



# CYPRUS BAR ASSOCIATION

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## **Note of the President of the Cyprus Bar On the introduction of the new Civil Procedure Rules**

**Dr. Christos Clerides**

Dear All,

The Cyprus Bar Association, with some 4.241 members, looks forward to studying the new Civil Procedure Rules.

We thank all participants to the reform process, for the difficult task they have undertaken and for their devotion over the past three years or so.

As evidenced by the correspondence, the Cyprus Bar Association expressed in the past some concerns. We now have to see the result. What we need is a comprehensive and easy to apply set of rules, in conformity always with the European Convention of Human Rights, in particular Article 6, for a fair hearing within a reasonable time, as interpreted and applied by the extensive Jurisprudence.

I am sure that a lot of effort has been put, yet once again in the drafting of these new rules intended to facilitate judges, advocates and litigants alike, for speedy and cost effective resolution of disputes in civil matters.

I am now duty bound to publish them in full and afford our members an opportunity to react. I am sure that I will receive their comments in due course and shall be glad to discuss them.

Obviously, at a time that the judicial system itself, is under substantial reform, the rules may have to be adjusted accordingly with the new Appeals Court, that includes, a division for Civil appeals and prerogative orders. Further, they may have to be adjusted to the “new” Supreme Court and its separate jurisdictions, that include Third level Appeals in civil matters. This is what I have described as Phase A of the Justice Reform process. We hope that the Bills, will be put before Parliament beginning of next year and that they will be enacted into Law by February 2021, before the House dissolves.

Phase B which is in the making and will carry us through to the end of 2021, will include the reform of the District Courts, including the creation of Specialised Divisions and a new Court Administration System under a new statutory authority for the purpose, as well as the creation of a Commercial and Admiralty Court. Phase C, in 2022, will be a reflection period on the reform.

Obviously, the need arises for a continuing process of revision and adaptation of the rules. The adoption of the new rules may have to be postponed for a while in view of the above and the backlog of cases or even be applied in phases. This will allow sufficient time for the Bar and its members, to consider the new rules and reflect upon them. This period of reflection may indeed run in parallel with a period of “education”, and “training” of judges and members of the Bar.

The three members of the Bar who participated officially on our behalf in the subcommittee and others, including the Law Faculties and Departments of various Universities, will now have to embark upon a period of teaching and training. More transparency is needed in the process.

I should add before concluding that equitable execution with the necessary amendments of the Courts of Justice Law and the Civil Procedure Law Cap.6 is now under discussion as a matter of priority and the Committee of the Bar on Reform and Civil Procedure with its President, the Vice President of the Bar Association Mr. George Christofides will take up the matter to alleviate strong feelings in our community on the inefficiencies of the execution of judgments process.

I close by saying that I am confident for the future. Reform is in the air. It is our duty to carry it through and deliver to the new generation of advocates and to justice in general, fresh ideas, practicable and just solutions, to achieve speed, quality and a reasonable costs level.

Thank you all.

Nicosia

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