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How to bring a case to court

Cyprus

1 Do I have to go to court or is there another alternative?

There are alternatives, including resolving the dispute through out-of-court settlement, recourse to arbitration or using the mediation mechanism provide for in the Certain Aspects of Mediation in Civil Matters Act 159(I)/2012.

2 Is there any time limit to bring a court action?

Yes, there is. Under the Limitation Act 66(I)/2012, no action can be lodged with a court if ten (10) years have elapsed from the date of completion of the basis of the claim, unless otherwise provided in the law, such as in the following cases:

If a claim concerns civil wrongs, contracts, bills of exchange, cheques, promissory notes, etc., no action may be brought after a period of six (6) years has elapsed from the date of completion of the basis of the claim.

If a claim concerns compensation for negligence, annoyance or breach of institutional duty, no action may be brought after a period of three (3) years has elapsed from the date of completion of the basis of the claim. This time limit may be extended by the court within two (2) years from the expiry date, if a claim concerns compensation for bodily injury and/or death caused by a civil offence.

The limitation period for bringing an action relating to a deceased person's property, irrespective of the share in that property, bequest or the validity of a will expires after eight (8) years from the date of death.

The limitation period for bringing an action concerning a mortgage or pledge expires after a period of twelve (12) years has elapsed from the date of completion of the basis for the action.

If an action concerns a court judgment, no action may be brought after a period of fifteen (15) years has elapsed from the date of issuance of the final judgment.

3 Should I go to a court in this Member State?

If the basis of the action or the enforceable right arose within the Republic of Cyprus or in territory which is deemed to be territory of the Republic of Cyprus or if the basis of the action is such that a court of the Republic of Cyprus may have jurisdiction, you will have to go to a court of the Republic of Cyprus.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

In the case of a **civil dispute**, you will have to go to the district court of the district in which:

the basis of the action arose entirely or partly;

the defendant, or any of the defendants, lived or worked at the time of lodging the action;

the Sovereign Base Area is situated, provided that all the parties to the case are Cypriot nationals and the basis of the action arose entirely or partly within the Sovereign Base Areas or the defendant (or any of the defendants) lives or works therein;

the Sovereign Base Area is situated, provided that the basis for the action arose entirely or partly within the Sovereign Base Area due to the use of a motor vehicle by a person that was, or should have been, insured under Article 3 of the Motor Vehicles (Third Party Insurance) Act;

the Sovereign Base Area is situated, provided that the basis for the action arose entirely or partly within the Sovereign Base Area due to an employee's accident or occupational disease that took place during his/her employment in relation to an employer's liability for which he/she was, or should have been, insured under Article 4 of the Motor Vehicles (Third Party Insurance) Act;

the property, which is the object of an action relating to the distribution or sale of the immovable property or any other matter that concerns that immovable property, is situated.

If the dispute concerns a **labour dispute** that involves a claim for compensation equal to the salaries of up to 2 years, you will have to go to the **industrial dispute tribunal** of the district in which the dispute arose or, in the absence of that, the one in which the claimant has his/her usual domicile or permanent place of residence. Otherwise, you will have to go to the competent district court.

In the case of a **dispute concerning leased property**, the rent control tribunal established in the district in which the property is situated will have jurisdiction.

In the case of a **family dispute** (e.g. divorce, property disputes, etc.), you will have to go the **family court**, and in particular to the family court of the district in which any of the parties to the case lives or works, or in the case of a dispute that concerns an underage child, to the family court of the district in which the underage child or the defendant lives.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

Please see the answer to question 4 above.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

You can bring an action by yourself. The law does not require a person to be represented by a lawyer or other intermediary (except in the case of underage or incompetent persons, as defined in relevant legislation).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The judicial documents required to initiate the case (writ of summons, initiating application, etc.) should be filed with the registration department of the competent court.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

The application should always be made in writing, in Greek. Any applications (or other judicial documents) submitted by e-mail or fax will **not** be accepted.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The writ of summons for bringing an action should be drafted according to Form 1 of the Civil Procedure Rules in the case of a general endorsed writ of summons, or according to Form 2 in the case of a specific endorsed writ of summons.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Yes, you will have to pay a stamp duty fee. The fee should be paid upon registration of the document for which a fee has to be paid.

Whether to pay the lawyer in advance or not will depend on the agreement reached with your lawyer.

11 Can I claim legal aid?

Yes, where the legal proceedings are brought before the family court or in the case of proceedings that concern cross-border disputes, or asylum seekers, refugees or illegally staying third-country nationals, given that the request for legal aid is granted.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

From the time of registration of the action. In the event of invalid or overdue registration or any other problem associated with the registration of the action, you will receive feedback from the competent registration department.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Information on timetables and appearance before the court is provided at a later stage.

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