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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

CYPRUS

BILL

ENTITLED LAW

AMENDING THE ADMINISTRATION

OF JUSTICE (MISCELLANEOUS PROVISIONS) LAWS

OF 1964 TO 2015 *

* Unofficial translation

Preamble. WHEREAS, under the provisions of the Administration of Justice (Miscellaneous Provisions) Law, 1964 to 2015, enacted under the Law of Necessity, the jurisdiction of the Supreme Constitutional Court and the High Court, provided for in the Constitution, has been transferred to the Supreme Court established under the said Law,

AND WHEREAS the exclusive jurisdiction of the Supreme Court provided for in the Administration of Justice (Miscellaneous Provisions) Act 1964 to 2015, has over time hampered the work of this Court and does not contribute to the speedy administration of justice and to the avoidance of delays,

WHEREAS it is necessary to take measures for the smooth and unhampered functioning and the speedy administration of justice in general, and of the appellate jurisdiction in particular, by separating the jurisdiction of the Supreme Court,

WHEREAS, the facts which do not allow the functioning of the Supreme Constitutional Court and the High Court in accordance with the provisions of the Constitution still exist, and consequently, legislation deviating from the constitutional provisions for these Courts is still justified by the Law of Necessity,

AND WHEREAS, after the merger of the two supreme judicial institutions of the Constitution into the present Supreme Court, the functioning of the Supreme Constitutional Court and the Supreme Court needs to also be supported by provisions that not only ensure the effective administration of justice, as well as the specialization in the handling of judicial cases, but also meet the requirements of rule of law for a modern state,

AND WHEREAS, therefore, it is necessary that a Court of Appeal shall be established, as a second instance Court,

WHEREAS it is also necessary to provide for a third instance of jurisdiction in certain cases, in order to ensure uniformly to the correct application of the law, the consistency and the development of case law and thus legal certainty,

AND WHEREAS, in addition, the necessary checks and balances at the highest level of the judicial structure between the Judges of the two Courts, must be ensured, according to Articles 133.8 and 153.8 of the Constitution,

AND WHEREAS the above objectives equally justify the invocation of the Law of Necessity, since they aim at the preservation and proper functioning of justice, a basic and essential function of the State,

WHEREAS, for the purposes not only of transparency but also of better realising the purpose of the Supreme Council of Judicature, it is necessary that it is also composed of other members of the judiciary, as well as of the legal profession, in such a way that, without affecting its autonomy, the perspective and perception of its members is broadened as to the selection of the most appropriate ones and the democratic legitimacy of the Council itself and of its decisions is strengthened,

AND WHEREAS this need was identified by the Council of Europe's Group of States against Corruption (GRECO), which in its recommendations on the Cypriot judiciary included as important the enlargement of the Supreme Council of Judicature to establish objective impartiality and to avoid the possibility of there being or giving the impression of a conflict of interests or incompatibility,

AND WHEREAS similar references in relation to the need for enlargement of the composition of judicial councils are made by other international bodies, such as the European Commission for Democracy through Law (Venice Commission) and the Consultative Council of European Judges (CCJE),

For all these reasons, the House of Representatives shall vote as follows:

Summary	1. This Act shall be referred to as the Administration of Justice
Title.	(Miscellaneous Provisions) (Amendment) Act, 2021 and shall be read
33 of 1964	together with the Administration of Justice (Miscellaneous Provisions) Acts,
35 of 1975	1964 to 2015 (hereinafter referred to as "the principal Act") and the principal
72 of 1977	Act and this Act shall be referred to together as the Administration of Justice
59 of 1981	(Miscellaneous Provisions) Acts, 1964 to 2021.
3 of 1987	
158 of 1988	
109 of 1991	
132(I) of 2015.	

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

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

"Court of Appeal" means the court established under Article 3A;

Constitution.	"Administrative Court" means the court exercising the
95 of 1989	jurisdiction conferred by Article 146 of the Constitution and
106(I) of 1996	includes any judge thereof."
115(I) of 1996	
104(I) of 2002	
127(I) of 2006	
51(I) of 2010	
68(I) of 2013	
130(I) of 2015	
69(I) of 2016	
93(I) of 2016.	

(β) by replacing the definition of "Ανώτατον Δικαστήριο" (High Court) with the following new definition:

"Anotaton Dikastirion" means the Anotaton Dikastirion established under Article 153 of the Constitution.

- (y) by replacing the definition of "Judge" therein with the following new definition:

"Judge" means the President or any other Judge of either the Supreme Constitutional Court or the High Court or the Court of Justice or the Court of Appeal or the District Court or Court of Special Jurisdiction, as the case may be."

Amendment of Article 3 of the basic law.

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

- (a) by substituting, in subsection (1), for the words "Established" (first line), the words "Subject to the provisions of subsection (8) of this section, established».
- (b) by adding, immediately after subsection (7), the following new subsection (8):

"(8)(a)(i) The Tribunal established by subsection (1) of this section shall, subject to subsection (ii) of this section, continue to exercise its jurisdiction under the principal Act until the publication of the Notification , as referred to in subsection (3) of section 19, and subject to the provisions of subsection (d) of this subsection, from September 1ⁿ, 2021 the Tribunal shall henceforth function as a High Constitutional Court and as a High Court, each of which shall exercise the jurisdiction specified for one each in section 9 of this Act.

.... 2021.

(ii) From the date of publication of the Administration of Justice (Miscellaneous Provisions) (Amendment) Law of 2021 in the Official Gazette of the Republic until the publication of the Notification , pursuant to subsection (3) of Article 19, the Court shall exercise its jurisdiction conferred under the principal Act, except for the jurisdiction exercised by the Court of Appeal under subsection (4) of section 9 of this Act, subject, however, to the provisions of subsections (2), (3) and (4) of section 20 of this Act.

(β) The Supreme Constitutional Court shall be composed of nine (9) Judges, one of whom shall act as President.

(c) The Supreme Court shall be convened by a number of Judges not exceeding seven (7), one of whom shall act as President.

(d) On the date of publication of the Notification under subsection (3) of section 19 of this Act:

Any Judge of the Court established by subsection (1) of this section who on that date holds his office shall, from that date, continue as a member of either the Supreme Constitutional Court or the High Court, as the case may be, and shall continue to hold his office under the same conditions of service as before that date.

(ii) the President of the Republic shall appoint Judges to complete the composition of the Supreme Constitutional Court and the Supreme Court of Justice, and shall at the same time appoint the Presidents of the two Courts from among the existing members:

Provided that in the event that it is not possible to constitute the Courts on the basis of the selection of Judges as referred to in sub-paragraph(i), the President of the Republic shall make the appointments and determine the final allocation to each Court.

It is further provided that the President of the Court on the date of publication of the Notification under subsection (3) of section 19 of this Act shall be the President of one of the two courts.

Provided further that every appointed Judge of the Supreme Constitutional Court and the High Court shall serve under the same conditions of service and on the same salary as the Judges referred to in sub-paragraph (i).

(e) In the event of a vacancy or temporary incapacity or absence of the President of the Supreme Constitutional Court or the Supreme Court, the President of the Republic shall appoint, as the case may be, permanently or temporarily, respectively, the President of each of its members.

(f) Except as otherwise provided in this Act, all Judges of the Supreme Constitutional Court and the High Court shall in all respects have equal power and jurisdiction, and shall be addressed in the manner in which Judges of the Court have been previously addressed.

(g) The President of the Supreme Constitutional Court shall be entitled to a precedence over all the Judges of that Court, and the President of the Supreme Court shall be entitled to a precedence over all the Judges of that Court, respectively, of the precedence of one each of their seniority.

It is understood that the Judicial Power shall be represented in all matters by the senior President of the two Courts. In all other respects, the two Presidents shall serve on the same terms and with the same benefits.

(h) For the purposes of this Act, seniority shall be determined as follows:

- (i) in the case of Judges who become members of the Supreme Constitutional Court or the Supreme Court, pursuant to paragraph (d) of this subsection, their seniority shall be determined from the date of publication of their appointment in the Official Gazette of the Republic as Judges of the Court:

Provided that if the publication of their appointment was made on the same date, their seniority shall be determined by reference to the length of service of each of them in the judicial service of the Republic, and in the case of persons who did not hold any judicial office before their appointment, their seniority shall be determined on the basis of the priority of the document of their appointment.

- (ii) In all other cases seniority shall be determined from the date of publication of his appointment, either as a Judge of the Supreme Constitutional Court or of the Supreme Court, in the Official Gazette of the Republic. ».

Amend the principal law by inserting new Article 3A.

4. The principal Act is amended by inserting immediately after Article 3 the following new Article 3A:

"Establishment and operation of the Court of Appeal. 3A.-(1) A Court of Appeal is established, which from 1st September 2021 shall exercise the jurisdiction specified in section 9 of this Act.

(2) The Court of Appeal shall have its seat in Nicosia and shall meet in a building specifically designated for that purpose by the Minister of Justice and Public Order, in consultation with the Court:

Provided that the Court of Appeal may sit in another province upon notification of the Supreme Court published in the Official Gazette of the Republic, in such building as the Minister of Justice and Public Order may from time to time provide for this purpose, and in such case the Republic shall be divided into two provinces:

Provided further that the Supreme Court may for this purpose by Rules of Procedure vary the boundaries of the provinces or consolidate two (2) or more provinces or divide any province for the purpose of the operation of the Court of Appeal.

(3) The Court of Appeal shall be composed of Judges, the number of whom shall not exceed sixteen (16), who shall be appointed by the Supreme Judicial Council referred to in Section 10 of this Act, which shall also appoint the President of the Court of Appeal from among them:

It is understood that the President of the Court of Appeal shall be entitled to a precedence over all the Judges of the Court of Appeal and shall exercise the administrative functions of the President.

Provided further that appointments taking place beforeⁿSeptember1, 2021, shall be made by the Transitional Judicial Council in accordance with the transitional provisions of this Act.

(4) The Court of Appeal may be composed of civil, criminal and review divisions, as may be determined by Rules of Procedure:

It is understood that civil jurisdiction includes the jurisdiction of the courts of special jurisdiction.

(5) The President of the Court of Appeal, with the approval of the Supreme Court, may determine the composition of the Chambers, appoint the President of each Chamber from among the Judges of the Court of Appeal and delegate to each Chamber the exercise of appellate civil, criminal and review jurisdiction, as well as the exercise of primary jurisdiction to issue privilege orders:

Provided that if any Judge is unable to perform his duties, the President of the Court of Appeal may replace him with a Judge of a Chamber of the same or another jurisdiction of the Court of Appeal.

(6) No person shall be appointed as a Judge of the Court of Appeal unless he is a legally qualified lawyer who has been practising the profession for at least twelve years and is of high moral standing:

It is understood that the term "exercise of the profession" includes service in the permanent judicial or legal service of the Republic.

(7) In appointing Judges of the Court of Appeal, the needs of the Court of Appeal in its jurisdictions and, in making the selection, the candidates' respective broad knowledge or proven experience in handling cases in the jurisdiction shall be taken into account.

(8) The Supreme Court may from and as the needs of the Court of Appeal may, from time to time, make Rules of Procedure for the purpose of regulating the proceedings before it and may determine the number of Judges of the Court of Appeal and its Divisions who shall hear a particular matter

(9) The salary of the President and Judges of the Court of Appeal is fixed at a fixed annual basic salary of one hundred and eleven thousand four hundred and fifty euros (€111,450). To the basic salary shall be added the general salary increases applicable to civil servants and the salary increments and the index-linked allowance in force from time to time.

(10) Subject to the provisions of subsection (5) of this section, in the event of the temporary inability or absence of the President or Judge of the Court of Appeal to perform his duties, the Supreme Judicial Council may appoint another member of the judicial service who possesses the qualifications required under subsection (6) of this section, to temporarily perform the duties and exercise the powers of the President or Judge of the Court of Appeal, as the case may be, for the period and under the conditions specified in the instrument of appointment.

(11) The Court of Appeal shall have Registrars and clerks, the number, powers, duties and responsibilities of whom shall be determined by the Supreme Court by the adoption of Rules of Procedure:

It is understood that, until the adoption of the Rules of Procedure, the provisions applicable to the corresponding employees of the District Court shall apply by analogy:

It is further provided that the Court of Appeal shall be staffed by officials drawn from the staff of the Civil Service."

Amendment of Article 4 of the basic law. 5. Article 4 of the basic Act is amended by adding the following new subparagraphs (4) and (5) immediately after subparagraph (3):

"(4)(a) There is hereby established an Advisory Judicial Council, which shall act as an advisory body to the President of the Republic with respect to the suitability of candidates for Judges or interested lawyers in proceedings for the appointment of Judges of the Supreme Constitutional Court and the Supreme Court, as the case may be.

(b) The Advisory Judicial Council is an independent Council which, in the case of a procedure for the appointment of members of the Supreme Constitutional Court, shall consist of the President of the Supreme Constitutional Court as President of the Council, the four most senior members of the same Court, the Attorney General of the Republic and the President of the Cyprus Bar Association, while in the case of a procedure for the appointment of members of the Supreme Court, consist of the President of the Supreme Court, as President of the Council, the four most senior members of the same Court, the Attorney General of the Republic and the President of the Cyprus Bar Association

Provided that in the absence or temporary incapacity of the President of either Court, the most senior member of that Court shall act as President of the Council:

Provided further that in relation to a procedure for the appointment of members of both the Supreme Constitutional Court and the Supreme Court, five (5) members, including the President of the Council, shall constitute a quorum.

(c) The Advisory Judicial Council shall prepare a list of persons deemed suitable for appointment, the number of whom shall be at least three times the number of vacancies, if there are any suitable candidates, and shall prepare evaluation reports for each of the candidates, which shall be submitted in alphabetical order to the President of the Republic. The report shall record the reasoned opinion of the Council as to the suitability of each of the candidates and its contents shall be advisory to the President of the Republic.

Provided that the Advisory Council, when drawing up the list, shall take into account the need to enrich the courts with qualified lawyers.

Amendment of Article 5 of the basic law.

6.

Article 5 of the basic law replaced by a new Article 5as follows:

"5. (1) No person shall be appointed a Judge of the Supreme Constitutional Court or of the High Court is a lawyer legally qualified for that purpose having practiced the profession at least twelve years is of high moral standing

(2) For the purposes of subsection (1), "practice of the profession" includes service in the permanent judicial or legal service of the Republic.

(3) Without prejudice to subsection (1) of this section, in appointing a Judge of the Supreme Constitutional Court, broad knowledge in matters of constitutional and administrative law or proven experience in handling cases relating to such matters shall be taken into account.

(4) Without prejudice to subsection (1) of this section, in appointing a Judge of the High Court, broad knowledge in civil or criminal law matters or proven

experience in handling cases relating to such matters shall be taken into account."

Amend the principal Act by inserting new Article 8A.

7. The principal Act is amended by inserting immediately after section 8 the following new article 8A:

"Court officials. 8A. The Supreme Constitutional Court and the High Court shall have Registrars and clerks, the number, powers, duties and responsibilities of whom shall be determined by the Supreme Constitutional Court and the High Court, respectively, by the adoption of Rules of Procedure:

It is understood that, until the adoption of the aforementioned Procedural Regulations, the regulations applicable to the corresponding employees of the District Court shall apply by analogy:

It is further provided that the Supreme Constitutional Court and the Supreme Court shall be staffed by officials drawn from the staff of the Public Service."

Amendment Article 9 of the basic law.

8. Article 9 of the Basic Law is amended as follows:

- (a) by renumbering this text as subsection (1);
- (b) by substituting, in subsection (1), for the words "The Court shall have" (first line), the words "Subject to the provisions of subsections (2), (3) and (4) of this section, the Court shall have";
- (y) by adding, immediately after subsection (1), the following new subsections (2), (3) and (4):

"(2) Upon publication of the Notification under subsection (3) of section 19 of this Act, the Supreme Constitutional Court shall have the following jurisdiction:

- (a) the jurisdiction exercised by the Supreme Constitutional Court as provided by the Constitution, except as otherwise provided in this subparagraph:

Provided that in cases under Article 144 of the Constitution, the court hearing the case shall refer to the Supreme Constitutional Court only questions of constitutionality which are essential to the determination of the case pending before it and which are either decided by it, on the basis of all the circumstances before it, or requested by any of the

parties, that it would be appropriate for the Supreme Constitutional Court to consider them.

It is further understood that the reference shall contain a clear statement of the legal issues on which the exercise of the jurisdiction of the Supreme Constitutional Court is sought, full statement of the facts on which the questions are based, the content of the provisions applicable to the case in question and the reasons which led the court hearing the case to consider the reference to be appropriate. The court hearing the case may include in the decision to refer the case its own reasoned opinion on the questions of constitutionality.

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Provided that, event that the Supreme Constitutional Court finds that no such referral is warranted, it shall return the case heard by the court hearing the case:

- (β) to hear, on referral from the Court of Appeal, an appeal against a decision of the Administrative Court on a matter of public law of major public interest or of general public importance or, for the purposes of legal consistency, against conflicting or contradictory decisions of the Court of Appeal:

Provided that, in the event that the Supreme Constitutional Court finds that no such referral is warranted, it shall return the case to be heard by the Court of Appeal:

- (γ) to decide, in the third and final instance, with his or her permission, on an application submitted either by the Advocate General of the Republic or by any of the parties, following a prior review appeal procedure, on points of law arising from the judgment and relating either to a change in settled case-law or to the need for the correct application or interpretation of a substantive provision of law or to a major issue of public interest or general public importance or for the purposes of legal consistency on conflicting or contradictory decisions

It is understood that the application shall contain a clear statement of the legal issues raised by the judgment and full reasons and the necessary elements supporting the request in order for the Court to decide whether or not to grant leave.

It is further understood that in this case the decision of the Supreme Constitutional Court replaces the decision of the Court of Appeal:

(f) to act as an Appellate Judicial Council to annul decisions of the Supreme Judicial Council.

(3) Upon publication of the Notification under subsection (3) of section 19 of this Act, the High Court shall have the following jurisdiction:

- (α) the jurisdiction exercised by the Supreme Court as provided by the Constitution, except as otherwise provided in this subparagraph;
- (β) hear, on referral from the Court of Appeal, an appeal from a decision of a Court of civil and criminal jurisdiction, including courts of special jurisdiction, on matters of major public interest or general public importance or, for the purposes of legal consistency, on conflicting or contradictory decisions of the Court of Appeal:

Provided that, if the Supreme Court finds that such a reference is not warranted, it shall return the case to be heard by the Court of Appeal:

- (γ) to decide, in the third and final instance, with his or her permission, on an application submitted either by the Attorney General of the Republic or by any of the parties, following a prior civil or criminal appeal procedure, on points of law arising from the judgment and relating either to a change in settled case-law or to the need for the correct application or interpretation of a substantive provision of law or to a major issue of public interest or general public importance or for the purposes of legal consistency on conflicting or contradictory points of law

It is understood that the application shall include a clear statement of the legal issues raised by the decision and full reasons and the necessary evidence in support of the request in order for the Supreme Court to decide whether or not to grant the licence:

It is further understood that, in this case, the decision of the Supreme Court replaces the decision of the Court of Appeal:

- (here to decide that the Court of Appeal or the court of first instance of criminal jurisdiction, as the case may be, shall re-examine a convicted criminal case, whether it has become final at first instance or on appeal, in the

light of new facts or circumstances which may overturn the judgment in whole or in part;

- (ε) to deal with applications for the exclusion of Judges of its lower courts, following the rejection of the application by the Court concerned.

(4) Upon publication of the Notification under subsection (2) of section 19 of this Act, the Court of Appeal:

(a) shall be the court of appeal and, except as otherwise provided in this Article, shall have jurisdiction to hear and determine all appeals from decisions of any Court other than the Supreme Constitutional Court and the Supreme Court;

(shall have jurisdiction to hear first and second instance writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari. ».

Amendment of Article 10 of the basic law. 9. Article 10 of the basic Law is amended by inserting immediately after subsection (4) the following new subsection (5):

"(5) Upon publication of the Notifications provided for in subsections (2) and (3) of article 19 of this Law;

(a)(i) there shall be a Supreme Council of Judicature whose exclusive jurisdiction includes the appointment, promotion, transfer, termination of service and dismissal, as well as the disciplinary power over the Judges of the Court of Appeal and the Judges of the first instance courts:

Provided that the Supreme Council of Judicature, when appointing or filling any position of Judge, shall have regard to the necessity of enriching the courts with qualified lawyers.

Provided further that the decisions of the Supreme Council of Judicature shall be sufficiently and duly reasoned:

(ii) The Supreme Council of Judicature shall be composed of.

(A) the President and the three (3) senior members of the Supreme Court:

Provided that the President of the Supreme Court is also the President of the Council;

- (B) the President of the Court of Appeal;
- (C) the most senior President of the District Court;
- (D) the President of the Association of Judges;
- (E) the Attorney General of the Republic and in case of his absence or temporary incapacity by the Deputy Attorney General of the Republic;
- (F) the President of the Cyprus Bar Association.

Provided that, in the absence or temporary incapacity or other disability of the President of the Supreme Court, the functions of President of the Council shall be exercised by the most senior Judge of the Supreme Court who is already a member of the Council, and in such case, as in all cases of absence or temporary incapacity or other disability of a member or members of the Supreme Court, the functions of members of the Council shall be exercised by the next most senior member or members of the Supreme Court:

Provided further that, in the absence or temporary incapacity or other impediment of the President of the Court of Appeal, the most senior Judge of the Court of Appeal shall act as a member of the Council:

Provided further that in the absence or temporary incapacity or other disability of the most senior District Court President, the next most senior District Court President shall serve as a member of the Council:

Provided further that, in the absence or temporary incapacity or other impediment of the President of the Judges' Association or in the case that the President of the Judges' Association is already a member of the Council in another capacity under this paragraph, the Vice-President of the Judges' Association shall be a member of the Council:

Provided further that, in the event of absence or temporary incapacity or other impediment of the President of the Council of the Cyprus Bar Association, the Vice President of the Cyprus Bar Association shall perform the duties of a member of the Council.

(iii) in the case of appointment of Judges of the Court of Appeal, the composition of the Supreme Council of Judicature

shall additionally include the two (2) most senior Judges of the Court of Appeal, but shall not include the persons referred to in (C) and (D) above and in the case of the exercise of disciplinary authority over the Judges of the Court of Appeal, the persons referred to in (C), (D), (E) and (F) above shall not participate

(iv) in the case of transfer or exercise of disciplinary powers against the Judges of the courts of first instance, the composition of the Supreme Council of Judicature shall not include the persons mentioned in (E) and (F) above

(v) the Supreme Council of Judicature shall be deemed to be duly constituted if there is still a vacancy among its members, provided that seven (7) members shall constitute a quorum

(vi) for the purposes of this subsection, the seniority of Judges shall be determined in accordance with the provisions of paragraph (h) of subsection (8) of section 3 by analogy, and the seniority of a President of a District Court shall be determined on the basis of seniority in that position

(vii) the Supreme Council of Judicature shall have the power to make Regulations governing its operation;

(viii) Upon appeal, the decision of the Supreme Council of Judicature shall be reviewed by the Supreme Constitutional Court, which shall act in this case as a Secondary Judicial Council and shall exercise review over the decisions of the Supreme Council of Judicature:

Provided that until the decision of the Supreme Constitutional Court is issued, the decision of the Supreme Council of Judicature is suspended.

(b) There shall be a Council consisting of the President and the Judges of the Supreme Court, which shall exercise the powers and authority under Article 133.8 of the Constitution.

(c) There shall be a Council consisting of the President and the Judges of the Supreme Constitutional Court, which shall exercise the powers and authority under Article 153.8 of the Constitution.

Amendment of Article 11 of the basic law.

10. Article 11 of the Basic Law is amended as follows:

(a) by inserting in the margin of this, immediately after the word "Court", the words "and the Court of Appeal"

(b) by substituting, in both provisos to subsection (3) thereof, the word "five" and the number "(5)" (second and seventh lines,

respectively) for the word and the number "three (3)", respectively;

- (v) by adding, immediately after subparagraph (3), the following new subparagraphs (4) and (5):

"(4) Upon the publication of the Notices provided for in subsections (2) and (3) of section 19 of this Act, subsections (1), (2) and (3) shall cease to apply and the manner of exercising the jurisdiction of the Court shall be regulated as follows:

(a) The jurisdiction, powers or authorities which the Supreme Constitutional Court has under subsection (2) of section 9 of this Act shall, subject to paragraph (e) and subject to any Rules of Procedure, be exercised by the Full Court.

(b) The jurisdiction, powers or authorities which the High Court has under subsection (3) of section 9 of this Act shall, subject to paragraphs (c), (d) and (e) and subject to any Rules of Procedure, be exercised by the Full Court.

(c) The appellate jurisdiction vested in the Supreme Court shall be exercised, subject to all the Rules of Procedure, by at least three Judges, one of whom may be its President.

(d) The Supreme Court may function in two separate Divisions, namely, the Criminal Division, which shall hear matters of criminal law, and the Civil Division, which shall hear any other matter within its jurisdiction.

(e) The Supreme Constitutional Court and the Supreme Court may, from time to time and according to their needs, issue, respectively, Rules of Procedure for the purpose of regulating the proceedings before them.

(5) (a) The jurisdiction, powers or authorities which the Court of Appeal has under subsection (4) of section 9 of the principal Act may, subject to any Rules of Procedure, be exercised by Chambers:

It is understood that interim applications or applications concerning only procedural matters may be dealt with by only one Judge of the Chamber.

It is further provided that appeals from interlocutory decisions, other than appeals from decisions on interlocutory orders, may be heard by one Judge.

Bi The original jurisdiction vested in the Court of Appeals to issue writs of habeas corpus, mandamus, prohibition,

quo warranto, and certiorari shall, subject to all Rules of Procedure, be exercised by a Judge

(ii)The appellate jurisdiction vested in the Court of Appeals to hear appeals from judgments of the Court of Appeals exercising jurisdiction to issue writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari shall be exercised, subject to all Rules of Court three Judges».

Amendment of Article 12 of the basic law. 11. Subsection (1) of section 12 of the principal Act is amended by substituting a semicolon (fifth line) for a full stop and inserting immediately thereafter the following new proviso:

"Provided that on the publication of the Notification under subsection (3) of section 19 of this Act, the High Court shall exercise the powers referred to in subsection (1) of this section."

Amendment of Article 13 of the basic law. 12. Section 13 of the basic Act is amended by inserting immediately after subsection (3) the following new subsection (4):

"(4) Upon the operation of the Supreme Constitutional Court, the High Court and the Court of Appeal, such courts shall have and use a seal bearing the name of the respective Court and an emblem which shall be approved from time to time by the Minister of Justice and Public Order."

Amendment of Article 14 of the basic law. 13. Article 14 of the Basic Law is amended as follows:

(α) by renumbering this text as subsection (1);

(β) by adding, immediately after subsection (1), the following new subsection (2):

"(2) Upon the operation of the Supreme Constitutional Court and the Supreme Court, such courts shall sit in Nicosia in such building or buildings as the Minister of Justice and Public Order shall respectively provide for that purpose."

Amendment of Article 15 of the basic law. 14. Article 15 of the Basic Law is amended as follows:

(a) by deleting at the end of the italics the words "replaced by a reference to the Supreme Court";

(β) by renumbering this text as subsection (1);

(γ) by adding, immediately after subsection (1), the following new subsection (2):

"(2) In the operation of the Supreme Constitutional Court, the High Court and the Court of Appeal, the provisions of subsection (1) of this section shall not apply and any reference in law to the Court or any Judge thereof shall be substituted by reference, as the case may be, to the Supreme Constitutional Court or the High Court or the Court of Appeal or a Judge thereof, and in the event of any conflict between the provisions of this Act and any other law, the provisions of this Act shall prevail.».

Amendment of Article 16 of the basic law.

15. Article 16 of the Basic Law is amended as follows:

- (α) by renumbering this text as subsection (1);
- (β) by adding, immediately after subsection (1), the following new subsection (2):

"(2) In the operation of the Supreme Constitutional Court and the High Court, the provisions of subsection (1) of this section shall not apply and the Supreme Constitutional Court and the High Court shall be deemed to be duly amalgamated and if any vacancy occurs between the members of either of them.".

Amendment of Article 17 of the basic law.

16. Article 17 of the Basic Law is amended as follows:

- (α) by renumbering this text as subsection (1);
- (β) by adding, immediately after subsection (1), the following new subsection (2):

"(2) The Rules of Procedure in force on the date of publication of the Notices under section 19 of this Act shall remain in force until they are revoked or amended by new Rules of Procedure issued by the competent Court in accordance with the provisions of the Constitution. ».

Amend the basic law by adding new Articles 19 and 20.

17. The basic law is amended by adding the following new Articles 19 and 20 immediately after paragraph 18:

"Entry into force of this Act. 19.-(1) Subject to the provisions of subsections (2) and (3) of this section, the Administration of Justice (Miscellaneous Provisions) (Amendment) Act, 2021 shall come into force on the date of its publication in the Official Gazette of the Republic.

(2) The following provisions of the Administration of Justice (Miscellaneous Provisions) (Amendment) Law of 2021, shall come into force from the date of the publication of a Notification by the Court of Justice in the Official Gazette of the Republic on the constitution of the Court of Appeal and its readiness to function -

- (a) Article 4-
- (b) Article 8(c), in so far as it relates to the Court of Appeal;
- (c) Article 10(a) and (c), in so far as it relates to the Court of Appeal;
- (d) Article 12, in so far as it relates to the Court of Appeal;
- (e) Article 14(c), in so far as it relates to the Court of Appeal;
- (f) Article 16(b), in so far as it relates to the Court of Appeal.

(3) The following provisions of the Administration of Justice (Miscellaneous Provisions) (Amendment) Act, 2020 shall come into force from the date of publication of Notifications of the Supreme Constitutional Court and the Supreme Court, respectively, in the Official Gazette, on their readiness to operate;

- (a) Article 3(b);
- (b) Article 5-
- (c) Article 7-
- (d) Article 8(c), in the part relating to the Supreme Constitutional Court and the Supreme Court;
- (e) Article 9-
- (f) Article 10(b) and (c), in the part relating to the Supreme Constitutional Court and the Supreme Court;
- (g) Article 11-
- (h) Articles 12, 13 and 14, in so far as they refer to the Supreme Constitutional Court and the Supreme Court;

(i) Article 15-

(j) Article 16(b), in so far as it relates to the Supreme Constitutional Court and the Supreme Court;

Transitional provisions.

20.-(1) Subject to the following subsections of this Article, the Court shall retain and exercise the jurisdiction conferred on it under the Basic Law until the date of publication in the Official Gazette of the Republic of the respective Notifications provided for in subsections (2) and (3) of Article 19.

(2) publication of the Notices provided for in subsections (2) and (3) of Article 19, the appellate cases pending before the Court:

(a)(i) in the exercise of its appellate civil jurisdiction, if registered up to 31.12.2016, shall continue and be disposed of before the Court in which they are pending, while cases registered on or after 1.1.2017 shall be transferred to the Court of Appeal for hearing and judgment under the provisions of this Act.

It is understood that cases which remain pending before the Court shall be continued and completed by the same composition of Judges, regardless of whether the composition includes a Judge or Judges of the Supreme Constitutional Court.

(ii) in the exercise of its appellate criminal or revisional jurisdiction, are transferred to the Court of Appeal for the conductor continuation of judicial proceedings and the rendering of a judgment under the provisions of this Act, while the cases in which judgment has been reserved shall be continued and disposed of before the court in which they are pending.

(b)(i) in the exercise of its appellate review jurisdiction over decisions rendered by a Judge of the Court in the exercise of its primary jurisdiction under Article 146 of the Constitution, shall be continued and concluded by the Supreme Constitutional Court:

It is understood that cases in which the hearing has begun shall be continued and completed by the same composition of Judges, whether or not the composition includes a Judge or Judges of the Supreme Court.

(ii) Pending cases of appellate review jurisdiction shall, without prejudice to the provisions of section 11 of the principal Act, be heard, subject to all Rules of Procedure, by at least three Judges

(c) in the exercise of its appellate jurisdiction over judgments rendered by a Judge of the Court in the exercise of its original jurisdiction, except as provided in paragraph (b)(i) of this subsection, shall be continued and disposed of by the Supreme Court:

It is understood that cases in which the hearing has begun shall be continued and completed by the same composition of Judges, regardless of whether the composition includes a Judge or Judges of the Supreme Constitutional Court.

(3) On the date of publication of the Notices provided for in subsections (2) and (3) of Article 19, the cases pending before the Court in the exercise of the primary jurisdiction of the Court:

(a) for the issuance of privilege warrants, shall be transferred to the Court of Appeal for the conductor continuation of judicial proceedings and the rendering of a decision under the provisions of this Act, while cases in which the hearing has commenced shall be continued and disposed of before the court in which they are pending, whether or not the composition includes a Judge or Judges of the Supreme Constitutional Court or the Supreme Court.

(bas an admiralty court, shall be transferred to the District Court for the conductor continuation of the judicial proceedings and the rendering of a judgment under the provisions of the Courts of Justice Act, while cases in which the hearing has commenced shall be continued and disposed of before the court in which they are pending, whether or not the composition includes a Judge or Judges of the Supreme Constitutional Court or of the High Court.

(5) From the date of publication of the Administration of Justice (Miscellaneous Provisions) (Amendment) Act, 2021 , until the date of publication of the Notification provided for in subsection (3) of section 19 , a Transitional Judicial Advisory Council shall be established to act as an advisory body to the President of the Republic, with regard to the suitability of candidates for judges or interested lawyers, in proceedings for the appointment of Judges of the Supreme Constitutional Court and the Supreme Court of Justice, which shall be composed of -

- (i) the five most senior Judges of the Court;
- (ii) the Attorney General of the Republic; and
- (iii) the President of the Cyprus Bar Association:

It is understood that five (5) members constitute a quorum.

(6)(a) From the date of the publication of the Administration of Justice (Miscellaneous Provisions) (Amendment) Act, 2021, until the date of the publication of the notices provided for in subsections (2) and (3) of section 19, there shall be a transitional Supreme Judicial Council, whose exclusive competence shall include the appointment, promotion, transfer, termination of service and dismissal, as well as the disciplinary power of judicial officers, which shall consist of -

- (i) the President and Members of the Court of Justice:

It is understood that the President of the Court of Justice is also the President of the Council;

- (ii) the Attorney General of the Republic and, in case of his absence or temporary incapacity, by the Assistant Attorney General of the Republic;
- (iii) the President of the Cyprus Bar Association.

(b) In the absence or temporary incapacity of the President of the Court, the most senior Judge of the Court shall act as President of the Council.

(c) In case of absence or temporary incapacity of the President of the Council of the Cyprus Bar Association the Vice President of the Cyprus Bar Association shall act as a member of the Council.

(d) In the case of the exercise of disciplinary powers against Judges, the composition of the Supreme Judicial Council shall not include the persons referred to in paragraphs (ii) and (iii) above.

(e) On the commencement of the provisions of this subsection, subsections (1) to (4) of section 10 of the principal Act are repealed. ».