



GUIDELINES

For Mini Pupils, Pupil Barristers & New Callees



Approved by the Council for Vocational & Legal Education

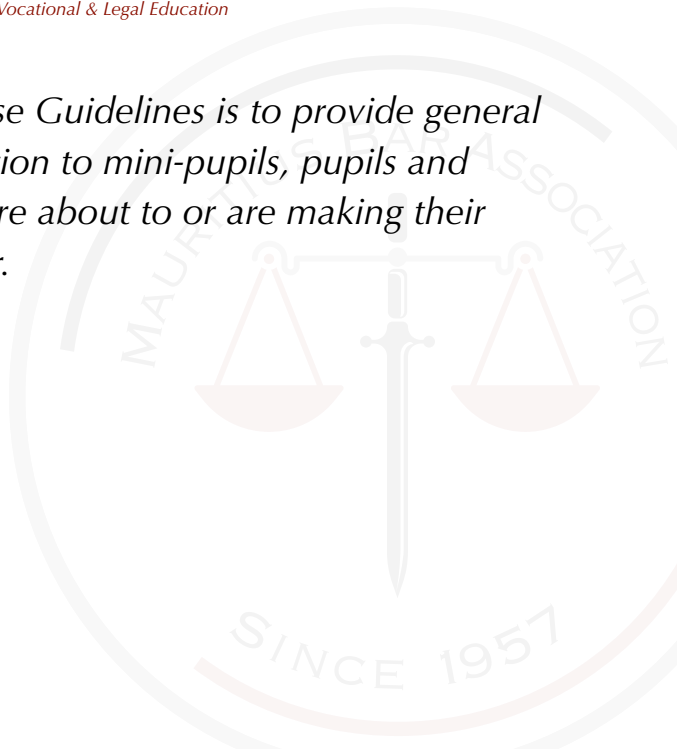


GUIDELINES

For Mini Pupils, Pupil Barristers & New Callees

 Approved by the Council for Vocational & Legal Education

The purpose of these Guidelines is to provide general and useful information to mini-pupils, pupils and new callees, who are about to or are making their first steps at the Bar.



Message of the Chairperson

It gives me immense pleasure to pen this preface to the “Guidelines for mini-pupils, pupils and new callees”. This publication, which was long overdue, comes to fill a vacuum.

When we took office in January 2021, these guidelines were almost ready. We are, therefore, very grateful to the outgoing Council and the Young Bar Committee for the remarkable work undertaken to make this project a reality. We are also particularly thankful to the Council for Vocational Legal Education(CVLE) for approving this document.

Mini-pupils, pupils and new callees need special support and assistance. Until now, there were no set guidelines resulting in them operating in a more or less haphazard manner. Henceforth, this document will serve as a requisite and complement our Code of Ethics.

This booklet will prove to be a very useful tool for both those aspiring to embark as well as those who have recently embarked on the legal profession. With the growing number of Barristers being called every year and the increasing number of persons showing interest in the profession, these guidelines will assume all their importance.

Pupillage is the last step before swearing in as a Barrister and it is during this period that one learns the basics of the profession. New callees need to make sure that they start off on the right footing. I am confident that these guidelines will significantly assist in both endeavours.

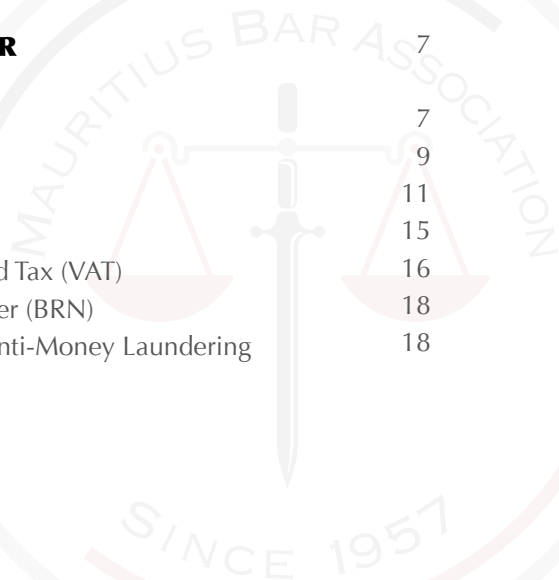
YATIN VARMA

Chairperson - Mauritius Bar Council

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1. PUPILLAGE

1.1. Documentation

Pupillage is the final step after the Bar course to qualify as a barrister and practice in Mauritius.

Before enrolling as a pupil in Mauritius, the following documents must be ready for submission:

- i. Birth Certificate;
- ii. Marriage Certificate, if any;
- iii. Certificate of nationality, if any;
- iv. Law Degree/ LLB/ GDL certificate;
- v. BPTC certificate
- vi. Any other relevant documentation pertaining to civil status and/or education and qualification.

1.2. Law Practitioners Act 1984

Section 5 of the Law Practitioners Act 1984 (the 'LPA') provides that pupillage has to be undergone under the supervision of:

- (a) a pupil master designated by the Council [of Vocational and Legal Education] with the consent of the pupil master, where the pupillage is undergone in Mauritius; and/or
- (b) a pupil master proposed by the pupil and approved by the Council [of Vocational and Legal Education] where the pupillage is undergone outside Mauritius.

Furthermore, section 5A of the LPA provides that a pupil master must have at least 15 years standing at the Bar and must be registered as such.

1.3. Duration of pupillage

Prospective barristers who qualify in Mauritius must complete their pupillage at:

- (a) the chambers of a barrister for 9 months; or
- (b) the chambers of a barrister for 3 months and a barrister in a law firm for 6 months,
and the office of an attorney for 3 consecutive months.

The pupillage of prospective barristers who qualify in England and Wales, Australia, New Zealand, Canada or France must consist of:

- (a) attachment for a period of not less than 12 months to the chambers of a barrister of not less than 15 years' standing in the State in which he qualified; or
- (b) attachment for an aggregate period of not less than 9 months to the chambers of one or more barrister of not less than 15 years' standing in Mauritius, England and Wales, Australia, New Zealand, Canada or France, and of attachment for a consecutive period of not less than 3 months to the office of an attorney in Mauritius; and
- (c) Pupil masters must at the end of each period of pupillage provide a **pupillage report** of the work undertaken by their pupils which will be submitted to the CVLE.

1.4. Enrolling as a pupil

In order to commence pupillage, a prospective pupil must first register with the Council of Vocational and Legal Education (CVLE) and state under whose supervision he/she will undertake pupillage, after having obtained the consent of the prospective pupil master in writing.

The following documents are required to register as a pupil:

- (a) law degree and call certificate;
- (b) letter from pupil master stating the period (and exact dates) for which the pupil will be undertaking pupillage under his/her direct supervision;
- (c) letter addressed to the CVLE requesting for permission to begin pupillage under the supervision of the selected pupil master.

It is important to note that pupil masters cannot have more than 3 pupils under their supervision at once. It is hence the pupil's responsibility when applying for pupillage to ensure that his/her pupil master is available on the dates he/she intends to undergo pupillage with them.

The computation of time must be carefully respected out to avoid disappointment and the risk of missing the call ceremony. Since weekends are included when computing the pupillage period, it is advisable to avoid ending pupillage on a Friday.

In addition to the formalities at the level of the CVLE, pupils must register with the Institute for Judicial and Legal Studies (IJLS) to follow the course for prospective barristers before the call ceremony. The fee for the course is MUR 5,000. Full attendance of the course is mandatory.

1.5. Conduct

Pupils and mini-pupils must share the same court etiquette and ethics as barristers. This includes but is not limited to:

- Dressing neatly in formal wear;
- Respecting the court decorum;
- Respecting fellow pupils and mini-pupils, court staff, members of the Bar and of the profession;
- Behave in a manner so as not to cause disrepute to the profession

- at all times;
- Ensuring that mobile phones are on silent mode and do not disrupt Court proceedings.

Pupils have no right of audience except in the presence of their pupil master after completing 6 months of pupillage. However, pupils must be suitably attired and this right of audience is limited to formal matters in the District, Intermediate and Industrial Courts.

2. ADMISSION PROCEDURE

2.1. Application for admission

Section 6 of the LPA provides that to be admitted to practise law in Mauritius; a written application must be made, addressed to the Chief Justice and lodged with the Registrar.

This application is made by way of a Proceipe accompanied with an affidavit and the relevant documents annexed to it.

The documents to be annexed to the affidavit are:

- (1) Evidence of Citizenship (Certificate of Citizenship or original Birth Certificate). In the event that that the pupil was not born in Mauritius and is a Mauritian by descent, he/she may need to affirm an additional affidavit to explain his/her personal circumstances;
- (2) Original marriage certificate, if any;
- (3) Certificate of Character – for guidance on the application procedure, consult the following website: <http://police.govmu.org/English/Pages/App-character- certificate.aspx>

- (4) Certified true copies of qualifications (Law Degree; BPTC certificate, Call Certificate);
- (5) Letters of pupillage completion by pupil masters; together with pupillage reports
- (6) Certified true copy of IJLS Certificate after completion of the course for prospective barristers;
- (7) In the event that the name on the pupil's certificates is not the one that will be used for the call, an additional affidavit may have to be affirmed to explain the change, for example, in case of marriage, divorce, change of name.

Pupils who qualify in Mauritius must obtain their Bar Certificate from the CVLE with their names inscribed in calligraphy at an average cost of MUR 500.

The following checklist is recommended when making an application:

- (1) Verification of the affidavit and documents annexed at the affidavit section in the Supreme Court;
- (2) Payment of court fees and posting up fees;
- (3) Affidavit to be duly signed by the Attorney at Law, the Deponent and the Chief Registrar/ Registrar;
- (4) Signing of affidavit by an attorney, the deponent and the Chief Registrar/Registrar;
- (5) Swearing of affidavit before the Chief Registrar or any officer deputed by him/her

- (6) Preparation of 4 certified true copies of the original proceipe, affidavit and relevant documents (all pages to be certified);
- (7) Submission of application to the Correspondence Section of the Supreme Court on 4th Floor, Astor Court, Port Louis. One copy will be sent to the Attorney General; one to the CVLE; and two copies to the Registry of the Supreme Court for posting up.

Posting up must be effected at least 15 days prior to the date of the Call Ceremony.

It is also strongly advised to liaise with the office of the Chief Justice to confirm the formal pre-call procedure as these may vary from one Call Ceremony to another.

2.2. Presentation

Prospective barristers will be called to a meeting at the Attorney General's Office, in the presence of the Attorney General and other senior members of his Office before the Call Ceremony. They must be formally dressed and punctual.

2.3. Call Day

There are usually two call ceremonies per calendar year: one in January and one in September. Call day is usually scheduled on the third Friday of the month at 2 p.m. However, this may be subject to change as it is the prerogative of the Chief Justice to decide on the number of calls as well as the date and timings of the call ceremony.

Callees need to be properly and formally dressed in their barrister's attire. The Call Ceremony is a formal court sitting, and Court Etiquette must be followed at all times.

Family members may attend the Call Ceremony. However, there are limited seats inside the courtroom. Those attending the Call ceremony also have to be dressed formally for the occasion, and will need to respect the decorum of the Court. Photographs are not allowed during the Ceremony.

2.4. Costs & expenses

The relevant fees for the Call Ceremony are:

- (a) Affidavit (MUR 350 court fees + MUR 150 posting up)..... MUR 500
- (b) Call Ceremony fees:..... MUR 5,000
- (c) MBA Membership..... MUR 2,000
- (d) IJLS Fees:..... MUR 5,000

Barristers' card

Upon settling the membership fees at the MBA, a copy of the new callees NIC and a passport photograph must also be provided to be issued with a Barristers' card which is essential for professional activities especially when attending detention centers and police stations.

3. PRACTISING AT THE BAR

3.1. Court Attire

Good personal hygiene is important. It is essential to be clean and properly groomed at all times. Outlandish hairstyles, eccentric make up, visible body piercings and tattoos are not favoured in the conservative setting of the Court.

Robes, collars, bands and collarettes should be pressed as often as possible, and kept clean and tidy.

Appearance in court is not a fashion parade. Bright and distractive colours and patterns can be distracting for the Bench. Short-sleeved shirts or blouses, stringy or strapless tops and loose ties are not recommended. Colours should be conservative, and subdued.

For Men:

- ❖ Male barristers must always wear a suit, buttons tied with a long sleeved court shirt underneath and a collar and gown.
- ❖ Black or dark coloured suit are recommended. Designs such as stripes or checkers should be discreet or otherwise avoided.
- ❖ A second formal shirt and tie in the office for outside court appearances or appearances before Tribunals;
- ❖ Black or any dark coloured formal shoes must be worn
- ❖ Socks must be dark and not eye-catching.
- ❖ Properly groomed and well shaved

For Women:

- ❖ Female Barristers are encouraged to wear dark coloured outfits at all times;
- ❖ Dark coloured dresses, trousers and skirts with white blouses are recommended;
- ❖ The length of dresses/skirts must be reasonable and proper in accordance with the decorum of the court.
- ❖ Women who wear sarees or traditional wear are exempted from wearing blazers but these outfits must be black and white or dark coloured and be as formal as possible. The collarette and gown still need to be worn.
- ❖ Shoes must be appropriate for court, dark coloured as and formal as possible. Fancy, bright and eccentric shoes must not be worn inside the courtroom.

In the event that special shoes are worn for health reasons, it is good practice to inform the Court beforehand.

When and where to wear the barrister's gown?

The barrister's gown and Court attire must only be worn in the courtrooms.

Gowns, collars, collarettes and bands are meant to be worn **only** inside the courtroom. They should not be worn on the streets, in the car whilst driving, in other public places or to give interviews. However, given that most Courts do not have robing rooms, it is understandable that collars, collarettes and bands may be worn prior to entering the building housing the courtroom. However, the gown should only be put on once inside the building before entering the courtroom but not inside the courtroom, especially after court proceedings have begun.

Reasonable care should be taken to remove the gown after Court, outside the courtroom, before proceeding to the office or another Court. Despite the close vicinity of certain courts, the gown must be removed whilst moving in between court buildings.

Barristers should not wear their court attire at police stations, prison, on TV, the web or radio programmes or any other public place.

Collars, bands, collarettes and gowns are also worn in formal matters and the Master's Court. The gown, collar and band need not be worn in Chambers matters or in Tribunals. Nonetheless, a black or dark coloured suit remains compulsory with no eye-catching designs and colours.

Barristers attending memorial services held in the Supreme Court for a deceased colleague and or member of the Bench must wear Court attire.

3.2. Etiquette and Discipline

Etiquette must be respected and followed at all times.

After being called to the Bar, it is important to “meet and greet” peers. It is good practice to visit and introduce oneself to other members of the Bar and attorneys. Should a prior introduction not have been possible, one must introduce oneself to his senior opponent when appearing in court.

It is also good practice to greet members of the Bench before appearing before them, even if you were introduced previously. If a barrister has not appeared before a Bench for some time, he should go to see the member of the bench in chambers before his case and informing the bench that he is back in practice. Introduction to the members of the Attorney General’s Office does not dispense a Barrister from introducing himself when the person is appointed to the Bench.

Barristers must use social media with **utmost caution** in a way not to bring the profession into disrepute nor to diminish public confidence in the profession, whether they are acting in their professional or personal character. It includes not publishing defamatory, incendiary, disrespectful, racist, sexist, communal, unethical, vulgar comments or posts online as well as not posting articles or pictures which are defamatory, incendiary, disrespectful, racist, sexist, communal, unethical or vulgar.

Publicity of legal services is **not allowed** on social media or through any other means.

Barristers attending memorial services held by the Supreme Court for a deceased colleague and or member of the Bench must stand up when the representative of the Bar addresses the Court.

Addressing the Court

- District and Intermediate courts – “Your Honour”
- Supreme Court and Judge in Chambers – My Lady/Your Ladyship – My Lord/Your Lordship
- Tribunals – Mr or Mrs the Chairperson or “May it please the Tribunal”
- Disciplinary Committees/Hearings in Municipalities/District Councils: - “May it please the Chair” or “Mr or Mrs the Chairperson”.

Replacing another barrister

- Be cautious of which motion to make in court while replacing colleagues. If a barrister is replacing another one, he/she must be familiar with the brief and take prior instructions.
- If a barrister is replacing a colleague - who is unwell, for instance - without having instructions to conduct the case, he/she should inform the Court at the earliest opportunity.

3.3. Court Decorum

A barrister must be prepared for his/her court appearance and know the brief. Strategy planning and practice on delivery in Court is paramount. Court practices and procedures must be taken into account and guidance may be sought from more senior colleagues.

Punctuality is important. If a barrister runs late, he/she must inform the Court and his/her opponent by sending a letter or an email, or making a telephone call and/or requesting a colleague to replace.

All electronic devices must be on silent mode.

Clients must as far as possible be made aware of the dress code and court decorum.

Barristers should be honourable and trustworthy when dealing with the Court, clients and even opponents. Any contrary conduct may lead to irreparable damage to one's reputation.

Entering Court

Barristers should be silent on entering Court and during sittings.

Barristers should also bow respectfully before taking their seats. The bow is a respectful and measured bent forward of the head and/or body.

Addressing the Court

The bench is the main focal point. Rise immediately when the judge or magistrate enters and leaves the courtroom.

Announce your appearance in a clear, and respectfully loud voice according to the protocol.

Avoid familiar introductions like "Good Morning Your honour". Counsel should not wish Happy XYZ festival to the Court during a court sitting. He/she can only respond courteously to such a Wish if coming from the Court.

Never address the Court in the second person, i.e. "As You said...". Remain polite to the judge or magistrate, opposing counsel and the court staff.

Stand promptly when addressing the court. Do not address the court in a seated position unless so ordered. Sit down when your opponent stands up for an objection or a motion.

Do not interrupt or speak over others while they are talking. Direct all submissions and remarks to the bench and not to the opposing counsel.

Address the court courteously and elegantly instead of being too direct: - “Is that a convenient time for Your Honour? Rather than “Do you stop for lunch now?” and “I invite Your Honour to turn to document 45 of the bundle..” and then wait, instead of “Now just look at document page 20...”.

Be uncompromisingly ethical in every respect. It is a barrister’s duty not to mislead the Court and to correct any misleading statement made to the Court.

Present arguments to the Court but do not argue with the Court. Remember that the Court will always have the last word. Hence, always be mindful of only putting the legal argument forward and, at times, take it on appeal if you do not succeed.

Know and be confident using court terminology.

Use good plain English and French.

It is also good practice to be familiar with certain Latin terminology.

Always be professional and not overfamiliar.

In Court:

Be respectful when one’s opponent is on his/her feet or when he/she is addressing the Court.

Stand promptly when making a statement or raising an objection.

The Court may opt to call and listen to a Senior’s case out of turn.

Leaving Court:

It is courteous to seek the Court's permission before leaving.

Should you be the last barrister in Court, it is customary not to leave until the Magistrate or Judge raises Court except when you have other urgent matters to attend to, such as other cases. In such an eventuality, you are required to inform the Magistrate or Judge of your other professional commitments and await their permission before taking leave.

After Court:

Know how to manage conflicting obligations on one's agenda.

Address a Judge or magistrate respectfully even outside court.

When coming across a member of the Judiciary on the streets, there is no need to shout high pitched greetings. A gentle nod or at most a softly spoken Good morning Your Honour or My Lord/My Lady will suffice.

Avoid calling members of the Judiciary by name specially in public and avoid being familiar with members of the Judiciary in public.

Do not touch a member of the judiciary to get his/her attention. Wait for him/her to see you or take an appointment with him/her. Do not run after or jump at the Judge or Magistrate.

Do not discuss the merits of a case with the judge or magistrate in the absence of opposing Counsel in chambers or in public.

Communicate courteously with your opponent. Aggressive communication is a form of bullying and is inappropriate and unprofessional.

Do not publicly discuss a client's case. You should definitely not refer to the names of the parties.

Complaints in relation to Court proceedings

If any issue arises in relation to the conduct of a Magistrate or Judge and/or the court staff, a barrister may, at the earliest opportunity, inform the Master and Registrar of it as soon as possible, who will deal with the matter.

If a barrister has an issue with another barrister or an attorney which the parties involved cannot resolve amicably, he/she may report the matter to the Bar Council or the Mauritius Law Society respectively, as the case may be.

The Master and Registrar and relevant institutions will handle and take appropriate action, if necessary. Under no circumstances should a barrister show a propensity to be physically or verbally violent towards any other individual, especially in public.

3.4. Legal Aid

Registration for legal aid cases

Once a barrister is on the roll of barristers, he/she is eligible to be appointed in forma pauperis (IFP) as counsel, i.e. to appear in legal aid cases. He/she may nonetheless inform Presiding Magistrates of the Intermediate Court and District Courts of his/her interest to appear in legal aid cases.

To be appointed in forma pauperis in Supreme Court matters, including the Family Division, one must register at the Legal Aid Office which is on the ground floor of the New Court House building.

Conduct in legal aid cases

In certain cases such as those before the Family Division of the Supreme Court, once a barrister is appointed as counsel for a party, he/she must interview that party and give his/her written opinion on whether he/she has reasonable grounds to proceed.

In a legal aid case, a barrister cannot, unless having obtained prior authorisation from the court, and in exceptional circumstances only:

1. be replaced by another one; and/or
2. make a motion to withdraw on behalf of another barrister who has been appointed as counsel. (n.b. this second condition applies not only to legal aid cases but to all cases)

Claiming legal aid fees

A barrister is entitled to counsel fees after conducting a legal aid case.

To claim his/her fees, he/she must address a covering letter to the Chief Finance Officer of the Judiciary Finance Department, Astor Court, Port Louis and fill in the 'recapitulation of IFP form'

A sample letter for reference only is annexed as ANNEX A.

3.5. Income Tax and Value Added Tax (VAT) Income Tax

A barrister deriving income from his/her profession must:

1. be registered with and obtain from the Mauritius Revenue Authority (MRA) a Tax Account Number (TAN)
2. issue an invoice to clients following payment of fees;

3. once he/she is registered with the MRA, complete and submit his/her annual income tax return form at the end of every financial year.

Barristers are advised to verify the applicable income tax rate(s) at the time of submission of their income tax return. It varies according to the income derived during the financial year.

Value Added Tax (VAT)

Barristers having more than two years' standing at the Bar must:

1. be VAT registered with and obtain a VAT registration Number from the MRA;
2. issue a VAT invoice to clients following payment of fees;
3. submit their VAT return to the MRA by the twentieth day of the month after each of the following quarters:
 - (i) January to March;
 - (ii) April to June;
 - (iii) July to September; and
 - (iv) October to December

The current VAT rate is 15%. A barrister who issues a VAT invoice shall keep legible copies thereof, either electronically or otherwise, in chronological order.

Every copy of a VAT invoice shall be kept for a period of at least 5 years after the completion of the transaction to which it relates.

A sample VAT invoice for reference only is annexed as ANNEX B.

3.6. Business Registration Number (BRN)

Barristers must obtain a Business Registration Number from the Companies Division at One Cathedral Square building.

The following information is required to apply for a BRN:

1. Barrister's name;
2. The general nature of business and its location;
3. Date or proposed date of commencement of business;
4. Address of the principal place of business;
5. Postal address;
6. Workforce, if any;
7. Telephone number, fax number and email address;
8. A registration fee of MUR100 is payable for individual barristers.

3.7. Financial Intelligence and Anti-Money Laundering

Barristers are advised to familiarise themselves with their obligations under the Financial Intelligence and Anti-Money Laundering Act 2002, particularly the reporting duties to the Financial Intelligence Unit, in the fight against money laundering.

[Date]

**The Officer in Charge
Legal Aid
(Finance Section)**

Dear Sir/Madam,

RE: Claim(s) for Legal Aid cases refund

I was appointed as barrister in the In Forma Pauperis cases annexed, and would be grateful if the relevant payments could be effected.

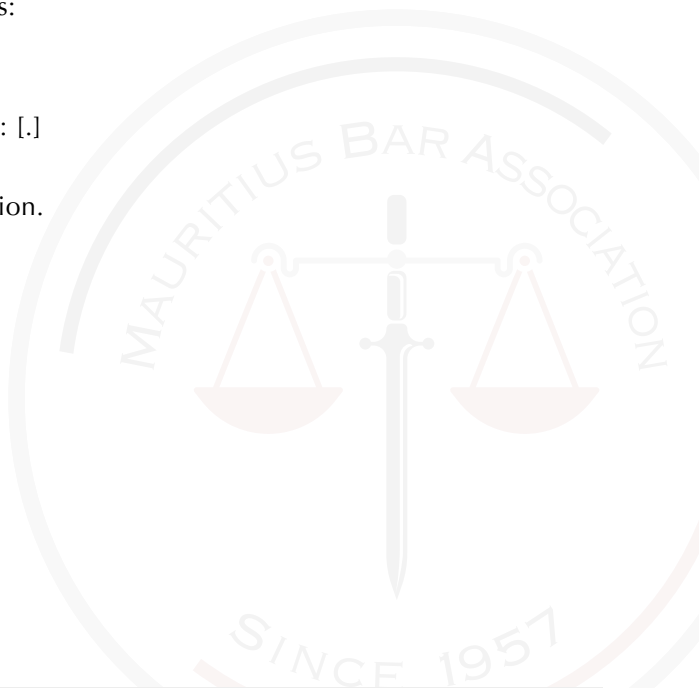
My details are as follows:

- Tan No. [.]
- Bank Account: [.]

I thank you in anticipation.

Yours faithfully,

Signature
[Name of barrister]



VAT INVOICE**To:**

[client name and address]

Client VAT No

Client BRN

Date: 02.07.2021**Ref: INV02072021xxx**

Detailst	Amount MUR
Details of service provided	10,000
Vat @ 15%	1,500
Total	11,500

Please draw the cheque to the name of A. Barrister**Or Bank Transfer:****[Bank details]****Account no. xxxx**

Kindly settle the amount at your earliest

With Thanks and Compliments,

A. Barrister

[signature]

A. Barrister [Full name]

[your VAT number]

[your BRN]



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