

**Law No. (3) of 2014
on Law Practice**

The General National Congress

Upon Review of:

- The Constitutional Declaration issued on 3 August 2011;
- Law No. (10) of 1990 on the reorganisation of law practice and its executive regulation;
- Law No. (6) of 2006 on the justice system and the amendments thereof;
- The Civil Code, the amendments thereof and its supplementary laws;
- The Code of Civil and Commercial Procedure and the amendments thereof;
- The Code of Criminal Procedure and the amendments thereof;
- The Penal Code and the amendments thereof;
- Law No. (13) of 1980 on social security and the amendments thereof;
- General National Congress ordinary session No. (153) on 26 Safar 1435 AH, corresponding to 29 December 2013 AD;

issued the following law:

Part (1)

Law Practice: Aims and Conditions of Practice

Chapter (1): Law Practice and its Aims

Article (1)

Law practice is a free, independent profession that constitutes one of the foundations of justice. It aims to achieve justice and safeguard rights and liberties.

Article (2)

Lawyers represent and defend natural and legal persons before all courts, prosecutions and judicial, administrative and disciplinary bodies, in addition to giving legal counsel.

Chapter (2): Conditions for Practicing Law

Article (3)

Every lawyer admitted to practice law in the bar's lists, or readmitted based on his request, may practice the legal profession provided that he meets the prerequisites stipulated in this law.

Article (4)

Every lawyer requesting an admission to practice law must:

1. Be a Libyan citizen;
2. Be an actual resident of Libya;
3. Enjoy full capacity and not be previously sentenced in any felony or misdemeanour of moral turpitude or related to fraud, theft, embezzlement or perjury;
4. Have a degree in law or Sharia from any of Libya's private or public universities after being admitted, in accordance with the legislation in force, or having the equivalent of such degree from any recognised foreign university;
5. Be respectable and have good reputation;

6. Not be sentenced or subject to a disciplinary decision suspending or terminating his employment in any other profession, such as public notary, bailiff, etc.
7. Not have insulted or mocked the legal profession or lawyers in word or deed;
8. First time applicants to practice law shall present an approval from a lawyer admitted to plead before the supreme court or the court of appeal allowing the applicant to work in his office during the period of training, and he must also pass a written and an oral test on the dates specified by the bar.

Article (5)

The bar must prepare lists containing lawyers' names, date of admission, place of residence and office address. These lists shall comprise of:

1. A list of lawyers admitted to the Supreme Court;
2. A list of lawyers admitted to the courts of appeal;
3. A list of lawyers admitted to the courts of first instance;
4. A list of lawyers undergoing training;
5. A list of inactive lawyers;
6. A list of retired lawyers.

Part (2)

Pleading before Courts

Chapter (1): Degrees of Pleading

Article (6)

People who have taken the legal oath and have been admitted and listed as lawyers before the Supreme Court, the courts of appeal, the courts of first instance, or as trainees, shall be considered lawyers.

Article (7)

Trainees

Lawyers shall be admitted as trainees by virtue of a decision by the bar's admission committee, based on a written request annexed with documents proving that the applicant meets the prerequisites stipulated in Article (4) of this law.

Article (8)

Period of Training

The period of training for law practice shall be two years, during which the applicant shall undergo training in the office of a lawyer admitted to plead before the Supreme Court or the courts of appeal.

Article (9)

The trainee may plead for litigants before all the circuits of the court of first instance by virtue of an authorisation from the lawyer training him.

Article (10)

Pleading before the Courts of First Instance

In order to be admitted to plead before the courts of first instance, lawyers shall:

1. Present a certificate from the lawyer who trained them, stating that they have undergone training;
2. Present a report proving that they are competent in the legal profession according to the form provided by the bar, and prove, based on the work they have done, that they are qualified to plead before the courts of first instance.

Article (11)

Pleading before the Courts of Appeal

In order to be admitted to plead before the courts of appeal, lawyers shall:

1. Have four years of real work experience in the field after being admitted as lawyers before the courts of first instance;
2. Prove, based on the work they have done, that they are qualified to plead before the courts of appeal.

Article (12)

Pleading before the Supreme Court

In order to be admitted to plead before the Supreme Court, lawyers must have six years of real work experience before the courts of appeal, provide proof from the branch of the bar that they have been working continuously and prove that they are qualified to plead before the Supreme Court.

Chapter (2): General Provisions

Article (13)

1. In order to be admitted in one of the aforementioned lists, lawyers must submit a written request to the branch of the bar in the circuit of the court of appeal whose jurisdiction includes the office of the applicant or that of their supervisor, in accordance with the procedures determined by the bar. After making sure that the applicant meets the requirements, the request shall then be referred to the specialised admission committee.
2. By virtue of a decision issued by the bar's board, an admission committee shall be formed on a yearly basis, the offices of which shall be located in the headquarters of the bar. This committee shall consist of a president and a member representing each branch of the bar and qualified to plead before the Supreme Court, and the quorum for its meetings shall be five members presided over by the most senior member. The committee shall also assign one of its members as a secretary from among the bar's employees.
It shall convene upon the invitation of its president to decide upon admission requests and ensure that prerequisites are met.
3. The president of the admission committee shall task one of the members with preparing a report on the extent to which applicants meet the prerequisites specified by the law.
4. The admission committee shall decide upon requests to join the aforementioned lists by a justified decision within a period of no more than two months following the admission request during the committee's meeting. Decisions shall be issued by the majority of votes.

Article (14)

1. Notwithstanding the previous Article, an admission committee for lawyers in the Supreme Court shall be formed by virtue of a decision issued by the bar's board. This committee shall be presided over by the president of the bar and shall have six members who are

lawyers authorised to plead before the Supreme Court. Its offices shall be in the headquarters of the bar.

2. The committee referred to in the previous clause shall convene upon the invitation of its president to decide upon requests to join the lists of lawyers authorised to plead before the Supreme Court.
3. The president of the bar shall task one of the committee's members with preparing a report on the extent to which applicants meet the prerequisites specified by the law, as well as the extent to which they are qualified to plead before the Supreme Court based on the work they have done. Said member may subject the applicants to written or oral tests.
4. The admission committee shall decide upon requests to join the aforementioned lists by a justified decision within a period of no more than six months following the admission request during the committee's meeting. Should the six months' deadline pass before the committee issues a decision, the admission request shall be automatically rejected.
5. The committee's decisions shall be issued the majority of votes.
6. Those whose requests have been rejected may reapply one year later.

Article (15)

1. The Minister of Justice, the President of the Supreme Court, the Prosecutor and the Presidents of courts of appeal and courts of first instance shall be notified of admissions decisions issued in accordance with the two previous Articles. Said decisions shall also be published in the Official Gazette.
2. Any person concerned may appeal the decisions issued by either admission committee before the administrative judiciary within a period of no more than 60 days after being notified or after publication.

Article (16)

Inactive Lawyers

Practicing lawyers shall be transferred to the inactive list in the following cases:

1. If they are sentenced to detention or imprisonment.
2. If they are under provisional detention pending investigation;
3. If a disciplinary decision is issued dismissing or suspending them from law practice or removing their names from the lists;
4. By virtue of a bar decision, in cases where this is permissible;
5. By virtue of a decision issued by the branch of the bar to which they are affiliated, in the following cases:
 - a. By a request by the person concerned;
 - b. If the lawyer does not pay annual subscription fees or if they do not settle their commitments vis-à-vis the bar two months after having received a warning through registered mail, through notification by a bailiff or after knowing for certain that they are required to pay subscription fees;
 - c. If one or more prerequisites for admission are no longer applicable, or if one of the conditions preventing lawyers from practicing law becomes applicable;
 - d. If the lawyer concerned becomes unable to practice the legal profession for health reasons;
 - e. If the lawyer is given a task lasting for an undetermined period of time by the state or any public or private body, thus limiting their availability to practice law, he shall be transferred to the inactive list.

Article (17)

It is prohibited for inactive lawyers to practice law, and the president of the specialised branch of the bar shall task one or more lawyers with winding up the office of the lawyer in question for the period of his inactivity.

Article (18)

In the event that the lawyer passes away or becomes suspended or unable to perform his power of attorney vis-à-vis his client, the branch of the bar shall commission one or more lawyers to replace him provisionally, until the client hires another lawyer. The decision of the branch of the bar shall be equivalent to the client granting power of attorney.

Article (19)

The branch of the bar, in accordance with the two previous Articles, shall notify the bar of its decision, and the latter shall in turn notify the Minister of Justice so that he notifies all courts and prosecutions.

Part (3)

Lawyers' Duties, Rights and Prohibitions

Chapter (1): Lawyers' Duties

Article (20)

After being admitted, lawyers shall swear the following oath before one of the courts of appeal or before the Supreme Court:

“I swear by God Almighty to perform my duties faithfully and honourably and to strive to apply the law, administer justice, defend liberties and rights, respect the traditions of the profession and safeguard its secrets.”

Article (21)

Lawyers may practice the legal profession on their own or in partnership with other lawyers. Notwithstanding the provisions of the Civil and Commercial Code, lawyers may create law firms having legal personality and listed in a special register of the bar. The executive regulations shall set forth the detailed provisions regarding law firms.

Article (22)

Lawyers must have an adequate office to practice the legal profession. They may not open a branch for their office or participate in more than one office.

Lawyers shall also notify the bar and the specialised branch of the bar about any change in the address of their office. In the event that they change the address of their office without notifying the bar, the previous address shall be considered as the lawyers' legal place of residence, and all correspondence shall be addressed thereto.

Article (23)

Before any lawyer takes any legal measures vis-à-vis another lawyer, he must seek the approval of the bar. The approval shall be issued in a period of no more than 30 days after the submission of the request. If the 30-day deadline passes before the bar responds to the request, the lawyer may proceed with any legal measures.

Chapter (2): Lawyers' Rights

Article (24)

Lawyers may appear to plead on behalf of or with their clients before courts, prosecutions, the judicial police, administrative committees specialised in judicial or disciplinary matters and all other bodies conducting a criminal or administrative investigation.

Lawyers may also plead and provide legal counsel to all natural or legal persons. Court rulings shall only be executed by virtue of an official power of attorney by the client.

Article (25)

Non-Libyan lawyers may plead before courts that are of an equivalent degree to that which is determined in their home country in a specific case, provided that they receive a special permission from the President of the bar, and in cooperation with a Libyan lawyer authorised to plead before the court that is competent to hear the case at hand, subject to the principle of reciprocity.

Before performing any activities, all foreign companies working in Libya shall consult a Libyan lawyer authorised to plead before courts of a degree no lower than courts of appeal. This provision shall remain applicable throughout the period during which said company is active in Libya.

Article (26)

Lawyers may seize documents or property equivalent to their fees in the event that the client does not settle his dues.

Article (27)

Lawyers shall have all the immunities legally prescribed for members of judicial bodies.

Article (28)

Lawyers' offices may not be seized or evacuated, and any movables inside required by the legal profession may not be confiscated without a judicial ruling.

Chapter (3): Lawyers' Fees

Article (29)

Lawyers may collect fees in return for the work they perform within the limits of the legal profession, and they may demand the settlement of all the costs they bear during the execution of their power of attorney.

Lawyers may also demand the settlement of the fees agreed upon with the client even if the case was closed by reconciliation or arbitration or if the lawyer's services were dispensed with, unless otherwise agreed.

Lawyers' fees have a priority of right directly beneath that of the public treasury regarding sums of money received by their clients in the case subject of the power of attorney.

Article (30)

Lawyers shall make an agreement with their clients determining their fees and the method of settlement. If there is not a written agreement, the branch of the bar or a committee formed for

this purpose shall assess the dues, and this assessment shall be binding on the parties concerned. The agreement or the assessment made by the bar or the committee shall have the power of an executive bond and shall be given executive status by the head of the competent court of first instance.

Chapter (4): Prohibitions for Lawyers

Article (31)

While practicing law, lawyers may not:

- a. Work in ministries or the like;
- b. Be presidents or members in legislative or municipal councils;
- c. Work in government or public bodies, institutions or companies, with the exception of teaching Sharia and law in universities and higher education institutions;
- d. Be board chairmen companies;
- e. Work in commerce or any other field that is incompatible with the dignity of the legal profession.

Article (32)

Lawyers may not represent conflicting interests or disclose any secrets revealed to them in the course of their work even after their power of attorney is terminated, with the exception of disclosing said secrets to prevent the perpetration of a crime.

Lawyers may not stand as witnesses in disputes in which they hold power of attorney or in which they have given counsel, unless their clients grant written permission or approval in the hearing before the competent court.

Article (33)

Lawyers may only agree to defend a client in any case after they have verified that the client has not previously hired another lawyer. If that is the case, written approval must be given by the previous lawyer stating that he does not object to hiring a new lawyer in the case.

Article (34)

Lawyers may only hand over documents, judicial papers or money entrusted to them by their clients, or the money that they have received in execution of a court ruling, to their clients, the successors thereof or the person acting on their behalf according to the law or by virtue of a special power of attorney.

Article (35)

Lawyers may not seek the assistance of non-lawyers in examining cases, giving legal opinions or preparing memoranda, etc. They also may not resort to advertisement or enticement, use intermediaries in practicing the legal profession or allocate a percentage or share of their earnings to non-lawyers.

Article (36)

Lawyers who practice the legal profession after leaving the judiciary, prosecution, public attorney department, the Cases Department or consultancy for public companies and bodies may not accept power of attorney by themselves or with others in cases whose facts were

previously presented to them or in which they were previously assigned to defend one of the litigants.

Article (37)

Lawyers may not terminate a power of attorney before notifying their clients directly or through a bailiff of their renunciation of the power of attorney. They must continue to practice their power of attorney for at least 30 days after notifying their clients, unless the latter hires another lawyer before the end of this period. Under no circumstances may lawyers terminate their contracts in a way that harms their clients (missing deadlines for procedures, appeals, or objections or missing appointments to appear or provide expertise, and other avoidable issues).

Chapter (4): Judicial Assistance

Article (38)

The president of the relevant branch of the bar shall assign a lawyer to appear before the court and plead on behalf of the person concerned in the following cases:

1. If a court examining criminal or other cases requests a lawyer to defend the accused.
2. If the person concerned requests a lawyer to defend him or to file a case on his behalf, in the cases where he is allowed judicial assistance.

Article (39)

Lawyers shall carry out the tasks assigned to them by the bar, and this assignment shall be equivalent to the power of attorney given to the lawyer by the client. Moreover, lawyers shall notify the bar at least 15 days before stepping down from their assignment.

Article (40)

The bar shall issue a decision assessing the fees of the lawyer assigned to defend the accused in each phase of the litigation process and shall settle these fees from the public treasury. The lawyer shall receive a percentage determined by the bar.

Part (5)

Disciplinary and Remission Procedures

Article (41)

1. Disciplinary measures stipulated in this law shall be taken against lawyers who violate the provisions herein, the executive regulation or the instructions of the bar, or against lawyers who violate their duties, without prejudice to the possibility of initiating a criminal case.
2. The board of the bar shall issue a decision creating one or more disciplinary councils consisting of three lawyers authorised to plead before the Supreme Court and a secretary. If the lawyer referred to the disciplinary council is authorised to plead before the courts of first instance or is a trainee, one of the members of the disciplinary council may be drawn from among those authorised to plead before the courts of appeal;
3. The disciplinary council shall convene in the headquarters of the bar or in one of the branches of the bar.

Chapter (1): Disciplinary Measures and the Bodies Competent to Inflict Them

First: Disciplinary Measures

Article (42)

The disciplinary measures that can be taken against lawyers are:

1. Warning.
2. Reprimand.
3. Suspension for a period of no less than three months and no longer than three years, with a financial penalty no less than LYD 1,000 and no more than LYD 5,000, to be paid to the treasury of the bar.
4. Removing their names from the bar's lists.

Article (43)

Disciplinary cases shall be extinguished three years after the violation has been committed. This period of time shall be interrupted upon initiation of a criminal or administrative investigation regarding the violations or after the person concerned files a complaint, even if it is with a non-competent body.

If criminal measures are taken, the period mentioned in the previous clause shall only run again from the date that a final verdict is issued.

Article (44)

Disciplinary cases shall be filed based on a complaint, report or referral by the prosecution, court or any other body, or by the person concerned, to the bar or the competent branch. The president of the bar, the president of the branch or whomever they delegate for this purpose shall conduct an administrative investigation or collect initial information within a period of no more than one month after receiving the complaint. The person conducting the administrative investigation may, after collecting the information, decide to suspend the case, refer it to the disciplinary council or inflict the penalties that fall within his powers.

Article (45)

1. If it is decided to refer the case to the disciplinary council according to the previous Article, the council shall, upon examining the case, notify the lawyer in question by giving him notice to appear at a specific time, date and place, at least 15 days before the date of the council's meeting. The lawyer referred to the disciplinary council may examine the case or assign another lawyer to defend him.
2. If the lawyer referred to the disciplinary council fails to appear after being notified in accordance with the previous Article, the council shall continue to examine the case and decide upon it *in absentia*. The council may give said lawyer the chance to appear, and should the latter not do so, the council shall continue to examine the case *in absentia* and issue a verdict thereon.

Second: Bodies Competent to Inflict Disciplinary Measures

Article (46)

1. The president of the bar is competent to inflict the following penalties:
 - a. Warning.
 - b. Reprimand.
2. The board of the bar is competent to inflict the following penalties:
 - a. Suspension from law practice for a period of no longer than six months.
 - b. All disciplinary measures except removal from the bar's lists.

3. The disciplinary council is competent to inflict all disciplinary measures stipulated in this law or in any other law.

Chapter (2): Appeal and Remission

Article (47)

The penalised lawyer or any other person concerned may appeal verdicts before the administrative judiciary circuit of the court of appeal regarding disciplinary decisions issued by any disciplinary body.

Any person concerned may also appeal decisions to suspend or not refer cases to the disciplinary bodies.

Article (48)

The procedures and time periods stipulated in Law No. (88) of 1971 on the administrative judiciary shall be applied to appeals presented before the administrative judiciary.

Article (49)

After half of the penalty period has passed, upon the request of the penalised lawyer, the board of the bar may decide to cancel the remainder of the penalty if there are sound reasons to do so. Lawyers whose names have been removed from the bar's lists may be readmitted in the list of practicing lawyers five years after their name has been removed.

Part (6)

Fees and Subscriptions

Chapter (1): Admission Fees

Article (50)

Before his name is added to the bar's lists, every lawyer shall pay the prescribed fees to the bar.

Chapter (2): Subscription Fees

Article (51)

1. Every lawyer shall pay annual subscription fees to the bar before the end of December of every year.
2. If lawyers do not pay their subscription fees within 30 days after their due date, the president of the bar may send them a warning by registered mail forcing them to pay two times the amount of the subscription.
3. If lawyers do not pay their subscription fees one month after receiving the warning, they shall be suspended from law practice by virtue of a decision from the board of the bar or the president of the competent branch. If lawyers remain suspended for six months without paying their subscription fees, the bar may ask the admission committee to remove their name from the bar's lists.

Part (7)

The Bar Association

Chapter (1): Formation of the Bar and its Branches

Article (52)

Lawyers shall create a bar having legal personality and independent financial liability, with headquarters in Tripoli and branches in every court of appeal.

Article (53)

The General Assembly of lawyers shall be the bar's highest authority and shall be composed of all practicing lawyers. It shall be competent to perform the following:

1. Choose a president and a deputy president for the bar.
2. Examine the affairs of the legal profession, as well as any cases presented to it by the board of the bar.
3. Withdraw the vote of confidence from the board of the bar or from any of its members.
4. Ratify the bar's rules of procedure.
5. Ratify the bar's budget.

Article (54)

The General Assembly of lawyers in the branch of the bar shall be the highest authority in every branch and shall be composed of all practicing lawyers whose offices fall within the jurisdiction of that branch. It shall be competent to perform the following:

1. Choose a president and a deputy president for the branch, as well as the members of the branch's board;
2. Examine the affairs of the legal profession, as well as any cases presented to it by the board of the branch;
3. Withdraw the vote of confidence from the board of the branch or from any of its members;
4. Discuss and approve the branch's annual budget.

Article (55)

1. The bar shall be composed of all lawyers whose names appear in the lists in Libya. It shall be run by a board, chaired by the president of the bar.
2. The board of the bar shall be composed of the president, his deputy and seven members, each representing one of the bar's branches. They shall be elected by direct voting from the branches, excluding members of the branch's board.
3. The branch's board shall be composed of seven members, including the president of the branch, his deputy and five members elected by direct voting by lawyers whose offices fall within the jurisdiction of this branch. The president, his deputy and one of the members must be authorised to plead before the Supreme Court, and all other members must be authorised to plead before at least the court of first instance.
4. The bar shall be represented by its president or any other person delegated to do so before all bodies and authorities in Libya and abroad, and the presidents of the branches shall represent the bar in matters pertaining to it.

Article (56)

The bar shall have a branch in every court of appeal, and an office may be established for the branch of the bar in every court of first instance located outside cities where there are courts of appeal, by virtue of a decision issued by the board of the bar and based on the proposal of the president of the branch.

Article (57)

The board of the bar shall be competent to handle all matters related to the legal profession, particularly:

1. Propose the bar's internal regulations and any amendments it deems necessary.
2. Work to achieve the bar's objectives, develop methods to implement them and follow up on them.
3. Prepare the budget and the final account.
4. Implement the decisions of the bar's General Assembly and summon it to convene.
5. Administer the bar's affairs and finances and collecting fees, subscriptions and other revenue.
6. Organise the relationship between the board of the bar and its branches.
7. Any other competencies entrusted to it by the General Assembly.

Chapter (2): The Bar's Resources and Competencies

Article (58)

The bar's revenue shall consist of:

1. Fees and subscriptions.
2. Penalties paid to the bar's treasury.
3. Dues collected from the public treasury according to Part (4) of this law;
4. Donations and unconditional contributions accepted by the board of the bar or the branch;
5. Any other revenue or subsidy from the government or any other party approved by the board of the bar or the branch.
6. The fees demanded by the board of the bar or the branch for services, participation or attendance in any lectures, scientific seminars or workshops.
7. Income from publications and periodicals published by the bar and from any investment of the bar's money.

Article (59)

The bar and its branches shall perform the activities of the legal profession in order to achieve the following objectives:

1. Defend the interests of the bar, lawyers and the legal profession, safeguard the traditions of law practice and ensure the independence of the profession and the freedom of the lawyer in performing his mission.
2. Seek to develop legal thought in the service of the higher interests of the Libyan people, contribute to instilling the principles of legitimacy, defend the principle of separation of powers and achieve transparency and equality in the right of defence between natural and legal persons on one hand, and between the lawyer of the natural person and the lawyer of the legal person on the other hand, in order to achieve the principle of equality.
3. Drive academic research by all means possible, including publishing periodicals and legal journals, giving lectures, participating in seminars and improving the qualifications of legal experts in general and lawyers in particular.
4. Coordinate with law faculties in order to raise the standards of curricula for law students, so as to bridge the gap between theory and practice.
5. Show concern for lawyers and create training programs for them so as to raise their qualifications, encourage them and overcome the difficulties that they face.
6. Hold seminars and conferences in Libya and participate in conferences held abroad in order to spread legal knowledge and safeguard human rights stipulated in international charters.

Part (8)

Final Provisions

Article (60)

Lawyers shall be entitled to pensions allowing them and their beneficiaries to live a decent life. Notwithstanding Law No. (13) of 1980 on social security, lawyers who have completed 30 years of work may request to start receiving their pensions.

The executive regulations of this law shall determine the minimum and maximum monthly wages according to which social security contributions shall be calculated.

Article (61)

Lawyers or their beneficiaries shall be entitled to receive the pensions in the event of death, disability or retirement based on their own request or of that of the president of the bar based on the proposal of the president of the branch. The president of the bar shall be referred to retirement based on the decision of the board of the bar.

Article (62)

The executive regulation of this law shall be issued by virtue of a decision by the board of the bar, and it shall include the detailed provisions of this law.

Article (63)

Without prejudice to any more severe penalty, any person who is not registered in the bar's lists as a practicing lawyer or any inactive lawyer who practices the legal profession or any activities related thereto shall be sentenced to two years of detention and to a fine of no less than LYD 1,000 and no more than LYD 10,000.

Article (64)

Law No. (10) of 1990 on the reorganisation of law practice, as well as the regulations issued thereunder, shall be repealed, and any provision contrary to this law shall be repealed as well.

Article (65)

This law shall be published in the Official Gazette and shall enter into effect from its date of issuance, and all parties shall implement it within their mandate.

General National Congress – Libya

Issued in Tripoli

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