

Amendment
of section 2
of Law 20 of
1933.

2. The definition of "advocate's clerk" contained in section 2 of the Principal Law is hereby repealed.

Repeal of
section 13
of Law 20
of 1933 and
substitution
of new
section.

3. Section 13 of the Principal Law is hereby repealed and the following section substituted therefor:—

"Parties to
proceedings.

13. Notwithstanding anything in this Law contained, any party to any civil or criminal proceeding 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."

A. B. WRIGHT,

5th February, 1940.

Colonial Secretary.

(M.P. 696/37.)

No. 5 OF 1940.

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

W. D. BATTERSHILL,]

[5th February, 1940.

Governor.

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

Short title.

1. This Law may be cited as the Advocates' Clerks
Law, 1940.

2. In this Law, unless the context otherwise requires,—
 “advocate” means a person who has been enrolled as an advocate in the Roll of Advocates under the provisions of the Advocates Laws, 1933 to 1937, and is the holder of an annual licence issued thereunder and in force for the time being ;

Interpre-
tation.

20 of 1933
40 of 1933
7 of 1934
20 of 1937

“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.

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.

Register of
Advocates’
Clerks to
be kept.

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.

Application
by advocate
for regis-
tration of
clerk and
notice of
retirement,
etc.

(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.

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

Only persons
actually
employed to
be registered
as clerks.

6. 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.

Disqualifi-
cations.

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

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

- (a) attend and transact business at the Land Registry 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.

(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.

Provisions relating to discipline.

8.—(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—

- (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—

- (a) that 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) that, 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.

9. 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.

Power to
Supreme
Court to
replace name
of clerk
on the
Register.

10. 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 section 4 (2) or when an advocate dies, erase from the Register the name of the clerk whose registration had been procured by such advocate.

Duties of
Registrar.

11. 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.

Offences and
penalties.

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

12. 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—

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 ;

(b) prescribing the proceedings to be taken under sections 8 and 9 and fees and costs in respect thereof ;

(c) generally for the better carrying out of the purposes of this Law.

Repeal and
saving.
12 of 1894.

13. The Advocates Law, 1894, Part 2, is hereby repealed :
Provided that every person registered as a clerk under
the provisions of the Law hereby repealed shall be deemed
to be a person registered as a clerk under the provisions
of this Law.

SCHEDULE.

(Section 3.)

FORM OF REGISTER OF ADVOCATES' CLERKS.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Consecutive number.	Name of District.	Name and surname of clerk.	Place of residence of Clerk.	Name and surname of advocate.	Place of residence of advocate.	Date on which name of clerk is erased from Register and reason therefor.	Date on which clerk is suspended, period of suspension and reason therefor.	Date on which name of clerk is replaced in consequence of an order of the Supreme Court under section 9 of the Law and date of order.	Any other particulars consequent upon an order of a District Court or the Supreme Court under section 8 or 9 of the Law.

5th February, 1940.

A. B. WRIGHT,
Colonial Secretary.
(M.P. 696/37.)