

CUSTOMER CHARTER

1. INTRODUCTION

This Customer Service Charter for Court users is designed to inform Court users of the structure and functioning of the Judiciary and highlights the various services provided to Court users. The Charter also provides basic information about Court systems, procedures and measures put in place to facilitate administrative formalities, be more user friendly, effective and responsive to the needs of all Court users in order to achieve the goals and objectives of the Judiciary.

2. **Our Mission** is to facilitate access of the public to justice

3. Overview of the Court System

The Judiciary comprises of the **Supreme Court**, which includes **the Civil Division, the Family Court, the Commercial Division, the Mediation Division, the Assizes and the Subordinate Courts.**

The Hon. Chief Justice is the head of the Judiciary and The Master and Registrar and Judge in Bankruptcy is the Supervising and Accounting Officer.

Matters requiring celerity and urgency are dealt with by a Judge sitting at Chambers.

The Rules provide that in **civil proceedings**, a litigant has to be represented by an Attorney at law. However, under special circumstances leave may be granted to a party to appear in person.

4. **The Subordinate Courts** comprise of the **Intermediate Court, the Industrial Court, the District Courts and the BRC/Week End Court.**

5. Hours of business:

Weekdays 9 a.m. to 3.30 p.m. with a half hour break for lunch

Saturdays 9 a.m. to noon

Each district has one District Court except for the District of Plaines Wilhems which has two distinct Courts (Rose Hill and Curepipe) and Port Louis District which sits in 3 Divisions.

The District Court, inter alia, has the exclusive jurisdiction to deal with cases under **The Domestic Violence Act** and to sit as a **Small Claims Tribunal** dealing with claims less than Rs. 25,000 and not more than 1 year old.

However the District Magistrate may sit as “Juge de Paix” in that if you have any family/relationship/neighbourhood problem and you do not want to report the matter to the Police or to enter a case in Court, you may call on the District Magistrate in your district to, try to amicably resolve the problem.

6. The Bail and Remand Court deals with applications for bail made by accused parties on remand and for remanding of suspects. Proceedings are conducted through video conferencing and prisoners do not have to be physically present in court.

If bail is granted, procedures for the release of the detainee are carried out at the District Court where accused was originally charged.

The Bail and Remand Court **also** sits as Weekend Court on Saturdays, Sundays and Public Holidays between 10 hrs and 14 hrs.

7. Refund of Securities

If you stood as surety for the release of bail of an accused party, you will be refunded your deposit only after the case is over and the bail has lapsed. There may be no refund in case bail has been estreated, for example, if the accused has failed to appear in Court.

In case of a conditional discharge, the refund will be effected within 15 days of the expiry of the Conditional Discharge provided there has been no breach of condition. For security furnished to prosecute appeal, a refund will be made about one month after the judgment only if the appeal is allowed. If the appeal is dismissed, a refund will be effected after the Bill of Costs has been settled or adjusted

8. The Industrial Court has exclusive jurisdiction to deal with matters and claims between employer and employee. It also has power to determine offences under the Occupational Health and Safety Act and Claims under the Workmen’s Compensation Act.

9. Review of the decision of the Industrial Court.

An aggrieved party has either a right of appeal against the judgment within 21 days or a right to apply to the Honourable Chief Justice for a review of the judgment within six weeks of the judgment.

10. Pleading guilty by letter

For Road Traffic Offences punishable by a fine only, an accused party may plead guilty to the offence charged by filling in the guilty letter accompanying the notice. The guilty letter should reach the relevant Court at least 3 days before the scheduled date. It will be the responsibility of the accused party to enquire about the outcome of the case and to pay the fine imposed. Fines should be paid forthwith unless a delay is granted. In case of non-payment a Warrant of Arrest may be issued.

11. Summons to party charged/ Witness

Upon service of a summons to party charged or witness, the party should personally attend Court. In case of default, a warrant of arrest may be issued and witness may be fined.

It is highly advisable for every Court user to bring along any document available in relation to the Court case he is enquiring about as well as his identity card This will facilitate searches and prevent undue delay.

The Chief Court Officer/Court Manager or any Court Officer will oblige any court user in his enquiries.

An accused party has a right to counsel of his choice to take up his defence.

If you have a Court case or if you are summoned as a witness, you are advised to either consult the daily roll of cases or contact the Registry of the Court or the Court Usher who will provide assistance.

12. Warrant of Arrest against an accused party

An accused party who fails to attend Court, a warrant of arrest may be issued against him; and in case of subsequent absences, he may be remanded to jail pending his trial or required to furnish security for his release to ensure future appearance.

If you are unable to attend for any valid reason, you should give advance notice to the Court, otherwise you should give priority to your Court case.

13. Civil Cases

In civil cases, a defendant who fails to appear in pursuance of a summons or at subsequent sitting may have a judgment recorded in his absence.

14. Proceedings in Court

You are advised to be decently dressed.

If you are an accused party, you may conduct your own defence. You have the right to summon your witnesses. Such application should be filed at the Registry at least 8 days before the trial date upon payment of the prescribed fee.

Witnesses summoned to depose in **criminal cases** are entitled, to an attendance fee and refund of bus fares. The witness is advised to have his attendance duly certified by the Court Usher and the summons taxed by a Court Officer before claiming payment from the District/Treasury/Cashier or from the party at whose request the summons has been issued.

15. Free Legal Aid

Qualification:- An Applicant's revenue should be less than Rs 10,000 per month and is not worth more than Rs 500,000.

16. Authority responsible to deal with free legal aid application:-

- (i) The District Magistrate in a District Court;
- (ii) The President of the Intermediate Court; and
- (iii) The Honourable Senior Puisne Judge at the Supreme Court.

The Intermediate Court will grant legal aid to accused parties in cases of serious crimes

Before the Assizes Court, an accused party is, upon application, granted free legal aid.

17. Legal Aid in criminal appeal

On the day of judgment itself, the convicted party must give notice to the Magistrate to appeal in forma pauperis. The record is sent to the Hon Chief Justice for consideration and depending on the merits of the case, Counsel and Attorney are appointed to formulate written grounds of appeal.

18. Swearing of Affidavits

Any Court Officer in a District Court designated by the Honourable Chief Justice may act as Commissioner of oath concurrently with the District Magistrate.

For the Supreme Court, the swearing of affidavits before a Commissioner of Oath takes place at the ground floor of the New Court House, Port Louis

19. Wills (Article 970 of the Civil Code)

Olographic wills are deposited in Chambers before the Master and Registrar after the death of the author either by an interested party or by a Notary Public.

20. Renunciation of Rights /shares in succession (Article 784 to 786 of the Civil Code)

Any party who intends to renounce his/her shares in a succession should do so at Master's Office of the Supreme Court. He should produce a copy of the affidavit of notoriety and his own personal details.

21. Court Ushers

Court Ushers are responsible for maintaining decorum, calling cases, maintaining order during Court sittings and administering oath. They also serve court processes, effect seizure of immovable properties and sales of seized moveables, draw up inventory and execute warrant for eviction of tenant/occupier following a judgment of the Court..

22. Jurors

Any Mauritian citizen aged between 21 and 65 years who is conversant with the English language is eligible to apply to the Supreme Court for enlistment as a juror. A panel of nine jurors is empanelled for every case before the Assizes. The Presiding Judge has the discretion to order the sequestration of jurors. In that case, they are provided with hotel accommodation, food and transport facilities.

23. Complaint

Any person having a complaint to make with regards to the administration of justice or against any Officer of the Court should direct his complaint to Master and Registrar of the Supreme Court or the Magistrate in charge of the Court respectively.

24. Website and online registration

For more details about legislation, judgments and FAQ, please consult the Supreme Court Website (<https://supremecourt.govmu.org>) which comprises of a Computerised Library Information System both for legal professionals and members of the public.

On line registration is simple and free of charge.

Location of Courts:

1. Supreme Court - Pope Hennessy Street, Port Louis Tel. 2075840.
Fax 212-0576
2. Intermediate Court (civil) - 3rd Floor, New Court House, Pope Hennessy Street, Port Louis. Tel. 2102310/2102680/2102816, Fax 2102680
3. Intermediate Court (criminal) - 2nd Floor, New Court House, Pope Hennessy Street, Port Louis. Tel. 2102310/2109874/2101143 Fax 210-0680
4. Industrial Court - 4th Floor, New Court House, Pope Hennessy Street, Port Louis. Tel. 2102310/2122257/2122256, Fax 212-2257
5. Family Division, Supreme Court - 5th Floor, New Court House, Pope Hennessy Street, Port Louis. Tel. 2102310, Fax: 210-0381
6. Bail and Remand Court - Ground Floor, New Court House, Pope Hennessy Street, Port Louis. Tel. 2102310/2085233; Fax 208-5233
7. Commercial Division, Supreme Court - Pope Hennessy Street, Port Louis. Tel. 2129829/2132893; Fax 2101237
8. Mediation Division, Supreme Court – Astor Court; Lislet Geoffroy St, Port Louis, Phone 210-7305, 210-4897
9. District Court Port Louis (Civil Division) 1st Floor, New Court House, Pope Hennessy Street, Port Louis. Tel. 210/2310/2083040/2120983; Fax2122402
10. District Court Port Louis (South) 1st Floor, New Court House, Pope Hennessy Street, Port Louis. Tel. 2102310/2121432/2103099; Fax: 210-3099
11. District Court Port Louis (North) 1st Floor, New Court House, Pope Hennessy Street, Port Louis. Tel. 2102310/208-2019; Fax: 210-6939
12. Lower Plaines Wilhems District Court - Royal Road Rose Hill, behind Sports Complex. Tel. 4673380/4542496/4643051; Fax: 469-2833
13. Upper Plaines Wilhems District Court - Behind Royal College of Curepipe. Tel. 6704105/6762833; Fax 674-9472
14. Grand Port District Court - Maurice Street, Mahebourg. Tel. 6310986/6315762 Fax: 631-5781
15. Pamplemousses District Court - Botanical Garden Street, Pamplemousses. Tel. 2434951/2433521; Fax 243-4702
16. Riviere du Rempart District Court - Botanical Garden Street, Pamplemousses. Tel. 2437933/2437935; Fax 243-7938
17. Flacq District Court - Charles de Gaule Street, Central Flacq. Tel. 4133293/4131068; Fax 243-4702
18. Black River District Court - Royal Road, Bambous. Tel.4521635/4525117/4520171; Fax: 452-0117
19. Moka District Court, Leclezio St, Moka. Tel. 433-5743/433-7987 Fax 433-7781
20. Souillac District Court , Royal Rd, St Louis, Surinam. Tel. 6255519/6255025/6256574; Fax: 625-6574
21. Rodrigues Court - Port Mathurin, Rodrigues. Tel. 8311511/8310559 Fax: 831-0559