

STATUTE

Decree nr. 56 of April 26, 1995

Ratification Decree dated February 1st, 1995 n . 11 , called " Legal recognition and Order Lawyers - Notary of the Republic of San Marino "

The Great and General Council ratified on April 26th, 1995, the Decree dated 1st February 1995 n. 11 making some amendments, so that the final text of the Decree is the following:

We the Captains Regent of the Republic of San Marino, considered, Law nr 54 art, nr 54 dated 20 February , 1991 art n . 28;

The resolution of the Congress of State no. 70 of 9th January 1995; Availing ourselves of Our Faculty We decree, promulgate and make public:

Unique Article

Pursuant to art.28 of Law 54 of February 20, 1991 is given legal recognition to Order of Lawyers and Notaries of the Republic of San Marino, which is governed by the Articles attached to this decree.

Done at Our Residence , on the 4th may 1995/1694 dFR

The CAPTAINS

Marino Bollini – Settimio Lonfernini

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS
Antonio Lazzaro Volpinari

ORDER OF THE PROFESSION OF LAWYER AND NOTARY STATUTE OF THE ORDER OF LAWYERS AND NOTARIES OF THE REPUBLIC OF SAN MARINO

TITLE

CONSTITUTION HEADQUARTER AND PURPOSES OF THE ORDER , OBJECT OF THE PROFESSION
- Article 1

(Constitution of the Order and the establishment of the Register)

The Order of Lawyers and Notaries of the Republic of San Marino, is public and independent, with legal personality and whose functions and organization are governed by the present Statute and the Law of 20 February 1991 no. 28 .

Law graduates who have achieved the authorization to practice as a lawyer and public notary and are in possession of all other requirements as required according these laws have the right to be registered in it .

It is established a register of Lawyers and Notaries of the Republic of San Marino, where functions are governed by this Statute and the Law of 20 February 1991 no. 28. The lawyers and notaries already members of the Order who are exempt on incompatibility for this Statute, have the right to be registered.

Article 2

(Headquarter)

The Association of Lawyers and Notaries is based in the Republic of San Marino and located at the Commissarial Civil and Criminal Court

The Register of Lawyers and Notaries is held by the Association of Lawyers and Notaries according of provisions as per the present Statute and the Law of 20 February 1991 no. 28.

- Article 3 –

(aim)

The Association of Lawyers and Notaries, in full autonomy enshrined in the Law of 20 February 1991 no. 28 , which governs the professions, does not have any profit-making and aims to:

- a) dictate , coordinate and enforce , in accordance with the law , the rules and the ethical , moral, social and economic aspects of the profession of lawyer and notary;
- b) safeguard the profession from a moral and intellectual point of view;
- c) Implement the social aspirations of the class and to protect the interest;
- d) monitoring the progress of the legal profession and deed, in order to ensure the correctness, and repress any misuse of which it becomes aware;

e) strive for the improvement and progress, both on moral, scientific and technical , of the legal and notarized profession

f) facilitate and promote the professional development

- Article 4 –
(Subject of the profession)

The lawyer and notary performs his professional activities as part of the object defined as follows:

- a) in the performance of Public Notary faith in what he gives or certifies that has personally performed or have occurred in his presence , so as for example but not limited to , receiving the documents between the living and of final disposition keeps the acts entered into, and those received on deposit, issuing certified copies , certificates and extracts and plays all other functions assigned to by law and by custom, always covering in these functions , the status of public official
- b) exercising the functions of lawyer he represents , supports and defends the parties at any stage and level of judgment, civil , criminal, administrative or fiscal , both in the judicial conciliation also that in arbitration , is also engaged in consultancy and assistance , both judicial and extrajudicial , in any branch of law , and may assume positions attorney or trustee in insolvency or liquidation and any other statutory records falling within its competence.

TITLE II
REGISTRATION AND STANDINGS TO ORDER

- Article 5 –
(Member of the Order)

The entry to the Order of Lawyers and Notaries is decided by the Council of the Order upon request , which must be accompanied by the documents proving the ownership of the requirements referred to in paragraph below.

The entry to the Order of Lawyers and Notaries is subject to fulfillment of the following requirements:

- a) be a citizen San Marino or in another country where there is reciprocal treatment to the citizens of San Marino
- b) have effective residence in the territory of the Republic of San Marino;
- c) possess civil rights ;
- d) have obtained a bachelor's degree in Law awarded following a course of studies period not less than four years from the University of the Republic of San Marino or by Foreign universities , provided that titles of the degree are recognized by the Republic of San Marino and that , in the State where they are issued, they constitute suitable title for access to professions of lawyer and notary.
- e) have achieved certification to the practice as referred in art. 7.

In case of failure, for any reason, of one of the requirements above mentioned has as a result the cancellation of the member by the Order.

The person that has been deleted from the Order for the loss of one of the requirements as mentioned in the second paragraph is nevertheless entitled to be registered again by attaching the documents proving the same requirements.

- Article 6 –

(Enrolled)

Membership Roll of Lawyers and Notaries, which gives the right to exercise the profession of lawyer and public notary, is prepared by the Council of the Order, upon request. The following is the list of the documents that must be attached to the request:

- a) documents proving the absence of the conditions of incompatibility referred to following subparagraph;
- b) a document proving the subscription of third parties liability insurance policy covering amounts not less than those established annually by the Council of the Order. The enrollment, and consequently the exercise of the profession of lawyer and public notary, are incompatible with :
 - a) any other main profession and on an ongoing basis;
 - b) being a qualifying partner with unlimited liability in a partnership, with the exception of company among professionals;
 - c) the ownership of a license to operate in industrial, artisan, commercial or agriculture sector.
 - d) the quality of public or private employee or retiree.

Are excepted from the incompatibility referred to in sub-paragraph d) the professors and researchers in Universities and other higher education institutes of higher education with employment relationship as part-time teacher of the law school, the Lawyer Office and Justice of the Peace.

They can also enroll in and practice the profession of lawyer and notary those who exercised judicial functions as magistrates, as foreseen by the Law of 28 October 1992 . 83, where at least five years have elapsed from the date of termination of service ; such temporary incompatibility does not affect those who have served as a Justice of the Peace and Commissioner's auditor, as well as those who, until the entry into force of the new Code of Criminal Procedure, have performed the functions of Attorney of the Treasury.

Registration with and, consequently, the right to practice the profession of Attorney and Notary are suspended by law for those who are appointed to public office for which is expected to be incompatible with any other professional activity.

Registration with and, consequently, the exercise of the profession are subject to the provision of an oath, to be done in front of the Deputy of Justice and

Chairman of the Board of the Order, with which the enrolling undertakes to practice lawyer and public notary with honesty , loyalty and fairness, in accordance with this Statute and the rules of ethics in particular.

- 7

(Enable)

The license to practice as a lawyer and Notary is granted to those who have supported and successfully passed the appropriate examination in front of the examiner commission as per Law of 20 February 1991 no. 28.

The members of the Board of Examiners shall be chosen among law graduates who have exercised for at least 5 years in the Republic of San Marino as Judge or the profession of lawyer and public notary.

The Congress of State , the Deputy Justice and the Council of the Order, in addition to members Auditors, appoint as many replacements responsible for replacing the actual members who, for whatever reason, are unable to take part in examination. Those wishing to take the qualifying examination must make application to the Order Council by attaching the documents certifying the possession of the requirements as referred to points a),b),c) and d) of Art. 5 and the completion of the traineeship art. 8 of this Statute.

The theoretical and practical examination will verify the assessment of the knowledge acquired during the training period as well as the attitudes demonstrated in the practice period. The candidate must pass a written test consisting of one or more themes on civil law and procedure, criminal law and procedure, preparation of deeds.

The candidate is also required to support an oral examination on the following subjects :

- Civil law
- Civil Procedural Law
- Criminal law
- Criminal Procedure
- Administrative Law
- Notarial (2 -3)

The candidate is also required to support an oral examination on the following subjects :

- Constitutional Law
- Civil Law and Procedure (common law)
- Criminal law and procedure
- Administrative law

At least four months before the date fixed for the examination session, the Examining commission is required to publish the analytical program of examination subjects to specify which parts of the disciplines are to be tested.

The examination takes place every six months in the months of July and January of each year; and only for those who have requested, respectively by June 20 and December 20 of each year.

In order to avoid the doubt the impartiality of the commissioners, their appointment is made, if necessary, as simple confirmation for each examination session.

The Bar Council will issue a regulation to grant precise discipline formalities and procedures to be adopted in carrying out the operations of the exam.

2 Comma 6th and 7th modified by Decree 11 of January 28, 2004 Article 1: The original text reads:
The candidate will have to take two written tests, structured as follows :

a) concerning mainly as a lawyer and consisting of one or more topics relating to the following materials :

- Civil Law and Procedure ;
- Criminal law and procedure ;
- Administrative law ;

3 The Decree of September 11, 2002 n. 85 repealed the following paragraph, which in the original law was the seventh b) a second, concerning mainly the notarial activity, consisting of one or more themes alleging drafting of documents notary.

4 Paragraph amended by the Decree n January 28, 2004 . 11 Article 2, the original text read:
The examination twice a year and takes place between 10 and 20 months of June and December of each year; examination are allowed only those who have so requested by 31 May and 30 November.
they meet the requirements of art. 5, letters a), b), c) and d).

- Article 8 –
(Internship)

Those wishing to carry out their professional training must notify the Council of the Order, the communication must be accompanied by the documents proving the

The training is articulated and must be carried out in the following manner :

- 1 . conducting a period of practicing in a law firm for a period of twenty-four months ;
- 2 . assistance to a minimum of thirty hearings in civil cases, thirty hearings criminal cases ten hearings in administrative cases ;

3 . frequency of theoretical and practical courses organized annually by the Institute with the collaboration of the Order.

The certificates evidencing the completion of the case referred to in point 1) of the preceding paragraph shall be issued by the owners of law firms - notary , who are obliged to accept at least a trainee; regulation of how the internship will be determined by the Order Board
The certificates evidencing the assistance to the hearings referred to in point 2) are released by the Judges resident in the Republic. The certificates evidencing the frequency of the courses referred to in point 3) are issued by the Judicial .

Practitioners are recorded on the Register of Practitioners kept by the Council of the Order, which will be regularly updated at on least quarterly basis .

Practitioners , duly registered and have no showed any incompatibility as per art. 6 , after 12 months of effective completion of the internship, may practice litigation before the Justice of the Peace and take care out of court issues that do not exceed in value the competence of the latter Judge.

Upon completion of the traineeship practitioners can take the exam of license referred to in art . 7.

All terms related to the duration of the internship shall be reckoned from the date of registration in the Register of Practitioners.

TITLE III

PROFESSIONAL ETHICS RULES OF THE PROFESSION OF LAWYER AND NOTARY - Article 9 – (General Duties)

Each member of the Order , even outside of the profession of lawyer and notary, must keep irreproachable conduct, guided by decorum, dignity and probity that suited to its functions.

CHAPTER I

DUTIES OF THE LAWYER SECTION

DUTIES OF THE LAWYER DURING THE EXECUTION OF THE PROFESSION

- Article 10 – (Duties)

The LAWYER , in the exercise of its functions, shall:

- a) carry out duties with honesty , integrity and fairness ;
- b) carry out faithfully the duties assigned by the customer, by providing , if requested, all information on current activities ;

- c) fulfill their professional duties with diligence and constantly heal their professional preparation;
- d) maintain secrecy given activity and still maintain the confidentiality affairs processed;
- e) maintain its independence in the exercise of professional activity;
- f) pay their defensive activity when it is requested by the Judicial Organs based applicable laws;
- g) avoid situations of incompatibility or otherwise declare them to the customer;
- h) comply with and enforce the existing legislation relating to fees for its services professional;
- i) comply with the rules of ethics of the bar association of other states when it is operating , even indirectly, in other states or when coming into contact with colleagues who will operate , where such rules do not conflict with this constitution or by ordering mandatory rules San Marino .

- Article 11 –
(Prohibitions)

The lawyer is forbidden to :

- a) in any form to advertise the business or profession;
- b) buy up the customers by offering professional services through agencies or brokers;
- c) use of improper and offensive expressions in the writings in judgment and activity professional, regardless of the integration of improper conduct or civilly offense;
- d) threaten the other party actions or initiatives of all proportion and unfair
- e) agree to the contingency fee agreement
- f) to assist parties who have conflicting interests;
- g) to provide his services in litigation, even if referred to the decision of the arbitrators, in which can be used as evidence acts entered into or authenticated by him in the exercise of notary or discuss the validity thimbles acts.

SECTION II
DUTIES OF THE RELATIONSHIP WITH COLLEAGUES

- 12 –
(Behavior)

In order to make more clear and correct the performance of professional duties, the lawyer must always keep in relations with colleagues behave with loyalty and respect. The lawyer should, however, always keep strictly confidential professional relationships had with colleagues

- Article 13 –
(Contact with the counterparty)

In the activity in both judicial and extrajudicial, the lawyer can not get in touch with the other party if this is assisted by another lawyer.

In particular, the correspondence must be sent to the attorney of the other party , except in cases exceptional, however, in which the latter should be informed by knowledge of the sending message.

- Article 14 -
(Prohibition of negative appraisals)

It is forbidden to express appreciation of a negative character on colleagues , in order to mislead customers.

SECTION III
DUTIES OF THE RELATIONSHIP WITH THE COURTS

- Article 15 -
(Relations with the Magistrates)

The relationship with the Judges must be based on dignity and respect according to their functions.

- Article 16 -
(Relations with the staff of the Administration)

The relationship with the staff of the public administration should be based on mutual respect.

- Article 17 -
(Prohibition of witness)

It is forbidden to lawyer to act as a witness to facts learned or acts of which he discovered in the course of their professional activities .

CHAPTER II
DUTIES OF NOTARY

- Article 18 -
(Correctness)

The Notary shall perform his duties as a public official in accordance with the current legislation.

- Article 19 -
(Duties)

The notary in the performance of their duties shall:

- a) continuously maintain their independence and autonomy ;
- b) fulfill the ministry with the utmost care ;
- c) maintain appropriate relations with colleagues ;
- d) apply the fees as determined by the tariff;
- e) strictly refrain from conduct of unlawful competition ;
- f) indicate in the parcel the individual items and specify the costs incurred;
- g) ensure that the acts derogate from or to authenticate are not contrary to mandatory rules or to the public policy of the state where the acts themselves are to have effect .

- Article 19a -

(Replacing the notary)

In case of proven inability of the Notary to issue certified copies of documents concluded for longer than 20 days, until the cessation of the impediment a colleague of the same study or other duly designated by the Notary will accomplish the duty.

- Article 20 -

(Prohibitions)

It is forbidden to the Notary:

- a) to advertise the business or profession in any form;
- b) to buy up the customers by offering services through agencies or brokers ;
- c) to receive and authenticate acts that may be used as evidence in litigation, even compromised in arbitration , in which is as its activity as a lawyer ;
- d) to exercise his functions outside the territory of the Republic of San Marino.

TITLE IV ORGANS OF THE ORDER

- Article 21 -

(Bodies)

Organs of the Order are :

- 1 . the Assembly ;

- 2 . the President ;
- 3 . the Council;
- 4 . the Board of Auditors .

The positions within the Order are completely free and therefore those who are called to fill the position are not entitled to any remuneration .

CHAPTER I
ASSEMBLY

- Article 22 –
(Definition)

The Assembly is composed of all the members of the Chamber who have made the payment of shares.

Students enrolled in the Professional entitled to vote on each topic. The members of the Chamber but not if the Roll have the right to participate in meetings without vote and to receive all notices and communications addressed to the members, and to participate in cultural and professional activities.

- Article 23 –

Article 5 added by Delegated Decree of July 18, 2011 . Article 105 .
(Powers of the Assembly)

The Assembly must be convened at least once a year within the first half of each year and has the following skills :

- 1 . discusses and approves or modifies the Budget and Financial Statement ;
- 2 . provides for the election of members of the Council;
- 3 . elects the members of the Board of Auditors , chosen among those enrolled in orders or Professional colleges of San Marino ;
- 4 . act on the proposals to amend the bylaws by forwarding them to the relevant bodies ;
- 5 . discuss and vote on any item pertaining to the management of the Order that the this statute and the law is on his or her expertise.

- Article 24 –
(Notice of meeting)

The Assembly is convened by the President by letter , telegram , fax or electronic mail or other appropriate means , to be sent at least 5 days before the date of call, which shall specify the place day and time of the meeting and the list of topics to be discussed.

In the same letter there must be indicated, time and place of a second call, to be held in the event that the first call has not reached the number of participants required by this Statute for the regular constitution Assembly.

The second meeting must be scheduled at least half an hour after the first one.

- Article 25 –
(Summoning required)

The President shall convene the Assembly without delay when applied by the Board the Auditors, or by at least one fifth of enrolled persons and in the demand are indicated topics to be discussed. If the President fails within fifteen days after a request, the Board of Auditors or Registered Applicants can proceed directly to the call.

- Article 26 –
(Validity of meetings and deliberations)

The Meeting has been duly convened when it is validly constituted, in first call, with the presence of at least one third of members and Roll, on second call, with the presence of any number of members entitled to vote .

The Assembly decides , however, an absolute majority of the votes cast , excluding abstentions . The Shareholders , subject to the formalities of convocation which are mandatorily prescribed by law, shall be deemed to be duly constituted in the same way , even in the absence of formalities provided for in this Statute , when it is present in all members of the Roll . However, in the Assembly is convened by the President by letter , telegram or fax , to be sent at least 5 days before the date of the meeting , which shall specify the place , day and time of the meeting and the list of topics .

In this case any of the participants may object to the discussion of the topics on which they feel sufficiently informed.

- Article 27 –
(Initial Obligations)

The meeting is chaired by the Chairman of the Board or, if unable to do so , by one elected from among those present.

The Chairman verifies the regularity of the constitution making insert a special mention in the report. Once you have established the validity of the constitution Assembly, nor the constitution itself, or the validity of the resolutions can be invalidated by abstentions from voting or removal of speakers who, for whatever reason, occur during the meeting.

- Article 28 –

(The conduct of the Assemblies)

The decisions of the Assembly shall be adopted in the manner chosen by the vote of the President.

The decisions of the Assembly shall be recorded in the minutes drawn up at the same time Secretary of the Board on the appropriate book, under the responsibility of the President , and it is signed by both.

The minutes shall be summarized , at their request , the statements of members.

- Article 29 -

(Renewal of the charges)

The Assembly for the election of the Bar Council and the Board of Auditors is convened by the President and shall take place within the two months prior to the expiration and takes place with the as per rules and artt.27 , 28, 29 and 30 of the Law 20.02.1991 , n . 28 .

CHAPTER II
COUNCIL

- Article 30 -

(Definition)

The Order is governed by a Board composed of five members .

The Council holds office for three years and its members may be re- elected after the expiration of the Council.

In case the Director has died, resigned or lapsed , the same shall be replaced by the member who is among the first result not elected , who shall hold office until the natural expiration of the

Council.

- Article 31 -
(Powers)

The Council shall exercise all the powers provided for by Law 20.02.1991 , # 28 , and can however, do all that is deemed necessary or useful for the achievement of the purposes Order, unless it functions which by law or by these Articles are reserved to the competence of other organs or of other entities.

In particular, the Board shall:

1 . take care of the Order, and the list of members of the Order of the Register of Practitioners

And have their registrations, cancellations , notes and updates , giving timely notification to the Department of Justice, the National Commission of Free Professions , the Secretary for Home Affairs , Secretary for Foreign Affairs , the Commissioner's Court , the Administrative Court , the Office of the Register, the Office Taxation and the Institute for Social Security ;

2 . take care of the compliance with the laws relating to the legal profession and notarized and shall protect its independence and dignity ;

3 . work to crack down on the abusive exercise of the profession and ensure the use of the professional title ;

4 . act for disciplinary action against members of the Roll ;

5. Be committed to compliance with the ethical rules laid down in Title III of this Statute and the necessary interpretation more in keeping with the spirit of Legal and notarial profession , and to set necessary standards of conduct

6 . facilitate the updating and improvement of technical and cultural enrolled and the study of topics of professional interest, and promote and encourage every good initiative in this direction;

7 . safeguard the general interests of the class and, to this end, may also act or be sued or a civil party in criminal proceedings ;

8 . propose to the National Commission of Free Professions professional rates their changes and update them and , every two years, to provide with its resolution the simple monetary revaluation of tariff by no more than the indices provided by the Office Statistics 7

9 . expresses binding opinions on the settlement of professional fees ;

10 . approve the convening of the Order when it is required pursuant to Law and these Articles and whenever he judges necessary , and also when it is required by one-fifth of the members of the Chamber or by the Board of Auditors , as well as provided for In the preceding Article . 25;

11 . determine the amount of the enrollment fee and annual contributions payable by the and registered with the Register, as well as the fees for the issue of certificates , copies ,

and opinions on the payments of compensation professionals , so as to cover respectively , the expenses necessary for the operation of the Order , as well as provided for in the Budget estimate , and those due to the formation of the document release ;

12 . shall endeavor to settle disputes between members and between them and the Roll their clients;

13 . provide for the administration of the goods of the Order and the financial and fill the annual budget and the Annual Financial Statement ;

14 . appoint its representatives in bodies, commissions, and similar bodies, public and private, both at national and international level.

The applications for membership of the Roll or the Board of Directors must act within the maximum of thirty days from the submission of the application .

7 Point 8 was amended by Decree No Officer July 18, 2011 . 105 Article 3, the previous text read:

8 . proposed to the National Commission of Free Professions professional rates , their changes and the updating;

- Article 32 -
(President, Secretary and Treasurer)

The Council shall elect by majority a President , a Secretary and a Treasurer .

The Chairman is entitled to legal representation and the other responsibilities conferred the Order by law or by these Bylaws.

The Secretary is charged with keeping the minutes of the Council and the Assembly, the material execution of the inscriptions to Order Roll and Register of Practitioners , the preservation of documentation, certificates and any other administrative task .

Treasurer is charged with keeping of accounting records, the execution of payments, the collection of tuition fees and other receivables of the Order, the tightness of the chest, as well as any other task relating to financial and asset management of the Order.

-Article 33
(Convocation)

The Council shall be convened by the President by letter, telegram, fax or electronic mail or other appropriate means, to be sent at least 3 days before the fixed date for the meeting, but in cases of particular urgency, the meeting can be made with reasonable notice by any other suitable means .

8

The President must convene without delay the Council when so requested by the majority of the members of the Board or the Board of Auditors .

The Council must , however, meet at least once every three months.

Forfeits his office the advisor not attending meetings of the Board for three times without any justified reason.

8 The first paragraph of Article 33 has been amended by Decree No Officer July 18, 2011 . 105 , Article 4, the previous read:

The Council shall be convened by the President by letter, telegram, telex or fax , to be sent at least three days before the date fixed for the meeting, but in cases of particular urgency, the meeting can be made with reasonable notice by any other suitable means .

- Article 34 –
(Validity of the sessions)

The meetings of the Council when regularly convened, are validly constituted with the presence of the majority of the members , nonetheless they are validly constituted , even without the fulfillment of the formalities required when all the members are presents. The Council meetings are not public .

- Article 35 –
(Resolutions)

The resolutions of the Board are taken by majority vote of the members present. In the event of a tie, the resolution adopted is the one chosen by the President . Resolutions of the Board shall be recorded in the minutes transcribed in the book under responsibility of the President and the Secretary . The minutes shall be signed by the Chairman and Secretary .

CHAPTER III
BOARD OF AUDITORS

- Article 36 –

(Definition)

The Board of Auditors is the body of the audit of the Order. The Board therefore verifies the proper keeping of accounts and expresses its opinion on Budget estimate as well as on the final balance .

- Article 37 -
(Composition)

The Board of Auditors is composed of two Auditors and shall remain in office for three years and may be reappointed.

In case of the Auditor decayed , or death , the Board shall be discharged by the member who results first among the nonelected, which shall remain in office until the end of the entire Board .

- Article 38 -
(Participation in meetings of other organs)

The members of the Board of Auditors shall be invited to the Meetings of the members and meetings of the Board .

The Auditors are not entitled to any remuneration .

TITLE IV
DISCIPLINARY ACTION

- Article 39 –
(Sanctions)

The Bar Council may initiate disciplinary action against Advocate and Notary enrolled in that , in the exercise of his profession, has in any way create damage to their professional dignity or decorum and independence of the class forensic and notarized or who fail to fulfill the duties of the profession, adopting it deems responsibility , depending on the gravity of the infringement , and applying as possible the principle of gradualism , one of the following sanctions:

- a) call , to be adopted in the cases and in the manner specified by art. 47 of the Law 20.02.1991 , n . 28;
- b) censure , to be adopted in the cases and in the manner specified by art. 48 of Law 20.02.1991 , n . 28;
- c) suspension of the professional , to be adopted in the cases and in the manner specified art. 49 of the Law 20.02.1991 , n . 28;
- d) deletion from the Register , to be adopted in the cases and in the manner specified by art. 50 of the Law 20.02.1991 , n . 28;
- e) radiation from the profession , to be adopted in the cases and in the manner specified by art. 51 Law 20.02.1991 , n . 28 .

- Article 40 –
(Disciplinary Procedure)

The Bar Council , where it has notice of a disciplinary offense committed by a member, after having verified the validity of the news , shall convene the member by registered letter with acknowledgment of receipt . The register letter shall report clearly and with extreme precision the facts of the infringement and the rules supposed to be violated . The letter must be sent to the member at his registered address , at least ten days prior to the date of the call and, in the case of non-delivery ,the letter must be sent again , stating possibly a other call date if this necessary for the respect of that period . Where the delivery of letter is not practicable, the Board shall call with notification , to be carried out by the notification office , in the forms of judicial assistance in criminal matters .

The summoned to appear personally before the Council, with the assistance possibly by a lawyer of his choice , he may, even before the date fixed for the call, examine and obtain copies of all documents and other items evidence of the disciplinary procedure , produce documents, induce texts , expert opinions and ask other evidence , submit statements , ask for a referral and adduce any other relevant to his defense , however, does not appear if summoned , the Council, after having ascertained the duly summoned and may continue the disciplinary proceedings in his absence.

Once scanned all the obligations and other details which may put forward by the member , the Bar Council , and if considered that the disciplinary offense was actually committed, the sanction is applied.

The resolutions concerning sanctions must be clearly and comprehensively motivated and they are given immediate notice to the member that have been applied by registered letter with return receipt to be sent at his residence registered address or at the domicile elected by him .

- Article 40a –

(Suspension and other precautionary measures)

Slope of the disciplinary action , the Bar Council may adopt appropriate protective measures or temporarily suspend the exercise of the functions of a lawyer and / or Notary enrolled in the professional , if:

the practitioner is indicted in the Republic for the offenses referred to in Articles . 295 , 296 , 354 , 358 , 361 or similar offenses if the indictment is prepared by a foreign judicial authority , the practitioner is subject to the measure of restriction of liberty in Republic or abroad, the practitioner is indicted in the Republic or abroad for crimes punishable by imprisonment of not less than the minimum of two years, or for the same period in disqualification from public office or profession .

The Board of Directors by providing a protective measure , explain the reasons that have led to the adoption of the same and that any other appropriate provisions . The precautionary measure is given immediate notice to the member by registered letter, mail with return receipt to be sent at his official residence at the office or at the elected domicile The lawyer notary must immediately inform the Board of Directors of the Order the issuance of the order for reference in the judgment to bear , providing its documentation , failure or delay in communication is considered as tort.

Article 41 –
(Appeals. Rules of Procedure)

Against the resolutions by which penalties were imposed or precautionary measures opposition may be challenged to the Board of the Order by the deadline of ten days from the communication referred to in the last paragraph of Article 40 or the third paragraph of ' Article 40a ; the recourse , properly motivated, should be sent to Council at the headquarters of the Order by means of a registered letter.

The action by the opposition Council shall act within fifteen days thereafter. Against the said resolutions referred to in the first subparagraph shall be admitted , however, also use Hierarchical immediate to the National Commission of Free Professions within the maximum of thirty days from the communication of the last paragraph of Article 40 or the penultimate paragraph of Article 40a , the application, which must be properly motivated and contain precise statement of the evidence on which it is based , must be sent to the Commission by registered letter .

On administrative appeal , the Commission shall act within sixty days of the receipt the letter with which the appeal was interposed .

The application for appeal shall not suspend the time limit for administrative appeal . The resolutions by which the Council shall impose disciplinary sanctions, if it were challenged , become enforceable after the expiration of the period for appeal to the National Commission of Free Professions .

Appeals , if timely interposed , have suspensory effect on the deliberations of the Council with which they were imposed disciplinary sanctions.

Appeals against interim measures shall not suspend the implementation of the measure and not suspend the course of the disciplinary action pending.

The resolutions issued for deciding the appeals by both the Council and the Commission Order National Free Professions , however, must also be clearly and with full reasons . 10

Article 9 added by Delegated Decree n- July 18, 2011 . 105 Article 5 .
10 Article amended by the Delegated Decree n July 18, 2011 . 105 Article 6, the previous text read:
- Article 41 –

(Appeals)

Against the resolutions by which penalties were imposed may be submitted in opposition to the same Bar Council within the deadline of ten days commencing on the communication referred to in the last paragraph of the preceding article , the appeal, properly motivated, must be sent to the Council at the headquarters Order in by registered mail .

The action by the opposition Council shall act within fifteen days thereafter. Against the said resolutions referred to in the first paragraph is, however, also admitted to administrative appeal immediate National Commission of Free Professions within a deadline of thirty days from the notification referred to the last paragraph of the preceding article , the application, which must be adequately motivated and contain precise indication of the evidence on which it is based , must be sent to the Commission by registered letter

On administrative appeal , the Commission shall act within sixty days of receipt of the letter with which the appeal was interposed . If the Commission does not respond within the time limit set by the preceding paragraph, the use of means accepted.

The application for appeal shall not suspend the time limit for administrative appeal .

The resolutions by which the Council shall impose disciplinary sanctions, if it were challenged , they become executive after the deadline for appeal to the National Commission of Free Professions .

- Article 42 –

(Communication of the sanction to the competent bodies)

The President shall forward the final deliberations of the Council concerning the application of disciplinary measures , referred to in subparagraphs b), c), d) and e) of higher art . 40 , to the interested parties , the Justice Department and the National Commission of Free Professions.

- Article 43 –

(Procedure for sanction of recall)

The disciplinary procedure outlined in the preceding Articles . 39, 40 , 41 and 42 , does not apply normally when it is a minor and excusable disciplinary infractions , for which the Bar Council deems it necessary to adopt the sanction of the recall. In this case, the disciplinary proceedings are initiated only at the request of the member invoked , as established by art. 47 of the Law of 20 February 1991 no. 28 .

TITLE V

BUDGET AND ACCOUNTS

- Article 44 –

(Budget and Financial Statement)

The Budget and the Financial Statement are compiled with reference to the period from 1 January to 31 December of each year.

At the end of each financial year the Board is responsible for the preparation of the estimate Financial Statement budget for the year and the future course of the year . In the first half of each year the Budget estimate and the final account shall be subject Assembly of the Order for their approval.

- Article 45 –

(Preparation of Financial Statement)

The Financial Statement takes account of all receipts and all outputs occurred during year. The income and expenses must be recorded in a special register .

TITLE VI

TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

REGISTRATION AND STANDINGS TO THE ORDER FOR LAWYERS AND NOTARIES ALREADY REGISTERED TO THE DEFENDERS AND NOTARIES CHAMBER

Appeals , if timely interposed , have suspensory effect on the deliberations of the Council with which they are were imposed disciplinary sanctions.

The resolutions issued for deciding the appeals by both the Council and the Commission of the Order of the National Free Professions , however, must also be clearly and fully stated.

- Article 46 –

(Registration of Lawyers and Notaries already enrolled in in force registers)

All lawyers and notaries who at the date of entry into force of this Decree have already registered at the Chamber of Notaries and the Association of Defenders , held under the laws previously in force are recorded

Order of Lawyers and Notaries and the relevant register, without the need of the internship , as per art . 8 , examination and certification, in art. 7 , in the manner provided in the articles that follow.

They are also allowed to enroll and the Order of Lawyers and Notaries, without need for training and examination , even those who , under the laws previously in force , were enrolled only in the Register of Defenders or just Register of Notaries, in the same manner provided for in the articles following , as applicable , in which case they can only act as a lawyer , if they were previously enrolled in the Register of defenders only , or only the business of the notary , if previously were only enrolled in the Register of Notaries . Limitation of activities must be recorded in the book.

- Article 47 –

(Application and documents to be attached)

Those wishing to be members of the Chamber of Lawyers and Notaries and possibly also to its register, in accordance with the provisions of the preceding Article , shall make a request to the Extraordinary Commissioner in art. 54 of the Law of 20 February 1991 no. 28 , presenting appropriate application with the Court within two months following the entry into force of this Statute , the application must be accompanied by the documents evidencing the Register of Notaries and the Association of Defenders , the possession of all the requirements of Article . 5 , except those referred to in subparagraphs d) and e) , for inclusion in , and possibly also include evidence of the absence of conditions of incompatibility of article . 6 , for registration in the Register , except as provided in Art. 55 .

Those applying for admission pursuant to the second paragraph of Art. 46 must attach the documents proving enrollment in the Register of only defenders or just Register of Notaries Within thirty days after the expiry of the deadline for submission of application referred to the preceding paragraph, the Special Commissioner , after examining the questions, shall compile a list of how many they are in possession of the requirements for entry to the Order and they are in the list of those who also meet the requirements for registration in the Register .

- Article 48 –

(Assembly for the appointment of the Bar Council and the Board of Auditors)

Within fifteen days after the formation of the lists in the last paragraph of the preceding Article , the Commissioner shall convene the Extraordinary General Meeting of those who are enrolled in those lists in order to proceed to the election of the Bar Council and the Board of Statutory Auditors.

The notice is sent to all those who are enrolled in the lists as provided by art. 24 , the date of the meeting cannot be fixed more than twenty days from the date of dispatch of the call. The Assembly shall appoint the Chairman of the meeting and the election of the Board and Auditors in the same manner set out in the Articles . 22: and 55 .

Practitioners enrolled in the lists , for electoral purposes , are considered as members of the Order and eventually of the Roll .

The Bar Council shall, as the first act, to fix provisionally enrollment fees enrollment, the annual contribution limit and the insurance of art. 6, first paragraph , b) , and then proceeds to the formal entry to the Order, and possibly also the Roll , of those who have made the payment of taxes and contributions and to have produced the evidence of the conclusion of the insurance policy.

Pending enrollment Order and Roll , as well as covered by this chapter, the lawyers and notaries recorded in the registers kept under the laws previously in force may continue to practice the profession for a maximum period of six months after the entry into force of the this Statute.

CHAPTER II

TRANSITIONAL PROVISIONS FOR PRACTITIONERS

- Article 49 –

(Completion of the training and qualifying examination)

Those entry into force of this Decree have already started training under October 31, 1968 the Law no. 39 May 4, 1979 and the Law no. 24 , complete the training and support its talk in the manner laid down by the mentioned law.

CHAPTER III
TRANSITIONAL PROVISIONS FOR MEMBERS TO THE FACULTY OF LAW

- Article 50 –

(Duration of internship for students enrolled in the Faculty of Law)

Those entry into force of this decree shall be entered in the degree course in law are required for the achievement of professional and consequent Order entry , conduct of training as well as regulated by Law . 39/1968 and n . 24/1979 and the overcoming of the interview provided by those laws . The training period in such a case is of eighteen months. They are also required to attend the courses organized Legal Institute in ways that take into account the commitments of working aspirants.

This transitional rule ceases to have effect on 31 December 2002.

CHAPTER IV
FOREIGN LAWYERS AND NOTARIES

- Article 51 –

(Exercise activities by foreign lawyers)

The lawyers and attorneys foreigners, provided , they are regularly admitted to practice in the State from which they come , they can work in the territory of San Marino , provisionally, the functions referred to in Article 4, letter b) under the following conditions:

a) the State in which they arise grants the same right to lawyers of San Marino ;
b) they act in concert with a lawyer enrolled in San Marino enrolled , where they must elect domicile ;

c) prior to the start of the activity, they have sent to the President of the Council of the Order, by registered letter , with the data and professional and the name of the lawyer San Marino where they have elected domicile;

d) they comply with the ethical rules laid down by the present Charter .

- Article 52 –

(Acts entered into or authenticated by notaries foreigners)

The foreign notaries cannot perform their functions in the territory of the Republic of San Marino. To deeds drawn up or certified by notaries foreigners abroad , however, is given full effect also in the territory of San Marino , provide are not contrary to mandatory rules or public order , provided that the foreign state to which belong to the notary recognizes similar efficacy on equal terms to the deeds drawn up or certified by notaries San Marino.

- Article 53 -
(International Agreements)

In the areas covered by the two preceding articles is, however, excepted any international agreements concluded by the Republic of San Marino.

CHAPTER V
FINAL RULES

- Article 54 -
(Appeals)

Against the orders issued by the Commissioner and by the Council as referred to in Chapter I of this Title shall be allowed the appeal and opposition to the use of Administrative Court as well as regulated by Law 28 June 1989 n . 68 .

- Article 55 -
(incompatibilities transitional exception)

Can be enrolled to the Bar and Notaries , pursuant to the provisions in Chapter I of this Title:

a) notwithstanding the incompatibilities provided for by art. 6, second paragraph , letters a) and c),lawyers and notaries, already enrolled in the Chamber of Notaries and the Association of Defenders that the entry into force of the

This Statute shall be licensed at least from March 27, 1992;

b) by derogation' incompatibility provided for in Article incompatibility . 6, second paragraph , letter d) , lawyers and notaries, already enrolled in the Roll of Notaries and the Association of Defenders , who are retired according to system of state pensions of Law March 8, 1927 , n . 7 .

- Article 56 -
(Repeal)

Laws are repealed December 1, 1967 , no. 50 , 1 December 1967 n . 51 , 1 December 1967 n .52 , and the December 1967 n . 53 , which , however, continue to apply as professional fees until they are replaced by new prepared by the Order and approved by the National Commission of Free Professions as envisaged by this

Statute and the Law of 20 February 1991 no. 28 .

The rules contained in this Statute and the Law of 20 February 1991 no. 28 , in the field of disciplinary sanctions apply only to disciplinary offenses committed after the entry into force of this Statute .

- Article 57 -
(State Attorney)

Lawyers and Notaries belonging to the state's lawyers are not subject to the discipline dictated by these Bylaws.

They are , however, required to comply with the ethical rules laid down in Title III of this Statute , as it does not conflict with mandatory rules on civil servants who contain a different discipline of their professional activities .

- Article 58 -
(Entry into force of this Statute)

This Statute shall enter into force on the fifteenth day following that of publication of the Decree with which it is granted legal recognition to Order of Lawyers and Notaries .

APPENDIX

CHANGES

Decree of September 11, 2002 n. 85

Provisions relating to professional training for entry of the Order and Roll
Lawyers and Notaries

We the Captains Regent

The Republic of San Marino

Having regard to Articles 49 and 50 of the Decree of April 26, 1995 , 56 ,
Of the art. Law 43 of February 20, 1991 , 28 ,
Given the favorable opinion expressed by the National Commission of Free
Professions with resolution on 12 June 2002
Given the resolution of the Congress of State on September 2, 2002 # 24 ;
Availing ourselves of Our Faculty We decree , promulgate and make public :

article 1

(Question)

Those entry into force of this Decree are doing the internship in accordance with
the transitional provisions laid down in Articles 49 and 50 of the Decree of 26 April
1995 no. 56 , once completed the formalities required by law, may apply for the
interview of referred to in Article 5 of the Law of 31 October 1968 . 39, as amended
by Article 3 of Law 4 May 1979 , n . 24 , within the deadline of 31 December 2002.

article 2

(Interview)

The Commission referred to in Article 6 of the Law of 31 October 1968 . 39, as
amended Article 4 of the Law of 4 May 1979, no . 24 , setting the date for
implementation of its talks date which shall not be later than 30 June 2003.
After that date , the Commission shall be permanently withdrawn from his duties .

article 3

(Transitional Provision)

The practitioners referred to in Article 1 of this Decree, which at 31
December 2002 have completed the formalities referred to in Article 3 , paragraph
1 , point 5, a) and b) of the Act 31 October 1968 . 39, as amended by the Law of 4
May 1979, no . 24 , and Articles 49 and 50 of the Decree of 26 April 1995 no. 56 ,
also in the case in which while having submitted a request does not have supported
or passed the interview referred to in art. 2 within the abovementioned period of
30 June 2003 , however, are eligible to take the examination provided for in Article

7 of Decree April 26 1995, n. 56 , provided that complement the training already undertaken through the completion of a period of practicing in a law firm for a period of six months. This period of practice is subject to the rules laid down in this regard by the Decree of 26 April 1995 no. 56 , as compatible . The practitioners referred to in the preceding paragraph shall be excluded in any case , by the power in Article 8 Paragraph 7 of the said Decree of 26 April 1995 56 .

article 4

With effect from 1 July 2003, the Law October 31, 1968 , and 39 of the Law of May 4, 1979 , n . 24 , are repealed.

With effect from 1 July 2003 shall be repealed Articles 49 and 50 of the Decree of April 26, 1995 , 56 .

The 7th paragraph of Article 7 of the Decree of April 26, 1995 , # 56 is hereby repealed.

Done at Our Residence , on 11th September 2002/1702 dFR

The CAPTAINS
Antonio L. Volpinari - G. Francesco Ugolini

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS
Emma Rossi

Decree 11 of January 28, 2004

Amendments to Article 7 of Decree 56 of April 26, 1995

Legal recognition Order Lawyers and Notaries of the Republic of San Marino

We the Captains Regent

The Republic of San Marino

Given the resolution of the Congress of State on April 26, 1995 # 14
Availing ourselves of Our Faculty

We decree , promulgate and make public :

article 1

The 6th and the 7th paragraph of Article 7 of Decree 56 of April 26, 1995
are amended as follows :

" The candidate must pass a written test consisting of one or more themes ,
alleging a law and civil procedure , criminal law and procedure , preparation of
deeds .

The candidate is also required to support an oral examination on the following
subjects :

- Civil law
- Civil Procedural Law
- Criminal law
- Criminal Procedure
- Administrative Law
- Notarized . "

article 2

The 9th paragraph of Article 7 of Decree 56 of April 26, 1995 are amended as
follows:

" The examination is every six months and takes place in the months of July and
January of each year ;

examination are allowed only those who have so requested no later than
June 20 and December 20 of each year. " .

Done at Our Residence, on 28th January, 2004/1703 dFR

The CAPTAINS

Giovanni Lonfernini - Valeria Ciavatta

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS

Loris Francini

EXECUTIVE DECREE April 21st, 2008 nr. 59

We the Captains Regent
The Republic of San Marino

Having regard to Article 54 , paragraph 1, of Law 28 of February 20, 1991 ;
Having regard to Rule of Law Decree 11 of February 1, 1995 , ratified by Decree of
April 26, 1995 56 ;

Given the decision of the Congress of State n. 33 adopted at its meeting on
April 7, 2008 ;

Watched the article 5 , paragraph 3, of Constitutional Law no . 185/2005 and
Articles 8 and 10, paragraph 2, of Qualified Law n.186/2005 ;
Promulgate and issue the following delegate decree :

CHANGES IN ARTICLE 5 , PARAGRAPH 2, POINT) ORGANISATION
THE PROFESSION OF LAWYER AND NOTARY AND STATUTE OF ORDER
LAWYERS AND NOTARIES OF THE REPUBLIC OF SAN MARINO IN THE ORDER
26 April 1995 N. 56 "

Unique Article

Article 5, paragraph 2, letter d) of the ' Order of the profession of lawyer and notary
public and Articles of Association of Lawyers and Notaries of the Republic of San
Marino in the Decree of 26 April 1995 n . 56 is amended as follows:
" D) have obtained a bachelor's degree in Law awarded following a course of studies
period of not less than four years from the University of the Republic of San Marino
or by Foreign universities , provided that the relevant securities of the degree
should be recognized by the Republic of San Marino and that , in the State in which
they are issued, constitute suitable title for access to professions of lawyer and
notary. " .

Done at Our Residence, on 21 April 2008/ 17 07 dFR

The CAPTAINS

Rosa Zafferani Federico Pedini Amati

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS
Valeria Ciavatta

DECREE of July 18, 2011 nr. 105

We the Captains Regent
the Republic of San Marino

Having regard to Article 54 , first paragraph, of Law 28 of February 20, 1991 ;
Given the decision of the State Congress adopted in its meeting 6 July 7, 2011 ;
Having regard to Article 5 , paragraph 3, of Constitutional Law no . 185/2005 and
Articles 8 and 10, paragraph 2, of Qualified Law no. 186/2005 ;
Promulgate and issue the following delegate decree :

CHANGES TO THE ORDER OF THE STATUTE OF LAWYERS AND NOTARIES
REPUBLIC OF SAN MARINO , REFER TO DECREE OF April 26, 1995 N. 56

Article 1

The Articles of Association of Lawyers and Notaries of the Republic of San Marino, in
the Decree of 26 April 1995 56 The following is added :
" Art 19a

(Replacing the notary)

In case of proven inability of the Notary to issue certified copies of
documents entered from him for a period exceeding 20 days , until the cessation of
the impediment a Colleague from the same study or another Notary appointed for
the purpose by the Council will ensure temporarily the issue and also any
necessary arrangement . " .

Article 2

It ' the first paragraph of Article repealed . 24 of the Statute of the Order of Lawyers
and Notaries Republic of San Marino, in the Decree of April 26, 1995 , # 56 , and is
replaced by the following:

" Art 24 (Notice of meeting)

The Assembly is convened by the President by letter , telegram, fax or e-
electronic or other appropriate means , to be sent at least 5 days before the date of
the meeting , in which shall specify the place , day and time of the meeting and the
list of topics to be treated. " .

Article 3

And ' repealed section 8) in the second paragraph of Article 3 1 of the Statutes of
the Order of Lawyers and Notaries the Republic of San Marino, in the Decree of
April 26, 1995 n. 56 , and is replaced by the following:
" 8) proposes to the National Commission of Free Professions professional rates ,

their changes and update them and , every two years , provides with its resolution to the simple revaluation of tariff by no more than the indices provided by the Office Statistics. " .

Article 4

The first paragraph of Article repealed . 33 of the Statute of the Order of Lawyers and Notaries Republic of San Marino, in the Decree of April 26, 1995 , # 56 , and is replaced by the following:

" Art 33 (Convocation)

The Council shall be convened by the President by letter , telegram, fax or e-electronic or other appropriate means , to be sent at least 3 days before the fixed date for the meeting, but in case of particular urgency, the meeting can be made with reasonable notice by any other suitable means . " .

Article 5

The Articles of Association of Lawyers and Notaries of the Republic of San Marino, in the Decree of 26 April 1995 56 The following is added :
" Art 40a (Suspension and other precautionary measures)
Slope of the disciplinary action , the Bar Council may adopt appropriate measures protective , or temporarily suspend the exercise of the functions of a lawyer and / or the Notary a registered professional if:

the trader is indicted in the Republic for the offenses referred to in Articles . 295 , 296 , 354 , 358 , 361 or for similar offenses if the indictment is prepared by a foreign judicial authority , the trader is subject to the measure of restriction of personal freedom in the Republic or abroad , the trader is indicted in the Republic or abroad for offenses punishable with imprisonment not less than the minimum of two years, or for the same period in disqualification from public office or profession.

The Board of Directors by providing a protective measure ,will explain the reasons that led to the adoption of the same and of t any other appropriate provisions . The member is given immediate notice of the precautionary measure by registered letter with return receipt to be sent at his official residence , at his office or at the domicile elected by him .

The lawyer notary must immediately inform the Board of Directors of the Order, providing idoneous documentation , failure or delay of communication is considered disciplinary offense.

Article 6

Article 41 of the Statute of the Order of Lawyers and Notaries of the Republic of San Marino, of the Decree of April 26, 1995 , n 56 is repealed, and is replaced by the following:

" Art 41 (Appeal . Rules of Procedure)

Against the resolutions by which penalties were imposed or precautionary measures shall be permitted recourse to opposition to the Board of the Order within the deadline of ten days starts from the communication referred to in the last paragraph of Article 40 or the third paragraph of Article 40a ; recourse , adequate reasons must be sent to the Council at the order headquarters by registered mail .

The action by the opposition Council shall act within fifteen days thereafter. against the said resolutions referred to in the first subparagraph shall be admitted , immediately to the National Commission of Free Professions within the peremptory term of thirty days of notification by the last paragraph of Article 40 or in the penultimate paragraph

Article 40a , the application, which must be properly justified and contain a precise indication of the evidence on which it is based , must be sent to the Commission by registered letter on administrative appeal , the Commission shall act within sixty days of receipt of the letter in which the appeal was interposed . The application for appeal shall not suspend the time limit for administrative appeal The resolutions by which the Council shall impose disciplinary sanctions, if it were challenged , they become executive after the deadline for appeal to the National Commission of Free Professions.

Appeals , if timely interposed , have suspensory effect on the deliberations of the Council with the which were imposed disciplinary sanctions. Appeals against interim measures shall not suspend the implementation of the measure and not suspend the course of the disciplinary pending action The resolutions issued for deciding the appeals by both the Council and the Commission Order National Free Professions , however, must also be clearly and with full reasons . " .

Done at Our Residence, on July 18, 2011 / 17 10 dFR

The CAPTAINS

Maria Luisa Berti – Filippo Tamagnini

THE SECRETARY OF STATE

FOR INTERNAL AFFAIRS

Valeria Ciavatta

LAW of February 20, 1991 ,nr 28 (published on 26 February 1991)
Framework Law relating to the discipline of the professions

We Captains Regent ,
The Republic of San Marino

Promulgating and send to publish the following law approved by the Great and General Council on February 20, 1991.

Art. 1
(Definition of profession)

The free profession consists in the pursuit of an occupation of habitual character, Predominantly intellectual, run freely with autonomy and discretion.

Art. 2
(Determination of the professional service)

, The professional services involves the completion of activities of nature mainly Intellectual and requires the possession of particular and suitable training requirements, cultural Scientific and technical such as to allow autonomy in decision-making , in the determination of how to pursuit of results, as well as the recruitment of direct responsibility and personal in relation to the professional performance .

Art. 3
(The subject of the professions)

The object of each profession and its limits of the content against other professions are determined by single jurisdictions: these indicate the fields of competence of every profession in order to avoid any possible dispute between categories operating in fields of similar activities or similar, indicating, where appropriate, the data of differential performance relating to sectors also partially common to most professional categories.

Art. 4
(Incompatibility between different professions)

It is not allowed to exercise more intellectual professions where the respective skills include common areas operating at different levels of training, or are likely to cause interference and conflicts of interest such as to influence the free choice of mode of completion of the professional activity, or are able to determine situations of unfair competition advantage.

Art. 5

(Incompatibility of the professional operation)

The laws of the individual intellectual professions determine the activities which are incompatible with the professional exercise.

In any case those activities that determine contrast of interest with the professional performance are incompatible with the exercise of intellectual profession, or affect the dignity and the dignity of the category of membership, as well as those that determine situations of unfair competition or entail a power to control the same performance.

Art. 6

Requirements (school)

To access to the intellectual professions it is request a training not less than secondary school with a curriculum for a period of at least 4 years and the field of activity which is object of specific powers attributed to the individual professions; this training is proven by appropriate final exam and by the related diploma or, for higher level, by a diploma issued by university or State institute of higher education or legally recognized .

The duration of the degree course must be at least four years.

The achievement of one of the titles of study considered , gives the right to use the title achieved.

Art. 7

(Apprenticeship)

In order to the access to the intellectual professions, it is also required to perform, under the control and the responsibility of the representative bodies of individual professions a period of practice, the modalities and the duration of which, in any case is not less than 12 months, and are determined by the law of individual professions.

The individual orders or colleges may, even partially, consider equivalent to the internship , professional features carried out to the Public administration or private, causing any supplementary mode, durability, and as far as the purposes referred to in art. 8 next .

The successful completion of the practical is proven by a certificate issued by competent professional component.

For the purposes of carrying out of the practice with the rules laid down by individual jurisdictions, the register of practitioners is set up at the Order

Art. 8

(Professional Qualification)

The suitability to the exercise of a intellectual profession and established by special State examination, the Completion of which is governed by a special Committee composed of six members, of whom three appointed by the Order or vocational college, two appointed by the State Congress and one in quality of Chairman appointed by the Member to Justice. The vote of

the Chairman prevails in the case of equality. Candidates in possession of the title referred to in Article 6 and the certificate of practice referred to in art. 7 are allowed to pass the State examination.

The examination under the preceding paragraph has theoretical-practical and involves the verification of Knowledge acquired in the course of training as well as the skills demonstrated in the period of Practice: it shall be held at least annually, has for its object the matters regarding the specific field of activity attributed to the corresponding professional category and enable exclusively with the completion of its performance.

In the Decrees establishing each Order or College will be recognized - where neither contribute the legal requirements from San Marino legal system - full validity professional qualification achieved in another State.

Art. 9

(Subjective Conditions for the exercise professional)

The exercise of intellectual professions involves the constant updating of knowledge necessary theoretical and practical, to adapt to scientific and technical progress of the sector of activity attributed to each category.

Every order and College shall take the appropriate steps, were agreed with senior management the National Commission I of the Liberal Professions and coordinated, if necessary, with those of other Orders and Colleges in order to facilitate the updating of professionals.

Art. 10

(Classification of occupational categories)

For the purposes provided for in this law, and in particular for the constitution of bodies and coordination between professionals working in related fields, the professional categories are classified as follows:

A) legal professions-economic, including lawyers and notaries, the doctors

Accountants, doctors in political science, actuaries, accountants, the Employment consultants;

B) Professions technical-scientific, including inter alia the engineers, architects, chemists, the geologists, the doctors agronomists and doctors forest, surveyors, the industrial experts, the land surveyors;

(C) health professions, including doctors, dentists, pharmacists, veterinarians, the

Biologists, midwife, professional nurses, healthcare assistants, the childcare opportunities of childhood, the Psychologists;

D) Professions socio-cultural, including journalists, translators, interpreters, the Teachers and lecturers, the sociologists.

New professions will be classified by analogy in one of the aforementioned groups.

Art. 11

(Professionals do not consist in order or College)

An Order or vocational college must be composed of at least eight professionals.

within the same category may be constituted an Order or vocational college between various

professions. In this case will be kept separate register.

Professionals who do not have the possibility of creation in order or College on the basis of the this legislation, are entered in a special register held directly by the National Commission of the professions, which will determine and will apply for each occupation the regulations and disciplinary procedures, i.e. , the professional regulation having identified a specifies among those taken from orders or colleges which have already been established within the same professional category .

Art. 12

(Inclusion on the agenda or College)

To be listed in the order or College and having no incompatibility to the art. 5 , you must be in possession of the following requirements:

A) be a citizen of the Republic or of any other State in which there is reciprocity in treatment of San Marino citizens;

(B) be resident in the Republic or, in the case of express provision in the regulation of the Order or College, be domiciled therein;

C) enjoy civil rights;

D) have achieved the professional qualification to practice referred to in the previous art. 8 .

Individual Statutes orders or colleges may establish specific additional requirements for entry.

Membership of the Order or College for professionals bound by a relationship of dependence on public or private, subject to certain exceptions contained in the individual Statutes and the ways in which the next paragraph, has a result

the suspension of any form of participation in the activities of the Order or College fact without prejudice, however, to the right to participate in meetings without vote and to receive all notices and Communications addressed to the other members as well as to participate in the initiatives of a cultural nature and professional.

If the single Statute provides for the presence of professionals bound by a relationship of dependence on the Council of the Order or College, the latter may not exceed, such as members, the third of actual members; consequently, from the vote for the election, the agenda or Professionals College employees, autonomously shall appoint their representatives.

While subscribers to order or College already enrolled in the Register, shall appoint their Representatives free professionals enrolled in the Register.

Art. 13

(Enrolment in the register)

For the exercise of professional activities of the present law and request the registration in special registers kept by the orders or by the colleges in their respective categories or by the National Commission of the professions in the case where they satisfy the conditions referred to in the last paragraph article 11.

They have the right to enroll in a professional register those who, in possession of the requirements referred to in the first paragraph of the previous article, intend to engage in the activity of the profession of membership and are not in situations of suspension of referred to in the third paragraph of the previous article or other provided for in this law.

Who have been removed from the register of another profession that is, with respect to the first, in one of the situations of incompatibility as indicated in article 5. may not be accepted in the

register a profession.

The seniority of registration in the register is determined by the date of registration in the register.

Art. 14
(Cancellation and reinstatement)

The cancellation of the Order or College takes place when any of the requirements as per 12 points a), B), C) occurs.

The deletion from the register, in addition to the reasons referred to in the preceding paragraph, can occur for the Disciplinary reasons provided by the present law, as well as for the occurrence of one of the situations Incompatibility foreseen by the present law or by the relevant Statutes or for one of the reasons that involve the suspension of activities of the Order or College.

The measures of cancellation referred to in paragraphs that precede are adopted on the Office or on request of the concerned with compliance with the procedures for disciplinary proceedings.

The professional erased from the register may be reinstated if there are no longer reasons that neither have resulted in the cancellation policy.

Art. 15
(Structure of the register)

The professional register contains, in addition to the generality of each in writing, the date of entry, the place and the date for the attainment of the title of study and of passing the State exam.

The register is compiled according to the order of seniority of enrolment and is accompanied by an alphabetical index indicating the order number for each in writing.

The professional register is public and is drawn up, with updates made, at least every two years: it is transmitted, under the care of the Order or College, the Department of Justice, the Court Commissary, the Administrative Tribunal and the National Commission of the Free Professions.

Art. 16
(Update the register)

The Council of the Order or College or the National Commission of the professions for the cases referred to in the last paragraph of Article 11 takes care of the constant updating the register, making the modifications of the case and to this end, periodically requires to subscribers, and the authorities of which in the previous article, the news regarding the existence of the requirements and conditions Influential on the inclusion on the register.

The modifications of the register which result in variations on the professional practice of the

registered users are Posted in the seat of the Order or the College, and notified the authorities referred to in article that Foregoing.

Art. 17

(Rights and duties of the members enrolled on the register)

Membership of the association includes the right to participate in the various aspects and moments of associative life The category and the duty to contribute to the charges, in full respect of the provisions and rules established in the individual professional systems.

Follows, in particular, the registration in the register the right to take part in electoral operations For the constitution of the governing bodies and control of the Order or College of affiliation, Participate in the exhibitions and cultural events and professional.

All students enrolled in the register have the duty to contribute to the costs needed for the operation the Order or College where they belong, to the extent provided by the respective sorting professional and with the modalities and in the terms set out therein; the costs for the operation of the Order Or College or the special register, must, however, contribute, though to a lesser extent, also those who are only included in the agenda or College.

The exclusive right to be appointed experts jurors by the Court it is the responsibility of professionals enrolled individual register.

Art. 18

(Register of practitioners)

The register of practitioners provided from 3[^] paragraph of Article 7 contains, in addition to the generality of each in writing, the date of the beginning of the practice or the other particulars required from professional legislation about the modality of the practice itself.

Enrolment in the register of practitioners is an indispensable requirement for the exercise of the placement of which In Article 7.

Art. 19

(Identification Card and stamp)

Individual jurisdictions professional have the release to the subscribers of a card of Recognition, with the value of document proving the inclusion in the agenda or College as well as, in purpose of the exercise of the profession in a form other than the one carried out within the framework of a Salaried, a stamp name, to be used for the professional performance that the allow .

Professionals , may on request obtain the release of a stamp name attesting to his membership in the order or College, for use in performance professional carried out within the framework of the employees.

Art. 20
(Seal of the order)

The register operators the intellectual professions covered by this law are held by Orders and from Colleges, legally imposed or by the National Commission of Free Occupations for the cases provided for in the last paragraph of Article 11.

Art. 21
(Orders and professional colleges)

Every order or vocational college is composed of professionals enabled the completion of Benefits provided under the statute and the resulting regulations.
The Orders and the Colleges are public entities and perform the duties laid down by present law; they shall enjoy, within the framework of their respective powers, of full autonomy, without prejudice to the Vigilance powers of the bodies referred to in Article 38 of this law.

Art. 22
(Professional orders)

The intellectual professions for the exercise of which is prescribed a university education, proof by a diploma of graduation, are organized in professional associations.

Art. 23
(Professional)

The intellectual professions for the exercise of which is prescribed a formation of level not lower than one of the high school, attested by the respective diploma or a certificate or diploma legally recognized but different from diploma provided for in the preceding paragraph, are organized in professional colleges.

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Art. 23 bis

Regardless of the different titles of study prescribed by law for the membership of an Order That is a professional College, and given the opportunity to Orders and professional colleges to proceed to unification into a single and new order, where the objects of the respective professions are coincident or, however, broadly similar.

The unification must be approved by the respective assemblies and by the National Commission of liberal professions.

A decree delegate must provide detailed rules, terms and the effects of unification, as well as the relative Statute. Each item of property, movable and immovable property, the property of the Order and of the College must Be paid in the availability of the new order without the possibility of any distraction.

Art. 24
(Professional Ethics)

The Statutes of the individual orders or the Colleges determine the rules of behavior, which must Be observed by members of the respective professions. They are communicated to the bodies that Exercise supervision in accordance with Article 38 for the activation of the necessary procedures required under the law.

The failure to comply with the rules of professional conduct and evaluated by professional bodies competent, for the purposes

The possible adoption of appropriate disciplinary measures, within the meaning of their respective jurisdictions.

1 Article added by law November 29, 2010 n. 188 Articles 1

Art. 25
(Members of the Orders and Colleges)

Members of the Orders and professional colleges are the Council of the Order or the College and the Board of auditors: the number of members of the Board and from 3 to 5 members, in Report the number of members enrolled on the Register; the one of the components of the college of auditors and of the two.

The Council and the Board of auditors shall hold office for three years, beginning from the date of the Respective settlement.

Art. 26
(Fillers of the Council)

Each Council, at the time of his inauguration, the committee shall elect a majority of votes among its components a President freelance register, giving notice within the next 15 days to Department of Justice, the Court Commissary, the Administrative Court and the National Commission of the professions.

In the event of absence or impediment of the President, nor guardian the component more it is elderly for enrolled or, in the case of equal seniority of enrolment, the most senior.

Art. 27
(Elected by the Council of the Order or the College as well as the Board of auditors)

Participating in the election of the Council all the members enrolled on the register in rule with the payment of the Contributions, subject to the various provisions of individual orders or colleges

referred to in the third paragraph Article 12.

The assembly for the election of the Council shall be convened by the President of the outgoing council and has place within two months prior to expiration.

The assembly shall be duly constituted, in the first convocation, if participating in elections at least two-thirds of the voters, and at the second convocation if you participate in a number of voters not less than 10% of the voters, as long as it is greater than the double of Directors to be elected.

It is allowed the presentation of lists each containing a number of candidates which does not exceed the nr of councilors to be elected, as long as signed by a number of presenters not candidates at least twice of Directors to be elected: in the presence of one or more lists, the voter expresses the vote in the context of the lists themselves and preferences within the limit of two-thirds of the Directors from Elect even if belonging to different lists that is not included in any list.

The election of the Board of Auditors takes place with the same procedures, as applicable, of those for the election of the Council.

Individual jurisdictions may prescribe special requirements for eligibility to Councilors and to Auditor, due to seniority as well as the professional status of the person concerned.

Art. 28

(Procedures for the election of the Council and Board of auditors)

The outgoing Council shall appoint a committee composed of three members not Counselors nor auditors accounts, which shall elect in their womb the President of the assembly election: the charge of component

The Committee is incompatible with the quality of candidate.

The vote is secret and is not allowed the voting proxy .

The elections are held in a single day, in which the seat remains open for at least five hours in total.

Art. 29

(Ballot and proclamation of the elect)

The operations of ballot have beginning immediately after the closing of votes and are Public.

Elected are those candidates who have received the highest number of votes: in the case of an equality of votes is elected the candidate most elderly for registration and, in the case of equal seniority of enrolment, the eldest in age.

Finished the ballot, the President of each seat forms the ranking and declares the result:

The Chairman of the Committee proceeds to the proclamation of the elect.

The results of the elections are transmitted, in fifteen days, by the President of the Committee, the Department of Justice and the National Commission of the professions.

Art. 30
(Complaint against the results of the election)

Against the outcome of the elections, each register may submit a complaint to the National Commission of the professions within the peremptory time limit of thirty days from the proclamation receipt.

The complaint does not have any suspend effect: the National Commission of the professions is Ruling on the complaint within sixty days of its receipt.

Art. 31
(House of the Order and the College)

The shareholders on the agenda or College shall be convened by the President of the Council, in the first half of each year for the approval of the annual accounts and the budget of estimates for the following year.

The assembly shall be duly constituted, in the first convocation, with the presence of at least one-third of the members enrolled on the register, and in the second convocation, which can also take place in a different day

From the first convocation, with any number of speakers having the right to vote: the deliberations are adopted by an absolute majority, excluding abstentions.

The President and the Secretary of the Council are, respectively, the President and the Secretary of the assembly.

Art. 32
(Replacing and decadence of the components of the Council)

The components of the Council and the Board of auditors have come to miss in three consecutive meetings either for death, resignation or other cause and those fallen from charging for not be spoken without justification are replaced by the first of the ranking of non-elected.

Decay also members who have lost the requirements laid down by law or by the individual Statutes. The decadence and replacement referred to in the preceding paragraph are deliberated by the Council and Communicated by the President, the Department of Justice, the Court Commissary, to the Administrative Tribunal and the National Commission of the professions.

The counselors and the auditors strapped in replacement of elected representatives come to miss or fallen remain in charge until the expiration of the component.

If, even at different times, are lacking or lapse more than half of the members of collegial bodies above elected by the assembly, the President shall convene the Assembly itself for election of the entire organ.

Art. 33

(Dissolution of the Council and appointment of the Special Commissioner)

In the event of serious dysfunction, of non-compliance with laws, regulations, or to deliberations the Executive of the National Commission of the professions, and if satisfied other serious reasons, the Council of the Order or College may be dissolved.

The dissolution of the Council and arranged by State Congress at the request of the Honorable Member to Justice, heard the opinion of the Court Commissary and the National Commission of the Free Occupations; with the measure of dissolution and appointed a special commissioner.

The Extraordinary Commissioner shall exercise the functions of the Council and shall, within the period of ninety days, the convocation of the assembly for the election of the new Council.

Art. 34

(Duties of the President of the Council)

The President of the Council has the representation of the Order or the College and exercise such other powers conferred by this act and the professional legislation.

Art. 35

(Competence of the Councils of the Orders and Colleges)

The Council of the Order or the College exercises, in addition to those of professional or by other laws, the following functions:

- 1 Provides to the keeping of the register, by arranging their memberships, cancellations, annotations and Updates;
- 2, Care compliance with the laws relating to the profession and protect the independence and the professional decorum;
- 3) Ensure that the use of the professional title and performs the appropriate initiatives for the repression
The improper exercise of the profession;
- 4 Exercises the function disciplining of the members enrolled on the register;
- 5 Fixed the code of conduct to observe in the exercise of the profession;
6. It promotes and encourages initiatives to upgrade and technical improvement and cultural
Of the members, as well as the examination of the topics of professional interest;
- 7 Can act or be sued in, or civil litigant, for the general interests of profession;
8. Suggests that the National Commission of the professions the professional fees and their
update;
- 9 Expresses opinions on the clearance of professional fees;
10. To decide the convening of the house of the Order or the College in accordance with the
provisions of this act

And of the Statute, as well as whenever you appalesi appropriately or when neither request is made, with the indication of the topics to be covered, by a number of members determined by

sorting professional;

11, Establishing, in the ways indicated by relative ordering professional and still remain within the limits Needed to cover the costs for its own operation, the measure of the annual contribution to Load any members of the registration fee, than that for the issuance of certificates, copies and weave, as well as for the opinion on the clearance of professional fees;

12 Kicks for the settlement of disputes between members enrolled on the register and between these and their Procurers.

13. The administration of the goods of the Order or the College and the financial management, By completing the annual budget and the annual accounts;

14 Shall appoint its representatives in bodies or Committees, institutions and the like, both state and private, both national and international.

Art. 36
(Operation of the Council)

The Council shall be validly constituted if the majority of its components; acting by a majority of votes: in the event of a tie the President shall have the casting vote.

The meetings of the Council are not open to the public.

Art. 37
(Notification and appeal of the deliberations of the Council)

The deliberations of the Council concerning the registration and cancellation policy from the register, transfer from a register to each other, as well as disciplinary matters are communicated with recommended R. R. within 15 days to the interested parties, as well as the Department of Justice and the National Commission of Liberal professions.

Against such deliberations may appeal to the National Commission of the Professions within the next 30 days.

The National Commission shall decide within 30 days.

Against the decision of the National Commission, the Order or the college or anyone concerned, May appeal in accordance with article 44.

Pending the appeal, disciplinary measures, the National Commission, in the cases of greater severity, may take measure of preventive nature limited to the suspension.

Art. 38
(Powers and scope of high vigilance)

Without prejudice to the powers of the National Commission of the professions of which the Next, Article 43 (A), the high supervision of professions and exerted by the Congregation of the Justice. It involves the cognitive powers and intervention provided by this law, and may be implemented for the by means of the organs of the ordinary judicial authorities.

The high supervision applies, in respect of the autonomy of the professional bodies, for the protection of general interests of the legal system, as well as those of individual professions and the rights of Individual professionals. It involves the adoption of the measures provided for by the present law, as well as the power to activate the legality of acts by the members of the individual professions.

Art. 39
(Professional Secrecy)

The professionals referred to in this law shall be kept in the observance of secrecy, as regards the news of which has come to their knowledge in relation to its activities, as prescribed by regulation of the profession of membership.

Art. 40
(Professional Fees)

Professionals, referred to in this law, shall have the right in addition to the reimbursement for the costs incurred, the compensation for the work carried out in appropriate measure to the extent and significance of the performance and the decoration of the profession.

The measure of compensation is determined by the appropriate tariff for every single profession, with the approval of the Department of Justice and enacted by Decree, on proposal of the National Commission of the professions, heard the opinion of the individual orders or Colleges concerned.

The tariff has validity 2 years, but retains validity even after the expiry date, in absence of an express edit or update. The National Commission of the professions, on proposal of Individual orders or colleges may determine automatic updates yearly, depending on the variations of the official index of the cost of living.

The rate includes, in specific items, the compensation for individual performance and indicate, if necessary.

The general criteria for its application: the fee is fixed, where the nature of the performance permits, establishing the minimum is the maximum amount applicable in practice.

The fee indicated in the tariff and binding on both the professional and the employer, private or public: the measures minimum and maximum determined are limit however mandatory.

Art. 41
(The establishment of new orders, Register and Colleges)

For the establishment of new orders and Colleges as well as for the insertion of professionals in the Register, Special referred to in the last paragraph of Article 11, where conditions are right, the Department of the Justice, on the basis of a proposal of the National Commission of the professions, appoints a Extraordinary Commissioner with the task to provide the first formation of the register and Its statute, or propose the professional regulation applicable to the meaning of the last paragraph Article 11.

The Department of the Justice, evaluated the proposals of the extraordinary commissioner and heard the opinion of the Commissary Court and the National Commission of the professions, where neither the conditions of the law, will ask the legal recognition of the Order or College by Decree

Art. 42
(National Commission of the professions)

The National Commission of the Professions consists by the presidents of the Orders and professional colleges and is chaired by a President elected by a majority in the National Commission itself among its components.

The President of the National Commission of the Professions lasts for three years and is re-elected on the condition that this duration remains as chairman of the Order or Professional College corresponding.

The meetings of the National Commission may participate in - without the right to vote - the MEP to Justice or person.

The National Commission of the professions will follow an internal regulation adopted by Decree. The National Commission will be established by the President within 120 days from Legal recognition of the Orders and Colleges referred to in Article 53.

Art. 43
(Powers of the National Commission)

The National Commission shall exercise, in addition to those reported in previous articles, the following responsibilities:

- A. shall exercise supervision of individual trades and skills of the Councils of the Orders and the Colleges referred to in Article 35 of the present law, with powers and cognitive intervention;
- B. represents the professional interests and moral categories of safeguarding the decoration and The independence;
- C. coordinates the activity of the Orders and Colleges by ensuring, through special directives, the necessary uniformity;
- D. shall act the regulations relating to its operation;
- E. shall designate its representatives on committees, agencies and national organizations and International;
- F. represents the occupations in scientific events and cultural character of national and International;
- G. promotes and coordinates initiatives of professional nature and in particular those aimed to upgrade, and technical improvement and cultural by students to orders;
- H. care and promotes relations with associations and professional bodies foreigners;
- I. expresses opinions on the designs of the law and regulation regarding the professions felt the individual Orders or colleges concerned;
- L. expresses the opinion on the constitution, new orders, and colleges;
- M. decides on conflicts of jurisdiction between bodies, and between orders and colleges;
- N. decides to administrative appeals against the decisions of the Councils of the Orders and Colleges regarding the keeping of the register as well as disciplinary matters and election;
- O. determines the measure of the annual contribution due from the Orders or colleges for your Operation;
- P. establishes and updates on proposal of the individual orders or colleges concerned professional fees, by sending where necessary the Department of the Justice for any measures of Competence.

Art. 44
(Appeal of decisions of the National Commission)

The decisions of the National Commission of the professions are actionable by concerned persons within the peremptory time limit of 60 days of the communication, before the Administration Tribunal under the Law of June 28, 1989 68 .

Art. 45
(Disciplinary action)

It is the object of evaluation for disciplinary purposes the behavior of the professional in the exercise of his work, or outside of it, where it can damage its professional dignity or to the honor and independence of the category of membership.

The disciplinary action is taken by the Council of the Order or College of the public register in which the professional is in writing.

Disciplinary action may be brought on the spot, on the initiative of the judicial authority or on complaint to any interested party.

Disciplinary action shall be subject to a limitation period of five years.

The statutes of the various orders or colleges will be able to establish the precautionary measures to be taken on a scale for disciplinary action.

Art. 46
(Penalties)

The Council of the Order or the College, if considered necessary, may adopt, in relation to the nature and severity of the behavior by applying in the principle of gradualism, the following sanctions:

- The return
- The complaint
- The suspension of the exercise professional
- The cancellation from the register
- The radiation from the profession.

Art. 47
(Recall)

The recall is placed in the event of an infringement excusable and minor: it consists in the relief of the non-compliance of the behavior of the concerned with the principles of absolute fairness and full respect for professional ethics and in the warning not to persist in the behavior itself and it is communicated to the seller in writing by the President of the Council of the Order or the College.

The callout is strictly personal and may not be subject to disclosure or publication.
The measure of the recall and acted without compliance with the rules relating to the process specification: the professional however may, within thirty days from the notice, request that regular disciplinary proceedings is established.

Art. 48
(Censorship)

The censure is arranged in the case of infringement which, although of considerable size, is not such as to affect the dignity of the professional or the decoration of the category of membership and involves the conviction, deriving from the seriousness of the fact, of the degree of responsibility, from the previous disciplinary and from subsequent behavior, that the accused does not incur in another infringement: it consists in a formal reprimand for the misconduct and is arranged with the observance of the rules of which In Article 52.

Art. 49
(Suspension)

The suspension from registration in the register is arranged in the case of serious offense is of such a nature as to infringe the dignity of the professional or the decoration and the independence of the category of membership: it is temporary ban on the practice of the profession and in the relative loss of seniority register for a period from one month to two years. In the period of suspension the Professional is not involved in the events of the community life of the Order or the College, and in particular does not enjoy active and passive voting rights.
The suspension is also arranged in the case of a prolonged nonpayment of the practitioner in the payment Of contributions payable to the Order or College to which he belongs.

Art. 50
(Erase)

The deletion from the register is arranged in the case the member behavior has seriously compromised the professional dignity or the decoration and the independence of the category of membership or, after having suffered for two times the penalty of suspension, the member has committed other serious infringement: the cancellation policy is permanent ban of exercise the profession and the cessation of membership in the order or vocational college.
The deletion can also be arranged in the case of non payments as per the last paragraph of the previous article, and he persists in not fulfill its fiscal obligations.

Art. 51
(Radiation)

The radiation from the profession is arranged in case the member has reported with irrevocable judgment, conviction for transgression for a period exceeding two years, the penalty of imprisonment,

For the same period the member has the interdiction in public offices or turned off from the Profession.

It is confirmed the radiation: condemnation, judgment irrevocable, for one of the crimes provided for by article 295, 296, 354, 358, 361 of the Penal Code, whatever penalty applied in Concrete.

Art. 52 (Method)

The measures referred to in the preceding articles 48, 49, 50 and 51 may not be adopted if not as result of disciplinary proceedings.

Single jurisdictions professional determine the forms and procedures of the disciplinary proceedings, by ensuring in every case, the observance of the principles of proportionality of the sanction to the gravity of the offense committed, the obligation of the contestation of the accusation to the person concerned and the law he defense on the part of the latter.

Art. 53 (Reinstatement and readmission)

The professional erased from the register may obtain to be reinstated, when they have spent at least three years from the measure, only if it is kept, during the same period, blameless conduct.

The professional struck from profession can obtain to be readmitted, if both intervened the rehabilitation and it turns out that the person concerned has held blameless conduct

Art. 54 (Transitional standard)

The entry into force of the present law will be appointed by the Congress of been a extraordinary Commissioner with the task of setting up within a year, in collaboration with the Orders and the professional Associations, existing statutes and regulations of the orders or colleges, which – after favorable opinion of the Department of Justice - must receive, within two months, Legal recognition by the Decree .

Are considered members of the individual orders or colleges and related register those who at the time of the enactment of the Decree are in possession of the requirements for registration provided by the present law and By the Decree establishing, with the exception of the examination referred to in Article 8, which is considered passed with The effective exercise of the profession is free and in the form employee.

Enrollment is done at the request of the concerned with deliberation of the extraordinary commissioner.

It is open to appeal to the Administrative Court in the case of not accepting the application.

Art. 55
(Repeals)

From the moment of the constitution of the new orders or colleges, are hereby repealed all the rules and provisions in contrast with the present law and in particular:

- Law may 26, 1914 n.17 and subsequent amendments;
Article 4, reads June 5, 1923 n.13 ;
- Law October 31, 1968 n.39;
- Law may 4, 1979 n.24.
- Law March 28, 1979 n.11 and subsequent amendments.

Similarly, from the moment of the constitution of the new orders or colleges, the Associations of Professionals currently existing, which have had the legal recognition by the Council of the XII, lapse of law within 60 days.

There remains however, the possibility to request in accordance with Article 4 of the Law of 13 June 1990 68 and within the time limit indicated above, a new legal recognition in the form of free Association, with the necessary statutory adjustments.

Art. 56
(Entry into force)

The present law shall enter into force on the 5 day following that of its legal publication.

Date from our residence, 21st february 1991/1690 -

THE CAPTAINS

Cesare Antonio Gasperoni - Roberto Bucci

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS

Alvaro Selva

DECREE January 14, 1997 no. 5

Regulation of the National Commission of the Professions

We Captains Regent,

The Republic of San Marino

View the Law February 20, 1991 28 "framework law concerning the discipline of the free Professions";

View the decision of the State Congress n.398 January 1997;

See our Faculty,

We decree, promulgating and send to publish:

Art. 1

(Regulation)

This regulation is dictated in accordance with the provisions of art.42 law February 20, 1991, 28 (Law Framework relating to the discipline of the professions), and regulates the operation of the National Commission of the professions.

Art. 2

(Powers)

The National Commission of the Professions exercises all the powers provided for by Law February 20, 1991, 28 , and can still do everything is deemed necessary or useful in the interest of the categories free-professional, unless you are dealing with functions that the law are reserved to the competence of the individual orders or professional colleges or other agencies.

Art. 3

(Composition)

The National Commission of the professions is constituted, according to the provisions of the Laws, from the Presidents of the Orders and professional colleges.

Each member of the Commission, in the event of your inability to attend the meeting, can delegate another person that is part of the Governing Council of the Order or College of Provenance.

A written authorization must be issued for each meeting.

(Art. 4

(Members of the National Commission of the professions)

The Commission shall appoint the President, in accordance with law, as well as a secretary and a Treasurer.

The Secretary and Treasurer shall remain in office for the same duration as the president and they

can be re-elected, on condition that they remain in the office of President of the order or College of provenance.

The functions within the Commission are completely free and only reimbursement of documented expenses is allowed.

Art. 5

(President)

The President is the legal representative of the Commission and the other powers conferred upon it by Law or by this Regulation.

Art. 6

(Secretary)

The Secretary shall arrange for the drafting of the minutes of meetings, correspondence, convocations, the retention of documentation, and any other fulfilment of an administrative nature, and bureaucratic.

Art. 7

(Treasurer)

The Treasurer responsible for the keeping of records, the seal of the case, the execution of payments, the levying of contributions due to the Commission by the individual orders or colleges, to Rule of law.

Art. 8

(Call)

The National Commission of the professions and normally convened by its President by letter, telegram, telex or fax to the Presidents of the Orders and Colleges Professional and Member of the Justice at least 5 days before the date fixed for the meeting, but, in case of emergency, the meeting can be made with reasonable notice by any other suitable means.

The convocation notice must contain the list of items in the agenda.

Art.9

(Convening mandatory)

The President must convene without delay the National Commission of the Professions when that application is made by at least two of its members, or by the Member to justice.

The request must be indicated the topics to be dealt with.

If the President fails to do so within the fifteen days following the application, applicants may Proceed directly to the convocation.

The National Commission of the liberal professions must still meet every three months.

Art. 10

(Validity of sittings)

The sittings of the National Commission of the professions, when were regularly convened, are validly constituted with the presence of a majority of the components; they they are validly constituted, even without the formalities required for Convocation, when they are present all the Commissioners and the MEP to justice. the meetings of the Commission are not open to the public.

Article 11

Fulfillment (initial)

Meetings of the National Commission of the professions are chaired by the President or, in the event they are unable to do so, by a President appointed separate sitting among those present. The President shall verify the regularity of the constitution of the meeting making it insert appropriate mention in the report.

Once found the regularity of the constitution of the meeting, nor the same constitution, nor the validity of the deliberations will be invalidated by abstentions from voting or by expulsion of those who, for whatever reason, should occur in the course of the meeting.

Art. 12

(How to conduct meetings, deliberations)

The deliberations of the Assembly shall be adopted by the majority of those present and in the ways of

Vote choices by the President.

In the case of an equality prevails over the resolution chosen by the President.

The deliberations of the Assembly must be deduced from the minutes simultaneously drawn up from

Secretary on the book, under the responsibility of the President, and both signed.

In the minutes must be summarized, behind each request, the declarations of the present.

Art. 13

(accounting and administrative books)

The Commission must ensure to keep the book of the minutes of the meetings and the cash book.

The book of the minutes of the meetings is kept by the Secretary.

The cash book is kept by the Treasurer.

Art. 14

(Budget)

At the beginning of each year the President shall submit to the Commission for approval the budget

Quote, on the basis of which is determined the annual contribution due from the Orders or colleges.

Art. 15

(Annual Report)

At the end of each year the Treasurer shall submit to the Commission for approval the statement Summary of all the expenditure and revenue in the course of the year.

Done at our Residence, 14 January 1997/1 696 -

THE CAPTAINS

Gian Carlo Venturini – Maurizio Rattini

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS
Antonio Lazzaro Volpinari