



Candidate Brief

Brief for the Position of

- **Junior Legal Counsel (JLC/Sep18)**

September 2018

Overview of the Financial Services Commission (FSC)

The Financial Services Commission (FSC) is the integrated regulator for the non-bank financial services sector and global business. Established in 2001, the FSC operates under the Financial Services Act 2007 and has as enabling legislations the Securities Act 2005, the Insurance Act 2005 and the Private Pension Schemes Act 2012 to license, regulate, monitor and supervise the conduct of business activities in these sectors.

The vision of the FSC is *"to be an internationally recognised Financial Supervisor committed to the sustained development of Mauritius as a sound and competitive Financial Services Centre"*.

In carrying out its mission, the FSC aims to:

- promote the development, fairness, efficiency and transparency of financial institutions and capital markets in Mauritius;
- suppress crime and malpractices so as to provide protection to members of the public investing in non-banking financial products; and
- ensure the soundness and stability of the financial system in Mauritius.

The FSC is mandated under the Financial Services Act to inter alia:

- ensure the orderly administration of the financial services and global business activities;
- ensure the sound conduct of business in the financial services sector and in the global business sector;
- elaborate policies which are directed to ensure fairness, efficiency and transparency of financial and capital markets in Mauritius;
- study new avenues for development in the financial services sector, to respond to new challenges and to take full advantage of new opportunities for achieving economic sustainability and job creation;
- ensure soundness and stability of the financial system in Mauritius; and
- work out objectives, policies and priorities for the development of the financial services sector and global business.

Board & Chief Executive of the FSC

The FSC is administered and managed by a Board which consists of a Chairperson, a Vice-Chairperson, independent non-executive members and a Chief Executive.

The Board carries out its functions through the following sub-committees:

- Audit and Risk Committee
- Corporate Governance Committee
- Enforcement Committee
- Staff Committee

Strategic Team

In carrying out the FSC's mission, the Strategic Team is guided by the Code of Conduct for FSC Staff and the Core Values of the organisation, which are:

- Professionalism
- Ethical Behaviour
- Compliance with Rules
- Team Work

The Strategic Team is made up of the Chief Executive, the Deputy Chief Executive and the Directors. The Strategic Team ensures the delivery of the operational objectives of the FSC. The team is responsible for the implementation of goals as set out in the strategic and business plans and ensure that the decisions and directions provided by the Board are understood by each and every member of the staff.

The FSC's role in regulating and supervising non-bank financial institutions and services requires that it acts at all times and in all its dealings to the highest standards of ethical and professional behaviour. Its reputation, standing and effectiveness rest on its ability, as an institution comprised of staff imbued with high ethical values, competence and drive, to meet these standards of conduct. The FSC Code of Conduct sets out the standards and guiding principles of conduct for the employees in the discharge of their functions. The Code of Conduct is applicable to all staff and at all levels.

Job Description

Junior Legal Counsel (JLC/Sep18)

- The role of the Junior Legal Counsel is to assist the Director and Assistant Director in achieving the Commission's vision to be an effective financial regulator.
- Incumbent will undertake legal research and assist in tendering legal advice and will provide support in advising the Commission on legal matters and on the consolidation of the regulatory framework for non-bank financial services sector and global business.

Specific Experience

- Knowledge of international laws, standards and practices in financial services.
- Good understanding of working with a wide and diverse group of stakeholders.
- Supervisory / Regulatory experience will constitute an advantage.

Main Duties, Responsibilities & Accountabilities

(a) Operational Deliverables

- Assist in the drafting, preparation and publishing of papers / reports.
- Contribute to the timely publication of the FSC Annual Report.
- Provide support in the continuous enhancement of the FSC website.
- Represent the Commission on committees and at meetings.
- Conduct research on legal and policy issues relating to enforcement, interpretation, improvement and administration of the Financial Services Act and all other applicable laws and related legislation.
- Participate in the development of financial regulations and the consolidation of the current regulatory regime in line with the Commission's mission and corporate objectives.
- Participate in the drafting of organisational documents, laws, rules and regulations and other legal instruments including practice notes, codes and guidelines.
- Ensure compliance and quality in the legal documents of the Commission.
- Assist in the drafting and provision of legal advice.
- Attend to legal queries in a timely manner.
- Prepare court cases, represent the Commission at Court sittings and ensure follow up.

- Provide assistance in the review of suspected and / or alleged breaches of financial legislation.
- Provide support during enquiries by Police and other investigating bodies.
- Advise on procurement matters.
- Participate in projects/ assignments.
- Attend to enforcement queries in a timely manner.
- Provide assistance in the research and analysis of suspected or alleged breaches of financial legislation.
- Attend promptly to requests for information.
- Perform any other related duties.

(b) Specific Competencies

- Accountability.
- Project Management Skills.
- Analytical and Solution Driven.
- Learning Orientation and Sharing Knowledge.
- Self-discipline and Responsibility.
- Customer Service Skills.
- Communication and Interpersonal Skills.

Miscellaneous Duties

The incumbent will be expected to work outside normal office hours including weekends and public holidays, and to perform any other related duties assigned but relevant to the operations of the Commission.

The duties mentioned above are not exhaustive. The Commission reserves the right to require the incumbent to perform any other duties of equivalent level to those specified.

Qualifications and Experience

- Qualified barristers admitted to the Mauritian Bar or admitted as Attorney at Law in Mauritius.
- Candidates should have at least 4 years standing at the Mauritian Bar with 2 years proven court experience.

Reward Strategy

We offer an attractive remuneration package that will be commensurate with qualifications and working experience.

How to Apply

Applications should consist of:

- a covering motivation letter and a CV setting out your approach to the job while specifying why and how you are the suitable candidate for this position;
- a duly completed application form ([PDF version](#)), which can be downloaded from the FSC website.

All applications duly referenced (JLC/Sep18) need to be sent to the following e-mail address: recruitment@fscmauriti.us.org

- **References**

The names of two (2) referees are required as part of the application process. Referees must be people who know you in a capacity to comment on your suitability for the position for which you have applied. References will only be considered for short-listed candidates and they will be informed accordingly.

- **Conflicts of Interest**

Candidates will need to demonstrate that they do not have interests likely to conflict with their responsibilities at the FSC. They should declare any potential conflict of interest as early as possible in the selection process and also disclose information or personal connections that, if appointed, might be open to wrong perceptions.

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