

## Service of documents - Cyprus

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## **1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?**

'Service' means the official delivery of judicial and extra-judicial documents (the service of which is necessary) which can be proven in writing.

There are specific rules on the service which ensure the validity of the procedure and the rights of the parties.

## **2 Which documents need to be served formally?**

Any judicial documents which concern any proceedings before a court, such as orders, applications by call and documents initiating proceedings, as well as extra-judicial documents (which do not concern court proceedings but the official notification and service of which is necessary).

## **3 Who is responsible for serving a document?**

The Court Bailiffs In the case of a request for the service of documents which is received pursuant to the Hague Convention of 1965 on the Service of Judicial and Extrajudicial Documents, any bilateral agreement which Cyprus has signed and ratified pursuant to Regulation (EC) No 1393/2007, the document is received by the Ministry of Justice and Public Order as the designated central authority and is forwarded for service to the court bailiffs.

## **4 Address inquiries**

**4.1 Under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the addressee no longer resides at the address known to the requesting authority?**

Generally not, unless it is provided with information on the new address at the address given.

**4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?**

Not applicable.

**4.3 How do the authorities in this Member State deal with a request sent under the Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters aimed at discovering a person's current address?**

No such request has been received to date. In any event, there are doubts as to whether this matter may be the object of receiving evidence.

**5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?**

In practice, the normal method of service is personal service, as provided by the Code of Civil Procedure. In the case of a legal person, the document may be served on any managing director, on the secretary of the company or on any responsible person at the company's offices.

As regards substitute methods of service, a court order must, upon request from a party, be issued, in accordance with the Code of Civil Procedure, allowing notification of the document through its display in a specified place or through its publication in a newspaper (or in any other manner which the Court deems appropriate under the circumstances).

No other alternative methods may be used at the present stage.

**6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method foreseen? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?**

Please see the answer to question 5 above.

#### **7 'Substituted' service**

**7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?**

Please see the answer to question 5 above.

**7.2 If other methods are applied, when are the documents deemed to have been served?**

Please see the answer to question 5 above.

**7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?**

Please see the answer to question 5 above.

**7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?**

Please see the answer to question 5 above.

#### **8 Postal service from abroad (Article 14 of the Service Regulation)**

**8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 14 of the Service Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?**

Not applicable.

**8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 14 of the Service Regulation No. 1393/2007, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?**

Not applicable.

**8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?**

Not applicable.

#### **9 Is there any written proof that the document has been served?**

Yes. After the service, the court bailiff fills in the acknowledgment of receipt which indicates the reference particulars of the document served, the name and capacity of the person on whom the document has been served, the date and time of service, or, if the document has not been served, the reasons for which the service was not possible.

If service is made pursuant to Regulation (EC) No 1393/2007, the certificate laid down in Annex I thereto is issued, as provided for in Article 10 thereof.

**10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?**

In such a case, the service is considered as void and cannot be remedied. If service was irregular, fresh service must be effected.

In the cases where the service was not made due to the person's objection to such service, the party wishing the service to be made must lodge to the Court an application for substitute service.

If the service has not been possible because the person on whom the document must be served could not be located, the person wishing the service to be made may alternatively notify the document after a relevant court order is issued.

**11 Do I have to pay for service of a document, and if so, how much?**

The fee has been fixed at EUR 21.

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