

11th July 2019

The Right Honourable The Lord Phillips of Worth Matravers, KG, PC

Chairperson

High Level Committee of Experts

Your Lordship,

**RE: SUGGESTIONS FOR THE VOCATIONAL COURSE AND EXAMINATIONS**

**- NOTARY STREAM**

I am addressing you on behalf of all the students of the Notary Stream of the Law Practitioners Vocational Course ("LPVC") year 2019.

Following your appointment as the Chairperson of the High Level Committee of Experts to review the running of the courses and examinations for admission to practice law in Mauritius, we are hereby submitting for the consideration of the committee our observations and suggestions for the Notary Stream.

Looking forward to your collaboration,

Yours faithfully,



Vanessa Athaw

Class Representative of the "LPVC" 2019 - Notary Stream

Enc. Vocational Examinations - September 2018 (Annex 1), Instructions for Notaries' Examination, 2018 (Annex 2), The "LPVC" 2019 Syllabus and Course Structure (Annex 3) and The Notaries' Examination - September 2018 Paper VI - Revenue and Taxation Laws (Annex 4).

## **OBSERVATIONS AND SUGGESTIONS FOR THE NOTARY STREAM**

### **I. GENERAL OBSERVATIONS AND SUGGESTIONS**

1. We have observed a lack of compatibility between what is taught in class by lecturers and what is set in the examination papers. We suggest that the one who teaches the subjects should be the one who sets the paper, otherwise, more communication should be held between these two persons.
2. We suggest that the Code Civil Mauricien be authorised at the examination.
3. We request for an Examiners' Report every year with details as to what was expected from the candidates for each question set in all the eight papers.
4. We suggest that the persons setting the examination papers try each question within the time allocation of 45 minutes per question prior to submitting these questions to the approval of the Board of Examiners.
5. We propose that the "LPVC" starts early January and the Vocational Examinations be held in December in order to have an entire year.
6. We suggest that the time table of the Vocational Examinations be spread over a longer span of time. Presently, the examination is held over two weeks with four papers per week (please refer to Annex 1). We request for at least one day off in between each paper, in order to recover from any sleepless night fatigue from previous examinations.
7. We suggest that candidates securing at least 60% in any given paper(s) deem not be required to sit for these same paper(s) the next following year (please refer to item 6 in page 2 of Annex 2).
8. We propose that the maximum number of six attempts for the Vocational Examinations be removed from the examination rules (please refer to item 8 in page 3 of Annex 2).
9. We suggest that candidates obtaining 50% or more of the aggregate of marks in all the papers be exempted from attending the "LPVC" provided by the accredited person (please refer to item 9 in page 3 of Annex 2).

10. We request that examination papers be put online on the Supreme Court website at latest three months after each examination.
11. We also feel concerned about the fees of the “LPVC” which have inexplicably increased. We request that such fees be reduced by at least Rs 20,000 so as to make it more affordable to students from different socioeconomic backgrounds.

## **II. OBSERVATIONS AND SUGGESTIONS FOR SPECIFIC MODULES/PAPERS**

### 12. Module: Conferencing

The course structure (please refer to page 3 of Annex 3) shows a 30-hour course. The syllabus can be read at page 8 of Annex 3. This module is a non-examinable one. Presently, lectures are not conducted for this module. We suggest that this module be removed from the course structure and the syllabus.

### 13. Module: Drafting of all legal documents

The course structure (please refer to page 3 of Annex 3) shows a 30-hour course. This module is a non-examinable one. Paper V - Drafting (please refer to page 1 of Annex 2) corresponds to the module Rédaction des actes (hereunder discussed in paragraph 17). All the three streams (Attorney, Barrister and Notary) have to attend the same lectures. The syllabus (please refer to page 9 of Annex 3) reads topics which are only geared towards the Attorney and Barrister Streams. We thus deem this module to be immaterial to the Notary Stream. We suggest that this module be removed from the course structure and the syllabus.

### 14. Module: Opinion writing

The course structure (please refer to page 3 of Annex 3) shows a 30-hour course. The syllabus can be read at page 9 of Annex 3. All the three streams (Attorney, Barrister and Notary) have to attend the same lectures. Presently, the lectures for this module are more geared towards the Attorney and Barrister Streams. We suggest that this module be conducted separately by a Notary with a more appropriate syllabus for the Notary Stream.

### 15. Module: Civil procedure

The course structure (please refer to page 3 of Annex 3) shows a 45-hour course. The syllabus can be read at page 7 of Annex 3. We deem this module to be quite immaterial to the notarial profession, as in real life scenarios, a Notary would refer to an Attorney for rules of civil

procedure, in just the same way as, an Attorney would refer to a Notary for the drafting of a notarial deed. We suggest that this module be removed from the course structure, the syllabus and the examination, otherwise, to make it a non-examinable module.

16. Module: Practical aspects of family law

The course structure (please refer to page 3 of Annex 3) shows a 30-hour course. The syllabus can be read at page 7 of Annex 3. Family law is one of the most important topics for the Notary Stream and questions relating to this topic are found in almost all the examination papers. We thus deem the number of hours allocated to this module to be insufficient. We suggest that the number of hours allocated to family law be increased from 30 hours to 60 hours.

17. Module: Rédaction des actes

The course structure (please refer to page 3 of Annex 3) shows a 30-hour course. The syllabus can be read at page 9 of Annex 3. The examination paper for this module is Paper V - Drafting (please refer to page 1 of Annex 2). Rédaction des actes, being the day in, day out of the notarial profession, we deem the number of hours allocated to this module to be insufficient. We suggest that the number of hours allocated to this module be increased from 30 hours to 60 hours.

Additionally, we find some of the questions set in the examination papers to be lengthy. We suggest that the questions be structured in such a way so as to make an answer possible within the time allocation of 45 minutes per question, otherwise, to answer three questions instead of four questions for this paper.

18. Module: Revenue and taxation laws

The course structure (please refer to page 3 of Annex 3) shows a 39-hour course. The syllabus can be read at page 8 of Annex 3. We find some of the questions set in the examination papers to be lengthy, for instance, Question 1 and Question 4 of year 2018 (please refer to pages 2 to 5 in Annex 4) are each divided into 13 parts, making it very difficult to be answered within the time allocation of 45 minutes per question. We suggest that the number of parts per question be divided or subdivided into a reasonable number of parts so as to make an answer possible within the time allocation of 45 minutes per question.

*- Thank you -*