



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Response questionnaire project group Timeliness

Ministry of Justice Cyprus

1. The Court System and Available Statistics

1.1 The Court System

The Court system of Cyprus is as follows:

The Supreme Court has the following jurisdictions:

(i) Appellate Court

The Supreme Court has jurisdiction to hear and determine all appeals from all inferior courts in civil and criminal matters. The Court can uphold, vary, set aside or order the retrial of a case as it may think fit. The Court can draw its own inferences from the facts drawn by the trial Court and in certain exceptional cases may receive further evidence.

(ii) Administrative matters

The Supreme Court as the only administrative court in the country, has exclusive jurisdiction to adjudicate on any recourse filed against a decision, act or omission of any organ, authority or person exercising any executive or administrative authority on the ground that it violates the provisions of the Constitution or any law or it is in excess or in abuse of any power vested in such organ, authority or person.

(iii) Prerogative Orders

The Supreme Court has exclusive jurisdiction to issue the prerogative orders of habeas corpus, mandamus, prohibition, quo warranto and certiorari.

(iv) Admiralty

The Supreme Court has jurisdiction to hear and determine admiralty cases. The original jurisdiction is exercised by a single judge and an appeal against his decision lies to the Full Bench of the Supreme Court.

(v) Elections

The Supreme Court as the Electoral Court has the power to hear and determine petitions concerning the interpretation and application of the Electoral Laws.

(vi) Constitutional matters

The Supreme Court has jurisdiction to adjudicate as to whether a law is compatible with the provisions of the Constitution or any conflict of power or competence which arises between any organs or authorities of the Republic. In addition the Supreme Court has jurisdiction to hear a recourse by the President of the Republic as to whether a law passed by the House of Representatives is repugnant or inconsistent with any provision of the Constitution.

C. FIRST INSTANCE COURTS

First Instance Courts include the District Courts, the Assize Courts, the Rent Control Tribunal, the Industrial Tribunal, the Military Court and the Family Courts.

(i) The District Courts

Civil Jurisdiction

There are six District Courts, one in each of the six towns of the island. Two of them (the Famagusta and the Kyrenia District Court) are since the Turkish invasion of the island in 1974, under Turkish occupation and their jurisdiction has been taken over by the Nicosia and Larnaca Court. Each District Court has jurisdiction to hear and determine all civil actions,

(a) Where the cause of action has arisen wholly or in part within the limits of the district where the Court is established, or

(b) Where the defendant at the time of the filing of the action resides or carries business within the limits of the Court.

Criminal Jurisdiction

A criminal offence may be tried by a President of the District Court, a Senior District Judge or a District Judge sitting alone or by an Assize Court. A single Judge has jurisdiction to try summarily all offences punishable with imprisonment for a term not exceeding five years or with a fine not exceeding £50,000 or both. In addition to the above a Judge may order a person who has been found guilty of a criminal offence to pay compensation not exceeding £3,000 to the person injured by the offence. It must be noted that a Judge with the consent of the Attorney-General can assume jurisdiction and try summarily any offence. In such a case the punishment to be imposed cannot exceed the punishment and compensation which he is otherwise empowered to impose.

(ii) The Assize Court

An Assize Court (there are now four Assize Courts) is composed of three Judges and has jurisdiction to try all the criminal offences which are punishable by the Criminal Code or any other law and has the power to impose the maximum sentence provided by the relevant law.

(iii) The Rent Control Tribunal

The Rent Control Tribunal (there are now three Rent Control Tribunals) has jurisdiction to try all the disputes which arise from the application of the Rent Control Laws, which include amongst other matters, the payment of rent and recovery of possession. A Rent Control Tribunal is composed of a President (who is a judicial officer) and two lay-members representing the tenants and the landlords.

(iv) The Industrial Tribunal

The Industrial Tribunal (there are now three Industrial Tribunals) has jurisdiction to entertain applications by employees for unjustified dismissal and redundancy payments. It is composed of a President (who is a judicial officer) and two lay-members representing the employers and employees.

(iv) The Military Court

The Military Court has jurisdiction to try military offences under the Criminal Code and any other law committed by members of the armed forces. It is composed of a President (who is a judicial officer) and two assessors who are appointed by the Supreme Council of Judicature from a list of military officers.

(v) The Family Courts

The Family Court (there are three Family Courts) has jurisdiction to take up petitions concerning the dissolution of marriage as well as matters which relate to parental support, maintenance, adoption and property relations between spouses provided that the parties are residing in the Republic.

1.2 Statistic Information on Courts, Judges and cases**A. Judges**

Supreme Court	13
District Courts	74
Family Courts	10
Rent Control Court	3
Industrial Disputes Court	3
Military court	1

B Cases

We have statistics on the number of cases file, number of cases tried and on the number of cases pending at the end of each year. We also have statistical information on how many cases went to hearing, how many were withdrawn and how many cases each judge has tried.

Cases filed in 2009 148,222

1.3 Statistic information on processing time

We do not have such statistics.

2. Statistics, Requirements and transparency**2.1 What statistics are provided for on a regular basis?**

Each month statistics are prepared with the number of cases filed and the number of cases completed.

2.2 Are provided statistics published?

The statistics prepared are not published, they are submitted to the Supreme Court.

2.3 Is processing time of individual cases transparent?

We do not have information of processing time.

2.4 Are requirements for processing time stipulated?

According to the Supreme Court Rules of 1986 judgment must be delivered within six months from the completion of the hearing.

2.5 What are the consequences of exceeding required/reasonable processing time according to national rules or practice?

According to the law providing for effective remedies where there was a breach of the right to a trial within reasonable time (only for civil cases) a person can file an action claiming violation of such a right. The court when it decides that there was such a breach will award damages.

In Criminal cases if the court finds that there was a violation to the right to a trial within reasonable time then the proceedings are considered to be null and the accused is acquitted.

2.6 Can the parties and others make a complaint about the processing time?

Parties can file a complaint to the Supreme Court.

2.7 Are user surveys on processing time carried out?

No

3. Reduction of Caseload and Facilitating Court Procedures.

3.1 Which means of reduction of caseload are used?

There are no specific means of reducing caseload. However efforts are made to reduce the caseload.

3.2 Are any special easy procedures available?

Regulation no 861/07 on European small Claims procedure is applicable into our legal system.

3.3 What simplifications of ordinary procedures are applied?

In the proceedings before the Supreme Court in its appellate (civil) jurisdiction written submissions are filled and there is a limited time given for oral statements. This expedites the time needed to conclude a case.

3.4 Give examples of practices used within ordinary procedures to speed up procedures.

As stated above limited time is given in proceeding before the Supreme Court for oral statements. Furthermore the parties may file a list of facts agreed proof of which is not needed.

4. Increase of capacity and Improvement of processing

4.1 Do you try to limit processing time by an increase of courts or increase or reallocation of judges or cases.

The number of judges has increased in 2010 which would assist in the processing of cases.

4.2 Do you try to limit processing time by taking on assistance from deputy judges, trainee judges or juridical assistance?

We only have professional judges in our legal system. We do not have trainee or deputy judges.

4.3 Do you try to limit processing time by giving secretary or juridical assistance to individual judges?

Each Judge of the Supreme Court has the assistance of one stenographer and one legal assistance. Judges of first instance court also have the assistance of a stenographer in the hearing of the case. Also in the Assizes court use is made on the stenotype system which speeds up the proceedings.

4.4 Do you try to improve court proceedings or increase the capacity of courts by any scientific, experimental or technical project?

We do not have any such project however improvement of the quality of justice is always part of the work of the Supreme Court.

5 Other initiatives

5.1 Have other initiatives concerning timelines been undertaken or are they contemplated?

No.