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Legal aid



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European Judicial Network
(in civil and commercial
matters)

1 What costs are involved in legal proceedings and who normally has to bear them?

Legal costs will depend on the type and value of the case, as determined by the relevant court rules, and include all costs of the court proceedings. They usually include the costs of the proceedings, the costs of drafting procedural documents and registering interim applications, the costs of hearings and appearances, before and after the hearing, the expenses of witnesses, the costs of drawing up the list of expenses and the costs of correspondence by letter before and during the proceedings. As far as civil and private criminal cases are concerned, the court will decide, at the end of each case, which party will bear the costs of the court proceedings, taking into account the specificities/circumstances of each case.

As regards civil and private criminal cases, the general rule is that the party who is unsuccessful in the court proceedings is liable for payment of all costs. This means that the party who is successful in the court proceedings is usually entitled to recover reasonable costs and the expenses incurred in the course of the court proceedings. However, it is important to note that the court also has the authority to make exceptions and derogate from the general rule concerning costs. The court may, given certain specificities/circumstances, decide that each party bears their own costs.

As regards criminal cases, the court determines the costs of the court proceedings on the basis of the complexity of the case.

2 What exactly is legal aid?

Legal aid is a support system that provides public funding for legal representation and access to the judicial system for those who cannot afford the cost of legal services.

In Cyprus, legal aid covers various legal services, including legal advice and assistance with the drafting of legal documents and legal representation before a court.

Legal representation includes any form of assistance normally provided by a lawyer in connection with proceedings, at all stages, up to the issuing of a decision, and with appeal proceedings; in the case of criminal proceedings it also includes any stage related to the proceedings prior to their commencement.

3 What are the requirements for legal aid to be granted?

There are two main requirements that the court examines before granting free legal aid:

(a) Economic criteria: The applicant must prove that they cannot afford to pay for legal representation and therefore do not have sufficient means to pay for legal services.

The specific economic criteria may vary, depending on the socio-economic report by the Department of Social

Welfare Services (*Tmíma Ypiresión Koinonikís Evimerías*), taking into account the income of the applicant, the actual and expected earnings, any other income from work or other sources, the cost of meeting the basic needs of the applicant and their family and their other obligations and needs.

(b) Seriousness of the case: The seriousness of the case may be taken into account in the interests of justice.

4 Is legal aid granted for all types of proceedings?

Legal aid is granted in proceedings before the Cypriot courts, specifically:

(a) criminal proceedings, from the investigation stage until the trial before the District Court (*Eparchiakó Dikastírio*), Assize Court (*Kakourgiodikeío*) and Military Court (*Stratíotikó Dikastírio*);

(b) proceedings relating to a European arrest warrant;

(c) civil and criminal proceedings for specific human rights violations (according to the law, human rights violations are violations of the rights provided for in Part II of the Constitution of the Republic of Cyprus, the European Convention for the Protection of Human Rights (Ratification) Act of 1962, the Convention on the Elimination of All Forms of Racial Discrimination (Ratification) Act of 1967, the International Agreements (Financial, Social and Cultural Rights and Civil and Political Rights) (Ratification) Act of 1969, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Ratification) Act of 1989, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ratification) Act of 1990, the United Nations Convention on the Elimination of All Forms of Discrimination against Women (Ratification) Act of 1985 and the Convention on the Rights of the Child (Ratification) Act of 1990);

(d) proceedings before a Family Court (*Oikogeneiakó Dikastírio*) concerning family matters, parental responsibility, maintenance, recognition of a child, adoption, matrimonial property and any other dispute concerning marriage or family;

(e) cross-border disputes;

(f) administrative appeals by applicants, beneficiaries of international protection and illegally staying third-country nationals, before the Administrative Court (*Dioikitikó Dikastírio*), pursuant to Article 146 of the Constitution;

(g) victims of human trafficking including child victims of solicitation for sexual purposes, child pornography, sexual exploitation and/or sexual abuse, in civil proceedings in actions for damages (based on European Directives);

(h) a mortgage debtor or any interested person, in proceedings before any court in Cyprus concerning the sale of mortgaged immovable property;

(i) appeal proceedings before the Administrative Court, pursuant to Article 146 of the Constitution, on the rights of citizens of the Union and their family members (based on a European Directive).

5 Are there special procedures in cases of need?

If the case is urgent, the lawyer may ask the court hearing the case to issue a certificate for free legal aid. In such cases, the court gives the necessary priority to dealing with the application.

6 Where can I obtain a legal aid application form?

A special form is available from the registry of the court that has jurisdiction to deal with the application for legal aid. The form is then completed by the applicant or their lawyer, submitted to the court hearing the case and entered in the Special Register of the same registry.

7 Which documents need to be submitted with the legal aid application form?

To support your application for legal aid, you must submit all the necessary documents, such as identification documents, documents relating to your financial situation (and that of the persons living permanently with you), court documents (if any) and any other evidence as indicated below:

identification documents: for example, a copy of a valid passport and/or a copy of a valid identity card;

updated documents concerning your financial situation: documents relating to your financial situation, proving your inability to seek legal representation, such as bank statements, payment slips or tax returns, unemployment certificate, certificate proving any benefits granted by the State, proof of any other source of income or assets;

court documents: if you have already initiated legal proceedings or you have court documents related to your case, you are advised to include copies of these documents;

supporting evidence: any additional evidence related to your case, such as medical reports, correspondence or other relevant documents.

8 Where do I submit my application for legal aid?

The application is submitted to the court where your case is being heard.

9 How do I find out whether I am entitled to legal aid?

From any registrar of the courts in Cyprus, and from the Cyprus Bar Association (*Pagkýprios Dikigorikós Sýllogos*).

10 What should I do, if I am entitled to legal aid?

You will have to contact in writing the court where your case is being heard or will be heard and apply for a certificate for free legal aid.

11 Who chooses my lawyer, if I am entitled to legal aid?

The lawyer is chosen by the beneficiary of free legal aid from among lawyers who are willing to offer their services. If the beneficiary does not indicate a lawyer of their choice, the court issuing the certificate for free legal aid invites the beneficiary to choose a lawyer from a list, drawn up by the Cyprus Bar Association, of lawyers interested in offering legal aid services.

12 Does legal aid cover all the costs of the proceedings?

If a certificate for free legal aid is issued by the court, all your costs are covered.

13 Who bears the other costs, if I am entitled only to limited legal aid?

There is no provision in Cypriot legislation that grants only some legal aid. See the reply under 12 above.

14 Does legal aid also cover appeals?

Legal aid may be granted at each instance (first or second instance). In other words, if you have obtained legal aid in the proceedings at first instance, you are entitled to claim legal aid also at second instance in relation to your case.

A new certificate is not required for an appeal and the court takes into account the socio-economic report from

the Department of Social Welfare Services drawn up for the purposes of the proceedings at first instance, provided that the applicant declares on oath that their financial situation has not changed.

15 Can legal aid be withdrawn before the proceedings are concluded (or even revoked after the proceedings have terminated)?

The certificate for legal aid may be withdrawn by the court where there is a substantial change in your personal and financial information; the certificate may be withdrawn either automatically or at the request of the Attorney-General (*Genikós Eisangeléas*). Withdrawal of a certificate that has been issued does not affect the right of any lawyer to a fee for the services provided up to the date of withdrawal.

16 Can I contest a refusal to give legal aid?

There is a right of appeal against the decision not to issue the certificate for legal aid, on the basis of the fundamental rule that all court decisions are subject to appeal.

17 Does the request for legal aid have the effect to suspend the limitation period?

The request for legal aid does not have the effect of suspending the limitation period.

The limitation period continues to run independently of the application for legal aid.

However, in certain types of proceedings, such as criminal proceedings, there is generally no limitation period for criminal offences.

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