

IN RELATION TO ADVOCATES LAW (CAP. 2)

ARTICLE 24: POWERS OF THE COUNCIL OF THE PANCYPRIAN LAWYERS ASSOCIATION

1. The Council of the Pancyprian Lawyers Association examines all issues concerning the profession and proceeds to taking such actions in relation to these issues as may consider appropriate and, without prejudice to the general application of this provision or any other powers which are enshrined in this Law, has the following powers:
 - a) To preserve the honour and independence of the Lawyers' Body and defend it against the judicial and the executive power;
 - b) To regulate issues concerning the practice and deontology of the profession;
 - c) To respond to questions and decide issues which concern the professional deontology and practice;
 - d) To examine and, when it considers it appropriate, submit reports on existing legislation and on any other legal issues which are submitted to it or make recommendations to the Government for the desirability of introducing any new legislation;
 - e) To represent the body of lawyers who practice the profession when this is necessary or appropriate;
 - f) To promote good relations and understanding between the Body of Lawyers and the public;
 - g) To defend the public right of recourse to the courts and legal representation before any court;
 - h) To determine the powers and functions of the Councils of the Local Lawyers Associations in addition to those which are enshrined in this Law;
 - i) To ensure the continuous legal education of lawyers;
 - j) To negotiate with the lawyer employees or their trade unions on behalf of all the lawyers and form collective agreements which regulate their salaries or other employment terms of lawyer employees;
 - k) To determine the lawyers' fees for out of court cases (*emphasis added*);**
 - l) To determine the amount of the payable right for issuing the annual license;

- m) **To issue regulations which regulate and determine any of the above issues, subject to the condition that these regulations will be approved by the majority of the general meeting of lawyers;** *(emphasis added)*
- n) To establish, operate and administer funds of medical care, provident funds, insurance funds and for this purpose to enter into agreements with any person, organisation or company and regulate issues which relate to the establishment, operation, administration, practice and procedures in such a way it considers appropriate;
- o) To establish, operate, administer a plan, system or provision of legal IT fund, including electronic IT, and for this purpose enter into agreements with any person, organisation, company and impose on his members a fee, contribution or subscription which is necessary for the establishment, operation and administration of any such plan, system or fund;
- p) To write, issue, publish and circulate any printed material when it considers it appropriate and reasonable, and sell and impose any fee, contribution or subscription it considers appropriate:

Via a circular by the Council of the Pancyprian Lawyers Association or the issue of regulations it may be demanded by the Registrars of the Supreme Court, the district courts, the Family Court, the Landlord and Tenant Court, the Employment Disputes Court and any other legally constituted courts not to accept the filing of any claim or other originating procedure or appeal or appearance or defence or objection or any other document or statement of case, unless the stamp which is specified from time to time by the Council of the Pancyprian Lawyers Association via a circular or regulations, is affixed on the above documents.

- (2) Regulations which are issued by the Council of the Pancyprian Lawyers Association by virtue of subsection (1) are sent by its President and published in the Official Gazette of the Republic, and upon publication bind all practicing lawyers.
- (3) **Every lawyer, who breaches or fails to adhere to any of the regulations which are issued by virtue of subsection (2) is guilty of behavior inconsistent to professional behaviour and is subject to the consequences of article 17 (Disciplinary Offences and Procedure)** *(emphasis added)*.
- (4) The Council of the Pancyprian Lawyers Association may appear before any court with any of its members or with any other lawyer in practice.
- (5) The Council of the Pancyprian Lawyers Association may regulate issues which concern its operation, practice and procedure in such a way as it considers appropriate.

E.E. Annex (III)(I)
No. 4268, 4.4.2008
No.118

Regulatory Administrative Act ("R.A.A.")
118/2008

**IN RELATION TO THE MINIMUM FEE LIMITS OF
PRACTISING LAWYERS (OUT-OF-COURT CASES)
REGULATIONS OF 1985 – 2006**

(Regulations by virtue of article 24 of the Advocates Law)

Cap. 2
42 of 1961
20 of 1963
46 of 1970
40 of 1975
55 of 1978
71 of 1981
92 of 1983
17 of 1985
9 of 1989
175 of 1991
212 of 1991
9(1) of 1993
56(1) of 1993
83(1) of 1994
76(1) of 1995
103(1) of 1996
Law 79(1)/2000
Law 31(1)/2001
Law 41(1)/2002
Law 180(10)/2002
Law 117(10)/2003
Law 130(1)/2003
Law 199(1)/2004
Law 264(1)/ 2004
Law 21(1)/2005
Law 65(1)/2005
Law 124(1)/2005
Law 158(1)/2005
Law 175(1)/2007
Law 117(1)/2007

The Council of the Pancyprian Lawyers Association in the exercise of its powers which are conferred to it by article 24 of the Advocates Law, issues the following Regulations which have been approved by the General Meeting of the Pancyprian Lawyers Association on the 16th of January 1985.

PART I

INTRODUCTORY PROVISIONS

1. These Regulations will be referred to as “In relation to the Minimum Fee Limits of Practicing Lawyers (Out-of-Court Cases) Regulations of 1985 EE Annex III(1) 1.3.85, R.A.A. 82/85, EE Annex III(1) 18.1.91, R.A.A. 9/91, EE Annex 111(1) 30.4.99 R.A.A. 89/99, EE Annex 111(1) 19/11/99 R.A.A. 179/99, EE Annex III(1) 12.4.2006 R.A.A. 167/06.
2. In these Regulations, unless a different meaning arises from the extract:

“Conference” means the discussion of the case between lawyer and client whether in the presence or not of other persons or of lawyers of opponents or between lawyer and other persons which is not aimed at the provision of instructions to the lawyer, the taking of evidence or the provision of information in relation to the progress of the said case.

“Interview” means the discussion of the case between lawyer and client or other persons who are connected to the case of the client.
3. These Regulations are applied only for the provision of services by lawyers, for whose fee no other provision in any other Procedural Regulations exist which have been issued by the Supreme Court and ***includes Civil and Criminal procedures.***

PART II

RIGHTS AND OBLIGATIONS OF LAWYERS

4. The lawyer is remunerated according to the service he provides but is obliged, subject to all the exceptions of Regulation 5, to claim the minimum fee limit for the service which is provided by him as is determined by these Regulations.
5. (1) The lawyer is exempt from the obligation to claim a fee as provided by these Regulations if any of the following circumstances apply:
 - a) signature by the client of Special or General Retainer for a specific time period, or
 - b) provision of information to the client in relation to the progress of the case which is pending where the lawyer has failed due to his own negligence to inform the client in a timely manner, or

- c) if the client and the lawyer are spouses or are connected by a family relationship up to and including third degree of kinship or are lawyer colleagues.

(2) In the event of proven hunger by the client the lawyer is exempt from the obligation to claim any fee.

6. The lawyer must avoid the provision of advice over the phone except where the cases are of urgent or special nature.
7. The lawyer must inform the client in advance as to the method of determination of his fee, especially where the calculation is based on an hourly basis.
8. The lawyer must deliver to his client a bill for his fee within reasonable time and in any event no later than a month after it is requested from his client.
9. The lawyer must have the legal fees tables which are in force each time posted in an apparent spot of his office.
10. Breach of the above Regulations constitutes a disciplinary offence.

PART III

FEE DETERMINATION

11. The lawyer's fee for an out-of-court case is determined as follows:
 - a) For service which is provided for in the annexes, the minimum fee limit, plus the reasonable fee in accordance with the criteria set out in Regulation 12.
 - b) For service which is provided for in the annexes, the reasonable fee is determined in accordance with the criteria set out in Regulation 12.
12. For the determination of a fee which is proportionate to the services provided the lawyer must take into account, notwithstanding any other provision of these Regulations the following factors:

- a) The complexity of the case;

- b) The legal points raised especially if they concern novel points;
- c) The lawyer's experience and specialised knowledge and the work and responsibility demanded by him;
- d) The number, volume and importance of the documents which the lawyer must draft or study;
- e) The location where his work is conducted or his services are provided;
- f) The time to be expended by the lawyer on the execution of the case;
- g) The circumstances under which the case is being conducted;
- h) The nature, the value and the significance of the subject of the case;
- i) The significance of the case and its result to the client;
- j) The urgency of the case and the time limits which are provided to the lawyer for the execution of the case.

Note:

All the fees which are referred to in and formed in the Annexes A, B, C, D, E and F of the basic regulations 1985 up to 1999, are amended with the addition of 30% over and above the amount for every fee referred to in the said annexes. The relevant amendments and changes have been effected in the existing amounts on the basis of the 30% increase. But for practical reasons and for their better use, the reconsidered amounts are approximate amounts.

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13. The minimum fee amount on the basis of the lawyer's expended time and the location where his services are provided, is determined as follows:

- (a) interviews or conferences at his office:

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|------|---|----------------------|
| i. | for expended time of one hour | €104 |
| ii. | for expended time of half an hour | €53 |
| iii. | for expended time of less than half an hour | €31 |
| | | for every 15 minutes |

- (b) interviews or conferences outside the lawyer's office but within the city where his office is located:

- | | | |
|-----|-----------------------------------|------|
| i. | for expended time of one hour | €135 |
| ii. | for expended time of half an hour | €67 |

- iii. for expended time of less than half an hour €31
for every 15 minutes
- (c) interviews or conferences outside the city where the lawyers' office is located:
- i. for expended time of one hour €164
 - ii. for expended time of half an hour €82
 - iii. for expended time of less than half an hour €43
for every 15 minutes
- (d) the minimum fee amount for service which is provided for the preparation of a case or for every other service is determined in accordance with paragraphs (a), (b) and (c):

The lawyer must claim from his client, beyond the above minimum fee limits, all disbursements including his travel expenses.

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PART IV

FEE CERTIFICATION

14. (1) Every lawyer may request the certification of his fee by the Council of the Pancyprian Lawyers Association.
- (2) For the purpose of safeguarding the certification referred to in paragraph (1) the Lawyer must deliver to the Secretary of the Council the following documents:
- (a) Retainer, if signed, as provided in Part V, and
 - (b) Detailed list of services in relation to which the fee certification is being requested.
15. The Council of the Pancyprian Lawyers' Association must respond to the lawyer's claim for fee certification within 45 days from the delivery of necessary documents, as referred to in the previous regulation,
16. (1) For the purposes of facilitating the application of these Regulations the Council of the Pancyprian Lawyers' Association establishes a Committee or the Determination of Legal Fee.

(2) The above Committee is constituted by three lawyers, two of whom must have completed at least fifteen years of practice.

(3) The members of the above Committee are elected by the Council by the whole of the Legal Body for a period of service of one year.

16(A) REGISTRATION OF COMMITTEE DECISIONS – INTEREST ON DECISIONS – AWARD OF COSTS OF THE PROCEDURE

EE Annex 111(1) 19.11.99 Regulatory Administrative Act 279/99

1. This Committee's decisions possess the status of Arbitral awards or awards by an Arbitrator and each party has the right to request by way of an application to the District Court their registration and execution in accordance with the prescribed procedure and methods of execution, which is in force for all other District Court decisions.
2. The decisions of the Committee for Out-of-Court Fees will bear interest and the Committee will have the right to order interest in accordance with the Law of the Republic relating to interest and in the same way as judicial judgments.

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3. The Committee has the right to order any of the parties to pay the cost of the procedure before it, as well as to award costs for any further or additional work.
4. Every lawyer's client acquires the same rights and is subject to the same obligations as his lawyer in relation to the certification of any fee which has been paid or will be paid by him to his lawyer, by virtue of these Regulations.

PART V

**LAWYER'S RETAINER
FOR AN OUT-OF-COURT CASE**

18. Every lawyer may claim from his client to sign a Retainer as is determined in Annexes F or G.
19. (1) On the said retainer the following lawyers' stamps must be affixed:
 - (a) For a fee which does not exceed €854, lawyers' stamp of €15 in value,

(b) For a fee which is between €855 and €1709, lawyers' stamp of €25 in value,

(c) For a fee exceeding €1709 lawyers' stamp of €50 in value.

(2) The signature of the client must be partly placed on the lawyers; stamps.

20. Any lawyer who does not adhere to the obligation of affixing to the Retainer above the corresponding lawyers' stamp, may not request certification of his fee unless he pays to the Council by way of fine an amount which is triple the amount that should have been affixed on the retainer by way of stamp duty in accordance with Regulation 19.

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PART VI

21. Any document which is drafted by a lawyer for an out of court case must bear:

(a) the name of the lawyer who drafted it and the address of his office, and

(b) the lawyer's seal.

ANNEX A

MINIMUM FEE LIMIT FOR THE FORMATION OF CONTRACTS OF ANY NATURE, WILLS, POWERS OF ATTORNEY AND BILLS OF EXCHANGE/

1. CONTRACTS:

a) A contract for an amount up to €1,709	€150
b) A contract for an amount between €1,710 - €3,417	€179
c) A contract for an amount between €3,418 - €5,126	€212
d) A contract for an amount between €5,127 - €8,543	€239
e) A contract for an amount between €8,544 - €11,960	€272
f) A contract for an amount between €11,961 – €17,086	€301
g) A contract for an amount between €17,087 - €20,503	€361

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|---|------|
| h) A contract for an amount between €20,504 - €25,629 | €420 |
| i) A contract for an amount between €25,630 - €29,046 | €480 |
| j) A contract for an amount €29,047 - €34,172 | €550 |

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- k) A contract for an amount between €34,173 - €85,430 which in Euros is determined according to the following mathematical formula:

$$550 + (A - 34172) \times 7.8$$

1000

- l) A contract for an amount between €85,431 - €170,860 which in Euros is determined according to the following mathematical formula:

$$950 + (A - 85430) \times 6.5$$

1000

- m) A contract for an amount exceeding €170,860 – which is determined in Euros according to the following mathematical formula:

$$1505 + (A - 170860) \times 3.9$$

1000

(In the above mathematical formulas A corresponds to the value of the object of the contract in Euros).

Note: The above amounts only concern a fee for instructions, drafting of the content of the contract and its typing.

II. WILLS AND DEEDS OF GIFT:

- a) for distribution of object of value up to €17,086 €150
- b) for distribution of object of value €17,087 - €20,503 €212
- c) for distribution of object of value €20,504 - €23,920 €239
- d) for distribution of object of value €23,921 - €27,338 €301
- e) for distribution of object of object €27,339 - €30,755 €361
- f) for distribution of object of value €30,756 - €34,172 €451
- g) for distribution of object of value €34,174 - €85,430, the amount which in Euros is determined according to the following mathematical formula:

$$\frac{451 + (D - 34172) \times 3.9}{1000}$$

- h) for distribution of object of value €85,431 - €170,860, the amount which is determined in Euros according to the following mathematical formula:

$$\frac{651 + (D - 85430) \times 1.3}{1000}$$

- i) for distribution of object of value exceeding €170,860 the amount which is determined in Euros according to the following mathematical formula:

$$\frac{762 + (D - 170860) \times 0.9}{1000}$$

(In the above mathematical formulas D corresponds to the value of the object which is distributed in Euros).

Note:

The above amounts only concern a fee for instructions, preparation of documents, their typing and deposit to the Court Registry where the matter concerns a Will and where it is the client's wish.

III. POWERS OF ATTORNEY

For the constitution of general or special power of attorney:

€91

plus the value of
the necessary
stamps

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IV. BILLS OF EXCHANGE

a) For the formation of a bill of exchange of value up to €8,543:

€44

plus the value of
the necessary
stamps

b) For the formation of a bill of exchange of value exceeding €8,543:

€68

plus the value of
the necessary
stamps

ANNEX B

MINIMUM FEE LIMIT FOR SERVICES PROVIDED IN RELATION TO THE REGISTRATION OF COMPANIES OR PROVISION OF OTHER FACILITIES CONCERNING COMPANIES

The minimum limits of Annex B have been increased by 15% with an amendment effected in 1991 EE Annex 111(1) 18.1.91 and by 35% with an amendment effected in 1999 EE 111(1) 30.4.99 and by 30% with an amendment effected in 2006 EE III (1) 12.4.06, R.A.A. 167/2006.

I. COMPANIES:

1. FOR COMPANIES

For registration of a Limited Liability Company:

Where the nominal share capital is:

- (a) up to €1,709 minimum fee amount €451.
- (b) between €1,710 and €17,086 the minimum fee amount is determined in Euros according to the following mathematical formula:

$$\frac{451 + (K - 1,709) \times 9.1}{1000}$$

- (c) between €17,087 and €51,258 the minimum fee amount is determined in Euros according to the following mathematical formula:

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$$\frac{591 + (K - 17,806) \times 6.5}{1000}$$

- (d) between €51,259 and €85,430 the minimum fee amount is determined in Euros according to the following mathematical formula:

$$813 + (K - 51,258) \times 3.9$$

$$1000$$

(e) between €85,431 and €170,860 the minimum fee amount is determined in Euros according to the following mathematical formula:

$$947 + (K - 85,430) \times 2$$

$$1000$$

(f) exceeding €170,860 the minimum fee amount is determined in Euros according to the following mathematical formula:

$$1.058 + (K - 170,860) \times 1.3$$

$$1000$$

(In the above mathematical formulae K corresponds to the value of the nominal share capital in Euros).

Note: The above minimum fee amount does not include real expenses for the registration, it includes however instructions, approval of the Company's name, preparation and correction of the memorandum and Constitution, the registration of the company up the issue of the certificate of registration by the Companies Registrar.

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2. For the registration of unlimited or limited liability partnerships:

If the nominal share capital of the company is:

(a) up to €25,629 – minimum fee amount €239

(b) between €25,630 and €42,715, the minimum
Fee amount is determined according to the following mathematical
formula:

$$\frac{239 + (K - 25,629) \times 5.2}{1000}$$

- (c) between €42,716 and €85,430 the minimum fee amount is determined in euros according to the following mathematical formula:

$$\frac{328 + (K - 42,715) \times 3.9}{1000}$$

- (d) between €85,431 and €170,860 the minimum fee amount is determined in Euros according to the following mathematical formula:

$$\frac{495 + (K - 85,430) \times 1.8}{1000}$$

- (e) beyond €170,860 the minimum fee amount is determined in Euros according to the following mathematical formula:

$$\frac{607 + (K - 170,860) \times 1.3}{1000}$$

(In the above mathematical formulas K corresponds to the amount of the nominal share capital).

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| 3. For registration of a Multinational Company, minimum fee amount | €1,199 |
| 4. For registration of a Shipping Company minimum fee amount | €750 |
| 5. For registration of an Off-Shore Branch of a company, minimum fee amount | €1,051 |
| 6. For registration an Off-Shire Partnership, minimum fee amount | €899 |

Note:

The above minimum fee amount (circumstances 2-6 above) does not include stamp duty fees and other real expenses.

II. PROVISION OF FACILITIES OR OTHER SERVICES IN RELATION TO COMPANIES:

1. Services which are provided by a lawyer:

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|---|------|
| (a) in his capacity as secretary of a company, minimum annual fee amount | €378 |
| (b) in his capacity as company director, annual minimum fee amount | €560 |
| (c) in the form of office assignment of a company's registered office, annual minimum fee amount | €299 |
| (d) in the form of facilities by his personnel or other similar businesses, annual minimum fee amount | €299 |

2. Services which are provided by the lawyer to companies which are not included in this Annex must be remunerated on the basis of the criteria set out in Regulation 12.

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Note:

The above minimum fee amount (circumstances 1(a) – 1(d)) does not include stamp duty or other real expenses.

ANNEX C

MINIMUM FEE AMOUNT FOR SERVICE WHICH IS PROVIDED IN RESPECT OF TRADEMARKS.

The minimum amounts of Annex C have been increased by 100% by an amendment effected in 1991 (EE Ann. 111(1) 18.1.91) and by 35% by an amendment effected in 1999 (EE Annex 111(1) 30.4.99 R.A.A. 89/99 and by 30% by an amendment effected in 2006 EE III(1) 12.4.06, R.A.A. 167/2006.

I. PRELIMINARY WORK:

- | | |
|---|-----|
| (a) Search by application, opinion and provision of advice for ability of registration of a trademark under a class | €60 |
| (b) Supervision of the Trademarks Registry for one Trademark in one class | €44 |
| (c) For simultaneous supervision for every additional trademark or for the same trademark in additional classes as in paragraph (a) | €21 |

II. APPLICATION AND REGISTRATION OF TRADEMARK:

- | | |
|--|------|
| (a) Application and registration of trademark including search and opinion in relation to the ability of registration of the trademark | €123 |
| (b) Application for registration of trademark without research or opinion in relation to the ability of registration and trademark | €91 |

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- | | |
|---|-----|
| (c) Work for publication of trademark in the Official Gazette of the Republic | €15 |
| (d) Preparation of liking | €15 |

III. WORK IN A CONTESTED OR REFUSAL OF REGISTRATION OF TRADEMARK:

- | | |
|--|-----|
| (a) Objection to trademark registration | €60 |
| (b) Every necessary meeting with the Trademark Registrar in the event of contest or refusal of trademark registration: | €31 |

(c) Notice of objection	€60
(d) Reply	€60
(e) For every affidavit which is necessary in support of objection or reply	€60
(f) For every hearing date	€91
(g) Receipt of consent for trademark registration from the owner of similar trademark	€31
IV. <u>RENEWAL OF REGISTRATION OF TRADEMARK:</u>	
(a) Simple renewal without any research	€60
(c) Renewal following search at the Offices of the Trademark Registrar	€91
V. <u>ASSIGNMENT OF TRADEMARK:</u>	
Required work for the relevant amendments	€91
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VI. <u>CHANGE OF NAME AND ADDRESS:</u>	
Required work for the relevant amendments	€60
VII. <u>REGISTRATION OF LISENCEE</u>	
(a) Application for registration, where a Trademark is Registered	€60
(b) Application for registration, where the Trademark is not registered	€91
(c) For ever additional trademark	€15

Note:

The above fees do not include any stamp duty or expenses.

ANNEX D

MINIMUM FEE AMOUNT FOR FILING OF BUSINESS NAME AND PATENTS

The minimum amounts of Annex C have been increased by 100% with an amendment effected in 1991 (EE Ann. III(1) 18.1.91) and by 35% with an amendment effected in 1999 (EE Annex III(1) 30.4.99 R.A.A. 89/99 and by 30% by virtue of an amendment effected in 2006 EE III(1) 12.4.06, R.A.A. 167/2006.

1. Registration of Business Name	€62
2. Registration of Patent	€150

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ANNEX E

MINIMUM FEE AMOUNT FOR TRANSLATION, SEARCH, RECEIPT OF STATEMENTS OR DEPOSIT OF DOCUMENTS

EE Annex III(1) 18,1,91 R.A.A. 9/91
EE Annex III(1) 30.4.99 R.A.A. 89/99
EE Annex III(1) 12.4.06, R.A.A. 167/2006

I. TRANSLATION OF DOCUMENTS:

(a) Translation and typing of documents per page	€31
(b) Translation and documents of a multi-paged document, of ordinary format per page	€15
(c) Affidavit which accompanies the translation	€31

III. RESEARCH, DEPOSIT OR RECEIPT OF DOCUMENTS FROM ANY AUTHORITY OR BANK:

On the basis of Regulation 12.

IV. LETTERS:

On the basis of Regulation 12.

Note:

The above fees do not include any stamp duty fees or expenses.

Annex F

MINIMUM FEE AMOUNT FOR SERVICES IN RESPECT OF ADMINISTRATION OF ESTATES

The minimum amounts of Annex C have been increased by 100% by an amendment effected in 1991 (EE Ann. III(1) 18.1.91) and by 35% by an amendment effected in 1999 (EE Annex III(1) 30.4.99 R.A.A. 89/99 and by 30% by virtue of an amendment effected in 2006 EE III(1) 12.4.06, R.A.A. 167/2006.

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- I. If a lawyer is appointed as a lawyer of an estate administrator or executor of a will:
 - (a) Interviews, conferences with heirs or other persons:

On the basis of Regulation 12.
 - (b) Preparation of documents, notices, letters:

On the basis of Regulation 12.
 - (c) Preparation, deposit or receipt of documents from any Authority or Bank:

On the basis of Regulation 12,
 - (d) Administration of immovable or moveable property of the estate:

5% of the amounts received; in the case of rent 5% of the annual rent.

- II. If the lawyer is appointed as administrator of the estate or executor of the will:

*EE Annex III(1) 18.1.91 and
by 35% with amendment effected in 1999
EE Annex III(1) 30.4.9 R.A.A. 89/99
and by 30% with amendment effected in 2006
EE III(1) 12.4.06, R.A.A. 167/2006*

- (a) For property of value up to €8,543

$$\frac{(A \times 13)}{100} + \frac{(DA \times 2.6)}{100}$$

- (b) For property of value between €8,544 and €25,629.-

$$1111 + \frac{(A - 8543) \times 9}{100} + \frac{(DA \times 2.6)}{100}$$

- (c) For property of value between €25,630 and €170,860.-

$$2648 + \frac{(A - 25629) \times 4}{100} + \frac{(DA \times 2.6)}{100}$$

- (d) For property of value exceeding €170,860.-

$$8458 + \frac{(A - 170860) \times 2.6}{100} + \frac{(DA \times 2.6)}{100}$$

(In the above mathematical formulas A corresponds to the value of the property and DA to the distributable amount).

Fee of execution of a Will or Administrators of Property

The law In Relation to The Administration of Properties, Cap 189 does not include a provision for the fee of administrators or will executors. Article 58 of Cap. 189 refers to the practice and procedure which is applicable in England (Procedure of the Probate Division of the High Court of Justice in England).

The Halsburys Laws of England 4th edition vol. 17 page 738 refers to the following (free translation):

“The general rule is that the personal representative must act gratuitously, he is not entitled to any fee except in the following two circumstances:

- (a) where there is an express provision in the will for the fee of the executor and
- (b) where the Court in the exercise of its discretion judicially considers it proper to allow for such a fee”.

The criteria for the amount of the fee of the administrator or executor are outlined in the unique Cypriot judgment *TAVERNARIS v. the property of the deceased THEODOSIADE (1970) 1 CLR* and are very well known.

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Following this judgment the Council of the Pancyprian Lawyers' Association by virtue of article 24 of the Advocates Law Cap 2 issued the Regulations In Relation to the Minimum Fee Limits of Practising Lawyers (Out-of-Court Cases) Regulations 1985-2006 which have been published in the Official Gazzette of the Republic Annex III(1), no 2037, 1.3.85 and which have been amendend on 18.9.91 Official Gazzette no. 2571, Annex III(1), and EE Annex III(1) 30.4.99 R.A.A. 89/99 and EE Annex III(1) 19.11.99 R.A.A. 279/99, R.A.A. 167/2006 dated 12/4/2006.

Because these Regulations have statutory force they overrule the decision in *TAVERNARI* decision. Where the administrator of property or executor of a will is a lawyer he is entitled to a fee in accordance to the above Regulations.

Annex F

GENERAL RETAINER FOR AN OUT-OF-COURT CASE

I from.....
authorize the Lawyer Mr from
to execute my case which is described below and I agree to pay to him
a fee as provided by the Regulations 1985, as amended by
EE Annex III(1) 18.1.91, by 35% by virtue of an amendment effected in
1999 EE Annex (III)(1) 30.4.99 R.A.A. 89/99 and by 30% by virtue of an
amendment effected in 2006 EE III(1) 12.4.06, R.A.A. 167/2006.

I agree to pay the above amount by way of legal fee as follows:

CASE DESCRIPTION

.....
(Signature)

Annex H

SPECIAL RETAINER FOR AN OUT-OF-COURT CASE

I from.....

authorise the Lawyer Mr from

to execute my case which is described below and I agree to pay to him

a fee:

(a) as provided by the Regulations 1985, as amended by EE Annex III(1) 18.1.91, by 35% by virtue of an amendment effected in 1999 EE Annex (III)(1) 30.4.99 R.A.A. 89/99 and by 30% by virtue of an amendment effect in 2006 EE III(1) 12.4.06, R.A.A. 167/2006.

OR

(b) a total amount of €..... beyond the fee which is determined as a minimum fee limit on the basis of Regulations 1985, as amended by EE Annex III(1) 18.1.91, by 35% by virtue of an amendment effected in 1999 EE Annex (III)(1) 30.4.99 R.A.A. 89/99 and by 30% by virtue of an amendment effect in 2006 EE III(1) 12.4.06, R.A.A. 167/2006.

I agree to pay the above amount by way of legal fee as follows:

CASE DESCRIPTION

.....
(Signature)