



## Implementation of Judicial Reforms in Cyprus: The Constitutional Supreme Court, the Supreme Court, and the Court of Appeal commence operations under the new regime

A short update on the recent restructuring of the top-tier courts in Cyprus

### Introduction

2023 is a game-changing year for Cyprus in terms of implementation of reforms relating to the administration of justice. The reforms are expected to gradually overhaul the way in which disputes are resolved in Cyprus.

One of the most significant changes brought about by the reforms is the restructuring of the top-tier courts, following recent amendments to the Constitution and the Administration of Justice (Miscellaneous Provisions) Law of 1964 (L.33/1964) (the “Law”).

Initially the Constitution provided for the establishment of two supreme courts, the Supreme Constitutional Court and the High Court of Justice. The two supreme courts, which had separate competences, operated separately until 1964 when the jurisdiction of both courts was assigned to a newly established top-tier court, namely, the Supreme Court (the “1964 Supreme Court”).

The 1964 Supreme Court exercised this merged jurisdiction until the end of June 2023.

As of 1 July 2023, and following the implementation of the reforms, the 1964 Supreme Court functions as two separate Courts, namely, as the Supreme Constitutional Court and the Supreme Court (the “New Supreme Court”).

In addition, as of 1 July 2023, a new Court of Appeal has been established to act as a court of second instance.

The Supreme Constitutional Court, the New Supreme Court and the Court of Appeal, have their seat in Nicosia. All three courts commenced their operations under the new regime on 3 July 2023.

An overview of the key features of the three courts is set out below.

### **The Supreme Constitutional Court**

The Supreme Constitutional Court is composed of nine judges, of which one acts as President.

As of 1 July 2023, the Supreme Constitutional Court has jurisdiction over several matters, including the following:

- To exercise the jurisdiction and powers conferred on the Supreme Constitutional Court under the Constitution, except as otherwise provided for under the provisions of article 9(2) of the Law, including to adjudicate finally over referrals made to it by other courts pursuant to article 144 of the Constitution in respect to a question of the unconstitutionality of any law or decision or any provision thereof material for the determination of any matter at issue in judicial proceedings.
- To adjudicate over appeals referred to it by the Court of Appeal against judgments of the Administrative Court in respect of matters of public (administrative) law or of significant public interest or of general public importance or matters of consistency of law relating to conflicting or contradictory judgements of the Court of Appeal.
- To adjudicate, as a court of third and final instance, on points of law arising from a judgment of the Court of Appeal issued following administrative (review) appeal proceedings, which are connected with the modification of established case-law or the need to correctly interpret a legislative provision, or with a matter of significant public interest or of general public importance or matters of consistency of law relating to conflicting or contradictory judgements of the Court of Appeal in the exercise of its administrative (review) jurisdiction.

It is noted that this jurisdiction is exercised upon the application of a party. Special leave of the Supreme Constitutional Court is required for such an application to be heard on its merits.

- To act as an annulment appeal body (of second instance) against decisions of the Supreme Council of Judicature (which is the body responsible for, inter alia, the appointment of judges of the Court of Appeal and the courts of first instance).

### **The New Supreme Court**

The New Supreme Court is composed of seven judges, of which one acts as President. As of 1 July 2023, the New Supreme Court has jurisdiction over several matters, including the following:

- To exercise the jurisdiction and powers conferred on the High Court of Justice under the Constitution, except as otherwise provided for under the provisions of article 9(3) of the Law, which includes exclusive jurisdiction to issue prerogative writs of Habeas Corpus, Mandamus, Certiorari, Quo Warranto and Prohibition pursuant to article 155(4) of the Constitution.
- To adjudicate over appeals referred to it by the Court of Appeal against judgments of a court exercising civil and/or criminal jurisdiction including courts of special jurisdiction, in respect of matters of significant public interest or of general public importance or matters of consistency of law relating to conflicting or contradictory judgements of the Court of Appeal.
- To adjudicate, as a court of third and final instance, on points of law arising from a judgment of the Court of Appeal issued following civil or criminal appeal proceedings, which are connected with the modification of established case-law or the need to correctly interpret a legislative provision, or with a matter of significant public interest or of general public importance or matters of consistency of law relating to conflicting or contradictory judgements of the Court of Appeal in the exercise of its civil or criminal jurisdiction.

It is noted that this jurisdiction is exercised upon the application of a party. Special leave of the New Supreme Court is required for such an application to be heard on its merits.

- To decide whether a criminal case which resulted in a conviction should be retried by the Court of Appeal or the criminal court of first instance that issued the judgement in light of new evidence which could overturn, in whole or in part, the conviction judgment.
- To handle an application for the recusal of a Judge of any court other than the Supreme Constitutional Court, following the rejection of such an application for recusal by the court concerned.
- To issue procedural rules in relation to the operation of the Court of Appeal.

### **The Court of Appeal**

The Court of Appeal is composed of 16 judges, of which one acts as President.

As of 1 July 2023, the Court of Appeal is the court of second instance in Cyprus with jurisdiction to hear appeals filed against judgments of any court except those issued by the Supreme Constitutional Court and the New Supreme Court.

The Court of Appeal may operate through separate civil, criminal and administrative (review) jurisdiction departments.

### **Transitional period**

As a rule, appeals that were pending before the 1964 Supreme Court will now be handled by the Court of Appeal. By way of exception, certain pending civil and criminal appeals will now be handled by the New Supreme Court whilst certain pending administrative (review) appeals will be handled by the Supreme Constitutional Court.

### **Further reforms expected to be implemented within 2023**

Several other important reforms are expected to be implemented within 2023, including the full introduction of the new Civil Procedure Rules and the commencement of the operations of the new Commercial Court and Admiralty Court.

The new Civil Procedure Rules currently only apply to the Court of Appeal. On 1 September 2023 the New Civil Procedure Rules will come into force in respect of all the other jurisdictions that they concern and will be applicable to relevant proceedings filed from 1 September 2023.

For further information regarding the establishment of the Commercial Court and Admiralty Court please refer to our D-brief of [July 2022](#).

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