

CAP. 3.

CYPRUS

ADVOCATES' CLERKS

CHAPTER 3 OF THE LAWS

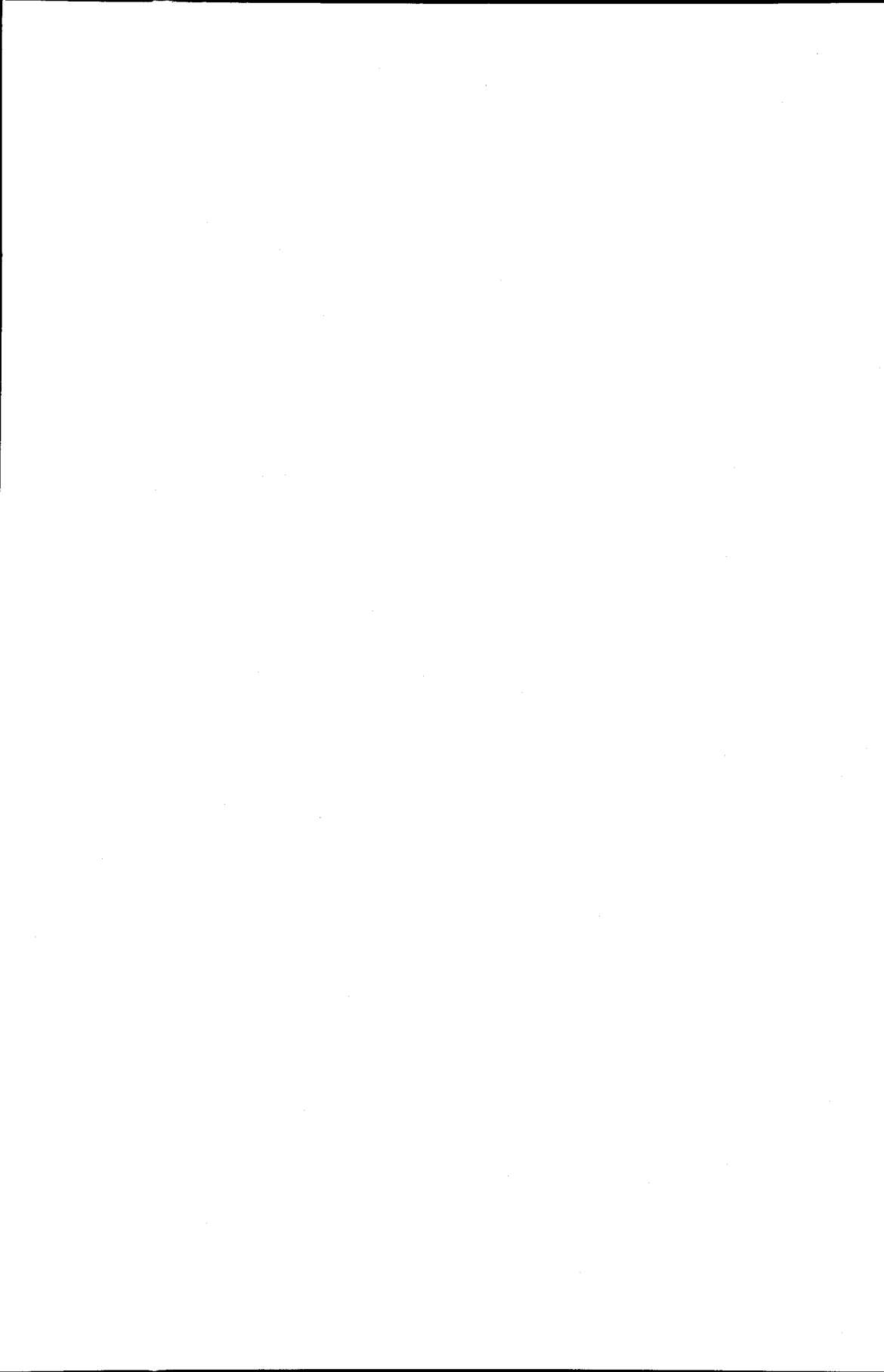
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CHAPTER 3.

ADVOCATES' CLERKS.

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A LAW TO MAKE BETTER PROVISION FOR THE REGISTRATION OF ADVOCATES' CLERKS.

[7th February, 1940.]

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1. This Law may be cited as the Advocates' Clerks Law. Short title.

2. In this Law—

Interpreta-
tion.

“ advocate ” means a person who has been enrolled as an advocate in the Roll of Advocates under the provisions of the Advocates Law, and is the holder of an annual licence issued thereunder and in force for the time being ;

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“ clerk ” means a person actually employed as a clerk by an advocate in the course of his practice as an advocate and who is occupied in the general work of the office of the advocate ;

“ District Court ” means the District Court of the District in which the clerk is registered under the provisions of this Law ;

“ register ” means the register of advocates' clerks kept under the provisions of section 3 ,

“ registered clerk ” means a clerk registered under the provisions of this Law ;

“Registrar” means the Registrar of the District Court of the District in which the register is kept.

Register of advocates' clerks to be kept. Schedule.

3. The Registrar of every District Court shall keep a book in the form set out in the Schedule, to be called the register of advocates' clerks, in which he shall register the names of all persons employed as clerks by any advocate who practises in or has an office in the District, and the other particulars therein specified.

Application by advocate for registration of clerk and notice of retirement, etc.

4. (1) Any advocate who desires any person to be registered as his clerk shall make application in writing to the Registrar in that behalf.

(2) When an advocate retires from practice or ceases to employ the clerk he shall give notice thereof to the Registrar not later than three days from the day on which he retires or on which he ceases to employ the clerk, as the case may be.

Only persons actually employed to be registered as clerks.

5. No advocate shall procure the registration of any person as his clerk unless such person is actually employed by him as his clerk.

Educational qualification of clerks. 2 of 9/57.

6. (1) The Registrar shall not register any person as a clerk under this Law unless such person satisfies the Registrar that he has received education in a secondary school for a period of not less than two years.

(2) Nothing in this section contained shall apply to any person who is registered as a clerk under this Law on the date on which this section comes into operation.*

Disqualifications.

7. No person who has been convicted of any offence punishable with imprisonment for a term of six months or upwards shall be registered or shall remain registered as a clerk unless the President of the District Court of the District within which the advocate practises or has an office, upon application in writing made to him in that behalf by such advocate, directs the Registrar to register or to restore the name of such person in the register.

Registered clerk may act on behalf of advocate in certain matters.

8. (1) A registered clerk may, on behalf of the advocate who procured his registration in the register—

(a) attend and transact business at the District Lands Office, and

(b) do any act arising out and in the course of his employment as such,

without producing a power of attorney from such advocate.

* Section 6 came into operation on the 2nd May, 1957.

(2) Nothing in this section contained shall entitle or enable a registered clerk—

- (a) to appear before a Court or Judge on behalf of an advocate, or
- (b) to do any act which under the Rules of Court in force for the time being is prescribed to be done by an advocate.

9. (1) A District Court may, of its own motion or upon report made to it by any Judge or any other person of misconduct of any registered clerk, order—

Provisions relating to discipline.

- (a) that the name of such clerk be erased from the register, or
- (b) that such clerk be suspended from his employment during such period as may be specified in the order.

(2) In the exercise of the jurisdiction conferred upon it by this section a District Court shall have the same powers with regard to summoning and compelling the attendance of witnesses as in civil proceedings.

(3) Every order of the District Court under this section shall be subject to appeal to the Supreme Court to be made within two months from the making of the order :

Provided that—

- (a) the Supreme Court may extend the time of appeal upon such terms as it shall think fit, notwithstanding that the period of two months has expired, and
- (b) notwithstanding that an appeal to the Supreme Court has been made, the operation of the order of the District Court shall not be suspended unless the District Court or the Supreme Court shall otherwise direct.

(4) On an appeal to the Supreme Court under subsection (3) the Supreme Court may—

- (a) dismiss the appeal and confirm the order of the District Court ;
- (b) allow the appeal and set aside the order of the District Court ;
- (c) vary the order of the District Court ; or
- (d) make such other order as justice may require.

(5) For the purposes of this section a District Court shall

be composed of the President of the District Court and one or two District Judges.

Power to
Supreme
Court to
replace name
of clerk an
on register.

10. The Supreme Court may, if it thinks fit, at any time after the expiration of five years from the date of an order directing the erasure of the name of a clerk from the register, whether such order has been made before or after the enactment of this Law, order the Registrar of the District Court of the District in which such clerk was registered to replace on the register the name of such clerk.

Duties of
Registrar.

11. The Registrar shall—

- (a) in case the District Court has made an order for the erasure of the name of a registered clerk from the register and when the order has not been set aside on appeal to the Supreme Court, erase the name of such clerk from the register ;
- (b) in case the District Court has made an order for the suspension of a registered clerk from his employment, make an entry in respect thereof in the register ;
- (c) make such other entry in the register as the Supreme Court may direct ;
- (d) upon receipt from an advocate of a notice under subsection (2) of section 4 or when an advocate dies, erase from the register the name of the clerk whose registration had been procured by such advocate.

Offences and
penalties.

12. Any person who shall act as a clerk to an advocate without his name being on the register, or during any period in which he has been suspended from his employment by an order of a competent Court, shall be guilty of an offence.

Penalty: Six months' imprisonment or twenty pounds fine or both.

Rules of
Court.

13. The Governor, with the advice and assistance of the Chief Justice may from time to time by writing under the hand and official seal of the Governor and the hand of the Chief Justice make Rules of Court—

- (a) prescribing the maximum fees which may be taken by a registered clerk in respect of any business transacted by such clerk on behalf of the advocate who procured his registration in the register ;

