



Strasbourg, 24 November 2021

**CDL-REF(2021)092**

**Opinion No. 1060/2021**

Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**CYPRUS**

**BILL**

**ENTITLED LAW AMENDING THE LAWS**

**RELATING TO THE COURTS**

**1960 TO (NO 3) 2020 \***

\* Unofficial translation

The House of Representatives shall vote as follows:

Summary

Title.

14 of 1960  
50 of 1962  
11 of 1963  
8 of 1969  
40 of 1970  
58 of 1972  
1 of 1980  
35 of 1982  
29 of 1983  
16 of 1984  
91 of 1983  
16 of 1984  
51 of 1984  
83 of 1984  
93 of 1984  
18 of 1985  
71 of 1985  
89 of 1985  
96 of 1986  
317 of 1987  
49 of 1988  
64 of 1990  
136 of 1991  
149 of 1991  
237 of 1991  
42(l) of 1992  
43(l) of 1992  
102(l) of 1992  
26(l) of 1993  
82(l) of 1995  
102(l) of 1996  
4(l) of 1997  
53(l) of 1997  
90(l) of 1997  
27(l) of 1998  
53(l) of 1998  
110(l) of 1998  
34(l) of 1999  
146(l) of 1999  
41(l) of 2000  
32(l) of 2001  
40(l) of 2002  
80(l) of 2002  
140(l) of 2002  
206(l) of 2002  
17(l) of 2004  
165(l) of 2004  
268(l) of 2004  
21(l) of 2006  
99(l) of 2007

1. This Act shall be referred to as the Courts (Amendment) Act, 2021 and shall be read together with the Courts Acts, 1960 to (No. 3), 2020 (hereinafter referred to as "the principal Act") and the principal Act and this Act shall be referred to together as the Courts Acts, 1960 to 2021.

170(l) of 2007  
 76(l) of 2008  
 81(l) of 2008  
 118(l) of 2008  
 119(l) of 2008  
 36(l) of 2009  
 129(l) of 2009  
 138(l) of 2009  
 19(l) of 2010  
 166(l) of 2011  
 30(l) of 2013  
 46(l) of 2014  
 191 of 2014  
 29(l) of 2017  
 109(l) of 2017  
 5(l) of 2020  
 102(l) of 2020  
 199(l) of 2020.

Amendment  
 Article 2 of the  
 basic law.

2. Article 2 of the basic law is amended as follows:

(α) by replacing the definition of "Supreme Judicial Council" with the following new definition:

Summary  
 Title.

"Supreme Judicial Council" means the Supreme Judicial Council provided for in Article 10 of the Administration of Justice (Miscellaneous Provisions) Law;"-

33 of 1964  
 35 of 1975  
 72 of 1977  
 59 of 1981  
 3 of 1987  
 158 of 1988  
 109 of 1991  
 132(l) of 2015  
 ..... of 2021.

(β) by adding, in the appropriate alphabetical order, the following new definitions:

Constitution.

95 of 1989  
 106(l) of 1996  
 115(l) of 1996  
 104(l) of 2002  
 127(l) of 2006  
 51(l) of 2010  
 68(l) of 2013  
 130(l) of 2015  
 69(l) of 2016  
 93(l) of 2016  
 100(l) of 2019

"Supreme Constitutional Court" means the Supreme Constitutional Court established under paragraph 1 of Article 133 of the Constitution;

128(l) of 2019  
160(l) of 2019  
161(l) of 2019  
135(l) of 2020

"Court of Appeal" means the Court of Appeal established under the Administration of Justice (Miscellaneous Provisions) Act;"

Amendment of  
Article 9 of the  
basic law.

3. Article 9 of the basic law is amended as follows:

- (a) by inserting, in subsection (1) thereof, immediately after the word "judge" (first line), the words "of the Supreme Constitutional Court;"
- (b) by inserting, in subsection (2), immediately after the word "judge" (first line) the words "of the Court of Appeal and".

Amendment of  
Article 19 of the  
basic law.

4. Article 19 of the Basic Law shall be replaced by a new Article 19 as follows:

«19. The Supreme Court, in addition to the powers and jurisdiction conferred upon it by the Constitution, shall have exclusive original jurisdiction to hear and determine such other matters as the Court may be empowered to hear and determine in the first instance under this or any other law for the time being in force.".

Amendment of  
section 22B of  
the principal Act.

5 . Article 22 is replaced by the new Article 22 as follows:

«22B.(1) Each District Court shall have original jurisdiction as a Court of Admiralty surrounded by and exercising the powers with which the High Court of Justice in England was surrounded by and exercised in its jurisdiction over maritime cases immediately before the day of Independence, which powers were exercised by the High Court up to the date of publication of the Notices under the provisions of subsections(2)and (3)of section 19 of the Administration of Justice (Miscellaneous Provisions) (Amendment) Act 2021.

(2) Maritime case shall be heard by any President or Senior District Judge and any decision thereon shall be subject to appeal to the Court of Appeal.

(3) For the purpose of applying the provisions of this Article, the Supreme Court shall issue Rules of Procedure.".

Amendment of  
Article 25 of the  
basic law.

6 . Article 25 of the basic law is amended as follows:

- (a) by substituting for the words "Supreme Court" (second line) in subsection (1) thereof the words "Court of Appeal";

(b) by substituting in paragraph (c) of that subsection (1) for the words "absolutely determinative of their effect" (first line) the words "whether or not they are determinative or declarative";

(c) by inserting immediately after the proviso to subsection (1) thereof the following new second proviso:

"Provided further that appeals against interlocutory decisions shall be heard by a judge or judges as defined in the Administration of Justice (Miscellaneous Provisions) Act."

(b) by replacing, at the end of subsection (2), the words "Ανώτατον Δικαστήριο" with the word "Appellate Court";

(γ) by inserting in subsection (3), immediately after the words "Ανώτατον Δικαστήριο" (fourth line and last line), the words "or the Court of Appeal, as the case may be".

Amendment of section 34A of the principal Act.

7 . Section 34A of the principal Act is amended by inserting new subsections (3) and (4) as follows:

"(3) Where a question referred to in subsection (1) arises before the Court of Appeal, if the Court of Appeal considers that a decision on the question is necessary for the adoption of its own decision, the Court of Appeal shall refer the question to the Court of Justice of the European Union.

(4) Where a question referred to in subsection (1) arises before the Supreme Constitutional Court, if the Supreme Constitutional Court considers that a decision on the question is necessary for the adoption of its own decision, the Supreme Constitutional Court shall refer the question to the Court of Justice of the European Union:

It is understood that the Supreme Constitutional Court may issue Rules of Procedure to regulate the referral of such a matter by itself to the Court of Justice of the European Union. ».

Amendment of Article 60 of the Basic Law.

8 . Article 60 of the Basic Law is amended by adding, immediately after the words "Ανώτατον Δικαστήριο," (second line), the words "the Court of Appeal,".