**RAA 171/2018**



OFFICIAL GAZETTE

**OF THE REPUBLIC OF CYPRUS**

**THIRD ANNEX**

**PART I**

**REGULATORY ADMINISTRATIVE ACTS**

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| **Number 5096** | **Friday, 29 June 2018** | **1193** |

**Number 171**

THE ADVOCATES LAW (CAP. 2) (AS AMENDED TO DATE)

(REGULATIONS PURSUANT TO ARTICLE 24(1) (B) AND (L) OF THE ADVOCATES LAW (CAP. 2))

Regulation pursuant to Article 24(1)(b)(l)

 In exercise of the powers conferred upon it by Article 24 of the Advocates Law, Cap. 2 (as amended to date), the Council of the Cyprus Bar Association issues the following Regulations, which were approved by the Extraordinary General Meeting on 19 June 2018:

THE RESOLUTION OF DISPUTES ARISING FROM THE PROVISION OF SERVICES BY PRACTISING LAWYERS (EXTRAJUDICIAL CASES) REGULATIONS OF 2018

 1. These Regulations shall be cited as “The Resolution of Disputes arising from the Provision of Services by Practising Lawyers (Extrajudicial Cases) Regulations of 2018”, hereinafter the Regulations.

 2. For the purposes of these Regulations, unless the context otherwise requires:

“Council” means the Administrative Council of the Cyprus Bar Association, as defined in the Advocates Law, Cap. 2, as amended to date.

 3. The Regulations apply only to the provision of services by lawyers, in respect of whose fee no provision is made in any Procedural Regulations issued by the Supreme Court and includes Civil and Criminal proceedings.

 4. The lawyer is paid based on the service provided, but is required, subject to the exceptions of Regulation 5, to claim a fee for the service provided by him/her as defined in the Regulations.

 5. –(1) The lawyer is relieved of the obligation to claim a fee as prescribed in the Regulations in any of the following circumstances:

1. Signature by the client of a Lawyer Appointment Form, which must include the provisions of Annex 1.
2. Where the client and the lawyer are spouses or are related up to the third degree of consanguinity or are lawyer colleagues.
3. In case of proven poverty of his/her client, the lawyer is relieved of the obligation to claim any fee.

 6. The lawyer shall avoid offering advice over the telephone, save in cases of urgent or special nature.

 7. The lawyer shall inform his/her client in advance on the method of determination of his/her fee, in particular where calculation is made on an hourly basis.

 8. The lawyer shall deliver to his/her client a bill for his/her fee within a reasonable time period and, in any event, no later than one month after such bill is requested by the client.

 9. Breach of these Regulations constitutes a disciplinary offence.

 10. A lawyer’s reasonable fee for an extrajudicial case is determined based on the following criteria:

1. The complexity of the case;
2. The legal points raised, especially if they are novel points;
3. The lawyer’s experience and specialised knowledge and the work and responsibility required of him;
4. The number, volume and significance of the documents which the lawyer must draw up or study;
5. The location where he/she conducts the work or provides the services;
6. The time to be expended by the lawyer on the handling of the case;
7. The circumstances under which the case is being conducted;
8. The nature, value and importance of the subject matter of the case;
9. The significance of the case and its outcome for the client;
10. The urgency of the case and the time limits given to the lawyer for the handling thereof;

 11. –(1) Lawyers may request the certification of their fee by the Council.

 (2) In order to obtain the certification referred to in paragraph (1), the Lawyer shall deliver to the Council’s Secretary the following documents:

1. A Lawyer Appointment Form, if signed, as prescribed; and
2. A detailed list of the services in respect of which the fee certification is requested.

 12. The Council shall respond to the lawyer’s request for fee certification at the latest within forty-five days following the delivery of the required documents, as stated in the previous regulation.

 13. –(1) For the purposes of facilitating the implementation of the Regulations, a Committee for the Resolution of Disputes arising from the Provision of Services by Practising Lawyers (Extrajudicial Cases) is established.

 (2) The aforementioned Committee comprises three lawyers, two of whom must have exercised the profession for a total of at least fifteen years.

 (3) For the purposes of facilitating and expediting the implementation of the Regulations, the Council may proceed to the appointment of a second Committee.

 (4) The members of the aforementioned Committees are appointed by the Council of the Cyprus Bar Association for a one-year term of office.

 (5) The mode of operation and the applicable procedure are regulated by the Council.

 14. The Committee’s decisions have the status of Arbitral Awards or an Arbitrator’s Decision and any of the parties has the right to apply to the District Court requesting the registration and enforcement thereof in accordance with the prescribed procedure and methods of enforcement, as applicable to all other District Court decisions.

 The Committee’s decisions shall bear interest and the Committee shall have the right to order the award of interest on the voted amount in accordance with the Liberalisation of the Interest Rate and Related Matters Law 160(I) of 1999 and as applicable to Court decisions.

 15. The Committee has the right to order any of the parties to pay the costs of the procedure before it and may also award costs for any further or additional work.

 16. Every lawyer’s client acquires the same rights and is subject to the same obligations as his/her lawyer in respect of the certification of any fee paid or to be paid by such client to his/her lawyer, pursuant to these Regulations.

 17. All documents drawn up by a lawyer for an extrajudicial case must include:

1. The name of the lawyer and of the law firm in which he/she is employed, the address and contact details of the law firm which has drawn up the document and the lawyer’s signature.
2. The law firm’s seal.

**ANNEX I**

LAWYER APPOINTMENT FORM FOR AN EXTRAJUDICIAL CASE

Date:………………………

I, ……………………………………………… from………………………………………… (address and contact details), hereby authorise Mr./Ms………………………………………, lawyer of the law firm …………………………………. (address and contact details) to handle my case as described below and agree to pay him/her the fee of ……………………

I hereby agree to pay the above lawyer’s fee in the following manner:

DESCRIPTION OF CASE

 ………………………………..

 (signature)