

Procedures for enforcing a judgment - Cyprus


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1 What does enforcement mean in civil and commercial matters?

Enforcement means the forced implementation of the content of a judgment or order with the court's assistance and, in some cases, with the additional assistance of other competent officers/services (e.g. the Land Registry (*Ktimatología*)). A party who has obtained a court judgment or order can request that the court take enforcement measures.

2 Which authority or authorities are competent for enforcement?

The Courts Service (bailiffs) and the Land Registry. The authority competent for enforcement of an order to collect overdue maintenance payments is the police.

3 What are the conditions under which an enforceable title or decision may be issued?

A judgment or order is enforceable upon its delivery. The deadline for lodging an appeal does not by itself suspend enforcement; the appellant needs to lodge a reasoned request for this purpose.

3.1 The procedure

Acts not issued by a court (e.g. an arbitration decision) are not enforceable on their own, but they can become enforceable after they are declared so by a court. The court with jurisdiction to issue an order for the enforcement of an act not issued by a court or issued by a foreign court is the district court of the area where the person against whom the enforcement will be made resides, or the family court in cases of maintenance orders. Court judgments are usually enforced by the lawyer who handled the case before the court, by means of one of the enforcement methods listed in Section 3.1 below.

For the registration and enforcement of a foreign judgment under a multilateral or bilateral agreement, the procedure is undertaken by the Ministry of Justice and Public Order, as the central authority, through the Legal Service (*Nomikí Ypiresía*). In other cases the procedure may be carried out through private lawyers.

The costs of the procedure cannot be determined in advance, but are calculated by the registrar of the court based on the regulations on fees and are levied on the person against whom the judgment was delivered.

The enforcement is carried out mainly through bailiffs (*dikastikoí epidótes*), who are civil servants employed at the courts on a permanent basis. To speed up the enforcement procedure, the service of documents in all civil court cases has been entrusted to private companies since 1996, so that bailiffs can focus on the enforcement of judgments.

3.2 The main conditions

In cases of enforcement of a judgment between parties in Cyprus, the criteria vary depending on the case. There must be a court judgment, delivery of the judgment that creates an obligation, and refusal/failure of the defendant to pay the sum awarded.

The criteria for an enforcement order for a judgment from a foreign country are usually specified in the corresponding agreement. A usual condition in this case is that the defendant must have been duly notified of the proceedings against him/her in the foreign country.

4 Object and nature of enforcement measures

4.1 What types of assets can be subject to enforcement?

Items subject to enforcement may include bank accounts, shares, registered vehicles, immovable property and other items. Very personal items which are essential for survival or for the pursuit of the defendant's occupation are excluded.

Enforcement measures include:

- warrant of seizure and sale (*éntalma katáschesis kai pólisís*) of movable property
- warrant of surrender (*éntalma parádosis*) of movable property (if the movable property was the subject of the action, e.g. in an action for breach of a lease-purchase contract, the object of the lease-purchase)
- writ of garnishment to seize assets in the hands of a third party (*éntalma katáschesis eis cheíras trítou*)
- order to repay a judgment debt in monthly instalments
- order to make deductions (*diátagma apokopís*) from the judgment debtor's monthly earnings (which is served on the employer for execution)
- order to surrender possession (*éntalma parádosis katochís*) of immovable property
- order to sell (*éntalma pólisís*) immovable property
- order to place immovable property in escrow (*mesengýisí*) (issued on request of the judgment debtor, as long as the court is satisfied that in, up to three years, the income from the immovable property can cover the judgment debt, interest and all costs)
- immovable property charge (*epivárynsí*), with entry of the judgment against the property
- bankruptcy
- company dissolution

In the case of a maintenance order, the enforcement includes the possibility of issuing a writ of detention (*fylakistiríou éntalma*) against the debtor.

4.2 What are the effects of enforcement measures?

The debtor and any third party are obliged to comply with the judgment ordering the enforcement measure. If the debtor refuses or neglects to carry out the acts/actions specified in the order imposing the enforcement measures, an imprisonment procedure may be initiated against him for disobeying a court order.

A bank on which a garnishment order is served is required to freeze the relevant account, unless it has reason to contest this. In this case, it has to appear before the court which delivered it and provide reasons why this should not apply.

All undisputed orders become final and have the force of a court judgment.

4.3 What is the validity of such measures?

Enforcement measures are valid for six months from their delivery. A judgment imposing enforcement measures is valid for six years from the date of delivery. In case of non-enforcement within that period, the judgment may be renewed by the court pursuant to Rule 40D.8 of the Civil Procedure Rules.

5 Is there a possibility of appeal against the decision granting such a measure?

Depending on the case, it is possible to bring legal challenges, e.g. in order to suspend enforcement or to cancel an entry in the register.

6 Are there any limitations on enforcement, in particular related to debtor protection or time limits?

For debtor protection purposes, any personal belongings that are essential to survival or to the pursuit of a person's occupation cannot be subject to enforcement.

Also, where the debtor is a state or public service, objects and equipment intended for a purpose essential for the general public, including equipment belonging to the armed forces and security forces, objects of artistic, archaeological, cultural, religious and historical importance and foreign exchange reserves, are exempt from enforcement.

Furthermore, execution of a warrant for the seizure and sale of movable property is carried out between sunrise and sunset.

Property that has been seized (other than money or securities) must be sold only after at least three days have elapsed from the day following the seizure, unless subject to wear and tear or if the owner so requests in writing; until the sale is completed the property must be placed in a suitable place or may remain under the care of a suitable person.

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