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National legislation

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Cyprus



Cyprus

According to Article 1 of the Constitution (Σύνταγμα) 'The State of Cyprus is an independent and sovereign Republic with a presidential regime', based on the principles of legality, the division of authority (executive, legislature and judiciary), the impartiality of the judiciary and respect for and protection of human rights and fundamental freedoms. Human rights and fundamental freedoms are safeguarded under Part II of the Constitution, which mirrors the European Convention on Human Rights (ECHR) (Ευρωπαϊκή Σύμβαση Ανθρωπίνων Δικαιωμάτων) (Ε.Σ.Α.Δ.) and, under Article 35 of the Constitution, 'The legislative, executive and judicial authorities of the Republic shall be bound to secure, within the limits of their respective competence, the efficient application of the provisions of this Part'. Legality is safeguarded not only by the written Constitution and provisions of law, but also by the fact that the government undertakes to respect the constitutional limits imposed on it and to ensure that the legislature passes constitutional laws and that there is an independent and impartial judiciary.

Sources of law

1. European Union law

Cyprus became a fully-fledged and equal Member State of the European Union on 1 May 2004 and is subject to EU law. According to the case-law of the Court of Justice of the European Union (Δικαστήριο της Ευρωπαϊκής Ένωσης), EU law takes precedence over the national law of the Member States, including both domestic laws and the Constitution.

The supremacy of EU law over the Constitution of the Republic of Cyprus is safeguarded under the Constitution of the Republic of Cyprus, which was amended in the Law relating to the Fifth Amendment of the Constitution (Ο περί της Πέμπτης Τροποποίησης του Συντάγματος Νόμος) (Law 127(I)/2006) in order to clarify the supremacy and precedence of EU law over the Constitution.

The Republic of Cyprus has also adapted and harmonised its national laws with EU law by enacting numerous legislative acts and, at the same time, repealing or amending various provisions of national law, including the provisions of the Constitution, as described above.

EU law is therefore the source of law which has supremacy in the Republic of Cyprus and includes both the rules adopted by the Member States, i.e. the Treaties establishing the European Community and their protocols and annexes, as subsequently supplemented or amended, and the rules issued by the institutions of the European Union in the form of Regulations, Directives or Decisions. It also includes the rules of international conventions entered into between the EU and third countries or international organisations, general and fundamental

principles of law, common law, the general rules of public international law and the case-law of the Court of Justice of the European Union, according to which, as general principles of law, fundamental human rights form an integral part of the European *acquis*.

2. The Constitution of the Republic of Cyprus

The Constitution of the Republic of Cyprus was adopted in 1960, when the Republic of Cyprus was declared and, according to Article 179 of the Constitution, it constitutes the supreme law of the Republic of Cyprus. Following the accession of the Republic of Cyprus to the European Union and amendment of its Constitution as described in paragraph 1 above, EU law takes precedence over the internal constitutional order and rules of law contained in the Constitution must be in keeping with EU law.

3. International Conventions / Treaties / Agreements

Under Article 169 of the Constitution, once international conventions, treaties or agreements entered into by decision of the Ministerial Council have been ratified by law and published in the Government Gazette, they have supremacy over any national law (with the exception of the Constitution) and, in the event of conflict with such laws, they take precedence, provided that they are similarly applied by the counterparty.

4. Formal laws

Formal laws are the laws passed by the House of Representatives (Βουλή των Αντιπροσώπων), which exercises legislative power, and they must be in keeping with both EU law and the Constitution.

Under the provisions of Article 188 of the Constitution, the laws which apply in the Republic of Cyprus today are the laws which were on the statute book pursuant to that article on the eve of Independence Day, unless some other provision has been or will be made pursuant to a law which applies or is passed pursuant to the Constitution and the laws passed by the House of Representatives (Βουλή των Αντιπροσώπων) after independence.

5. Regulatory acts

Regulatory acts are legislative acts issued by the executive pursuant to statutory powers vested in them and must be in keeping both with EU law and the Constitution and laws.

These powers of the administration to enact additional rules of law (secondary legislation), which are needed in order to apply and execute a law, are known as regulatory powers and, although legislative powers in Cyprus are vested in the House of Representatives, they are allowed so that specific issues or issues of local interest or technical or detailed issues can be regulated.

6. Case law of the Supreme Court (Ανώτατο Δικαστήριο)

The doctrine that applies in Cyprus is that judgments handed down by the Supreme Court are binding on all the lower courts. Therefore, a judgment by the Supreme Court interpreting a rule of law is construed as a source of law.

7. Common law – Principles of equity

Common law (κοινοδίκαιο) and the principles of equity (επιείκεια) are also sources of law in cases in which there is no other legislative provision.

Types of legal instruments – description

Written

1. The Constitution of the Republic of Cyprus
2. The international conventions/treaties/agreements entered into with third countries, ratified by law and

published in the Government Gazette of the Republic, which take precedence over any national law, provided that they are similarly applied by the counterparty.

3. The laws in force pursuant to Article 188 of the Constitution on the eve of Independence Day in accordance with the provisions thereof, unless some other provision has been or will be made pursuant to a law applicable or passed pursuant to the Constitution. Laws passed by the House of Representatives after independence.
4. Regulatory acts (Κανονιστικές Πράξεις) (Regulations) (Κανονισμοί).

Unwritten

1. Case-law of the Supreme Court, the Court of Justice of the European Union and the Court of Human Rights.
2. Common law and the principles of equity, unless some other provision has been or will be made pursuant to a law applicable or passed under the Constitution.

Hierarchy of norms

Following the accession of the Republic of Cyprus to the European Union, the hierarchy of norms in the Republic of Cyprus is as follows:

1. EUROPEAN UNION LAW
2. THE CONSTITUTION OF THE REPUBLIC OF CYPRUS
3. INTERNATIONAL CONVENTIONS/TREATIES/AGREEMENTS
4. FORMAL LAWS
5. REGULATORY ACTS
6. SUPREME COURT CASE LAW
7. COMMON LAW AND PRINCIPLES OF EQUITY

Common law and the principles of equity are a source of Cypriot law and are applied in cases in which there is no other legislative provision/institutional framework.

Institutions responsible for the adoption of legal rules

The Constitution of the Republic of Cyprus makes a clear distinction between three estates. Executive powers are exercised by the President, the Vice-President and the Ministerial Council, judicial powers are exercised by the courts of the Republic and legislative powers are exercised by the House of Representatives, which is the supreme legislative body of the Republic. Although the House of Representatives is the supreme legislative body, the executive has the facility to lay down the rules of law needed for the purpose of applying a law and to respond to the numerous instances in which it may need to be applied. These powers vested in the administration to enact additional rules of law needed for the application and execution of a law are known as regulatory powers.

Decision-making process

The procedure for passing a law commences when a proposal for a bill or a bill is tabled. The right to table a proposal for a bill is vested in the Representatives and the right to table a bill is vested in the ministers. All bills and all proposals for bills tabled before the House of Representatives are initially referred for debate by the competent parliamentary committee and then for debate by plenary.

Laws and resolutions by the House of Representatives are passed by simple majority of the representatives present and voting and, once they have been passed, are notified to the Office of the President of the Republic, who either issues them by promulgating them in the Government Gazette of the Republic or refers them back to the House for re-examination, in which case, if the House abides by its decision, the President must issue the law in question, unless he exercises his constitutional right of referral to the Supreme Court so that it can rule on whether or not the law is in keeping with the Constitution or EU law. If the Court rules that it is, then it is promulgated immediately and if not, then it is not promulgated.

Laws enter the statute book on promulgation in the Government Gazette of the Republic or on the date stipulated in the law and may be repealed by another law or tacitly under certain circumstances.

Legal databases

The following legal databases are available in the Republic of Cyprus:

1. [CYLAW](#)
2. [THE CYPRUS LEGAL PORTAL](#) (ΝΟΜΙΚΟΣ ΚΟΜΒΟΣ ΣΤΟ ΔΙΑΔΙΚΤΥΟ)

Is access to databases free?

Access to CYLAW is free. The CYPRUS LEGAL PORTAL is only accessible to subscribers.

Brief description

1. CYLAW

CyLaw was set up in January 2002 as a not-for-profit database to provide free and independent legal information on and access to sources of Cypriot law as part of the international movement for free access to the law of which it is a member. The Cylaw databases contain judgments handed down by the Supreme Court and second instance Family Court since 1997, the rules of civil procedure and a number of legal articles and texts.

The judgments contained in the CyLaw database were recorded in electronic format by the Supreme Court. The texts of the judgments it contains are the authentic texts, as pronounced by the Supreme Court without any interference or correction.

2. Cyprus Legal Portal

The Cyprus Legal Portal provides easy access, among other things, to news articles, texts and articles of immediate interest to anyone involved in legal issues and access to a subscriber legal database containing the 'Legislation' ('Νομοθεσία') and 'Case Law' ('Νομολογία') databases of the Republic of Cyprus.

The Directory of Laws (Ευρετήριο των Νόμων) contains a directory of all laws either on the statute book or repealed and a directory of all related regulations. These directories are constantly updated when the Government Gazette is published.

The Directory of Case Law (Ευρετήριο της Νομολογίας) has the facility to search for the text of any decision on the basis of various search criteria.

Related Links

[Law Office](#) (Law Office)

[Supreme Court](#)

[House of Representatives](#) (Βουλή των Αντιπροσώπων)

■ Last update: 11/03/2024

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