Time limits on procedures

Кипър

1 What are the types of deadlines relevant for civil procedures?

The following are the most important deadlines based on the rules of civil procedure:

Time to register judicial documents:

In the case of a generally endorsed writ of summons, the plaintiff must file a statement of claim with the court and deliver it to the defendant within 10 days from the date on which the defendant files his/her memorandum of appearance, unless otherwise specified by the court.

The statement of defence for a defendant who has already filed his/her memorandum of appearance must be entered within 14 days from the date of receipt of the statement of claim, unless this deadline is extended by the court.

Time to enforce a court judgment:

A court judgment can be enforced within 6 years from the date on which it became enforceable. If it is impossible to enforce a judgment within the set deadline, the plaintiff may request renewal of the judgment (which constitutes indirect extension of the deadline).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Apart from Saturday and Sunday, non-working days in Cyprus include the following days:

New Year's Day: 1 January

Epiphany: 6 January

Clean Monday (movable holiday)

National Holiday: 25 March (commencement of the 1821 revolution)

National Holiday: 1 April (commencement of the 1955-1959 Cyprus liberation struggle)

May Day: 1 May

Good Friday: Friday before Easter

Easter Monday: Monday after Easter

Pentecost (movable holiday)

Dormition of the Virgin Mary: 15 August

Independence Day: 1 October

National Holiday: 28 October (the 1940 'NO' anniversary)

Christmas Eve: 24 December

Christmas Day: 25 December

Boxing Day: 26 December

In addition, according to Civil Procedure Rule No 61, the following are the official non-working days for the legal system:

The period from 10 July to 9 September inclusive (summer vacation).

The period from 24 December to 6 January inclusive (Christmas vacation).

The period from the Thursday before Easter to the Sunday of St Thomas inclusive (Easter vacation).

Hearings or other proceedings may be held in the above periods only based on instructions from the Supreme Court or any judge in the case of proceedings that fall under his/her jurisdiction.

3 What are the applicable general rules on time limits for the various civil procedures?

The Civil Procedure Rules apply to the various civil procedures.

The provisions of the Limitation Act 165(I)/2002 apply to the deadlines for bringing an action.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The deadline starts on the day following service since, under Article 2 of the Interpretation Act, 'days' means 'clear days'.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

According to the Civil Procedure Rules, documents are served in the Republic of Cyprus in person through a bailiff [process server] (except in exceptional cases where the Court may order otherwise upon request). The deadline is not affected by the date of service.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

No. Please see the answer to question 4 above.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

When a time limit is expressed in days, it indicates 'calendar days', except if the court stipulates otherwise in a specific case. For example, the court may stipulate that the respondent's objection should be registered 'within 3 working days of today's date' or that the injunction should be served (e.g. to the defendant in *ex-parte* proceedings or to a banking institution in account freezing proceedings) 'within 5 working days of its drafting'.

Under the Interpretation Act, 'days' always means 'clear days'.

8 When such a period is expressed in weeks, in months or in years?

The deadline refers to calendar weeks or months.

9 When does the deadline expire if expressed in weeks, in months or in years?

In these cases the deadline expires upon lapse of the last hour of the last day of the week, month or year of the deadline.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes, in these cases the deadline is extended until the first following working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

According to Civil Procedure Rule No 57, Order 2, the court may extend or shorten any deadlines which are provided for in the above rules or are set out in a relevant injunction, without imposing any conditions or subject to such conditions as are required in the interests of justice.

12 What are the time limits for appeals?

An appeal against a temporary or final injunction on a matter that does not constitute an action and against the dismissal of an interim application may be lodged within 14 days from the date on which the injunction becomes binding or from the date of dismissal of the application.
In all other cases (e.g. against a final judgment in a civil action) the appeal must be lodged within 6 weeks from the date on which the judgment becomes binding.
The deadline may only be extended in rare and exceptional cases.
The deadlines for bringing an action are set out in the Limitation Act 165(I)/2002.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

After the action is served, there is a 10-day deadline for the defendant to file his/her memorandum of appearance.
As for the rest, the dates set for the parties to appear in court are set by the court itself.
The *first* date for appearance in the case of an application is set by the *registration department* of the court upon filing of the application, unless there is a special reason for setting a specific date for appearance. In that case, the specific date is set only after permission is granted by the court that is hearing the case.
As regards modification of other time limits, see the answer to question 11 above.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

If the applicable law in the jurisdiction is that of Cyprus, the same rules and the same deadlines apply irrespective of the place of residence of the party on which service is made.

15 What are the consequences of non-observance of the deadlines?

If a defendant fails to file his/her memorandum of appearance or, subsequently, to enter his/her statement of defence within the set deadlines, the plaintiff may lodge an application for a decision issued in his/her favour.
Similarly, a defendant may lodge an application for dismissal of the action if, in the case of a generally endorsed writ of summons, the plaintiff has failed to file a statement of claim within the set deadline.
In addition, an objection to an application lodged after expiry of the relevant deadline may be ignored by the court and therefore the defaulting defendant may lose his/her right to be heard during the proceedings.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

A defaulting plaintiff whose action has been dismissed may ask for the action to be reinstated.
A defaulting defendant against whom a judgment was rendered may ask for the judgment to be set aside.
Such requests are granted by way of derogation.

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