Plan

PART 1- Prospective Law Practitioners (Compulsory for all)

<table>
<thead>
<tr>
<th>Subjects</th>
<th>Hours/ Year</th>
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<tbody>
<tr>
<td>Introduction to Mauritian Law</td>
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<tr>
<td>Criminal Law: Practical Aspects</td>
<td>10</td>
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<td>Droit Civil Approfondi</td>
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### Subjects

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<tr>
<th>Conferencing</th>
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<th>Barristers</th>
<th>Notaries</th>
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<tr>
<td>Drafting of Legal Documents</td>
<td>30</td>
<td>30</td>
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<tr>
<td>Ethics</td>
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### PART II - Prospective Barristers and Attorneys

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<td>Arbitration and Mediation</td>
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<td>Civil Procedure</td>
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<td>Criminal Procedure</td>
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<td>Evidence</td>
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<td>Family Law</td>
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### PART III - Prospective Notaries

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<td>Commercial and Business Law</td>
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<td>Practical Aspects of Family Law</td>
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<tr>
<td>Rédaction des Actes</td>
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<td>Responsabilité Notariale</td>
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<td>Revenue and Taxation Laws</td>
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### Stream

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<td>Notaries</td>
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7. Outline Syllabus

**CPLS 6001 Introduction to Mauritian Law**

Sources of Mauritian Law, Historical development of the Mauritian Legal System, Judicial Precedent, Statutory Interpretation, Legal research skills and reasoning for practitioners, Court Structure and Legal Institutions, The Litigation process.

**CPLS 6002 Practical Aspects of Criminal Law**

Overview of principles of criminal law, Infractions contre l’État, Infractions contre les personnes, Infractions contre les biens, Infractions extérieures au code pénal mauricien.

**CPLS 6003 Droit Civil Approfondi**

Introduction aux Codes : la codification, l’application dans l’espace et le temps, l’interprétation, La méthodologie juridique, Droits subjectifs, La Preuve, Les obligations, Practical aspects of contract law and torts, La Propriété.

**CPLS 6004 Administrative and Constitutional Law**

**Administrative Law**

The historical development of Judicial review and Order 53, Nature and scope of judicial review, Procedure: Leave and final stage, The duty to exhaust alternative remedies, The need for an arguable case, delay in making an application; Locus standi and sufficiency of interests; the duty to make a full and frank disclosure, Action against Public and Administrative bodies, Public/Private law, Grounds for judicial review: Error on the face of the record, Natural justice, Ultra vires, Unreasonableness, Section 119 of the Constitution.

**Constitutional Law**

Fundamental rights (Chapter II) and redress [Supreme Court (Constitutional Relief) Rules 2000], Citizenship, Powers of the President and removal. The Executive more especially the Cabinet, the Prime Minister, Commissioner of Police, Director of Public Prosecutions, The Judicature, Human rights, Fundamental principles of the Constitution and constitutional adjudication framework.

**CPLS 6005 Arbitration and Mediation**

Utility of Alternative Dispute Resolutions, Friendly settlement of disputes, Procedure that obtains in domestic and international arbitration and mediation within the Court process and the role of the legal advisers in arbitration, mediation and court cases, Role of the judge mediator, The powers of the Court when one of the parties invoke an arbitration clause, Arbitration (Domestic and International): Code de Procédure Civile and the Mauritius International Arbitration Act, Competence/Competence, Provisional measures, Award, Appeal, Nullity, Review, Execution of Domestic Award, Enforcement of Foreign Awards: New York Convention, Mediation. Supreme Court (Mediation) Rules. Procedure, Confidentiality, Institutional framework.
CPLS 6006 Civil Procedure


(For Relevant Legislations: vide CVLE syllabus)

CPLS 6007 Commercial and Business Law

COMPANY LAW

BILLS OF EXCHANGE


CODE DE COMMERCE

Actes de commerce: Definition, Livre de commerce, Preuve, Sociétés-Types de, Cessions, Gage, Saisie de navire (including provisions relative to ship arrests under the Merchant Shipping Act), Ranking of maritime claims.

FINANCIAL LAWS


LABOUR AND INDUSTRIAL RELATIONS

Legal framework, Industrial Court, Termination and dismissal, Trade Unions.

CPLS 6008 Criminal Procedure


*(For Relevant Legislations: vide CVLE syllabus)*

**CPLS 6009 Evidence**


**CPLS 6010 Family Law**


**CPLS 6011 Civil Procedure (Notaries)**


**CPLS 6012 Practical Aspects of Family Law**


**CPLS 6013 Practical Aspects of the Law of Immovable Property**

The Morcellement Act, Planning Development Act, Leases of Pas Géométriques and State Land, Droit de Construction, Non-Citizens (Property Restriction) Act, Investment Promotion Act and Regulations, Usufruit, Usage et Habitation, Servitude, Service Foncier (Co-propriété, Syndic), Vente d’Immeubles (Types), Contrat de Louages (Différents Types de Baux), Privilèges et hypothèques, Nantissement, Gage, Sûretés Fixes ou Flottantes, Prescription, Transcriptions et Inscriptions. Compulsory Acquisition, Board of Assessment. Privilèges : La différence entre le privilège et l’hypothèque, Mode de publicité, Privilèges généraux sur les meubles, Privilèges sur

CPLS 6014 Revenue and Taxation Laws


CPLS 6015 Conferencing

Knowledge and principles underpinning the purpose of meeting with the client, objectives of a conference and the factual, legal, procedural and evidential issues that should be raised in a conference; conduct of the conference in a structured and efficient way, follow an agenda as far as possible, Organisation of all relevant issues in a logical sequence; Identification of the strengths and weaknesses of a case, any difficulties on the evidence and law, the proposed course of action including alternative dispute resolution leaving to the client the final choice regarding the action to take.
CPLS 6016 Drafting of Legal Documents

Conceptual and analytical skills necessary to draft a variety of legal documents, Concise, appropriate, correctly spelt and appropriately punctuated drafting. Drafting of a full range of legal documents i.e. pleadings, affidavits, notices, notice and grounds of appeals, skeleton arguments, agreement reached at Mediation and other documents like simple contract, leases, divorce petition, objection to notice to petition, cross-petition, provisional measures pending divorce petition.

CPLS 6017 Ethics

Essential qualities of ethical and professional behaviour required from a legal practitioner, Understanding of the philosophical issues and purposes underlying ethical conduct in his professional life and the duty to comply with the rule of law when advising the client and conducting cases in Courts or other spheres, Code of Ethics applicable to the three branches of the profession, Breaches, Disciplinary Action: Courts Act, Law Practitioners Act, Notaries Act.

CPLS 6018 Opinion Writing

Develop the student’s skill in providing written advice to counsel and/or the instructing attorney and lay client, Give reliable and practical advice, Identify and address the needs and objectives of the client and provide a practical solution to the client's problems, Accurately identify and show a thorough grasp of all the material facts, the relevant law, the real issues, the relevant procedure, parties and evidence, the steps to be taken, Identify and ask for further information/evidence, when necessary; and use a clear and appropriate structure, dealing with each issue in a logical order.

CPLS 6019 Advocacy

Preparation, presentation and response to a case or legal argument before a court or other tribunal by enabling a prospective law practitioner: (a) to apply the relevant law, jurisprudence and principles to the facts of a case while observing the Code of Ethics; (b) to make submissions using basic advocacy skills; (c) to examine, cross-examine and re-examine witnesses. Submissions, examination and cross-examination of witnesses, use of a clear, audible and appropriate structure, dealing with each issue in a logical order, pointing out the weak points in the client’s case, anticipating the opponent’s argument and putting forward reasoned arguments to rebut them.

CPLS 6020 Rédaction des Actes

Drafting all types of legal notices and certificates. Drafting all types of contracts, leases and “locations”. Tous actes de prêts, suretés et toutes conventions y relatives. Drafting of all types of minutes of proceedings, Wills, Deeds of sale, “Partage”, Constitution de servitudes, Succession, Copropriété, Actes de notoriété, Retrait Successoral, Donations, Mandat (Procuration et Déléigation de pouvoir),Actes constitutifs de Sociétés, de Compagnies, Trust, Fondation; Fixed and Floating Charges, Caution, Guarantee.
CPLS 6021 Responsabilité Notariale


CPLS 6022 Tenue de l'Office Notarial

Comptabilité Notariale, Tenue des livres, Répertoires, Registres pour archives, Management of Office.

Disclaimer: After completion of the Law Practitioners Vocational Course, candidates will obtain a Certificate of Attendance of the University of Mauritius. However, in order to be qualified as a professional Attorney, Barrister of Notary, candidates will need to satisfy the requirements as prescribed by the Council for Vocational Legal Education.
1. List of relevant books and documents

Domingue P.R. *Introduction to Law & Legal Methods*, CPDL
Domingue P.R. *Criminal Law*, CPLD, UoM
Domingue P.R. *Evidence*, CPDL, UoM
Domingue P.R. *Human Rights*, CPDL, UoM
Gunputh R.P. *Traité de Droit Civil*, Star Publication, N.Delhi
Gunputh R.P. *La Cour Suprême de l’Ile Maurice*, Star Publication, N.Delhi
Gunputh R.P. *Labour Law & Industrial Relations Law*, CPDL, UoM
Gunputh R.P. & Co-authors *Legal Aspects of Financial Law*, CPDL, UoM
Sornum D. in collaboration with R.P.Gunputh. *Getting into International Arbitration*, EOI