

**THE COURTS (AMENDMENT) BILL**  
(No. XV of 2007)

**Explanatory Memorandum**

The object of this Bill is to provide that the Supreme Court shall be open throughout the year for the despatch of criminal business, as it is for other business.

22 June 2007

**J. Valayden**  
*Attorney-General and Minister of  
Justice and Human Rights*

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**ARRANGEMENT OF CLAUSES**

*Clause*

1. Short title
2. Courts Act amended
3. Consequential amendments

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**A BILL**

**To do away with the holding of Assize Sessions**

ENACTED by the Parliament of Mauritius, as follows -

**1. Short title**

This Act may be cited as the Courts (Amendment) Act 2007.

**2. Courts Act amended**

The Courts Act is amended –

- (a) in section 13(1), by deleting the words “other than the trial upon information of criminal causes” and the words “other than the criminal causes”;
- (b) in section 38 –

- (i) by deleting the heading and replacing it by the following heading –

**38. Criminal business of the Supreme Court**

- (ii) by repealing subsection (2) and replacing it by the following subsection –

(2) The Supreme Court shall, acting in the exercise of its original criminal jurisdiction, hold sittings for the despatch of criminal business.

- (c) by repealing section 40 and replacing it by the following section –

**40. Criminal and civil sittings**

The Supreme Court may hold –

- (a) 2 or more sittings at the same time for the despatch of criminal business; and
- (b) sittings for the despatch, at the same time, of criminal business and civil business.

- (d) by repealing section 41;

- (e) in section 55 –

- (i) by deleting the words “a Court of Assizes” and “the Court of Assizes” and replacing them respectively by the words “the Supreme Court”;
- (ii) by deleting the words “pending the session of that court” and replacing them by the words “whilst a trial is pending before the Court”;
- (iii) by deleting the words “during such session” and replacing them by the words “whilst a trial was pending before the Court”.

**3. Consequential amendments**

- (1) The Criminal Procedure Act is amended -

- (a) in section 64(2), by deleting the words “the Assizes on sessions at which” and “is to take place”;
- (b) by repealing section 93;

- (c) in section 95, in paragraph (a), by deleting the words “until the next Assizes” and replacing them by the words “until the date fixed for the hearing of the case”;
- (d) in section 114, by deleting the words “at the same session of the Assizes”;
- (e) in section 130(2), by deleting subsection (2) and replacing it by the following subsection –
  - (2) The Court may, for the purpose of deliberation, or for some other good reason, suspend or delay the judgment.; and
- (f) in section 201(1), in paragraph (a), by deleting the words “other than an Assize Court” and replacing them by “other than the Supreme Court”.

(2) The District and Intermediate Courts (Criminal Jurisdiction) Act is amended in section 48(1), by deleting the words “session or”.

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