



## Cyprus law: Establishment of new Administrative Court

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The legislative body of the Republic of Cyprus introduced on July 2015 the **Law 131 (I)/2015** referred to as the «**Establishment and Operation of the Administrative Court**» Law of 2015.

As per the 8<sup>th</sup> amendment of the Constitution which entered into force on the 21<sup>st</sup> of July 2015 (Law no: 130(I)/2015) the above mentioned law was passed among others for harmonization purposes of the Cyprus domestic law with the European Union's Direction 2013/32/EU, the par. 1 article 26 of the Act of the European Parliament 2013/33/EU and the par.1 article 27 of the European Union's Act no: 604/2013. The Law by which a new Administrative Court will be established will also contribute to the more efficient and fast course of justice as it aims to relieve the Supreme Court's caseload.

Unlike other areas of law Administrative law of Cyprus is largely based and reproduces the principles to be found in the jurisprudence of the Greek Council of State and therefore in other continental European jurisdictions. Administrative Disputes were adjudicated since the year 1964 by the Supreme Court of the Republic of Cyprus. This power was passed to the latter by the Supreme Constitutional Court which used to adjudicate as the only appropriate court regarding administrative disputes. The internal disputes that took place back in 1963 led to a number of radical changes on the structure of the political system and therefore forced the implementation of the "Doctrine of Necessity". Due to the situation occurred the Law on Administration of Justice (Various Provisions) Law no. 33/64 merged the two high courts of the country into one, the Supreme Court of Cyprus to which all the responsibilities and powers of the two pre- existing courts were transferred.

The new Law therefore, provides the establishment and operation of the Administrative Court as the first instance court to decide on recourses submitted under the **Article 146 of the Constitution**. The Court consists of one P.J and not more than 6 judges who are appointed by the Supreme Judicial Council.

The judges of the Administrative Court apply the powers that are assigned to the Court by the Constitution and the provisions of this Law and any other law in force.

The jurisdiction of the Administrative Court is governed by procedural rules and practice which are defined by the procedural regulation issued by the Supreme Court.

Until the issuance of such regulation the Administrative Court shall:

- follow the procedural rules and practise that the Supreme Court applied while acting as the first instance court in respect to recourses referring to the legality of a decision and/or an act,



- apply the above mentioned rules along with the procedural rules and practice of the District Courts while adjudicating civil disputes in respect to recourses filed against international protection matters and tax purposes.

In respect to the harmonization purposes with the EU regulations mentioned above concerning the international protection matters the newly introduced Court aims to deal with the following:

- the common proceedings regarding the granting and withdrawing the regime of international protection;
- the requirements of the applicants seeking international protection;
- establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in a Member State by a third-country national or a stateless person.

The Supreme Court retains the power to adjudicate recourses mentioned in the new Law until the publication in the Gazette ratifying the function of the Administrative Court. On the date of the above mentioned publication the pending proceedings before the Supreme Court in respect to the matters regulated in the Law described herein will be transferred to the Administrative Court to be adjudicated whilst for those cases that a judgment has been reserved the Supreme Court will retain the power to issue such a judgment.

Each judgment issued by the Administrative Court is subject to an appeal before a tripartite or a respectively widened composition of the Supreme Court for reasons that fall into legal aspects only. The appeal shall be filed within 42 days from the issuance of the contested judgment.

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