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Which country's court is responsible?

Cyprus

### 1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Ordinary civil courts (called district courts in the Cyprus legal system) have jurisdiction to hear most civil cases.

In the case of a specific judicial dispute, however, you should apply to a specialised court with jurisdiction to hear that case.

For example, family disputes (e.g. divorce, alimony, parental responsibility, communication with underage children, property disputes, etc.) are heard by the **family courts** of the Republic of Cyprus.

When it comes to labour disputes (employer-employee relations, e.g. illegal dismissal, redundancy, etc.), you will have to apply to the **industrial dispute tribunal** of the district in which the dispute arose or, in the absence of that, in the one in which the claimant has his/her usual domicile or permanent place of residence. However, the ordinary civil courts (district courts) will have jurisdiction to hear cases in which the damages sought exceed the salaries of two (2) years and therefore you should apply to these courts.

As regards disputes relating to leased property (e.g. increasing the rent, eviction, etc.), you should apply to the **rent control tribunal** of the district in which the property is situated.

### 2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

Please see the answer to question 2.2 below.

#### 2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

There is no distinction between ordinary civil courts of first instance in the Cypriot legal system. There is, however, a distinction between district judges as regards their rank (presiding judge of the district court, senior judge of the district court, judge of the district court), and their jurisdiction to hear specific cases depends on that rank.

#### 2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

##### 2.2.1 The basic rule of territorial jurisdiction

A district court (ordinary civil court) has jurisdiction to settle any dispute where:

the basis for the dispute arose entirely or partly within the boundaries of the district for which the court was established;

the defendant, or any of the defendants, lived or worked within the district for which the court was established at the time of lodging the action;

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

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 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 action relates to the distribution or sale of any immovable property or any other issue pertaining to immovable property which is situated within the boundaries of the district for which the court was established.

##### 2.2.2 Exceptions to the basic rule

Where the action relates to a charitable institution or any patent or trademark for which the district court is responsible under Article 7 and the List of Law 29 /1983, the action is lodged before any district court.

##### 2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Where, in the cases referred to in paragraph 2.2.1 above, there is already an alternative territorial jurisdiction or in the cases referred to in paragraph 2.2.2.

##### 2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

In the event of sole jurisdiction of the property (see last point in the answer to question 2.2.1 above).

##### 2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

No.

### 3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Usually, the procedure is initiated by an authorised attorney, who knows which court to address. Otherwise, in the absence of a legal representative, you may refer to the Registration Department of the Supreme Court for relevant information.

Supreme Court of Cyprus

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