



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 ;

- (c) order the advocate to pay, by way of fine, any sum not exceeding five hundred pounds ;
 - (d) warn or reprimand the advocate ;
 - (e) make such order as to the payment of the costs of the proceedings before the Disciplinary Board as the Disciplinary Board may think fit.
- (2) Proceedings to enforce any of the penalties provided by sub-section (1) may be commenced—
- (a) by the Disciplinary Board of its own motion ;
 - (b) by the Attorney-General ;
 - (c) on a report made to the Disciplinary Board by any Court or a Chairman of a Local Bar Committee ;
 - (d) by an application, with the leave of the Disciplinary Board, of any person aggrieved by the conduct of the advocate.
- (3) The Disciplinary Board shall forthwith send to the Chief Registrar—
- (a) copy of any complaint or report made against an advocate under sub-section (2) ;
 - (b) copy of its decision in the enquiry,
- and the Chief Registrar shall, subject to any order of the Supreme Court under sub-section (4) or (5), make the necessary entries in the Roll of Advocates.
- (4) If no copy of the decision of the Disciplinary Board has been received by the Chief Registrar after the expiration of three months from the date on which any complaint or report has been made to the Disciplinary Board, the Supreme Court may make any order in the matter of such complaint or report as the Disciplinary Board might have made under the provisions of sub-section (1).
- (5) The Supreme Court may, of its own motion or on the application of the complainant or of the advocate whose conduct is the subject of the enquiry, review the whole case and either confirm the decision of the Disciplinary Board or set it aside or make such other order as it may deem fit.
- (6) The Disciplinary Board may, if it thinks fit, at any time after the expiration of five years from the date of an order striking the name of an advocate off the Roll of Advocates, inform the Chief Registrar that in the opinion of the Disciplinary Board the name of such advocate should be restored to the Roll ; the Chief Registrar shall refer the matter to the Chief Justice who may direct that the name of such advocate be replaced on the Roll. The Chief Registrar shall forthwith cause a notice of the direction of the Chief Justice to be published in the *Gazette*.

(7) The Disciplinary Board in carrying out an enquiry under this section shall have the same powers and shall conduct the enquiry as nearly as may be as a Court of summary jurisdiction.

(8) Any decision of the Disciplinary Board shall be deemed to be an order of a Court of summary jurisdiction and shall be enforced in the same manner as an order of such Court is enforced.

PART V.—LOCAL BARS, COMMITTEES, BAR ASSOCIATION AND BAR COUNCIL.

14.—(1) In this Part—

“ Bar Association ” includes all the practising advocates of the Colony ;

“ Local Bar ” includes all the practising advocates in a district.

Inter-
pretation.

(2) For the purposes of this Part an advocate shall be deemed to be practising in a district if he or any advocate with whom he is associated in partnership practises and maintains an office in such district

15.—(1) After the expiration of one month and not later than three months from the coming into operation of this Law as regards the year 1955 and as regards each ensuing third year, on or after the 10th day and not later than the 31st day of January in each subsequent third year the senior member of the Local Bar for the year 1955 and the Chairman of the Local Bar Committee for each ensuing period of three years shall summon all members of such Bar to an ordinary general meeting at a time and place to be fixed by him.

Ordinary
general
meeting of
Local Bars.

(2) At such meeting the senior member in precedence of the Local Bar present shall preside and a quorum shall be the number nearest to one-quarter of the members summoned.

(3) The meeting shall proceed to the election from among the members of the Local Bar of a Chairman and four members to form the Local Bar Committee, which shall be the Local Bar Committee and shall hold office until the next election of the Local Bar Committee.

(4) The Local Bar Committee shall appoint amongst its members its Secretary.

(5) After the election of the Local Bar Committee the meeting shall proceed to elect from among the members of the Local Bar but not necessarily from among the members of the Local Bar Committee two practising advocates, one of whom shall have at least fifteen years practice, to represent the Local Bar on the Bar Council until the next election.

(6) The Attorney-General and the Chief Registrar shall be informed by the Chairman of the Local Bar of the persons so elected and appointed.

(7) Subject to paragraph (h) of sub-section (1) of section 20 a Local Bar Association may regulate its own functions and procedure, and may levy, from its members, such subscriptions as a majority of its members may decide but not exceeding the sum of three pounds per annum from each member unless a majority of three-quarters of the members present at the ordinary general meeting otherwise decides.

Extra-ordinary general meeting of Local Bars.

16.—(1) A Local Bar Committee may, and upon the request in writing of at least one-fourth of the total number of the members of such Bar shall, summon an extraordinary general meeting of the Local Bar to discuss and decide on any subject included in the summons.

(2) The provisions of sub-section (2) of section 15 with regard to quorum shall apply to any such meeting, and all questions shall be decided by a majority of the votes of the advocates present and in the event of an equality of votes the president of the meeting shall have a casting vote.

Ordinary general meetings of the Bar Association.

17.—(1) The Attorney-General or in his absence or incapacity the Solicitor-General shall, not later than four months after the coming into operation of this Law as regards the year 1955 and in each third ensuing year not later than the 28th day of February, summon an ordinary general meeting of all advocates practising in the Colony to take place at Nicosia at a place and on a day to be fixed by the Attorney-General, or in his absence or incapacity by the Solicitor-General, but in any event not later than fourteen days from the day of the summons.

(2) Not less than eight days' notice of such meeting shall be given to all persons entitled to attend and vote at such meeting. Such notice shall specify the place and the time of the meeting :

Provided that the accidental omission to give notice of meeting to or the non receipt of such notice by any member shall not invalidate the proceedings of such meeting.

(3) The Attorney-General, or in his absence or incapacity the Solicitor-General, and if they are both absent or incapacitated at the time appointed for holding the meeting, the Chairman of the Bar Council shall preside at such meeting and twenty practising advocates personally present shall form a quorum.

(4) All questions shall be decided by a majority of the votes of the advocates present and, in the event of an equality of

votes, the Attorney-General, or in his absence or incapacity the Solicitor-General, or in the absence or incapacity of both, the Chairman of the Bar Council shall have a casting vote :

Provided that if within half an hour from the time appointed a quorum shall not be present the meeting shall stand adjourned to the same day in the next week and at the same time and place when ten advocates who are present shall constitute a quorum.

(5) The ordinary general meeting of the Bar Association shall proceed, amongst other things, to the election of three practising advocates, out of whom the two shall have at least fifteen years practice, to be members of the central council of the Bar Association (to be known as the Bar Council) and of three practising advocates out of whom two shall have not less than fifteen years practice to be members of the Disciplinary Board to hold office until another election takes place.

18.—(1) The Bar Council may, whenever it thinks fit, and it shall upon a request made in writing to the Secretary by not less than twenty practising advocates deposited at the office, summon an extraordinary general meeting of the Bar. Extraordinary general meeting of the Bar Association.

(2) If the Bar Council does not within forty days after the deposit of such request proceed duly to convene such meeting, any fifteen practising advocates of those making the request may themselves convene an extraordinary general meeting.

(3) The request shall state the object of the meeting and shall be signed by those making it.

(4) The provisions of sub-sections (3) and (4) of section 17 shall apply, *mutatis mutandis*, to any general meeting convened under this section :

Provided that if within a quarter of an hour from the time appointed no quorum is present, the meeting shall be dissolved.

19.—(1) The Bar Council shall consist of— Bar Council.

(a) the Attorney-General and the Solicitor-General as *ex officio* members who shall be also the President and Vice-President thereof, respectively ;

(b) the two practising advocates elected to represent each Local Bar under the provisions of sub-section (5) of section 15 and the three members elected by the ordinary general meeting of the Bar Association under the provisions of sub-section (5) of section 17 (in this Law referred to as “ the elected members ”).

(2) The elected members of the Bar Council shall hold office until the next election and the elected members shall be eligible for re-election.

(3) The Bar Council shall elect amongst its members its own Chairman and Secretary.

(4) The Bar Council may hold, adjourn or otherwise regulate its meetings as it may think fit.

(5) Five members of the Council shall constitute a quorum and questions arising thereat shall be decided by a majority of votes and in case of an equality of them the chairman of the meeting shall have a second or casting vote.

(6) The Chairman of the Bar Council shall, in the absence or incapacity of the Attorney-General or Solicitor-General, preside at all meetings of the Bar Council at which he shall be present but if he is absent then the members present shall choose one of their number to preside.

(7) The Chairman of the Bar Council may convene all the meetings of the Bar Council and shall do so when requested by the Attorney-General, or in his absence or incapacity the Solicitor-General, or at least five members of the Council by a written request specifying the objects of such meeting.

Powers of
the Bar
Council.

20.—(1) The Bar Council shall consider all matters affecting the profession and take such action thereon as it may deem expedient and, without prejudice to the generality of the foregoing provision or to any other powers conferred upon it by this Law, shall have the following powers:—

- (a) to maintain the honour and independence of the Bar and its defence in relation to the judiciary and the executive;
- (b) to regulate the practice and etiquette of the profession;
- (c) to answer questions and give rulings affecting professional etiquette and practice;
- (d) to examine and, if it thinks fit, to report upon current legislation and any other legal matters submitted to it or to make recommendations to Government as to the desirability of introducing any legislation;
- (e) to represent the body of practising advocates in any matter in which it may be necessary or expedient;
- (f) to further good relations and understanding between the Bar and the public;
- (g) to protect the public right of access to the Courts and of representation by counsel before any Court or tribunal;
- (h) to prescribe the powers and functions of Local Bar Committees additional to those conferred by this Law;
- (i) to make Rules regulating and prescribing any of the above matters, subject to such Rules being approved by the majority of a general meeting of the advocates.

(2) Any Rules made by the Bar Council under sub-section (1) shall be published in the *Gazette* and thereupon shall be binding on all practising advocates.

(3) Any advocate who contravenes or fails to observe any Rules made under sub-section (2) shall be deemed to be guilty of unprofessional conduct and shall be liable to be dealt with for such conduct under the provisions of section 13.

(4) The Bar Council may appear before any Court by any of its members or by any other practising advocate.

(5) The Bar Council may regulate its own functions, practice and procedure in such manner as it shall think fit.

21.—(1) The Bar Council shall, as soon as may be after its election, constitute the following sub-committees, in addition to any other sub-committees which may be considered desirable :—

Sub-committees.

(a) a Legislation Sub-committee which shall examine and, if it thinks fit, report upon current legislation of the Colony and any other legal matter submitted to it, and may make recommendations for submission to Government as to the desirability of introducing any legislation ;

(b) a Practice and Etiquette Sub-committee to draft rules regulating the practice and etiquette of the profession in the Colony and to co-ordinate and advice upon matters of professional conduct ;

(c) an Executive Sub-committee which shall be a standing committee empowered to make and execute decisions on behalf of the Bar Council in matters which are considered by the Executive Sub-committee to be too unimportant to require reference to a meeting of the Bar Council or where it is considered by the Executive Sub-committee that despatch is essential.

(2) Action taken by sub-committees shall, at the first convenient opportunity, be submitted for approval by the Bar Council.

22. The Bar Council shall have power to levy subscriptions from advocates not exceeding in any one year the sum of two pounds from each advocate.

Sub-
scription.

PART VI.—PENSIONS AND ALLOWANCES.

23.—(1) The Bar Council shall, with the approval of the Governor, make Rules under this Part, to be published in the *Gazette*, to provide for the establishment of a Fund to be called as the “Advocates’ Pension Fund” (in this Law

Rules to
provide for
pensions and
allowances.

referred to as “ the Fund ”) for granting pensions and allowances to retiring advocates contributing to the Fund (in this Law referred to as “ the contributors ”) and in case of their death to their widows and orphans.

(2) Any Rules made under this Part shall make provision for—

- (a) the constitution of a board of management (in this Law referred to as “ the Board ”) of the Fund and for the regulation of the proceedings, including quorum, of the Board ;
- (b) the powers and duties of the Board ;
- (c) the investment of money belonging to the Fund, for the periodical audit and valuation of the Fund, and, where any valuation of the Fund shows that it—
 - (i) is or is likely to become insufficient to discharge its liabilities ; or
 - (ii) is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, for making such modifications of the Rules as appear to be required in order to make the Fund, as the case may be, sufficient, or no more than reasonably sufficient, to discharge its liabilities ;
- (d) the payment of contributions to the Fund by practising advocates and for the amount and manner of collection of such contributions and the sanctions for failure to pay such contributions ;
- (e) the conditions of the grant of pensions and allowances to contributors or their widows and orphans and the manner of calculation of such pensions and allowances ;
- (f) the information to be furnished by contributors and their widows and orphans ;
- (g) prohibiting the assignment of, or any charge or execution on, a pension or gratuity ;
- (h) the circumstances under which a pension granted under these Rules shall cease or lapse ;
- (i) the keeping of proper accounts of the Fund and the manner of their audit ;
- (j) the conditions of, and the procedure to be followed in case of, dissolution of the Fund and for the manner of disposal of the Fund in such case ;
- (k) such incidental and supplementary matters as may be necessary or expedient for the purposes of the Fund.

24.—(1) On the establishment of the Fund under sub-section (1) of section 23 the Governor-in-Council shall make Regulations to provide—

Regulations of the Governor-in-Council to provide for dues.

(a) for the payment of such dues, as may be prescribed, by every practising advocate who appears before any Court or Judge or other officer of the Court, or who is doing any other act as an advocate as may be prescribed, or who files with, or produces before, any Court or Judge or other officer of the Court any prescribed document, or on whose behalf any such document is so filed or produced ;

(b) for the manner of collection of such dues.

(2) No advocate shall be permitted to appear before any Court or Judge or other officer of the Court or to do any prescribed act and no prescribed document shall be filed with, or produced before, any Court or Judge or other officer of the Court unless the dues, prescribed under sub-section (1), are paid.

25. All moneys collected from dues imposed under sub-section (1) of section 24 shall be paid into the Fund but, subject to that payment, no other payment shall be made into the Fund from the general revenue of the Colony.

Payment of dues into the Fund.

26.—(1) No advocate shall charge or collect from any of his clients any amount paid by him by way of contribution to the Fund or dues imposed under sub-section (1) of section 24.

Restriction on advocates to charge clients for contributions or dues.

(2) Any advocate who acts in contravention of sub-section (1) shall be guilty of unprofessional conduct and shall be liable to be proceeded against by disciplinary action under this Law.

PART VII.—MISCELLANEOUS.

27. Notwithstanding anything in this Law contained, any party to any civil or criminal proceedings may appear in person and conduct his own case ; and where there are several parties to a civil proceeding having common interests, any one of such parties may be authorized in writing by the other or others to appear on his or their behalf and conduct the case ; and the Court dealing with a civil proceeding may, where it shall so think proper, upon the personal application of any party, allow any person who is a near relative of such party to appear on his behalf and to conduct his case for him.

Parties to proceedings.

28. The Governor, with the advice and assistance of the Chief Justice, may make Rules, to be published in the *Gazette*, for the better carrying into effect the purposes of Parts II, III and IV of this Law, and, without prejudice to the generality of the powers hereinbefore conferred, for

Power to make Rules.

prescribing the maximum fees which may be taken by advocates in respect of any business transacted at the Land Registry Office.

Repeal.
Cap. 3.

29. The Advocates Law is hereby repealed :

Provided that any advocate enrolled under the Law hereby repealed and any annual licence granted thereunder shall be deemed to have been enrolled or granted under this Law.

Date of
coming into
operation of
the Law.

30. This Law shall come into operation on its publication in the *Gazette* except Part VI which shall come into operation on a date to be fixed by the Governor by a notice in the *Gazette*.

J. W. SYKES,

6th September, 1955.

Acting Colonial Secretary.