

INFORMATION SHEET



LEGAL AID IN CYPRUS

1. What are the costs of a trial and who should normally pay them?

The costs will depend upon the exact nature of the case and include all costs of the legal proceedings. Normally, the costs include the costs of the procedure, the costs for the preparation of the legal documents and the filing of interim applications, the costs of a hearing and appearances, before the court, before and after the hearing, the costs of the witnesses, the costs for the preparation of the list of costs and the costs for the preparation of letters before and during the proceedings. The court will decide at the end of each case (civil claims and private criminal) taking into account all the circumstances of each case, who should pay the costs.

As a rule, in civil and private criminal cases, the losing party to the procedure will be ordered to pay all the costs. However, there are exceptions to this rule. The Court may decide that each party will be liable for its own costs.

As regards criminal cases, the Court will set the costs of the legal proceedings on the basis of the complexity of the case.

2. *What is legal aid?*

Legal aid is a funding provided to a person entitled and usually includes advice and assistance with any legal problems, in relation to proceedings and representation by a lawyer in court. Representation includes any kind of assistance which is usually provided by a lawyer in relation to proceedings, in all stages, until the delivery of a judgment, as well as appeal proceedings and in the case of a criminal procedure includes any stage relating to the procedure before it commence.

3. *Am I benefit from legal aid?*

Entitled to receive legal aid is any natural person (nationals and non-nationals) who cannot bear the costs of the proceedings without affecting the basic needs and obligations of himself and his family.

4. *Can legal aid be obtained for all disputes?*

Legal aid is granted in proceedings before the Courts of Cyprus and particularly in:

- (a) Criminal proceedings before the District Court, the Tribunal Court, the Military Court and the Supreme Court.
- (b) Civil and criminal proceedings for specific violations of human rights.

- (c) Proceedings before the Family Court in relation to matters of family relations, parental responsibility, alimony, recognition of child, adoption, property relations of spouses and any other dispute in the marriage or in the family; and
- (d) cross-border disputes.

5. *Is there a specific procedure for emergencies?*

If the case is urgent, the lawyer, may ask the court, before which the case is tried, to issue a certificate for granting legal aid. The court in such cases shall give the necessary priority of examining the application.

6. *Where can I obtain an application form for legal aid?*

An application form can be obtained from the Registry of the Court which has, depending on the case, jurisdiction to examine the application to grand legal aid. The application form is then completed by the applicant or his/her lawyer, is submitted to the Court, before which the case is tried and is registered in the Special Register of the same Registry.

7. Which documents should I attach to my request for legal aid?

A written statement containing general information in relation to your personal data, your profession, your remunerations and incomes, your property assets, your marital status etc (Form 2 of Application for granting legal aid).

8. Where should I register my request for legal aid?

The application is submitted to the Court where your case is tried unless it is related to cross- boarder disputes, where in such a case, the application should first be received by the Ministry of Justice and Public Order, which ensures that this application is submitted to the competent court which will consider it.

9. How will I be informed of whether or not I am eligible for legal aid?

Through any Legal Service (Courts, Law Office of the Republic, Chief Registrar of the Supreme Court, Registries of District Courts, Ministry of Justice and Public Order, Cyprus Bar Association, Local Bar Associations).

10. If I qualify for legal aid, what should I do?

For the proceedings referred to in 4 (a),(b)and (c) above, you should apply in writing to the Court, before which the case is tried and request the issue of a certificate of legal aid. In proceedings relating to cross-

border disputes, competent receiving and transmitting authority has been designated the Ministry of Justice and Public Order, 125, Athalassas Avenue, 1461, Strovolos, Nicosia. The Ministry of Justice and Public Order receives such applications via mail(including e-mail), or via fax. Such applications are accepted in the Greek or the English language.

11. *If I qualify for legal aid, who will choose my lawyer?*

The lawyer is chosen by the person entitled to legal aid from a list of lawyers who are willing to offer their services. In the case where the person entitled to legal aid does not indicate a lawyer of his own choice, the Court that issues the certificate of legal aid calls this person to choose a lawyer of his/her preference from the list of lawyers, interested to offer their services within the framework of the institution of legal aid, prepared by the Cyprus Bar Association.

12. *If I qualify for legal aid, will this cover all the costs of my trial?*

If a certificate for free legal aid is granted by the Court, then all your costs are covered.

13. *If I qualify for partial legal aid, who will pay the other costs?*

No such provision exists under the laws of Cyprus. See answer 12 above.

14. *If I qualify for legal aid, will it cover any review I might make following the trial?*

The granting of legal aid applies for any instance of jurisdiction (first instance or appeal). Where, for example, legal aid was granted to you during the first instance procedure, then you are entitled to a grant of legal aid in any other procedure that follows, in relation to your case. In an appeal, however the issue of a new certificate is requested, after a new written application is made.

15. *If I qualify for legal aid, can it be withdrawn before the end of the trial (or even after the trial)?*

The certificate for legal aid may be withdrawn by the Court ex officio or after an application made by the Office of the Attorney-General where there is substantial change in relation to your personal and financial data. Withdrawal of the issued certificate, does not affect the right of the lawyer for remuneration, for his/hers services offered until the date of withdrawal.

16. *If I do not qualify for legal aid, can I appeal against the decision?*

A right of appeal against a decision for not issuing a certificate for legal aid exists, on the basis of the basic rule, that all decisions of the courts are subject to appeal.

17. *Further information*

For further information you can contact the Chief Registrar of the Supreme Court by telephoning 22865716 (for callers in Cyprus) and +35722865716 (for callers outside Cyprus) or in the Legal Affairs Unit of the Ministry of Justice and public Order by telephoning 22805922 or 22808946 (for callers in Cyprus) and +357 22805922 or +35722805946 (for callers outside Cyprus).

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