

No. 80**THE ADVOCATES ORDINANCE 1962**

(Ordinance 13 of 1962 as amended by Ordinances 24/63, 5/75, 12/86, 18/91, 4/02 and 20/06)

RULES UNDER SECTION 14

In exercise of the powers conferred upon him by section 14 of the Advocates Ordinance 1962, and under section 28A of the Interpretation Ordinance^(a), and with the advice and assistance of the Senior Judge, the Administrator hereby makes the following Rules—

Citation

1. These Rules may be cited as the Advocates (Code of Conduct and Disciplinary Procedure) Rules 2006.

Adoption of Code of Conduct of Advocates Regulations 2002, Republican Public Instrument No. 237/2002

2.—(1) Subject to paragraph (2) below, the Code of Conduct of Advocates Regulations 2002 of the Republic (“the Republican Regulations”) which came into force in the Republic on 17th May 2002 are adopted under the Advocates Ordinance 1962 and accordingly, as from the date that these Rules come into force, the Republican Regulations shall have effect in the Areas as if they were rules made by the Administrator, with the advice and assistance of the Senior Judge, under section 14 of the Advocates Ordinance 1962.

(2) Paragraph (1) above shall effect only in relation to a person who is entitled to practise as an advocate in the Areas by reason of his being –

- (a) a qualified person admitted in accordance with section 4 or 5 of the Advocates Ordinance 1962;
- (b) a Republican advocate; or
- (c) an advocate who is registered in the Register of Advocates of Member States who Provide Services which is established and maintained under the Republican Advocates Law.

Investigation into the conduct of an advocate

3. The Attorney General and Legal Adviser may of his own motion or on the direction of a Judge investigate whether an advocate falling within rule 2(2) above has conducted himself in such a manner as to make him liable to be disciplined in accordance with Part IV of the Advocates Ordinance 1962.

Procedure for investigating the conduct of an advocate

4.—(1) Where the Attorney General and Legal Adviser is investigating an advocate’s conduct pursuant to rule 3 above, he shall notify the advocate concerned in writing –

- (a) that his conduct is being investigated in order to determine whether he may be liable to disciplinary proceedings under Part IV of the Advocates Ordinance 1962;

(a) Cap. 1 (Laws of Cyprus); section 28A was inserted by section 2 of the Interpretation (Amendment) Ordinance 2003 (Ordinance 37/2003).

- (b) of the particulars held by the Attorney General and Legal Adviser which have prompted the carrying out of the investigation, including any particulars of any allegation made by any person concerning the advocate's conduct;
 - (c) of the period within which the advocate may give a response in writing in relation to those particulars;
 - (d) that at the end of that period the Attorney General and Legal Adviser will review all the circumstances of the case, including any written response which the advocate may have given, and decide whether in his opinion there are sufficient grounds for him to institute proceedings against the advocate before the Disciplinary Committee under section 11(1)(a) of the Advocates Ordinance 1962.
- (2) The period referred to in rule 4(1)(c) above –
- (a) must be reasonable in all the circumstances of the case, and no shorter than 14 days in any case; and
 - (b) may be extended if the advocate concerned applies in writing to the Attorney General and Legal Adviser for an extension and provides good reasons in support of his application.

Convening of Disciplinary Committee

5.—(1) Where, following an investigation carried out by him in accordance with rules 3 and 4 above, the Attorney General and Legal Adviser decides to institute disciplinary proceedings against an advocate pursuant to section 11(1)(a) of the Advocates Ordinance 1962, he shall notify the Senior Judge and the advocate concerned of his intention to do so.

(2) Where the Senior Judge has received notification from the Attorney General and Legal Adviser in accordance with rule 5(1) above, the Senior Judge shall convene a Disciplinary Committee, which shall consist of the Senior Judge and two other Judges, to determine those proceedings.

Dated this 23rd day of November 2006.

By the Administrator's Command,
P. D. Draycott,
Chief Officer,
Sovereign Base Areas.

(SBA/AG/2/CT/185/3)