

Unofficial translation of
ACT no. 419 of 9 May 2006 (current)

Full text of the regulation
Act on Legal Counselling

WE MARGRETHE THE SECOND, By the Grace of God, Queen of Denmark, hereby proclaim:
The Folketing have passed and We have confirmed by Royal Consent the following Act:

The Scope of the Act

1. This Act applies to any one who offers counselling services of primarily legal character undertaken as part of private business activities where the recipient of the service (the consumer) is principally acting in a non-business capacity. It is for the advisor to prove that the legal counselling service provided is not covered by the Act.
- (2) This Act does not apply to legal counselling services offered by a trained lawyer as part of his or her practise or work.
- (3) This Act does not apply to legal counselling services provided by financial institutions in so far as the Minister of Economic and Business Affairs has issued regulation on good practise concerning the area in question.

General Rules

2. Any one who offers counselling services of primarily legal character undertaken as part of private business activities must conduct his or her business in a way that is consistent with the best practise principles of legal counselling. The advisor shall perform his or her duty thoroughly, conscientiously and in accordance with legitimate considerations for the interests of the consumer. The counselling service shall be provided with the necessary swiftness.
- (2) Contracts concerning legal counselling services must be concluded in writing.
- (3) The advisor shall in the contract state whether he or she is third-party insured. The information shall appear prominently in the contract. In the event that the advisor is third-party insured, he or she shall state the total insurance amount; the insurance amount per damage; and whether potential claims against him may cause the total insurance amount to be partially or fully used in the current insurance year.
- (4) The contract shall state the educational background of the advisor.
- (5) The advisor shall state the hourly rate or the total price for the service in question. In the event that it is not possible for the advisor to state the hourly rate or the total price, he or she shall state the basis on which the price is calculated.
- (6) The advisor is not allowed to receive trusted property from the consumer or on behalf of the consumer.
- (7) The advisor is not allowed to counsel in the event that the advisor himself or herself or his or her next of kin has a particular interest, economic or personal, in the outcome. This also applies where the advisor or his or her next of kin at the same time counsels or previously in the same case has counselled others with a similar interest.
- (8) Following negotiations with the Minister of Family and Consumer Affairs, the Minister of Justice may decide on further best practise principles of legal counselling.

Supervision and Penalty

3. The Consumer Ombudsman shall supervise compliance with the Act, its rules and regulations in pursuance of section 2(8). The supervision activities are carried out under the rules of the Marketing Practises Act.
4. Violations of this Act and the rules and regulations issued in pursuance of it are punishable by fine unless a more severe penalty is incurred under other legislation.

(2) Businesses (legal persons) may incur liability under the rules set forth in part 5 of the Penal Code.

Effectuation and Application

5. This Act takes effect 1 July 2006.

(2) The Act on Legal Assistance and Detective Business Activities, embodied in the Consolidated Act no. 565 of 28 August 1986, is hereby repealed.

(3) Section 17 of Act no. 319 of 14 May 1997 on Debt Collection Business Activities, as latest amended by section 11 of Act no. 442 of 9 June 2004, is repealed.

6. This Act does not apply to the Faroe Islands and Greenland, but a Royal decree may put it into effect on the Faroe Islands provided that any deviation dictated by Faroese conditions is honoured.

Given at Amalienborg Castle on 9 May 2006

Under Our Royal Hand and Seal

MARGRETHE R.

/Lene Espersen