

# **ANNEX 1**

**Paras. 16 & 17 of the Lallah Report**

16. With regard to Attorneys, the conduct of the relevant examinations and their certification fall within the responsibility of the Chief Justice who, for this purpose, appoints an Examination Committee. The qualifications are the passing of intermediate and final examinations coupled with 5 years' service as an articled clerk with an Attorney.<sup>(7)</sup> The period of articleship is reduced to 3 years in the case of a person who has been called to the Bar or has obtained a degree in Great Britain. In the case of a Barrister who has had at least 5 years practice, he is exempted from articleship and also from the intermediate examination.<sup>(8)</sup> In the case of a person who has passed the Notarial examinations, his period of articleship is reduced to 2 years.<sup>(9)</sup> The syllabus for those examinations is geared to a practical knowledge of the civil and commercial laws (criminal law being optional), civil and criminal procedure, evidence, the organisation and jurisdiction of the Courts, and statutory interpretation. Although the syllabus comprises solely Mauritian law, it was designed as one leading towards vocational qualification and not towards an academic and wide-ranging knowledge of Mauritian law. The Examination Committee consists of practitioners under the Chairmanship of a Judge<sup>(10)</sup> and the questions set are necessarily of a practical nature.

17. As far as Notaries are concerned, their number is limited by law to 30.<sup>(11)</sup> Their appointment is made by a commission issued by the Prime Minister, after consultation with the Attorney-General,<sup>(12)</sup> from among persons who have received a certificate of proficiency delivered by a Board of Examiners composed of the

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(7) See Rules 2, 3, 9 and the Second Schedule of the Attorneys (Admission Rules 1961.

(8) Rule 15 *ibid.*

(9) Rule 16 *ibid.*

(10) Rule 10 *ibid.*

(11) Section 11 of the Notaries Act.

(12) Section 9, *ibid.*

Attorney-General or his representative, the Master and Registrar, the Conservator of Mortgages, three Notaries selected by the Chamber of Notaries and a Barrister.<sup>(13)</sup> No person can be admitted to take the relevant examinations unless he has been articled as a clerk to a Notary for a period of 6 years or for the shorter period of 2 years where he has practised as a Barrister or an Attorney for at least 5 years.<sup>(14)</sup> It should be noted that the law does not lay down any syllabus other than the passing of "an examination in law"<sup>(15)</sup> with the result that it is the Board of Examiners which determines in what particular subjects questions are to be set. It is our understanding, however, that candidates are examined in civil and commercial law and those laws that are particularly relevant in the practice of a Notary, such as the Notaries Act and enactments governing Transcription, Mortgages, Prescription, Registration, Successions, Donations, Wills, Restrictions on purchase of property and Hire Purchase. It should also be noted that there are no written examinations and that these are conducted orally and in public.<sup>(16)</sup> It is our understanding that this oral examination does not in practice last more than 2 to 3 hours. Lastly, a particular feature is that, unlike the case of candidates reading for the Bar or the Attorney's examination there is no minimum secondary school qualification, such as the Cambridge School Certificate or the General Certificate of Education.

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(13) Sections 4 and 5, *ibid.*

(14) Section 7, *ibid.*

(15) Section 4 (d), *ibid.*

(16) Section 6, *ibid.*