**Mandate of the Special Rapporteur on the Independence of Judges and Lawyers
Questionnaire on the Role, Composition and Functions of Bar Associations**

1. Please provide information on the way the legal profession is organised and regulated in your country. What are the legal bases for its establishment (e.g. constitutional provisions; ordinary law or other)? Please also indicate the main legal provisions protecting the right of lawyers to freely join or create a local, national or international association, and mention the existing associations.

 The profession is regulated by the Advocates Law Cap 2, the Constitution and the Code of Conduct.

In addition, the Advocates Law Part II provides for admissions and registration, a process regulated by the Legal Council. The Legal Council decides on matters regarding registration and admission and carries out the relevant examination. The qualifications for registration are as follows:

1. The candidate must be 21 years old or above.
2. Must be of good character
3. A citizen of the Republic of an EU Member or the spouse of the child of a citizen of the Republic or any other EU Member.
4. Has his habitual residence in Cyprus.
5. Is the holder of a Degree or Law Diploma of a Greek or Turkish University, of United Kingdom University or Is a barrister or is the holder of such a degree or diploma awarded from any other university or institution as the Legal Council may from time to time publish in the Official Gazette and
6. Has done a pupillage practice of no less than 12 months in the Law Chambers of an Advocate of at least 5 years standing.
7. He has passed the examinations set by the Legal Council.

When an individual receives a certificate from the Legal Council entitling him to be registered as an advocate, can under Section 6 of the Law and upon payment of a small fee be entered on the ‘Advocate Register’. Moreover, under Section 6, the Legal Council may approve the formation of a limited liability company of advocates to provide legal services as an ‘advocate’ on certain conditions, mainly that it is composed by registered licensed legal practitioners. Under the same Section, an advocate must also maintain professional indemnity insurance.

As it can be understood from the above, the profession is strictly regulated by law and controlled by the Legal Council.

1. Does a professional association of lawyers play a role in the regulation of the profession? If so, please provide information on:
2. the exact denomination of the body;
3. the legal basis for its establishment (e.g. constitutional provisions; ordinary law or other);
4. whether the association has been established as an ‘independent’ and self-governing association;
5. the composition and appointment process of the executive body of the association.

The Cyprus Bar Association is the professional body of lawyers in Cyprus with over 2700 members. The Association was established under the Advocates Law Chapter 2 in 1960 and it has been operating since then.

According to the above legislation (Advocates Law), the Cyprus Bar Association, the Disciplinary Board and the Legal Council, constitute the bodies that regulate the legal profession in Cyprus.

Several Local Bar Associations comprise all lawyers practising the profession in each District. Cyprus Bar Association is independent from the Local Bar Association as far as the election of its president.

Regarding the denomination of the Cyprus Bar Association, it consists of:

1. The President, who is elected by the General Meeting of the Bar Association, taking place every three years.
2. The Chairmen of the District Bar Associations and one member from each District elected as representative to the Bar Council.
3. Four members elected by the General Meeting of the Bar Association.

The Attorney General is considered as the honourable President of the Bar Council.

1. Please provide information on the relationship between the association of lawyers and the Executive, Legislative and Judiciary powers. In particular, please provide information on the role of the Ministry of Justice and/or the judiciary in relation to the establishment and functioning of this association.

The Cyprus Bar Association is independent from the Executive, Legislative and Judiciary Powers.

1. Please provide information on the role that professional associations of lawyers play with regard to:
2. the admission process to the legal profession and the licensing of lawyers;
3. the conduct of disciplinary proceedings against lawyers;
4. the provision of legal aid;
5. the protection of individual lawyers from any form of intimidation, hindrance, harassment or improper interference in the exercise of their functions;
6. the development and implementation of legislation concerning the free exercise of the legal profession and the administration of justice.

With regards to the admission process to the legal profession and the licensing of lawyers, once someone completes undergraduate diploma in Law, he/she registers as a Trainee Advocate. Upon the mandatory completion of the 12-month pupillage in a law office in Cyprus or the Attorney General’s office and once he/she passes the Legal Council’s exams for trainee lawyers he/she is able to register as an advocate and practice law in Cyprus as long as the Legal Council is satisfied that the legal requirements under section 4 of the Advocate’s Law Cap.2 are fulfilled.

Additionally, the Amendment Law 180(I)/2002 enables registered lawyers practicing in a Member State to provide services as a lawyer in another Member State. Under Article 14K of the Basic Law (Cap.2) the Cyprus Bar Association retains an additional Register of Lawyers Practising in which the above-mentioned advocates are registered.

Regarding the provision of Legal Aid, the Legal Aid Law of 2002 (N.165(I)2002) is in existence and it provides that Legal Aid includes advice, assistance and representation. An individual can be granted Legal Aid in various occasions and the procedure to be followed is quite simple. When an application of Legal Aid is filed, a notification to appear, is given to the Attorney General, who is the legal advisor of the State. Leave is granted, with the permission of the Court, provided a Welfare’s report, concerning the financial and social status of the applicant, justifies it.

With regards to the conduct of disciplinary proceedings against lawyers, the Disciplinary Board, which is a body composed with the Attorney General as a Chairman, the elected President of the Bar Association and five elected advocates of not less than fifteen years of practice, is the body that exercises control and disciplinary jurisdiction over every advocate. All disciplinary members of the Bar Association are within the exclusive jurisdiction of this Body.

1. Is membership in the professional association of lawyers mandatory to practice law in your country? In case membership is a prerequisite to practice law, please provide detailed information on the measures the State has taken to ensure access to justice in cases where there is a shortage of lawyers in the whole country or part of its territory.

A lawyer can practice law in Cyprus, provided that he/she is enrolled in a special part of the “Registry of Practicing Advocates” in Cyprus by addressing to the Legal Council. An advocate, who is a national of a member state and practices as freelance professional or as a salaried person in a law firm in a member state other than Cyprus, can pursue the activities of an advocate on a permanent basis in the Republic of Cyprus, in the same manner as the profession is jointly practiced by Cypriot advocates.

Notably, an advocate practicing under his home-country title who has effectively and regularly pursued for a period of at least three years an activity in the Republic in Cyprus law, including Community Law may gain full admission to the profession of advocate in the Republic of Cyprus after the approval of the Legal Council.

There are no issues of ease of access to a lawyer in Cyprus given the geographical and economic characteristics of the country.