

Charter of the Swedish Bar Association

Objects and organisation

Section 1

The Swedish Bar Association constitutes the general bar association provided for in chapter 8, section 1 of the Swedish Code of Judicial Procedure.

The objects of the Bar Association are

- (i) to maintain high ethical and professional standards in the legal profession;
- (ii) to monitor legal developments and endeavour to ensure that they benefit from the Bar Association's experience;
- (iii) to safeguard the general professional interests of its members;
- (iv) and to further unity and consensus between members.

An *Advokat* is a person who is a member of the Bar Association.

Section 2

The right of Members to participate in the administration of the common business of the Bar Association is exercised by delegates, elected by the members and called *Council of the Swedish Bar Association*. An ordinary Meeting of the Council is held annually.

The Council elects the Board of the Bar Association, called the *Board of the Swedish Bar Association*, and the members of a committee called the *Disciplinary Committee of the Swedish Bar Association*.

The Bar Association is divided into *Departments*, each having its own Board. The right of members to participate in the administration of each Department's special concerns is exercised at *Department Meetings*.

The *General Meeting of Members* is governed by section 25.

Admission of new members

Section 3

A person may be admitted as a member of the Bar Association only if he or she

1. is domiciled in Sweden or another state within the European Union or the European Economic Area or Switzerland;
2. has passed all proficiency exams prescribed for competency to a judge's office;
3. has practised law in a satisfactory way for at least five years after passing the above-mentioned proficiency examinations, during which time he has for at least three years devoted himself to professionally assisting the general public in legal matters, either as an employee of a member of the Swedish Bar Association or as a self-employed person and at the time the application is considered professionally assists the public in such a way,

and has taken preparatory courses in the ethics and professional techniques of practice as an *Advokat* arranged by the Bar Association;

4. has become known for his integrity; and
5. is otherwise considered suitable to carry on the profession of *Advokat*.

The Board of the Bar Association may, in consideration of special circumstances, grant exemption from items 1 and 3 of the first paragraph. The same applies as to item 2 of the first paragraph concerning a person who is a licensed lawyer in another state in accordance with regulations there in effect.

A person who is qualified to become a lawyer in the European Union or European Economic Area or Switzerland and who in Sweden has undergone a test showing that he has sufficient knowledge of the Swedish legal system will be deemed to fulfil the requirements of items 2 and 3 of the first paragraph. The same applies to a person registered under section 4a who has subsequently actually and continuously practised law in Sweden for a period of at least three years, provided either that the practice has primarily involved Swedish law or, if the practice has not primarily involved Swedish law, that the registered person has in some other manner acquired sufficient proficiency and experience to be admitted as a member of the Bar Association.

A person licensed as a lawyer in Denmark, Finland, Iceland or Norway in accordance with regulations there in effect and who has subsequently served as an assistant lawyer at a law firm in Sweden in a satisfactory manner for at least three years will be deemed to fulfil the requirements of items 2–5 of the first paragraph.

A person who has been declared bankrupt or for whom a trustee has been appointed under chapter 11, section 7 of the Swedish Parental Code may not be admitted as a member. Nor may a person who is prohibited from carrying out counselling activities under section 3 of the Prohibition against Supply of Legal or Financial Services in Certain Cases Act (1985:354) be admitted as a member.

A judge or other official at a court of law, a public prosecutor, or a senior enforcement officer may not be admitted as a member.

A person employed in the service of the state or a municipality in a position other than those mentioned in the preceding paragraph, or by a private person other than a member of the Bar Association, may not be admitted as a member, unless the Board grants exemption. This provision does not apply to employees of a member of an organisation of lawyers within the European Union, European Economic Area or Switzerland.

Section 4

Applications for admission to the Bar Association are considered by the Board of the Bar Association. The documents to which an applicant wishes to refer in connection with the provisions in Section 3 must be enclosed with the application.

The Board obtains statements of opinion on the application from the Board of the Department and, in the case of foreign applicants, from the foreign lawyer's organisation within whose area the applicant carries on his activities and any further information it may consider necessary.

If the application for admission is rejected, the decision must be accompanied by the reasons for the rejection.

Section 4a

Any person who is licensed as the counterpart of an *Advokat* in another state within the European Union and who practises in Sweden on a permanent basis under the title used in their home country must be registered with the Swedish Bar Association.

Applications for registration are considered by the Board of the Bar Association. The documents prescribed by the Board or to which the applicant otherwise wishes to refer must be enclosed with the application.

If an application for registration is refused, the reasons for this must be given.

The provisions of this Charter regarding members of the Bar Association also apply to any person who is registered pursuant to paragraph 1.

The provisions of this section also apply to any person who is under a duty to register with the Bar Association pursuant to regulations under chapter 8, section 11 of the Code of Judicial Procedure.

The Board

Section 5

The Board of the Bar Association consists of a chairman, vice-chairman, and nine other members plus nine deputies.

The chairman, vice-chairman, and other members and deputies are elected in the order mentioned at the ordinary Meeting of the Council for a period of two years, starting from 1 July immediately following the meeting. The chairman, vice-chairman and four other members together with four deputies are appointed every other year; every alternate year five members and five deputies are appointed. When members other than the chairman and vice-chairman are elected, and also when electing deputies, account must be taken of the desirability of the various regions of Sweden being represented on the Board.

Anyone who at the end of his latest period of appointment will have been a member or deputy member of the Board for six consecutive years without having been chairman or vice-chairman during that period may not be appointed again to any position on the Board other than chairman or vice-chairman within two years of that time.

If a member or deputy member of the Board is elected as a member of the Disciplinary Committee and accepts this post, he must resign from the Board.

Section 6

If a member or deputy member of the Board resigns before the end of the period for which he has been elected, the requisite election of a replacement for the remainder of the period must take place. Election of a substitute may take place at an extraordinary

Meeting of the Council, but may be postponed until the next ordinary Meeting of the Council occurring after the resignation. The person elected will take up his post immediately.

Section 7

The seat of the Board is in Stockholm.

Section 8

The Board and the Disciplinary Committee exercise supervisory control over the Bar and must ensure that all members fulfil the duties incumbent upon them when pleading cases in court and in their other activities.

If the question of disciplinary action against a member arises in some way other than by a complaint under section 40, the Board will decide whether or not the matter is to be referred to the Disciplinary Committee.

The Board's obligations under chapter 8, section 7, paragraph 5 of the Code of Judicial Procedure are set forth in section 45.

Section 9

The Board represents the Bar Association, monitors its interests and manages its affairs, and also decides on behalf of the Bar Association in all matters unless this Charter provides otherwise.

Accordingly, the duties of the Board include:

1. executing decisions of the Council;
2. managing the assets of the Bar Association and its special funds;
3. presenting the annual report for the preceding calendar year at an ordinary Meeting of the Council;
4. at the request of a member, a court or an arbitral tribunal, issuing, itself or by specially appointed experts, a statement of opinion concerning a member's claim for fees and costs for work performed;
5. issuing to a member, upon request or otherwise, guidelines regarding practice as an *Advokat*;
6. issuing a statement of opinion on a matter referred by any government authority and issuing statements on its own initiative on behalf of the Bar Association on legislative issues or other matters of importance for the development of law or the legal profession;
7. appointing the Secretary General of the Bar Association and other officials;
8. representing the Bar Association in its role as shareholder of Sweden's lawyers' Service Company; and
9. considering notifications pursuant to the last paragraph of section 31 (1).

Section 10

The Board meets when the chairman considers it necessary or when at least four Board members so request, at a place decided by the Board or the chairman.

Notice of the meeting with an enclosed agenda must be given to the members and deputy members of the Board in good time before the meeting.

If a Board member is prevented from attending, his or her place will be taken by a deputy from the same Department in the first instance, failing this by the deputy who has been a member of the Board for the longest time or, if two or more deputies have been members of the Board for an equal length of time, by the deputy who has been a member of the Bar Association for the longest time.

A deputy not acting for a member may participate in discussions but not in decisions.

Members and deputy members of the Board are not entitled to any remuneration other than reimbursement of their travelling expenses according to principles determined by the Council.

Section 11

The Board is quorate when at least seven members or their deputies are present. Voting on the Board is by a show of hands.

Decisions by the Board are taken by a simple majority vote. In the event of a tie, the chairman has the casting vote; in elections tied votes are settled by the drawing of lots, however.

The minutes of the Board's meeting are signed by the chairman and one member.

Disciplinary Committee

Section 12

The Bar Association Disciplinary Committee consists of a chairman, a vice-chairman and nine other members.

The chairman, the vice-chairman and six other members are elected in that order at the ordinary Meeting of the Council for a period of four years starting from the following 1 July. Elections take place every other year, so that one year, the chairman and three other members are elected, the following year, the vice-chairman and three other members.

The remaining three members of the Committee (public representatives) are appointed by the government. They are appointed one at a time every year for a maximum term of four years, commencing 1 July. The public representatives are selected from outside of the category of persons excluded from eligibility as lay judges under chapter 4, section 6 of the Code of Judicial Procedure.

Any member who at the end of his latest period of appointment will have been a member of the Disciplinary Committee for eight consecutive years without having been chairman

or vice-chairman during that period may not be appointed to a position on the Committee other than that of chairman or vice-chairman within two years of that time.

A member of the Disciplinary Committee who is elected as a member or a deputy member of the Board and accepts the post must resign from the Committee.

Section 13

If a member of the Disciplinary Committee resigns before the term for which he has been elected has ended, election of a replacement for the remainder of the term will take place in accordance with the relevant provisions of section 6.

Section 14

The Disciplinary Committee deals with matters of disciplinary action against members under the provisions set forth in sections 40 – 43. The Committee decides on disbarment, warning, reprimand, fine and issue of a statement in accordance with chapter 8, section 7, paragraphs 1 - 4 of the Code of Judicial Procedure.

To the extent prescribed by section 40, the Disciplinary Committee may work in divisions comprising three members, of whom one must be a public representative, for the purpose of deciding whether disciplinary action against a member is called for. These divisions are called Adjudication Divisions.

Section 15

The Disciplinary Committee and Adjudication Divisions meet when convened by the chairman at the place he decides.

Notice of the meeting with an enclosed agenda must be given to the members of the Disciplinary Committee in good time before the meeting.

Members of the Disciplinary Committee who are elected by the Council are not entitled to any remuneration other than reimbursement of their travelling expenses according to principles determined by the Council.

Section 16

The Disciplinary Committee is quorate when at least six members are present. An Adjudication Division is quorate when at least two members are present.

Voting on the Disciplinary Committee is subject to the relevant provisions on voting in criminal proceedings in the Code of Judicial Procedure. A special vote must be taken if the question of disbarment from the Bar Association arises. A decision to disbar requires the assent of at least six members.

The minutes of Disciplinary Committee meetings are signed by the chairman and one member. Separate minutes of meetings of Adjudication Divisions must be taken, to be signed by the chairman of the division and one member.

Section 16a

The Disciplinary Committee decides the organisation of the Adjudication Divisions.

The Secretariat

Section 17

The Bar Association has its secretariat in Stockholm under the supervision of a Secretary General employed by the Bar Association.

Only an *Advokat* may be appointed Secretary General.

The Secretary General may not be elected as a member or deputy member of the Board or the Council, nor as a member of the Disciplinary Committee.

Accounts and audit

Section 18

The accounts of the Bar Association are closed on 31 December each year. The accounts and the administration by the Board must be examined by two auditors appointed annually at the ordinary Meeting of the Council. A deputy must be appointed for each auditor.

The Council

Section 19

Delegates are elected by the Departments of the Bar Association in the manner set forth in Section 29.

The chairman and vice-chairman of the Board are Delegates as a matter of course.

Section 20

An ordinary Meeting of the Council must be held during the period 15 May – 15 June on a date fixed by the Board.

An extra Meeting of the Council will be held to consider a specific matter when the Board considers it necessary or when at least ten Delegates so request in writing, stating the reasons. The Board must issue a statement of opinion concerning any matter to be discussed at the extra meeting.

Section 21

Written notice of an ordinary Meeting of the Council must be sent at least three weeks before the meeting; in the case of an extra Meeting of the Council at least two weeks

before the meeting. An agenda listing the matters to be discussed at the meeting must be enclosed with the notice.

Any Delegate prevented from attending must notify this immediately. If a Delegate appointed by a Department is prevented from attending, notice to attend will be given to the deputy from that Department who has been a member of the Bar Association longest unless the Department has decided upon another order of attendance for deputies.

When notice of a Meeting of the Council has been sent, the members of the Bar Association must be informed of this and of any matters that are to be discussed at the meeting without delay.

Section 22

The following matters must be dealt with at the ordinary Meeting of the Council:

1. the annual report of the Board and the audit report, discharge of the Board from liability, and if the Board is not discharged from liability, the action to be taken as a result;
2. the annual report of the Board of the Swedish Bar Association's Support Fund and the audit report; discharge of the Board from liability and if the Board is not discharged from liability, the action to be taken as a result;
3. election of the Board of the Bar Association and the Bar Association Disciplinary Committee;
4. election of auditors and deputy auditors;
5. decisions regarding fees payable to the Bar Association and to the Support Fund;
6. service fee payable to the Swedish Lawyers' Service Company (*Sveriges Advokaters Serviceaktiebolag*) on the basis of a proposal submitted by that company; and
7. matters submitted to the Meeting by the Board or proposed by a member of the Bar Association, in writing, before 15 April.

Section 23

Only matters listed on the agenda or matters intimately related to those matters may be brought up for decision at a Meeting of the Council; however, the Meeting is always free to hold elections of replacements as provided by sections 6 and 13.

Section 24

Meetings of the Council are held at the place decided by the Board.

When matters other than elections are discussed at a Meeting of the Council, every member of the Bar Association is entitled to be present and participate in discussions but not decisions.

The proceedings at Meetings of the Council are opened by the chairman of the Board or in his absence, by the vice-chairman, after which the Delegates elect a chairman of the meeting. Neither the chairman nor vice-chairman of the Board may be elected chairman.

Meetings are quorate when at least forty members of the Council or their deputies are present at the Meeting.

Voting at Meetings of the Council is by a show of hands except for elections, where voting is by secret ballot if more names are proposed than the number of vacancies to be filled. Where voting is by secret ballot, each voter is entitled to write upon the ballot paper the same number of names as the number of vacancies to be filled. Only those names proposed prior to the vote may be voted for. A ballot paper bearing more names than the number of vacancies to be filled is invalid. If a ballot paper contains a name that has not been proposed prior to the vote, that name must be considered non-existent. If the vote is for the election of chairman or vice-chairman of the Board or of the Disciplinary Committee, the person who receives more than half the votes is elected. Should no one person obtain this majority, there must be a new vote. If once again no one obtains more than half the votes, there must be a third vote between the two who received the most votes in the second vote. The person who then receives the most votes is elected. Should the number of votes be equal in the second or third vote, lots must be drawn. At elections other than the election of chairman or vice-chairman of the Board or Disciplinary Committee, the person receiving the most votes is elected. Should two or more receive an equal number of votes, there must be a new vote between them. Should the number of votes be equal again, lots must be drawn.

Unless otherwise provided by this Charter, decisions are taken by a simple majority. In the event of a tied vote on matters other than elections, the chairman will have the casting vote.

A Delegate is not entitled to participate in decisions on discharge from liability for administration for which he is responsible, nor in the election of auditors for the auditing of that administration.

Minutes of Meetings of the Council are signed by the chairman of the meeting and two Delegates.

Delegates are not entitled to any remuneration other than reimbursement for travelling expenses to be paid according to principles determined by the Council.

Members of the Bar Association must be notified of decisions taken at Meetings of the Council.

General Meeting of Members

Section 25

A General Meeting of Members must be held at least every three years at the time and place decided by the Board. The meeting should include lectures or discussions regarding matters of importance for the organisation or practice of the legal profession or of general legal interest.

Notice of a General Meeting of Members must be sent out at least six weeks before the meeting.

Proceedings at General Meetings of Members are chaired by the chairman of the Board or, in his absence, by the vice-chairman.

Departments

Section 26

The Departments of the Bar Association are:

Northern Department, comprising the counties of Norrbotten, Västerbotten, Västernorrland, Jämtland and Gävleborg.

Central Department, comprising the counties of Dalarna, Värmland, Örebro, Västmanland and Uppsala.

Stockholm Department, comprising the counties of Stockholm and Gotland.

Eastern Department, comprising the counties of Södermanland, Östergötland, Jönköping, Kronoberg and Kalmar.

Western Department, comprising the counties of Västra Götaland and Halland.

Southern Department, comprising the counties of Skåne and Blekinge.

Foreign Department, for members practising abroad.

Section 27

Members belong to the Department in the area where they have their main practice. Members no longer practising as an *Advokat* belong to the Department where they most recently had their main practice.

Disputes concerning the Department to which a member should belong are decided by the Board of the Bar Association.

Section 28

The Department adopts articles, which must be approved by the Board of the Bar Association to enter into force.

The articles of a Department must include provisions requiring that (i) a Department Meeting be held annually before the end of March for the election of members and deputy members of the Council; (ii) a Department Meeting also be held when the Board of the Bar Association or the Council so requires for the consideration of a stated matter; and (iii) minutes be kept of Department Meetings and meetings of the Department Board, a copy of which must be sent to the Secretariat of the Bar Association within fourteen days.

The Department is entitled to collect an annual fee from its members.

Section 29

Based on the number of its members on 1 January of the year in question, each Department appoints one member of the Bar Association Council for every fiftieth of the entire number of Association members or part thereof on the same date, subject to the

proviso, however, that the Foreign Department appoints at least two and the other Departments at least six members.

The Department must elect the same number of deputies as members.

Members of the Council and their deputies are elected for one year at a time, starting on the following 1 May. Anyone who at the end of his latest period of appointment will have been a member of the Council for six years in succession may not be appointed as a member or deputy member of the Council within two years of that date.

A member or deputy member of the Board of the Bar Association is not eligible for election as a member or deputy member of the Council. If a member or a deputy member of the Council who has been appointed by a Department is elected as a member or deputy member of the Board and accepts the position, he must resign from the Council.

Section 30

The Board of the Bar Association may cancel, with immediate effect, any decision by a Department or Department Board that is contrary to the rules and regulations of the Bar Association or the Department or that is deemed to be inconsistent with the interests of the Bar Association.

Fees

Section 31

(1)

Members must pay an annual fee to the Bar Association. The fee is the same for all members

A person admitted as a member in the second half of the year pays half the annual fee for that year.

A member who does not practise as an *Advokat* and who has either reached the age of sixty or is unable to practise for reasons of ill health will pay a fee not exceeding one tenth of the fee stipulated in the first paragraph if these circumstances are notified to the Bar Association.

(2)

A service fee payable to the "Swedish Lawyers Service Company" (*Sveriges Advokaters Serviceaktiebolag*) will be charged to each member's firm for each practising lawyer at the firm, the amount or the basis for its calculation to be determined by the Council for one calendar year at a time. The full amount is payable for each lawyer practising at the firm on 1 July of the calendar year for which the fee is paid; half that amount is payable for any person commencing practice at the firm after 1 July the year to which the fee relates.

A member who is a business owner or the managing partner of a law firm operated in the form of a limited company (*advokataktiebolag*) is responsible for the payment of the service fee charged to the business he conducts or manages.

(3)

If it finds reason to do so, the Board may wholly or partly exempt a member from the duty to pay the annual fee to the Bar Association up to the amount payable under the last paragraph of (1) above. If there are exceptional reasons for so doing, a member may be exempted from paying the entire annual fee. This latter exemption also applies to the annual fee determined in accordance with the last paragraph of (1) above.

In addition, upon consultation with the Service Company, the Board may wholly or partly grant a member exemption from the duty to pay service fees to the Service Company if there are particular reasons for so doing.

The Board may decide that payment of the fee to the Bar Association and service fee to the Swedish Lawyers Service Company is to be made at the beginning of each calendar year, to be subsequently credited in settlement of the fee and service fee decided at an ordinary Meeting of the Council.

Section 32

Should the Council so decide, all members must pay the same annual fee to the Support Fund.

The provisions of section 31 (1), paragraph 2 and section 31 (3) paragraph 1 apply correspondingly to fees payable to the Support Fund.

Section 33

Abolished with effect from 1 January 2001; see the transitional provisions, however.

Professional duties

Section 34

In conducting his practice, a member must perform engagements entrusted to him honourably and diligently and in all matters comply with professional ethics.

Where professional ethics so require, a member must not divulge information he learns in the conduct of his practice.

Section 35

A member must keep money and other assets belonging to his principals separate from his own property.

Following consultation with the Council, the Board may issue further regulations governing members' administration of funds and other assets referred to in the first paragraph, as well as members' accounting.

Before the Council is consulted on a matter referred to in the second paragraph, the Board must give the Departments the opportunity to discuss the proposal at their meetings and state an opinion on it.

Section 36

Repealed (1973:791).

Section 37

A member may not resign from an engagement he has accepted if to do so would be contrary to professional ethics.

Section 38

If a member's practice is conducted in the form of a limited liability company or a partnership, only members may be a shareholder or a partner, unless exemption is granted by the Board.

Section 39

A member may not conduct other activities alongside his practice as an *Advokat* whose nature or extent is such that they jeopardise his independence or are in any other way incompatible with his position as an *Advokat*.

Disciplinary action

Section 40

If a member is reported to the Bar Association by a client or someone else involved in the matter or if the question of disciplinary action against a member should otherwise arise, the matter will be considered by the Disciplinary Committee, usually by an Adjudication Division in the first instance. Should the Adjudication Division agree that no disciplinary action is called for and if the members agree as to the content of the decision, the Adjudication Division may decide the matter. Otherwise the matter must be referred to the Disciplinary Committee.

The chairman of the Disciplinary Committee may decide that the matter is to be referred to the Committee without first being dealt with by an Adjudication Division.

Section 41

The Disciplinary Committee is not obliged to consider complaints against a member that relate to events more than three years in the past.

Section 42

The member against whom the complaint was made, the Chancellor of Justice and the Board must be notified of a decision of the Disciplinary Committee, as well as a decision of an Adjudication Division not to refer a matter to the Committee. However, the Board will only be notified of a decision of the Adjudication Division if the Board so requests. If a matter has been dealt with following a complaint under section 40, the complainant must also be informed of the decision, unless he has withdrawn the complaint.

The complainant, the member and the Chancellor of Justice must be notified of a decision of the Board to take no further action on a complaint.

If it has been decided to take no further action on a complaint or if a decision has been made that a disciplinary matter will not be referred to the Disciplinary Committee, the Chancellor of Justice may, within four weeks from the time he is notified of this decision, demand that the Committee take action against the member.

Section 43

The member involved in a disciplinary matter must be given the opportunity to respond to the complaint, unless particular circumstances dictate otherwise.

If so directed, a member against whom a complaint has been made is under a duty to submit a written statement, produce the documents the Disciplinary Committee or the Secretary General orders him to supply and to appear before the Committee if ordered to do so.

The Disciplinary Committee may decide that oral proceedings are to be held in a matter before the Committee. Unless particular reasons dictate otherwise, oral proceedings are to be held when the penalty in question may be disbarment from the Bar Association. A member of the Bar Association appointed by the Board must then plead the case to answer as a result of the complaint reported or otherwise evident. Appointment by the Board takes place following notification by the Committee or the Secretary General. Members of the Disciplinary Committee may not be appointed.

If a member against whom a complaint has been made is considered to be in need of defence counsel but does not instruct any such counsel, the Disciplinary Committee may appoint defence counsel to act for him in the proceedings before the Committee. The fee for defence counsel appointed by the Committee will be paid by the Bar Association, the amount to be determined by the Disciplinary Committee. The same applies to the fee for defence counsel appointed by a member against whom a complaint has been made if the Committee considers the nature of the matter to necessitate counsel for the member's defence. The Committee may order the member against whom a complaint has been made to reimburse the Bar Association for all or part of the cost of his defence.

A decision to disbar, warn or reprimand must state the reasons on which it is founded.

Section 44

Members of the Bar Association and the public courts of Sweden must be notified of a decision to disbar a member as soon as it enters into effect. If a disbarment decision has been revoked, members of the Bar Association and the courts mentioned must be notified of this if they have previously been notified of the disbarment. The same applies

to a decision to annul registration under section 4a.

Section 44a

In some cases the disciplinary activities of the Bar Association also cover persons authorised as the counterpart of an *Advokat* in another state within the European Union, European Economic Area or Switzerland. As soon as disciplinary proceedings have been instituted against a lawyer of this kind, the Bar Association must cooperate and exchange information with the competent authority or organisation in the other state.

Disbarment of members no longer eligible for membership of the Bar Association

Section 45

Should the Board be called upon to consider disbarment of a member or annulment of registration under chapter 8, section 7, paragraph 5 of the Code of Judicial Procedure, the Board must give the member an opportunity to make a statement before a decision is made.

A decision to disbar or annul a registration must state the reasons on which it is founded.

The decision of the Board must be communicated to the person concerned and the Chancellor or Justice. The provisions of section 44 apply correspondingly.

Section 46

Members must provide the Board with any information necessary for its supervision of the legal profession. After consultation with the Council, the Board may issue further regulations governing this duty of information. Before the Council is consulted, the Board must give the Departments the opportunity to discuss the proposal at Department meetings and state their opinion.

A member conducting his own business must file at the office of the Bar Association an audit report with a certified statement that the accounts have been kept in accordance with law and the Accounting Regulations of the Bar Association within six months after the end of each financial year. If an audit report is not received within the specified time, the Board is entitled to appoint an authorised or approved public accountant to perform an audit at the member's expense and to submit a certified statement to the Board.

The Board may order that a member's accounts and administration of funds be examined by an authorised public accountant appointed by the Board. If so, the member is obliged to supply his registers and accounts and any accompanying documents.

An auditor may only disclose information obtained during the audit performed pursuant to the second sentence of paragraph 2 or examination pursuant to paragraph 3 above only insofar as the audit or examination gives cause for criticism.

If there are particular reasons for so doing, the Board may decide that a member's registers and accounts with accompanying documents are to be inspected by the Secretary General or presented to the Board.

In the event of an examination pursuant to paragraphs 3 and 5, a member must, if so requested by the person carrying out the inspection, procure from a bank, client, or other person, the statements of account, reports, or any other information necessary for inspection of the member's administration and accounts.

If the member does not produce this information within a reasonable time, the person carrying out the investigation may procure the information himself.

Duty of confidentiality on the part of members of the Board and others

Section 47

Members and deputy members of the Board, members of the Disciplinary Committee and the Secretary General, and any other member of the Bar Association who has participated in the consideration of a disciplinary matter or other supervisory matter at the Bar Association may not make any unauthorised disclosure to anyone of information they have learned about a member and his activities as a result of that member's duty to supply information and to make documents available to the Bar Association.

Compensation for loss, injury or damage

Section 48

The Council may pass resolutions regarding collective insurance or a fund for compensation for loss, injury or damage resulting from criminal acts or omissions by a member or a person employed by a member. Before any such resolution is passed, each Department must be given the opportunity to discuss the proposal at a Department meeting and state its opinion.

If a resolution of the kind provided for in the first paragraph is passed by the Council, each member is obliged to pay the requisite fee according to principles determined by the Council. The provisions of section 31, paragraph 3 apply correspondingly to this fee.

Resignation

Section 49

The Code of Judicial Procedure provides that a member is under a duty immediately to resign from the Bar Association in certain circumstances.

Should a member otherwise wish to resign from the Bar Association, he must apply in writing to the Board. The application must be discussed at the next meeting of the Board. If a serious complaint has been made against the member, the Board may order that discussion of the application be postponed pending consideration of the complaint against the member. Otherwise the application must be approved.

Section 50

If a member neglects to pay the statutory fee to the Bar Association, the service fee to the "Swedish Lawyers Service Company" (*Sveriges Advokaters Serviceaktiebolag*) or the statutory fee to the Department to which he belongs or a fine and does not meet these obligations within the time limit set by the Board, the Board must declare that he has resigned from the Bar Association.

The Board may wholly or partly waive a fine if there are particular reasons for doing so.

Publication of certain decisions

Section 51

The Board must arrange for the admission or resignation of a person as a member of the Bar Association to be made public.

The Disciplinary Committee may decide that a Committee decision in a disciplinary matter is to be wholly or partly made public.

Amendment of the Charter

Section 52

The Council decides whether any proposed amendments of this Charter will be adopted.

Before such a decision is made, opportunity must be given to Departments to discuss the proposal at Department meetings and to give their opinion. A decision to amend the Charter will not be valid unless the resolution was either passed at an ordinary Meeting of the Council by a majority of at least three quarters of the total number of Delegates, or was passed at two successive ordinary Meetings of the Council, the majority supporting the resolution at the second meeting being at least two thirds of the Delegates present.

No amendment of the Charter will take effect unless it is sanctioned by the King.

*Section 3 will be repealed by SFS 2002:741 as of 1 January 2004. It will be succeeded by section 3 worded as follows.

Section 3

A person may be admitted as a member of the Bar Association only if he or she

1. is domiciled in Sweden or another state within the European Union or the European Economic Area or Switzerland;
2. has passed all proficiency exams prescribed for competency to a judge's office;
3. has practised law in a satisfactory way for at least five years after passing the above-mentioned proficiency examinations, during which time he or she has

for at least three years devoted him- or herself to professionally assisting the general public in legal matters, either as an employee of a member of the Swedish Bar Association or as a self-employed person;

4. at the time the application is considered professionally assists the public in the manner set forth in 3. above;
5. has attained a pass grade in the examination following the special training course arranged by the Swedish Bar Association;
6. has become known for his integrity; and
7. is otherwise considered suitable to carry on the profession of *Advokat*.

The Board of the Association may, in consideration of special circumstances, grant exemption from items 1, 3, 4 and 5 of the first paragraph. The same applies to item 2 of the first paragraph concerning a person who is a licensed lawyer in another state in accordance with regulations there in effect. Exemption from the three-year requirement under item 3 of the first paragraph may not be granted for more than one year.

A person who has undergone a course of training that is required to become a lawyer within the European Union, the European Economic Area or in Switzerland and who has undergone a test in Sweden showing that he has sufficient knowledge of the Swedish legal system, will be deemed to fulfil the requirements of items 2, 3 and 5 of the first paragraph. The same applies to a person registered under section 4a who has subsequently actually and continuously practised law in Sweden for a period of at least three years, provided that the practice has primarily involved Swedish law or that, if the practice has not primarily involved Swedish law, the registered person has in some other manner acquired sufficient proficiency and experience to be admitted as a member of the Bar Association.

A person licensed as a lawyer in Denmark, Finland, Iceland or Norway in accordance with regulations there in effect and who has subsequently served as an assistant lawyer at a law firm (*advokatbyrå*) in Sweden in a satisfactory manner for at least three years will be deemed to fulfil the requirements of items 2–7 of the first paragraph.

A person who has been declared bankrupt or for whom a trustee has been appointed under chapter 11, section 7 of the Parental Code may not be admitted as a member. Nor may a person who is prohibited from carrying out counselling activities under section 3 of the Prohibition against Supply of Legal or Financial Services in Certain Cases Act (1985:354) be admitted as a member.

A judge or other official at an ordinary court of law, a public prosecutor, or a senior enforcement officer may not be admitted as a member.

A person employed in the service of the state or a municipality in a position other than those mentioned in the preceding paragraph, or by a private person other than a member of the Bar Association, may not be admitted as a member, unless the Board grants exemption. However, this provision does not apply to employees of a legal aid office or a person employed as a member of an organisation of lawyers within the European Union, European Economic Area or Switzerland.

Section 33

This section was abolished as of 1 January 2001. However, under the transitional

provisions, it still applies to disputes between members and their principals regarding fees and costs for engagements commencing prior to 1 January 2002.

The section is included here as worded when it was repealed.

"A member is under a duty to enter into arbitration in disputes with a principal regarding fees and costs for engagements performed if the principal or - where the principal has claimed legal aid insurance - the insurance company, makes a written request for arbitration within a year of submission of the final account.

The Arbitration Act applies, subject to the amendments and supplements set forth below.

The arbitration award will be issued, as decided by the Board, either by the Council or by a special Arbitral Tribunal comprising three or five members of the Association, appointed by the Board in each case, from within or outside the Board.

The arbitration award must be issued not later than six months after appointment of the Arbitral Tribunal. However, the Board is entitled to extend that time limit at the request of any of the parties or the Arbitral Tribunal if there is reason for so doing.

Paragraphs 1 and 2 of section 11 of this Charter apply where the Board arbitrates. Members of the Board and of the special Arbitration Tribunal may not receive or demand any remuneration from any party.

Members of the special Arbitral Tribunal are entitled to be reimbursed by the Association for travelling expenses according to the same principles as for members of the Board.

Any member who is party to a dispute is responsible for his own costs in the proceedings. The Board and the special Arbitral Tribunal are not bound by any agreement as to the fee or other remuneration for performance of an engagement when ruling on the dispute, if the agreement proves to be incompatible with the justified interests of the principal or the insurance company. If the principal has approved the charge for fee or costs, the Board and the special Arbitral Tribunal may disregard that approval if the charge is obviously unfair and other circumstances so dictate."