



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3858 OF 8TH SEPTEMBER, 1955.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 38 OF 1955.

**A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING TO
ADVOCATES AND TO MAKE PROVISION FOR THE ESTABLISHMENT
OF AN ADVOCATES' PENSION FUND.**

J. FLETCHER-COOKE,] [6th September, 1955.
Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering
the Government and Commander-in-Chief of the
Colony of Cyprus as follows:—

PART I.—PRELIMINARY.

1. This Law may be cited as the Advocates Law, 1955. Short title

Inter-
pretation.

2.—(1) In this Law, unless the context otherwise requires—

“advocate” means a person enrolled as such under this Law or any Law previously in force in that behalf;

“Bar Council” means the central council of the Bar Association constituted under section 19;

“Disciplinary Board” means the Disciplinary Board established under section 12;

“Local Bar Committee” means a local bar committee elected under the provisions of sub-section (3) of section 15;

“practising advocate” means an advocate who is entitled to practise under the provisions of sub-section (1) of section 7 and who, having as a principal profession that of a practising advocate, holds himself out as ready so to do, and includes a Law Officer who is an advocate;

“practising as an advocate” means—

(a) appearing before any Court or any Judge thereof or Court officer to take or conduct any proceedings on behalf of any person or the Crown; or

(b) preparing or perusing for reward any document intended to be used in connection with any proceedings before any Court.

(2) For the purposes of the definition “practising as an advocate”, “Court” means a Court established under any Law, in force for the time being.

PART II.—ADMISSION AND ENROLMENT.

Admission
of advocates.

3. The Chief Justice may approve and admit to practise as an advocate—

(a) any person who is entitled to practise as a barrister-at-law in England, Northern Ireland or as an advocate in Scotland or who immediately prior to the first day of October, 1921, was a member of the Bar of Ireland and who satisfies the Chief Justice that he is a person of good character;

(b) any person who has been admitted to practise as a solicitor in England, Northern Ireland or as a law agent in Scotland or who immediately prior to the first day of October, 1921, was a solicitor of the Supreme Court of Judicature in Ireland and who satisfies the Chief Justice that he is a person of good character and is not by reason of professional misconduct incapacitated from so practising.

4. Any person who desires to be enrolled as an advocate shall produce in the office of the Chief Registrar, for the inspection of the Chief Justice, his certificate of call to the Bar or of his admission as a solicitor or law agent or a certified copy thereof, and shall file in the office of the Chief Registrar an affidavit of identity in such form as may be approved by the Chief Justice :

Documents to be produced for the inspection of the Chief Justice.

Provided that the Chief Justice may, on special grounds and upon such terms as he may think fit, exempt any such person from complying with any of the formalities prescribed by this section either absolutely or for any specified period.

5.—(1) Any person approved and admitted to practise as an advocate shall, upon the direction of the Chief Justice and upon payment of a fee of ten pounds, have his name enrolled in a book to be kept by the Chief Registrar and to be called “ the Roll of Advocates ”.

Enrolment of advocates.

(2) The Chief Registrar shall, on the application of any person whose name appears on the Roll of Advocates, issue to him a certificate of enrolment under the seal of the Supreme Court.

PART III.—PRACTICE.

6. No advocate who has the rank of a Queen’s Counsel shall perform any of the functions which, in England, are performed by a solicitor and are not performed by a barrister ; but an advocate who has the rank of Queen’s Counsel shall not be precluded from continuing or engaging in partnership with another advocate by reason only that such last-mentioned advocate performs any functions as aforesaid.

Queen’s Counsel.

7.—(1) No person shall practise as an advocate unless—

(a) he is enrolled as such under this Law or under any other Law previously in force ; and

(b) he shall have taken out an annual licence in such form as the Chief Justice may from time to time prescribe (hereinafter called the “ annual licence ”) :

Conditions of practice.

Provided that nothing in this sub-section shall apply to—

- (a) any Law Officer ;
- (b) any officer of the Government authorized by the Attorney-General to appear, plead and act in any proceedings to which the Crown, the Government or any officer of the Government in his official capacity is a party.

(2) An annual licence shall expire on the thirty-first day of December next following the date of issue and a fee of three pounds shall be payable in respect thereof to the Chief Registrar, and any fees so paid shall be expended for the formation or expansion of law libraries for the use of advocates in the various districts in such proportion as to the Chief Justice may seem fit :

Provided that no such fee shall be payable by any advocate until his name shall have been on the Roll of Advocates for a period of two years.

(3) Any person who practises as an advocate without being enrolled or without being the holder of an annual licence in force at the time shall—

(a) be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine ;

(b) be incapable of maintaining any action for the recovery of any fee, reward, costs or disbursement on account of or in relation to any act or proceedings done or taken by him in such capacity ;

(c) refund any such fee, reward, costs or disbursement collected by him to the person from whom he has so collected.

(4) No prosecution shall be brought under this section without the consent of the Attorney-General.

Judicial officers prohibited from practising after retirement.

8.—(1) Without the prior consent of the Secretary of State, no person shall be enrolled as an advocate or shall practise as an advocate who, having been permanently appointed to a judicial office after the 18th day of November, 1948, leaves the public service of Cyprus from such office ; and no annual licence shall be issued to any such person.

(2) For the purposes of this section—

“judicial office” means the office of the Chief Justice or of a Judge of the Supreme Court.

Table of fees and Rules of Court to be exhibited.

9. Every advocate shall exhibit in a conspicuous place in his office such tables of fees or Rules of Court as the Chief Justice may direct to be exhibited.

Liability to pay costs.

10.—(1) Where a party represented by an advocate in any proceedings before a Court is ordered to pay the costs thereof but fails to do so, the Court may order the advocate of such party to pay the costs or make such other order as the justice of the case may require in either of the following cases :—

(a) where it appears to the Court that the proceedings have been begun or carried on maliciously or without reasonable or probable grounds ; or

(b) where it appears to the Court that the advocate has by any sort of deceit induced his client to enter into or continue the proceedings :

Provided that, before any order is made under this section, the advocate shall be called upon by the Court to show cause why such order should not be made.

(2) Any order made under this section by a Court other than a Court constituted by one or more Judges of the Supreme Court shall be subject to review by the Chief Justice, whose decision thereon shall be final.

(3) This section shall not be construed so as to restrict the liability of any advocate in respect of the above-mentioned or any other misconduct for which he would otherwise be punishable.

PART IV.—DISCIPLINE.

11. Every advocate shall be deemed to be an officer of the Supreme Court and shall be liable to disciplinary proceedings as in this Part provided. Advocates deemed to be officers of the Court.

12.—(1) There shall be established a Disciplinary Board to exercise, subject to the provisions of this Law, control and disciplinary jurisdiction over every advocate. Disciplinary Board.

(2) The Disciplinary Board shall consist of the Attorney-General, or in his absence or incapacity of the Solicitor-General, as Chairman, the Chairman of the Bar Council, as *ex officio* member, and three advocates, out of whom two shall have not less than fifteen years practice, elected every three years by an ordinary general meeting of the Bar Association, to hold office, until another election takes place, as elected members :

Provided that any elected member whose period of office has expired shall continue to hold office for the purpose of completing any enquiry commenced at the time he was a member :

Provided further that in case of absence or incapacity of the Attorney-General or the Solicitor-General, the Chairman of the Bar Association shall act as Chairman of the Board.

13.—(1) If any advocate is convicted by any Court of any offence which, in the opinion of the Disciplinary Board, involves moral turpitude or if such advocate is, in the opinion of the Disciplinary Board, guilty of disgraceful, fraudulent or unprofessional conduct, the Disciplinary Board may— Disciplinary offences and proceedings.

(a) order the name of the advocate to be struck off the Roll of Advocates ;

(b) suspend the advocate from practising for such period as the Disciplinary Board may think fit ;