

ADVOCATES.

12 OF 1894.⁽¹⁾

TO REGULATE THE ENROLMENT OF ADVOCATES AND OTHER MATTERS
AFFECTING ADVOCATES.

WALTER J. SENDALL.]

[May 29, 1894.]

PART I.

1. No person shall be enrolled as an Advocate to practise before the Courts in Cyprus until he has obtained the certificate of the Legal Board as hereinafter provided.

Advocates
not enrolled
without
certificate of
Legal Board.

2. There shall be hereby constituted a body of persons, hereinafter referred to as the "Legal Board," whose duties shall be to receive and decide upon applications from persons desiring to be enrolled as Advocates, to conduct examinations of such persons from time to time, and, subject to the provisions hereinafter contained, to give to such persons the certificates hereinafter mentioned.

Duties of
Legal Board

3. The Legal Board shall be constituted of the following persons; that is to say, the persons for the time being filling the offices of Chief Justice, Puisne Judge and Queen's Advocate, and of such Judges of the District Courts and Advocates who have been enrolled under clause 176 of the Cyprus Courts of Justice Order, 1882, or who shall be hereafter enrolled under this Law, as the High Commissioner in each year may appoint: Provided that:—

Constitution
of Legal
Board.

The number of persons so to be appointed in any year shall not exceed three, and if any vacancy amongst them occurs by death or resignation, or by reason of any of them becoming incapable of acting as a member of the Legal Board during any part of the period for which he is appointed, the High Commissioner shall appoint another qualified person to fill the vacancy;

The Legal Board shall be deemed to be duly constituted, notwithstanding any such vacancy and notwithstanding that any person appointed by the High Commissioner to act as a member of the Legal Board shall neglect or refuse so to act during any portion of the period for which he was so appointed.

(1) Ss. 12—18 were formerly ss. 14—20. For Advocates (Amendment No. 3) Law, 1923, see p. 9.

Qualifications for obtaining certificate of Legal Board.

As amended by 10. 1922. 3.1

4. Any person desiring to be enrolled as an Advocate who shall satisfy the Legal Board:—

- (1.) That he has attained the age of twenty-one years;
- (2.) That he is of good character;
- (3.) That he has obtained a legal diploma of any University or Law School of Great Britain or Ireland, France, Italy, Greece, Malta, Constantinople, Russia, Austria, Germany, Switzerland, the United States of America, Sweden or Norway, Belgium, Holland, or Denmark, and
- (4.) That he has passed ^{two} one year in the office of an Advocate who has been enrolled under clause 176 of the Cyprus Courts of Justice Order, 1882, or who shall have been enrolled under this Law and who has passed an examination in the principles of the Ottoman Law and Cyprus Statute Law as defined by the Cyprus Courts of Justice Order, 1882, and in the Rules regulating the procedure of the Courts in Cyprus, to the satisfaction of the Legal Board;

shall be entitled to receive from the Legal Board a certificate stating that he is qualified to be enrolled as an Advocate.

Enrolment of Advocates.

5. Every person who has been granted a certificate of the Legal Board shall, on presentation thereof to the Registrar of the Supreme Court and on payment of the prescribed fee, be enrolled as an Advocate and be entitled to practise before all the Courts of Cyprus.

Every person so enrolled shall be entitled to receive a certificate under the hand of the Chief Justice and the seal of the Supreme

Sec. 6 of Law 12 of 1894 (at p. 4) has been amended by the addition thereto of the following proviso:—

Provided that no such admission or permit to practise shall be deemed sufficient unless based upon a legal diploma, obtained otherwise than by correspondence, of a University or Law School in the country in question and that if the Legal Board is not satisfied in this regard it may refuse to grant its certificate.

Vide Law 30 of 1928

countries.

been so enrolled he has passed such examination or undergone such

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- (2.) That he is of good character;
- (3.) That he has obtained a legal diploma of any University or Law School of Great Britain or Ireland, France, Italy, Greece, Malta, Constantinople, Russia, Austria, Germany, Switzerland, the United States of America, Sweden or Norway, Belgium, Holland, or Denmark; and
- (4.) That he has passed ^{two} one year in the office of an Advocate who has been enrolled under clause 176 of the Cyprus Courts of Justice Order, 1882, or who shall have been enrolled under this Law and who has passed an examination in the principles of the Ottoman Law and Cyprus Statute Law as defined by the Cyprus Courts of Justice Order, 1882, and in the Rules regulating the procedure of the Courts in Cyprus, to the satisfaction of the Legal Board;

shall be entitled to receive from the Legal Board a certificate stating that he is qualified to be enrolled as an Advocate.

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Every person so enrolled shall be entitled to receive a certificate under the hand of the Chief Justice and the seal of the Supreme Court stating that he has been enrolled.

Certificate
to Advocates
etc., enrolled
in certain
foreign
countries.

As amended
by 10. 1922, 3.¹

6. Every person who has been duly admitted to practise as a barrister-at-law, or solicitor, or advocate, or writer to the Signet in Great Britain or Ireland, or has been duly admitted to practise as an Advocate before the Courts of France, Greece, Italy, or the Mixed Tribunals in Egypt, or has a diploma of the Turkish Law School and a permit to practise from the Ministry of Justice of the Ottoman Empire, and who shall apply to be enrolled as an Advocate in Cyprus, shall be entitled to receive a certificate of the Legal Board if he satisfies the Board that he has attained the age of twenty-one years and is of good character.

Certificates to
persons
enrolled
in other
foreign
countries.

7. Any person who has been duly enrolled to practise before the Courts of any country other than those specified in the last preceding section and who shall satisfy the Legal Board that in order to have been so enrolled he has passed such examination or undergone such

(¹) The amendment takes effect from 1st of January, 1923.

no 12 of 1926

Sec. 4 of Law 12 of 1894 (at p.4) has been amended

by the addition after the word "diploma" of the words "otherwise than by correspondence" and by the addition after the word "Denmark" of the following proviso:-

Provided always that the Legal Board shall be at liberty to grant a certificate of enrolment to any person who shall satisfy the Legal Board that he had entered his name before the 1st day of November, 1925, at such University or Law School with a view to obtaining a diploma which has been recognized by the Legal Board and who has obtained such a diploma and passed his examination under the Advocates Law within a period of four years from the 1st day of November, 1925.
Vide Law 12 of 1926.

under this Law, and every person who, being the holder of a legal diploma, has already practised as an Advocate before any Court in Cyprus for any time whatsoever, shall be entitled on application to receive a certificate from the Legal Board, or shall, if he so desire, continue to be admitted from year to year in the same way and subject to the same conditions as heretofore.

9. Every person who at the date of the passing of this Law was admitted to practise as an Advocate under clause 179 of the Cyprus Courts of Justice Order, 1882, and who had not for a period of eight consecutive years been so admitted, may, if he shall so desire, continue to be admitted from year to year in the same way and subject to the same conditions as heretofore, or shall, on passing the examination mentioned in section 4 hereof, be entitled to receive a certificate from the Legal Board.

As to persons already admitted, but not practising.

10. Any person who shall practise as an Advocate without having been duly enrolled shall be guilty of an offence, and shall for each such offence be liable to a fine not exceeding ten pounds.

Penalty for practising without enrolment.

11. "Practising as an Advocate" means the performance of any of the following acts, that is to say: appearing before any Court or Judge or officer of any Court, or before any Village Judge, and conducting any case or proceeding on behalf of any other person; attending at the offices of any Court for the purpose of taking any proceeding on behalf of any other person; writing or preparing on behalf of any other person for reward any document intended to be

"Practising as an Advocate" defined.

(1) See footnote on previous page. The amendment of section 7 is subject to the following proviso: "Provided that any person enrolled as an advocate to practise before the Courts of the Ottoman Empire otherwise than in accordance with the Law dated Zilhiljé 1301, before the 1st January, 1923, shall, before the Legal Board may grant him a certificate, be required to pass the examination mentioned in section 4 of the Principal Law." (12 of 1894.)

course of legal training as, in the opinion of the Legal Board, shall be a satisfactory test of his being possessed of such knowledge of law as to fit him to practise as an Advocate before the Courts of Cyprus, may be granted a certificate by the Legal Board in the same way and on the same conditions as the persons to whom certificates are granted under the last preceding section; or the Legal Board may, before granting him a certificate, require him to pass the examination mentioned in section 4 hereof, or to pass an examination in the Rules regulating the procedure of the Courts in Cyprus only.

As amended
by 10. 1922, 4.]

8. Every person who, at the date of the passing of this Law, was admitted to practise as an Advocate in accordance with clause 179 of the Cyprus Courts of Justice Order, 1882, and who had been so admitted for a period of eight consecutive years before the passing of this Law, and every person who, being the holder of a legal diploma, has already practised as an Advocate before any Court in Cyprus for any time whatsoever, shall be entitled on application to receive a certificate from the Legal Board, or shall, if he so desire, continue to be admitted from year to year in the same way and subject to the same conditions as heretofore.

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10. Any person who shall practise as an Advocate without having been duly enrolled shall be guilty of an offence, and shall for each such offence be liable to a fine not exceeding ten pounds.

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presented to any Court, or any Judge or Officer of a Court, or to be served upon any party to any action or proceeding to be had or taken before any Court and to be used in any action or proceeding before any Court or Judge or Officer of any Court: Provided that:—

- (1.) Nothing in this section contained shall be taken to repeal the provisions of clause 180 of the Cyprus Courts of Justice Order, 1882;
- (2.) Any person intending to qualify himself as an Advocate under the provisions of this Law, who is attending the office of any Advocate with the intention of obtaining the qualifications mentioned in sub-section (4) of section 4 hereof, shall be entitled to attend the offices of any Court or before any officer of the Court for the purpose of transacting any business for and to write or prepare any document on behalf of the Advocate whose office he is so attending;
- (3.) The clerk of any Advocate shall be entitled to copy any document on behalf of the Advocate employing him, or to attend, on behalf of the Advocate employing him, the offices of any Court for the purpose of causing any document to be filed or to be issued by any officer of the Court.

Rules to be made.

12. The High Commissioner, with the advice and assistance of the Legal Board, may make rules regulating any or all of the following matters, that is to say:—

The place at which the sittings of the Legal Board shall be held;

The number of members which shall constitute a quorum for the transaction of business;

The number of examinations to be held in any year and the times at which such examinations shall be held;

The times within which applications by persons desiring to be examined shall be made to the Legal Board;

The number of the examiners to conduct such examinations, and by whom they shall be appointed, and the fees to be paid to them, and the remuneration to be paid to any interpreter or interpreters in respect of any examination.

Appointment of secretary and interpreters.

13. The High Commissioner may appoint such person or persons to act as secretary and interpreter or interpreters to the Legal Board as may appear to him to be necessary or desirable.

14. There shall be payable to the Treasury by every person applying to be examined by the Legal Board a fee of five pounds and by every person on enrolment a fee of ten pounds.

Fees on examination and enrolment.

15. No persons shall, after the passing of this Law, be enrolled under clauses 176, 178, and 179 of the Cyprus Courts of Justice Order, 1882.

No further enrolments under the Cyprus Courts of Justice Order, 1882.

16. The expression "Court" in this Law means the Courts established in Cyprus by the Cyprus Courts of Justice Order, 1882, and does not include the Mussulman religious tribunals known as the Mehkemé-i-Sheri.

Definition.

PART 2.(1)

17. In this part of this Law :

Definitions.

"Register" means the Register kept by the Registrar of a District Court under the provisions of section 18.

"Clerk" means a person employed by an Advocate as a clerk in his profession as an Advocate.

*Repealed
by Law 4
of 1940.*

18. The Registrar of every District Court shall keep a book entitled "Register of Advocates' Clerks," in which he shall enter the names of all persons employed as clerks by advocates practising in or having an office in the District.

Register.

The Register shall be kept in the form prescribed by the Schedule to this Law.

19. It shall be the duty of every Advocate to apply in writing to the Registrar of the District Court to enter the name of any clerk employed by him in the Register.

Advocate to apply for registration of clerk.

20. The registration of the name of a clerk registered by an Advocate shall be cancelled if the Advocate dies, retires from practice in the District, or ceases to employ the clerk.

Cancellation.

21. No Advocate shall procure the registration in the Register of any person as his clerk unless such person is actually employed by him as his clerk and is occupied in the general work of the office of the Advocate.

Who may be registered.

22.—(1.) No person who has been convicted of any offence punishable with imprisonment for a term of six months or upwards shall be registered or remain registered in the Register unless upon applica-

Conditions of registration.

(1) Part 2 embodies Law 26 of 1923.

tion to the District Court of the District in which the Advocate practises, the Court shall direct his name to be placed upon or restored to the Register.

(2.) A District Court of its own motion, or upon report made to it by the Judge of any Court or by any other person of misconduct of any clerk, may order the name of such clerk to be removed from the Register either permanently or for such period as the Court may think fit; and if it is brought to the notice of a District Court that the name of any person has been improperly or wrongly entered in the Register or improperly remains thereon, the Court may order the name to be removed.

(3.) In any proceeding under this section the District Court shall have the same powers with regard to summoning and compelling the attendance of witnesses as in civil actions.

(4.) An appeal shall lie to the Supreme Court from any decision or order of a District Court under this section.

(5.) Any appeal shall be brought within two months of the pronouncement of the decision; provided that the Supreme Court may extend the time upon such terms as it shall think fit, notwithstanding that the period of two months has expired. Provided also that any order removing the name of the clerk from the Register shall remain in force notwithstanding an appeal, unless the District Court or the Supreme Court shall otherwise direct.

(6.) On an appeal to the Supreme Court, the Court shall have the same powers as on the hearing of an appeal in a civil matter.

(7.) The Supreme Court shall have power of its own motion or upon complaint made to make an order removing the name of the clerk from the Register in respect of any misconduct in connection with business in the Supreme Court or the offices thereof.

(8.) In this section, District Court means the District Court constituted of the President and the two other Judges of the District Court.

23. Any person enrolled as an Advocate and any clerk whose name is registered in the Register on behalf of an Advocate or any petitioner authorized at the date of coming into operation of this Law to transact business at the Land Registry Office, who shall have been instructed by any other person so to do, may attend and transact business at the Land Registry Office on behalf of such other person without producing a power of attorney from him.

24. Any person who shall act in any Court or in the Land Registry Office as a clerk to an Advocate whose name is not registered in the Register shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds or to both such punishments. Penalty.

25. The High Commissioner, with the advice and assistance of the Chief Justice, may prescribe the maximum fees which may be taken by an Advocate or clerk as aforesaid in respect of any business transacted at the Land Registry Office. Fees.

26. The High Commissioner, with the advice and assistance of the Chief Justice, may make Rules prescribing Rules of Court and fees and costs for the purposes of this part of this Law. Rules.

27. This Law may be cited as the Advocates Law, 1894. Short title.

SCHEDULE.

Name of Clerk.	Name of Advocate.	Date of Registration.	Date of Cancellation of Registration.	Reason for Cancellation of Registration.

45 OF 1923.

TO AMEND THE LAW RELATING TO ADVOCATES.

MALCOLM STEVENSON.]

[December 20, 1923.

1. This Law may be cited as the Advocates (Amendment, No. 3) Law, 1923. Short title.

2. No barrister enrolled as an Advocate who has the rank of King's Counsel shall practise as an Advocate otherwise than as a barrister in manner corresponding to the practice in England, either alone or in partnership with any other Advocate. King's Council.

3. This Law shall come into operation on a date to be fixed by Notice by the High Commissioner in the *Cyprus Gazette*.⁽¹⁾ Date of coming into operation.

(1) Not in operation on 1st January, 1924.