

RULES OF THE MAURITIUS LAW SOCIETY

[made under Section 16 of The Mauritius Law Society Act No. 33 of 2005]

1. SHORT TITLE

1.1 These Rules may be cited as The Mauritius Law Society Rules (No.1) 2006.

2. INTERPRETATION

2.1 The Mauritius Law Society Act is referred to as 'the Act' in these Rules.

2.2 In these Rules :-

"Attorney";

"Council";

"exempt member";

"financial year";

"member";

"President";

"Register";

"Rules";

"Secretary";

"Society";

"Treasurer";

"Vice-President".

shall have the same meaning as in Section 2 of the Mauritius Law Society Act 2005.

3. SEAL

3.1 The Society shall have a seal bearing its name with a logo.

4. SEAT

- 4.1 The seat of the Society shall be at **4th floor, Sterling House, Lislet Geoffroy Street, Port Louis, c/o Mr. Narendra APPA JALA**, or at such other place as may be subsequently selected by the Council.

5. OBJECTS

- 5.1 The objects of the Society shall be the same as provided under Section 5 (1) and (2) of the Act.
- 5.2 The Council shall hold any such activity for the promotion of its objects.
- 5.3 For such activity, the Council shall vote such funds as required.

6. SUBSCRIPTION FEE

- 6.1 Except in the case of an exempt member, every member shall on admission register himself with the Society and pay a yearly subscription fee that shall be determined by the Council from time to time.
- 6.2 The yearly subscription fee for the time being shall be as follows:
- i) members having less than five years practice from the date of admission shall pay Rs. 3,000.-; and
 - ii) other members shall pay Rs. 5,000.-.
- 6.3 Every newly admitted member shall pay a subscription fee on a pro-rata basis up to the end of the financial year, that is the 31st December.
- 6.4 For the year 2006, payment shall be pro-rata and not later than the 31st July, 2006.
- 6.5 The subscription fee shall be paid in advance and not later than the 31st January of every year.
- 6.6 Failure to pay such membership fee shall be sanctioned as provided by Section 10 (3)(a) of the Act.

7. THE COUNCIL

- 7.1 The Society shall be managed by a Council as constituted under Section 6 of the Act.

- 7.2 The members shall elect from among themselves the office bearers as per Section 7 of the Act. They shall hold office for a period of two years and shall be re-eligible.
- 7.3 The Council shall meet at least once every month and whenever the President may think fit.
- 7.4 Three members present shall form a quorum.
- 7.5 Notice of any Council meeting shall be given in writing or by any other acceptable communication mode, to members at the office in Port Louis where the members are practicing at least 48 hours before the date fixed for the meeting.
- 7.6 The requirement of notice may be waived by Council members.
- 7.7 The absence of a member without reasonable excuse from four consecutive monthly meetings, as per Section 7.3 in these Rules, shall give the right to the Council to declare the said member's seat vacant and to replace him.

8. GENERAL MEETING

- 8.1 The General Meeting shall be held as provided in Section 8 of the Act.
- 8.2 Notice of any General Meeting including the Agenda shall be given in writing by the Secretary to members at least SEVEN DAYS (7 days) before the date fixed for the meeting.
- 8.3 One FOURTH (1/4) of the members shall constitute a quorum for any general meeting.
- 8.4 In case there is no quorum, the General Meeting shall be postponed for not less than three weeks and at that subsequent meeting, notice of which shall be given in the same manner as in Rule 8.2. Whatever be the number of members present, the business of the day shall be proceeded with.
- 8.5 A member shall be entitled to appoint another member as his proxy to represent him at any General Meeting.
- 8.6 At any General Meeting, a member shall be allowed to act for not more than two (2) principals.

9. MODE AND RIGHT OF VOTING

- 9.1 Voting at General Meeting shall be by ballot.

- 9.2. Each member shall be entitled to one vote.
- 9.3. A member shall be entitled to appoint another member as his proxy to represent him and vote at any General Meeting.
- 9.4. Each member shall be allowed to represent and vote for not more than two (2) principals.

10. DUTIES OF THE PRESIDENT

- 10.1 The President shall preside over all meetings of the Council.
- 10.2 In his absence he shall be replaced by the Vice-President.
- 10.3 When both are absent, the meeting shall be presided over by a member chosen from amongst the Council members present.
- 10.4 The President, or the presiding member, shall have an original as well as a casting vote.
- 10.5 The Vice-President or the presiding member appointed in the absence of the President and Vice-President shall exercise the same power and rights as those of the President.

11. DUTIES OF THE SECRETARY

- 11.1 The Secretary shall :-
 - a) convene all meetings of the Society,
 - b) draw up the minutes of proceedings of meetings which shall after confirmation at the ensuing meetings be signed by him and the presiding member.
 - c) keep a Register of Members in which shall be recorded :-
 - i) the names and surname of each member;
 - ii) his address, office and residence;
 - iii) his qualifications and the date of his admission;
 - iv) the date on which he has ceased to be a member; and
 - v) such other particulars as the Council may require.
 - d) have the custody of the records of the Society.

- 11.2** The Secretary shall also keep an individual file for each member wherein shall be recorded all the particulars as per 11.1 (c), including photocopy of birth certificate, National Identity Card and a passport-size photo.
- 11.3** In case of absence, the Secretary shall be replaced by the Assistant Secretary who shall exercise the same duties and obligations as those of the Secretary.

12. DUTIES OF THE TREASURER

12.1. The Treasurer shall :-

- a) have the custody of all the account books of the Society,
- b) receive all sums of money due or accruing to the Society and deliver receipts thereof;
- c) within the least possible delay, pay into one or more of the local banks chosen by the Council, all monies received by him;
- d) be allowed to keep in his possession a sum not exceeding two thousand rupees (Rs 2,000) as petty cash;
- e) submit to every meeting of the Council, a list of members who have failed to pay their subscription fees for the year;
- f) submit a statement of accounts;
- g) effect all payments exceeding one thousand rupees by cheque;
- h) produce his books for examination whenever required by the Council and the Auditor;
- i) keep a Record of Revenue and a cash book showing its receipts and payments;
- j) once a year, not later than three month before the Annual General Meeting, prepare and submit to the Council a statement of the receipts and payments of the Society in respect of the financial year and of the assets and liabilities of the Society;
- k) on his resignation or on vacation of his office or whenever required so to do, render to the Council, a true account of money received and paid by him since his appointment or since he last rendered an account,
- l) draw an inventory of all the belonging of the Society at least once yearly.

- 12.2. In case of absence, the Treasurer shall be replaced by the Assistant Treasurer who shall exercise the same duties and obligations as the Treasurer.

13. KEEPING AND INSPECTION OF BOOKS

- 13.1. All books of the Society shall be kept in English or French.
- 13.2. The books shall be open to inspection by any member having an interest in the funds of the Society upon 48 hours notice.

14. ACTIONS BY OR AGAINST THE SOCIETY

- 14.1. The Society shall sue and shall be sued, implead and be impleaded, and shall do all other judicial and extra judicial acts under its name and shall be represented by its Secretary.
- 14.2. Whenever the Society shall be sued or impleaded, and whenever it shall be necessary to serve notices, summonses or other legal process, judicial or extra-judicial upon the Society service upon the Secretary of the Society shall be good and sufficient service upon the Society.

15. POWERS OF THE COUNCIL

- 15.1. The Council is empowered :-
- a) to invest the funds of the Society in recognised securities,
 - b) to buy, sell, lease or take on lease or to let movable or immovable property;
- provided that such decision be approved by a majority decision of at least five members;
- c) to accept donations and legacies from any source provided that such donations and legacies be free from any conditions detrimental to the objects of the Society.
- 15.2. The Council shall be empowered to appoint any person and fix the salary and any other benefits it may deem necessary for the good running of the Society. The Council may terminate the employment of any such person.

16. SIGNING OF CHEQUES, DEEDS AND OTHER DOCUMENTS

- 16.1.** Subject to subsection (2), every document to be executed by or on behalf of the Society shall be signed by the President or the Vice-President and the Secretary or the Treasurer.
- 16.2.** Every cheque issued from a current or savings bank account or other negotiable instrument of the Society shall be signed by the President or the Vice-President and the Secretary or the Treasurer.

17. MISCELLANEOUS

- 17.1.** The closing date of the Society shall be 31st December and its accounting period shall be from 1st January to 31st December except for the first year, from the date of its coming into operation to 31st December, 2006.
- 17.2.** In these rules, words importing the masculine include feminine unless otherwise required by the context.