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**Types of legal professions**

## Cyprus

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**Legal professions - Introduction****Profession of advocate – Introduction**

The profession of advocate in the Republic of Cyprus (Κυπριακή Δημοκρατία) is governed by the various provisions of the Advocates Law (Ο περί Δικηγόρων Νόμος) Chap. 2, as amended from time to time.

Under the provisions of the Advocates Law, any person wishing to practise as an advocate must:

hold a law degree or diploma recognised by the Legal Council (Νομικό Συμβούλιο);

have completed a one-year training period at a law firm at which at least one advocate has been practising for at least five years at the material time;

have passed the examinations held by or under the supervision of the Legal Council.

**Other related professions**

There are no related professions in Cyprus, such as, for example, the profession of notary public. Anything to do with legal acts is legal material and only members of the Cyprus Bar Association (Παγκύπριος Δικηγορικός Σύλλογος) are allowed to practise under the relevant laws. Retired advocates may continue to work as internal legal consultants both in existing law firms and in other organisations.

One profession which might be said to be a related profession is that of paralegals (δικηγορικοί υπάλληλοι), for which there is separate legislation. Persons wishing to become a paralegal must have completed secondary school education, must have worked for at least 6 consecutive months in a law firm and must be of impeccable character and must apply to the Registrar of the District Court in whose district the law firm in which the candidate works is located.

**Prosecutors (Δημόσιοι Κατηγοροί)****Organisation****General**

In addition to his capacity as legal advisor to the state, the Attorney General (Γενικός Εισαγγελέας) of the Republic also heads the Law Office (Νομική Υπηρεσία) and acts as the Director of Public Prosecutions (Υπευθύνου της Υπηρεσίας Διαχείρισης Ποινικών Υποθέσεων).

The Law Office headed by the Attorney General is staffed by advocates, some of whom specialise in criminal law and handle the cases tried by the Assize Courts. In all cases, the Attorney General is informed and issues the relevant guidelines.

In addition to the members of the Law Office, members of the Cyprus Police Force (Αστυνομική Δύναμη Κύπρου) with a law degree and the qualifications to practise as advocates also act as public prosecutors. Although they are police officers, these persons report and answer to the Attorney General while acting as public prosecutors. The Attorney General has the same powers in relation to work carried out by these persons as he does for the work carried out by the officers of the Law Office.

In exceptional cases, the Attorney General has the authority to instruct eminent practising advocates to handle specific cases.

**Role and duties of public prosecutors**

The prosecution service (Κατηγορούσα Αρχή) before the district criminal courts is directed by the advocates (lawyers) working in the police prosecution departments, although this does not of course preclude the possibility in specific cases of a member of the Law Office being instructed to carry out this work.

The prosecution service before the Assize Courts is directed by advocates in the Law Office. Regardless of who directs the prosecuting authority, they all come under the jurisdiction of the Attorney General, who may intervene at any given moment and may occasionally discontinue criminal proceedings.

The Law Office is headed by the Attorney General, assisted by the Deputy Attorney General (Βοηθός Γενικός Εισαγγελέας), followed by the Attorneys of the Republic (Εισαγγελείς της Δημοκρατίας), Senior Counsels of the Republic (Ανώτεροι Δικηγόροι της Δημοκρατίας) and Counsels of the Republic (Δικηγόροι της Δημοκρατίας). One of the Attorneys of the Republic heads the Criminal Law Section (Τμήμα Ποινικού Δικαίου), again reporting to the Attorney General. Hearings take the form of oral argument. The prosecution service presents its evidence and the witnesses called by the prosecution service undergo examination, cross-examination and re-examination. Once all witnesses have been called by the prosecution service, the court is required to rule on whether the prosecution service has a prima facie case. If it does, then the accused is called to enter a plea and the court advises him that he can call his own witness and testify under oath, in which case both the accused's witnesses and the accused are cross-examined by the prosecution service. Otherwise, he may give an unsworn statement from the dock, in which case there is no cross-examination.

The court hands down judgment at the end of the hearing. In the case of an acquittal, the accused is acquitted and released. In the case of a conviction, the defence is given the opportunity to plead for a reduced sentence and, once the proceedings have been completed, the court hands down an appropriate sentence.

**Judges****Organisation**

The structure of the courts in Cyprus is very straightforward.

**Supreme Court (Ανώτατο Δικαστήριο)**

The Supreme Court was created on the basis of the provisions of the Administration of Justice (Miscellaneous Provisions) Law 1964 (Ο περί Απονομής της Δικαιοσύνης (Ποικίλοι Διατάξεις) Νόμος του 1964) [Law 33/1964] after the Presidents of both the Supreme Court and the Supreme Constitutional Court (Ανώτατο Συνταγματικό Δικαστήριο) had resigned, thereby basically dissolving the two courts in question, as the representatives of the Turkish Community in the various bodies of state failed to attend and consent to the necessary decisions.

The members of the Supreme Court are appointed by the President of the Republic of Cyprus. There are currently 13 members, one of whom is appointed as President. Persons of impeccable character with at least 12 years' commendable service as member of the legal profession can be appointed as members of the Supreme Court.

#### **Assize Courts (Κακουργιοδικεία)**

The Assize Court is the supreme criminal court of first instance in the Republic and comprises three judges (the President, a Supreme District Court Judge and a District Court Judge). The members of the Assize Court are appointed by the Supreme Court for a two-year term of office from the Presidents of the District Court, the Supreme District Court Judges and the District Court Judges respectively).

#### **District Courts (Επαρχιακά Δικαστήρια)**

There is a District Court in every province of the Republic of Cyprus with unlimited jurisdiction, with the exception of course of matters that fall within the jurisdiction of the Supreme Court and the specialised courts referred to below. District Court Judges are divided into Presidents of the District Courts, Supreme District Court Judges and District Court Judges. District Court Judges are appointed, transferred and promoted by the Supreme Court.

#### **Family Courts (Οικογενειακά Δικαστήρια)**

The Family Courts, which were set up on the basis of the Families Court Law (Ο περί Οικογενειακών Δικαστηρίων Νόμος) (Law 23/90), are composed of three members (a president and two lay members), all of whom have a legal background and successfully practised law prior to their appointment.

#### **Rent Control Tribunal (Δικαστήριο Ελέγχου Ενοικιάσεων)**

This specialised court is composed of three members, a president and two lay members. The president of the court must be a lawyer who has successfully practised law for at least the same number of years as that required for appointment to the bench of the District Court.

#### **Industrial Disputes Tribunal (Δικαστήριο Εργατικών Διαφορών)**

As with the Rent Control Tribunal, the Industrial Disputes Tribunal is composed of three members, a president and two lay members. The president must be a lawyer who has practised for 5 years prior to his appointment to the bench of the court.

#### **Military Court (Στρατιωτικό Ποινικό Δικαστήριο)**

The last specialised court is the Military Court, which is presided by a reputable lawyer with the qualifications at the time of appointment which are required for appointment to the bench of the District Court. The president of the Military Court must be a commissioned army officer of at least the rank of colonel. The lay members of the Military Court must be professional military personnel.

#### **Directory (Ευρετήριο)**

There is a directory on the Supreme Court website containing some general information on the courts in Cyprus.

#### **Roles and duties**

##### **Supreme Court**

The Supreme Court acts as a court of appeal against judgments by all the lower courts in the Republic of Cyprus and as a court of first instance on various matters such as administrative law and admiralty issues. It also issues certiorari, mandamus and other orders and supervises all the lower courts in the Republic of Cyprus to ensure that they operate smoothly and exercises disciplinary control over the members of the judiciary.

##### **Assize Courts**

With the exception of certain very serious offences, each Assize Court has the jurisdiction to try at first instance all offences punishable under the Penal Code (Ποινικός Κώδικας) or any other law committed within the borders of the Republic or in the Cypriot parts of the Sovereign Bases and involving Cypriots either as offender or victim, or in any other country while the accused was in the service of the Republic, or on a ship or aeroplane in the Republic, or in such other places and under such circumstances as may be provided for by law.

##### **District Courts**

District Courts composed of a president have the jurisdiction to hear and rule at first instance on any action which comes within their local jurisdiction. Every Supreme District Judge or District Judge has jurisdiction (subject to certain exceptions) to rule on any action in which the sum contested or the value of the difference at issue does not exceed €500,000.00 for a Supreme District Judge and €100,000.00 for a District Judge.

The criminal jurisdiction of the District Courts extends to all offences committed within the limits of the district of the court and for which the punishment provided for by law does not exceed five years' imprisonment or a fine of €50,000.00 and/or both and which for which the court may order compensation of up to €6,000.00 to be paid to the victim.

All judgments handed down by the District Courts, in both criminal and civil cases, are open to appeal before the Supreme Court without restriction.

##### **Specialised courts**

The jurisdiction of the Family Courts extends to almost all marital disputes. The jurisdiction of the Rent Control Tribunal is limited to disputes involving buildings subject to rent control. The jurisdiction of the Industrial Disputes Tribunal only extends to relations between employer and employee, especially in cases of alleged unfair dismissal. The Military Court has jurisdiction to try criminal cases involving members of the National Guard (Εθνική Φρουρά) or where National Guard regulations have been infringed.

All judgments handed down by the above courts are open to appeal before the Supreme Court.

##### **Organisation of legal professions: Advocates (Δικηγόροι)**

There is a standard system for the provision of legal services in the Republic of Cyprus and everyone involved in offering such services is referred to as an advocate, regardless of the country where they studied and the university degree which they acquired during the course of their legal studies.

There is certainly a directory of lawyers on the Internet to which advocates and judges have free access and which the public can access on payment of a subscription free.

##### **Legal databases**

The [leginetcy](#) website contains legislation, case-law and regulations and is free for advocates, judges and government departments. Anyone else wishing to access this website must pay a subscription. The [cylaw](#) website contains court judgments and is free for everyone wishing to access it.

##### **Advocates/Legal Advisors (Νομικοί Σύμβουλοι)**

There is a standard system under which advocates/legal advisors practise.

##### **Notaries public (Συμβολαιογράφοι)**

The profession of notary public is unknown in Cyprus. Work usually carried out by a notary public is carried out by an advocate in Cyprus.

##### **Other legal professions**

The following professions in the Republic of Cyprus are related to the legal profession.

**Registrars (Πρωτοκολλητές)**

Registrars are appointed by the Supreme Court and are court officers who are usually advocates and have a legal background. Registrars have specific duties, as provided for under the relevant law. The most senior registrar is the registrar appointed by the Supreme Court over the court staff and responsible for their general supervision.

**Bailiffs**

There are two types of bailiffs: private-sector bailiffs whose authority is limited to the service of various court documents and the bailiffs on the court payroll who are employed mainly in enforcing court judgments.

**Paralegals (Δικηγορικοί Υπάλληλοι)**

The title of paralegal is acquired on completion of 6 months' work in a law firm and an application must be filed with the registrar of the District Court in whose district the law firm in which the candidate works is located.

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