

REPUBLIC



OF CYPRUS

165(l) of 2002
22(l) of 2005
77(l) of 2005
43(l) of 2006
132(l) of 2009
172(l) of 2011
8(l) of 2012
64(l) of 2014
105(l) of 2014
140(l) of 2014
20(l) of 2015
173(l) of 2015
111(l) of 2016
72(l) of 2019.

THE LEGAL AID LAW, 2002
(English translation and consolidation)

Office of the Law Commissioner
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NOTE FOR THE READER

The publication at hand by the Office of the Law Commissioner is an English translation and consolidation of the Legal Aid Laws, 2002 to 2019 [i.e. Laws 165(I) of 2002, 22(I) of 2005, 77(I) of 2005, 43(I) of 2006, 132(I) of 2009, 172(I) of 2011, 8(I) of 2012, 64(I) of 2014, 105(I) of 2014, 140(I) of 2014, 20(I) of 2015, 173(I) of 2015, 111(I) of 2016, 72(I) of 2019].

However useful the English translation of the consolidated Laws is in practice, it does not replace the original texts of the Laws since only the texts published in the Official Gazette of the Republic are authentic.

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A LAW TO PROVIDE FOR PROVIDING FREE LEGAL AID

For purposes of-

(a) Implementation of the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Matrimonial Matters, drawn up on the basis of Article K.3 of the Treaty of the European Union (OJ C 221 of 16.7.1998) and Council Regulation no. 1347/2000 of 29.5.2000,

(b) harmonization with the obligations of the Republic of Cyprus arising from Chapter 24, Justice and Home Affairs, on Human Rights issues;

The House of Representatives enacts as follows:

PART I INTRODUCTORY PROVISIONS

Short title.

165(I) of 2002
22(I) of 2005
77(I) of 2005
43(I) of 2006
132(I) of 2009
172(I) of 2011
8(I) of 2012
64(I) of 2014
105(I) of 2014
140(I) of 2014
20(I) of 2015
173(I) of 2015
111(I) of 2016
72(I) of 2019.

1. This Law may be cited as the Legal Aid Law of 2002.

Interpretation.

2. (1) In this Law, unless the context otherwise requires-

2 of 105(I) of 2014. "Administrative Court" means the court having jurisdiction under Section 146 of the Constitution and includes any judge thereof;

"Advice" means an opinion on any legal matter that a lawyer is entitled to provide in connection with a proceeding concerning the person seeking advice.

"Applicant" means a person who submits an application for the issue of a certificate of free legal aid in accordance with this Law;

"Assistance" means assistance in taking any legal steps that a person may take through proceedings, either by taking such steps on his behalf (including representation) or by providing assistance to undertake such steps by himself;

"Assize Court" has the meaning assigned to this term by the Courts of Justice Law;

- 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
- 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(I) of 1992
- 43(I) of 1992
- 102(I) of 1992
- 26(I) of 1993
- 82(I) of 1995
- 102(I) of 1996
- 4(I) of 1997
- 53(I) of 1997
- 90(I) of 1997
- 27(I) of 1998
- 52(I) of 1998
- 110(I) of 1998
- 34(I) of 1999
- 146(I) of 1999
- 41(I) of 2000
- 32(I) of 2001
- 40(I) of 2002
- 80(I) of 2002
- 140(I) of 2002
- 206(I) of 2002
- 17(I) of 2004

165(I) of 2004
268(I) of 2004
21(I) of 2006
99(I) of 2007
170(I) of 2007
76(I) of 2008
81(I) of 2008
118(I) of 2008
119(I) of 2008
36(I) of 2009
129(I) of 2009
138(I) of 2009
191(I) of 2010
166(I) of 2011
30(I) of 2013
46(I) of 2014
191(I) of 2014
29(I) of 2017
109(I) of 2017
5(I) of 2020
102(I) of 2020
199(I) of 2020.

"Beneficiary" means a person for whom a certificate of free legal aid has been issued pursuant to section 7;

"Certificate" means a certificate for the provision of free legal aid issued in accordance with the provisions of this Law;

"Defined human rights violations" means the violations of the human rights set out in the Schedule;

Schedule.

2 of 22(I) of 2005. "Directive 2003/8/EC" means Council Directive 2003/8/EC of 27 January 2003 on improving access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes;

"District Court" has the meaning assigned to this term by the Courts of Justice Law and includes any judge thereof;

"Family Court" means the Court established under the Family Courts Law of 1990 to 2000;

23 of 1990
247 of 1990
231 of 1991
86(I) of 1994
33(I) of 1996
61(I) of 1997
26(I) of 1998
92(I) of 1998
46(I) of 1999

96(I) of 1999
58(I) of 2000
63(I) of 2006
69(I) of 2009.

Schedule.

"Human rights" means the human rights safeguarded in Part II of the Constitution of the Republic of Cyprus and in the international conventions set out in the Schedule, ratified by the Republic of Cyprus;

"Lawyer" means a person registered in the Register of Lawyers practicing the profession in accordance with the Advocates Law;

Cap.2.
42 of 1961
20 of 1963
46 of 1970
40 of 1975
55 of 1978
71 of 1981
92 of 1983
98 of 1984
17 of 1985
52 of 1985
9 of 1989
175 of 1991
212 of 1991
9(I) of 1993
56(I) of 1993
83(I) of 1994
76(I) of 1995
103(I) of 1996
79(I) of 2000
31(I) of 2001
41(I) of 2002
180(I) of 2002
117(I) of 2003
130(I) of 2003
199(I) of 2004
264(I) of 2004
21(I) of 2005
65(I) of 2005
124(I) of 2005
158(I) of 2005
175(I) of 2006
117(I) of 2007
103(I) of 2008
109(I) of 2008
11(I) of 2009
130(I) of 2009
4(I) of 2010
65(I) of 2010
14(I) of 2011
144(I) of 2011
116(I) of 2012
18(I) of 2013
84(I) of 2014
92(I) of 2017

107(I) of 2018
6(I) of 2020
41(I) of 2020
83(I) of 2020
139(I) of 2020
200(I) of 2020
8(I) of 2021
145(I) of 2021.

"Legal aid" means the provision of advice, assistance and representation;

"Military Court" has the meaning assigned to this term by the Military Criminal Code and Procedure Laws;
40 of 1964
70 of 1964
77 of 1965
28 of 1967
63 of 1979
158 of 1985
238 of 1990
5 of 1992
49(I) of 1993
91(I) of 1995
39(I) of 2002
103(I) of 2003
158(I) of 2006
105(I) of 2011.

"Representation" means representation by a lawyer for the purposes of proceedings and includes any kind of assistance usually provided by a lawyer in connection with proceedings at all stages up to the delivery of a judgement, as well as appeal proceedings, and in the case of criminal procedure includes any stage relating to the procedure before it commence, as well as the appeal proceeding;

"Supreme Court" has the meaning assigned to this term by the Administration of Justice (Various Provisions) Law and includes any judge thereof;
33 of 1964
35 of 1975
72 of 1977
59 of 1981
3 of 1987
158 of 1988
109 of 1991
132(I) of 2015.

2 of 111(I) of 2016. (2) Any reference to this Law and its regulatory or individual administrative acts, in a European Union legislative act, such as a Directive, Regulation or Decision, means the said act as it is corrected, amended or substituted from time to time, unless the

context otherwise requires.

2 of 132(I) of 2009.

PART II

PROVIDING FREE LEGAL AID IN CRIMINAL PROCEEDINGS, PROCEEDINGS ON VIOLATION OF HUMAN RIGHTS, FAMILY PROCEEDINGS AND OTHER JUDICIAL PROCEEDINGS

Providing free legal aid.
3 of 22(I) of 2005
3 of 132(I) of 2009
2 of 8(I) of 2012
2 of 64(I) of 2014
2 of 140(I) of 2014
2 of 173(I) of 2015
2 of 72(I) of 2019.

3. Free legal aid is provided in the procedures referred to in sections 4, 4A, 5, 6, 6A, 6B, 6C, 6D, 6E and 6F to the extent and under the conditions set forth in this Law.

Criminal proceedings.

4.— (1) This section shall apply-

2 of 172(I) of 2011
3 of 72(I) of 2019.

(a) In criminal proceedings brought before a Court against any person for an offense which he may have committed, in breach of any law and includes any stage of the investigation or other proceedings which take place before the commencement of the criminal proceedings and which are related to it;

(b) with the exception of the criminal proceedings referred to in paragraph (b) of subsection (1) of section 5, in any other proceedings before a court exercising criminal jurisdiction.

(2) For the purposes of this section, "Court" means District Court, Assize Court, Military Court and includes the Supreme Court, when examining any matter or point raised in criminal proceedings during the exercise of its original or appellate jurisdiction.

(3) In the procedures referred to in subsection (1), free legal aid is provided under this Law which includes advice, assistance and representation.

Legal aid in European
arrest warrant
proceedings.
4 of 72(I) of 2019.

4A. (1) Free legal aid is provided to a requested person in the process of executing a European arrest warrant before the District

133(I) of 2004
112(I) of 2006
30(I) of 2014
183(I) of 2014
21(I) of 2017
148(I) of 2021.

Court, in order to exercise the right of access to a lawyer, under the provisions of section 17 of the European Arrest Warrant and the Surrender Procedures of Requested persons between Member States of the European Union Law.

(2) In cases where the provisions of paragraphs (b) and (c) of subsection (6) of section 17 of the European Arrest Warrant and the Surrender Procedures of Requested persons between Member States of the European Union Law apply, in which the issuing Member State of the European arrest warrant is the Republic, the requested person is entitled to free legal aid in the Republic for the purposes of the proceedings in the executing Member State, provided that the European arrest warrant has been issued by the Republic for the purpose of arresting and surrendering the requested person in the Republic in order to prosecute him, as provided for in paragraph (a) of section 3 of the European Arrest Warrant and the Surrender Procedures of Requested persons between Member States of the European Union Law:

Provided that, for the purposes of this subsection, free legal aid consists of the payment of the costs of a lawyer in the Republic, who assists the lawyer in the executing Member State by providing information and advice to the latter, so that the requested person can effectively exercise his rights in the executing Member State.

(3) For the purposes of this section, the terms "European Arrest Warrant proceeding", "executing Member State", "issuing Member State", "requested person" shall have the meaning assigned to them by the European Arrest Warrant and the Surrender Procedures of Requested persons between Member States of the European Union Law.

Procedures for human rights violations.

5.— (1) For the purposes of this section, "procedures for specific human rights violations" means any-

(a) Civil proceedings before the Court at any stage, brought against the Republic for damage suffered by a person as a result of certain human rights violations; or

(b) criminal proceedings instituted by any person in cases where the offense in question relates to specific human rights violations.

(2) Free legal aid is provided under this Law in proceedings for specified human rights violations.

(3) Legal aid provided under this section;

(a) In case of civil proceedings instituted in the Republic or criminal proceedings, includes advice, assistance and representation; and

(b) in case of a political proceeding initiated outside the Republic of Cyprus, includes only advice.

(4) The Council of Ministers may, by decree published in the Official Gazette of the Republic, amend the Schedule.

Schedule.

Legal aid in family matters.

6.— (1) For the purposes of this section, 'proceedings before a Family Court' means:

(a) Proceedings instituted in relation to matters of family relations under the provisions of bilateral or multilateral Conventions to which the Republic of Cyprus has acceded; or

(b) proceedings relating to matters of parental responsibility, maintenance, recognition of child, adoption, property disputes between spouses and any other marital or family dispute.

(2) Free legal aid is provided for proceedings before the Family Court, which includes advice, assistance and representation.

6A.- (1) For the purposes of this section:

"Court" means a competent court;

"Cross-border dispute" means a dispute in civil and commercial cases where the party seeking free legal aid is either a citizen of the European Union or a third-country national, and at the time of the application the party is domiciled or habitually resident in a Member State other than the Republic. The term includes the case referred to in subsection (4) of this section and does not extend to tax, customs or administrative matters;

"Member State" means a Member State of the European Union with the exception of Denmark.

(2) Free legal aid is provided to natural persons under this Law in proceedings before a court in the Republic regarding a cross-border dispute, which includes advice, assistance and representation.

(3) The provision of free legal aid in a cross-border dispute also includes:

(i) The interpreter's fee

(ii) the costs of the official translation of the documents required by the court and provided by the beneficiary, which are necessary for the resolution of the case; and

(iii) the costs to be borne by the applicant for the relocation of a person concerned with the presentation of his case, provided that his physical presence is required in court and the court decides that the person concerned may not participate in the proceedings by any other means.

(4) Free legal aid shall also be provided in favor of a person domiciled or habitually resident in the Republic to cover the costs

relating to the assistance from a lawyer practicing in the Republic, provided that the assistance concerns a case before a Court of another Member State, until the application for free legal aid has been received, in accordance with this law, in the Member State where the court is sitting.

Legal aid to applicants and beneficiaries of international protection.

4 of 132(I) of 2009
3(a) of 105(I) of 2014
3 of 111(I) of 2016.

6(I) of 2000
6(I) of 2002
53(I) of 2003
67(I) of 2003
9(I) of 2004
241(I) of 2004
154(I) of 2005
112(I) of 2007
122(I) of 2009
9(I) of 2013
58(I) of 2014
59(I) of 2014
105(I) of 2016
106(I) of 2016
80(I) of 2018
116(I) of 2019
142(I) of 2020.

3(b) of 105(I) of 2014.

Official Journal of the
E.U.: L180, 29.6.2013,
p.31.

3(c) of 105(I) of 2014.

6B. (1) For the purposes of this section and section 8 -

(a) The terms "areas controlled by the Government of the Republic", "Head", "international protection", "refugee", "refugee status", "representative", "Review Authority" and "unaccompanied minor" have the meaning assigned to them in accordance with the provisions of the Refugee Law of 2000;

(b) the term "applicant for international protection" has the meaning assigned to the term "applicant" in accordance with the provisions of the Refugee Law of 2000;

(c) the term "Regulation (EU) No 604/2013" means the act of the European Union entitled "Regulation (EU) no. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)".

(2) Free legal aid is provided to an applicant for international

protection, who files a recourse to the Administrative Court, pursuant to the provisions of Section 146 of the Constitution -

3(d) of 105(l) of 2014. (a) Against an adverse decision by the Head, on the application for international protection of the said applicant, which the Head has taken pursuant to the provisions of section 5, 12Bbis, 12Bquater, 12D or 13 of the Refugee Law of 2000, or

3(e) of 105(l) of 2014. (b) against the refusal of the Head to reopen the examination of an application which has been terminated pursuant to section 16B or 16C of the Refugee Law of 2000; or

(c) against an adverse decision of the Review Authority on an administrative recourse filed to it by the applicant for international protection in accordance with the provisions of the Refugee Law of 2000, and which administrative recourse concerned an adverse decision taken by the Head under the provisions of section 5, 12Bbis, 12Bquater, 12D, 13, 16A, 16B or 16C of the said law,

under the following conditions:

3(f) of 105(l) of 2014. (aa) The free legal aid concerns only the first instance hearing of the recourse before the Administrative Court under the provisions of Section 146 of the Constitution, and not the appeal before the Supreme Court against the court decision issued on the said first instance, nor any other remedy · and

(bb) as per the judgment of the Administrative Court, the recourse has a real prospect of success:

Provided that the provisions of paragraph (bb) shall apply without arbitrarily restricting the provision of free legal aid and that the applicant's effective access to justice is not hindered.

3(g) of 105(l) of 2014. (3) Free legal aid is provided to a person who files a recourse to the Administrative Court, pursuant to the provisions of Section 146 of the Constitution;

(a) Against a decision by the Head to terminate or revoke the refugee status of the said person, pursuant to section 6, 6A or 6B of the Refugee Law of 2000, or

(b) against an adverse decision of the Review Authority on an administrative recourse filed to it by the said person in accordance with the provisions of the Refugee Law of 2000 and which administrative recourse concerned a decision taken by the Head under the provisions of section 6, 6A or 6B of that law,

under the following conditions:

3(h) of 105(l) of 2014. (aa) The free legal aid concerns only the first instance hearing of the recourse before the Administrative Court under the provisions of Section 146 of the Constitution, and not the appeal before the Supreme Court against the court decision issued in the said first instance, nor any other remedy · and

(bb) as per the judgment of the Administrative Court, the recourse has a real prospect of success:

Provided that the provisions of paragraph (bb) shall apply without arbitrarily restricting the provision of free legal aid and that the said person's effective access to justice is not hindered.

3(i) of 105(l) of 2014. (4) Free legal aid is provided to a person who files a recourse to the Administrative Court pursuant to the provisions of Section 146 of the Constitution -

(a) Against a decision by the Head granting that person additional protection status in lieu of refugee status under the provisions of subsection (1) of section 19 of the Refugee Law of

2000, or

(b) against an adverse decision of the Review Authority on an administrative recourse filed to it by that person under the provisions of the Refugee Law of 2000 and which administrative recourse concerned a decision taken by the Head under the provisions of subsection (1) of section 19 of that law,

under the following conditions:

(aa) The free legal aid concerns only the first instance hearing of a recourse before the Administrative Court, under the provisions of Section 146 of the Constitution, and not the appeal before the Supreme Court against the court decision issued on the said first instance, nor any other remedy · and

(bb) as per the judgment of the Administrative Court, the recourse has a real prospect of success:

Provided that the provisions of paragraph (bb) shall apply without arbitrarily restricting the provision of free legal aid and that the applicant's effective access to justice is not hindered.

3(i) of 105(I) of 2014. (5) Free legal aid is provided to a person who files a recourse to the Administrative Court pursuant to the provisions of Section 146 of the Constitution -

(a) Against a decision by the Head to terminate or revoke the supplementary protection status for that person in accordance with the provisions of section 6B or subsection (3) or (3A) of section 19 of the Refugee Law of 2000; or

(b) against an adverse decision of the Review Authority on an administrative recourse filed to it by that person under the provisions of the Refugee Law of 2000 and which administrative recourse concerned a decision taken by the Head under the provisions of section 6B or subsection (3) or (3A) of section 19

of that law,

under the following conditions:

(aa) The free legal aid concerns only the first instance hearing of the recourse before the Administrative Court under the provisions of Section 146 of the Constitution, and not the appeal before the Supreme Court against the court decision issued on the said first instance, nor any other remedy · and

(bb) as per the judgment of the court hearing the case, the recourse or, as the case may be, the application has a real prospect of success:

Provided that the provisions of paragraph (bb) shall apply without arbitrarily restricting the provision of free legal aid and that the applicant's effective access to justice is not hindered.

(6) Free legal aid shall be provided to an applicant for international protection who files a recourse to the Administrative Court pursuant to the provisions of Section 146 of the Constitution against any adverse decision issued pursuant to any provision of paragraph (b) of subsection (1) or of subsection (2) of section 8, of sections 9 to 9CC and subsections (1B) to (2E) of section 10 of the Refugee Law of 2000 and which affects him individually, under the following conditions:

(a) Free legal aid is needed to ensure effective access to justice · and

(b) the free legal aid concerns only the first instance hearing of the recourse before the Administrative Court under the provisions of Section 146 of the Constitution, and not the appeal before the Supreme Court against the court decision issued on the said first instance, nor any other remedy · and

(c) as per the judgment of the Administrative Court, the

recourse has a real prospect of success:

Provided that the provisions of paragraph (c) shall apply without arbitrarily restricting the provision of free legal aid and that the applicant's effective access to justice is not hindered.

2 of 20(l) of 2015. (7) Free legal aid is provided to an applicant for international protection who -

(a) Files a recourse under Section 146 of the Constitution against an administrative act which has the legal effect of his detention, or

(b) submits an application to the Supreme Court for the issuance of the order habeas corpus pursuant to the provisions of paragraph 4 of Section 155 of the Constitution, to verify the legality of the length of his detention;

under the condition that the free legal aid relates only to the first instance hearing of the said recourse or application in question, as the case may be, and not to the appeal before the Supreme Court against the court decision issued on the said first instance, nor any other remedy.

(8) Free legal aid is provided to a person who, exercising the right granted to him under the provisions of paragraph (1) of Article 27 of the Regulation (EU) 604/2013, files a recourse before the Administrative Court under the provisions of Section 146 of the Constitution under the following conditions:

(a) Free legal aid concerns only the first instance hearing of the recourse before the Administrative Court under the provisions of Section 146 of the Constitution, and not the appeal before the Supreme Court against the court decision issued on the said first instance decision, nor any other remedy · and

(b) as per the judgment of the Administrative Court, the appeal

has a real prospect of success:

Provided that the provisions of paragraph (b) shall apply without arbitrarily restricting the provision of free legal aid and that the applicant's effective access to justice is not hindered.

(9) An applicant under custody seeking international protection is entitled to come, accompanied by the Police -

(a) to the Administrative Court, for the purpose of exercising the right to free legal aid granted to him under the provisions of paragraph (a) of subsection (7), and

(b) to the Supreme Court, for the purposes of exercising the right to free legal aid granted to him under the provisions of paragraph (b) of subsection (7).

(10) The free legal aid provided for in subsections (6) and (7) -

(a) Consists of preparing and registering the necessary procedural documents and participating in a hearing before the Court of first instance on behalf of the applicant for international protection; and

(b) is provided by a lawyer, as provided in sections 10 and 11, whose interests do not or could not possibly conflict with those of the applicant for international protection.

(11) The free legal aid provided for in subsections (2), (3), (4), (5) and (8) consists of the preparation and registration of the necessary procedural documents and the participation in a hearing before the Administrative Court of first instance on behalf of the applicant for free legal aid.

(12) The Court issuing the relevant certificate may order an applicant for international protection, who has been granted free legal aid under the provisions of subsections (2), (3), (4), (5), (6) and

(7) to repay all or part of the amount paid to him for legal aid purposes, if and from the moment his financial situation has significantly improved.

(13) Free legal aid shall not be provided to a person under the provisions of subsections (2), (3), (4) or (5) if the said person is not located in the areas controlled by the Government of the Republic, in accordance with of the provisions of paragraph (c) of subsection (6) of section 16D of the Refugee Law.

(14) The provision of free legal aid under the provisions of this section also includes, care of the Registry -

(a) The interpreter 's fee; and

(b) the costs of translating the application form for free legal aid.

(15) Paragraphs (bb) of subsections (2), (3), (4) and (5) shall apply to an unaccompanied minor only when his representative has legal training in accordance with the Cypriot law.

Legal aid to illegally staying third-country nationals.

3 of 8(I) of 2012.

6C.- (1) For the purposes of this section -

(a) the terms 'entry ban', 'illegally staying', 'removal', 'return decision', 'Schengen Borders Code', and 'third country national' have the meaning assigned to them in accordance with Article 18VVV of the Aliens and Immigration Law ·

Cap.105.
2 of 1972
54 of 1976
50 of 1988
197 of 1989
100(I) of 1996
43(I) of 1997
14(I) of 1998
22(I) of 2001
164(I) of 2001
88(I) of 2002
220(I) of 2002
66(I) of 2003
178(I) of 2004
8(I) of 2007
184(I) of 2007
29(I) of 2009
143(I) of 2009
153(I) of 2011
41(I) of 2012

100(I) of 2012
117(I) of 2012
32(I) of 2013
49(I) of 2013
88(I) of 2014
129(I) of 2014
17(I) of 2015
16(I) of 2016
2(I) of 2017
9(I) of 2017
71(I) of 2017
6(I) of 2019
8(I) of 2019
127(I) of 2019
169(I) of 2019
116(I) of 2020
143(I) of 2020
46(I) of 2021.

(b) the term 'Director' has the meaning assigned to it in accordance with section 2 of the Aliens and Immigration Law.

4(a) of 105(I) of 2014. (2) Free legal aid is provided to an illegally staying third-country national who is filing a recourse before the Administrative Court, pursuant to Section 146 of the Constitution against -

(a) a return decision issued by the Director in accordance with section 18ZZZ of the Aliens and Immigration Law concerning the said national; or

3 of 64(I) of 2014. (b) a removal order issued by the Minister of Interior in accordance with section 18BBBB of the Aliens and Immigration Law concerning the said national; or

(c) an entry ban issued by the Council of Ministers in accordance with section 18EEEE of the Aliens and Immigration Law concerning the said national;

under the following conditions:

4(b) of 105(I) of 2014. (aa) the free legal aid concerns only the first instance hearing of the recourse before the Administrative Court, pursuant to Section 146 of the Constitution, and not the appeal before the Supreme Court against the court decision issued on the said first instance

decision; nor any other remedy; and

(bb) it is possible that a positive judgment will be rendered on the said first instance hearing of the recourse.

(3) Paragraph (bb) of subsection (2) shall apply without arbitrarily restricting the provision of free legal aid.

(4) When implementing this section, the Court shall respect the principle of non-refoulement and take due account of -

(a) the best interests of the child, and

(b) the family life, with the assistance of the Social Welfare Services, and

(c) the state of health of the third-country national concerned, on the basis of a report by the Department of Medical Services and Public Health Services.

(5) This section shall not apply to illegally staying third-country nationals who -

(a) are subject to an entry ban in accordance with Article 13 of the Schengen Borders Code or who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the Republic's external borders and who have not subsequently obtained an authorization or a right to stay in the Republic, or

(b) are subject to a return decision as a criminal law sanction or as a consequence of a criminal law sanction, in accordance with Cypriot law, or who are subject of extradition procedures.

(6) This section shall not apply to a person enjoying the Community right of free movement pursuant to Article 2, paragraph (5) of the Schengen Borders Code.

Legal aid for victims of trafficking and children-victims of solicitation for sexual purposes, child pornography, sexual exploitation and / or sexual abuse.

4 of 64(I) of 2014
5(a), (b), (c) of 105(I) of 2014.
5(d) of 105(I) of 2014.
60(I) of 2014
117(I) of 2019.

91(I) of 2014
105(I) of 2014.

6D. (1) (a) For the purposes of paragraphs (a) and (b) of subsection (2) the terms "child", "trafficking in human beings", "unaccompanied minor" and "victim" have the meaning assigned to them in accordance with section 2 of the Preventing and Combating of Trafficking and the Exploitation of Human Beings and the Protection of Victims Law, as amended or substituted from time to time.

(b) For the purposes of paragraph (c) of subsection (2) of this section, the terms

(i) "child" and "victim" have the meaning assigned to them in accordance with section 2 of the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law, as amended or substituted;

(ii) "sexual abuse" means the sexual abuse of a child in any of the offenses set forth in section 6 of the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law, as amended or substituted;

(iii) "child sexual exploitation" means the sexual exploitation of a child in any of the offenses set forth in section 7 of the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law, as amended or substituted,

(iv) "child pornography" means child pornography in any of the offenses set forth in section 8 of the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law, as amended or substituted; and

(v) "solicitation for sexual purposes" means the solicitation of a child for sexual purposes in any of the offenses set forth in section 9 of the Convention on the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law, as amended or substituted.

(2) (a) Free legal aid shall be provided to a person who is a victim of trafficking, in proceedings before a District Court for seeking compensation under the Preventing and Combating of Trafficking and the Exploitation of Human Beings and the Protection of Victims Law, as amended or substituted.

(b) Free legal aid is provided to a child who is a victim of trafficking, in proceedings before a District Court for seeking compensation under the Preventing and Combating of Trafficking and the Exploitation of Human Beings and the Protection of Victims Law, as amended or substituted.

5(e) of 105(I) of 2014.

(c) Free legal aid is provided to a child who is a victim of solicitation for sexual purposes, child pornography, sexual exploitation and/or sexual abuse, in proceedings before a District Court for seeking compensation under the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography Law, as amended or substituted.

Legal aid in the process of selling a mortgaged property.

- 3 of 140(I) of 2014.
- 9 of 1965
- 51 of 1970
- 3 of 1978
- 6 of 1981
- 181(I) of 2002
- 59(I) of 2006
- 122(I) of 2007
- 52(I) of 2008
- 26(I) of 2010
- 120(I) of 2011
- 142(I) of 2014
- 197(I) of 2014
- 4(I) of 2015
- 27(I) of 2015
- 32(I) of 2015
- 42(I) of 2015
- 46(I) of 2015
- 53(I) of 2015
- 75(I) of 2015
- 76(I) of 2015
- 133(I) of 2015
- 139(I) of 2015
- 198(I) of 2015

6E. Free legal aid is provided to a mortgage debtor or any interested person, as this term is interpreted in Part VIA of the Transfer and Mortgage of Real Estate Law, as amended or substituted, in a procedure before any Court in the Republic regarding the sale of mortgaged property, in accordance with the provisions of Part VIA of the above mentioned law.

87(I) of 2018
118(I) of 2019
138(I) of 2019
61(I) of 2020
195(I) of 2020
212(I) of 2020
98(I) of 2021
185(I) of 2021.

Legal aid to citizens of
the Union and their
family members.

3 of 173(I) of 2015.

7(I) of 2007
181(I) of 2011
8(I) of 2013
67(I) of 2013
77(I) of 2015
193(I) of 2020.

6F. -(1) For the purposes of this section, the terms "competent authority", "family member", "Minister" and "Union citizen", shall have the meaning assigned to them in accordance with section 2 of the Right of the Citizens of the Union and their Family Members to move and Reside Freely within the Republic Law.

(2) Free legal aid is provided to a Union citizen or a family member, who files a recourse before the Administrative Court, pursuant to Section 146 of the Constitution against -

(a) A decision of the competent authority referred to in section 28 or 33 of the Right of the Citizens of the Union and their family members to move and reside freely within the Republic Law, or

(b) an adverse decision of the Minister on an internal administrative recourse filed by that person in accordance with section 32A on the Right of the Citizens of the Union and their family members to move and reside freely within the Republic Law;

under the following conditions:

(aa) the free legal aid concerns only the first instance hearing of the recourse before the Administrative Court and not the appeal before the Supreme Court against the court decision issued on the said first instance decision, nor any other remedy · and

(bb) it is possible that a positive judgment will be rendered on the said first instance hearing of the recourse..

(3) Provided that paragraph (bb) of subsection (2) applies without arbitrarily restricting the provision of free legal aid.

PART III - MISCELLANEOUS

Application for free legal aid. Certificate.

5 of 22(I) of 2005
5(a) of 132(I) of 2009
4(a) of 8(I) of 2012
5(a) of 64(I) of 2014
4 of 140(I) of 2014
4 of 173(I) of 2015
5(a) of 72(I) of 2019.
Correction: O.G.
Suppl.I(I), No. 4709,
Date. 7/6/2019.

7. — (1) The Court, before which any of the proceedings referred to in sections 4, 4A, 5, 6, 6A, 6B, 6C, 6D, 6E and 6F are pending, or the Court of the district in which the applicant usually resides may, upon written request to it, if it considers that-

(a) Based on a socio-economic report from the Welfare Office, the financial situation of the applicant and, in the event that the applicant is a dependent family member, the financial situation of his family, does not allow him to obtain legal aid, taking into account his earnings, actual and expected, any other income, from work or other sources, expenses for the basic needs of himself and his family and other obligations and needs; and

(b) due to the gravity of the case or other circumstances of the case, it is desirable in the interest of justice to have free legal aid for preparing and handling the case;

to issue a certificate for the provision of free legal aid:

5(b) of 132(I) of 2009
4(b) of 8(I) of 2012
5(b) of 64(I) of 2014
6(a) of 105(I) of 2014.

Provided that, with the exception of the Administrative Court before which the first instance of the recourse is pending under section 6B or 6C, and with the exception of the Court issuing a certificate pursuant to section 6D, the court issuing the certificate may revoke it when there is a substantial change in the data of the applicant:

5(c) of 64(I) of 2014
6(b) of 105(I) of 2014.

Provided further that, if the applicant falls within the scope of paragraphs (b) or (c) of subsection (2) of section 6D, the Court will by general rule issue a certificate, unless it is satisfied that the applicant has sufficient financial resources:

2 of 77(I) of 2005
5(d) of 64(I) of 2014.

Provided further that in the case of an application for free legal aid in a secondary procedure a new certificate is not required and the court takes into account the socio-economic report of the Welfare Office provided for in paragraph (a) prepared for the purposes of the first instance procedure, provided that the applicant declares under oath that his financial situation has not changed.

(2) The type and content of the application shall be in accordance with the type intended to be laid down in the Rules of Court issued pursuant to section 13.

5(b) of 72(I) of 2019.

(3) (a) For the purposes of section 4, the conditions laid down in paragraph (b) of subsection (1) of this section shall be deemed to be met when the suspect or accused is brought before a court for a decision on his detention or during his detention.

(b) For the purposes of subsection (1) of section 4A, it is considered that the conditions provided in paragraph (b) of subsection (1) of this section are met in each case.

(c) For the purposes of subsection 2 of section 4A, the court shall issue a certificate for the provision of free legal aid, provided that the certificate of provision of free legal aid issued in favor of the requested person in the executing Member State, in accordance with the procedure for the transmission of the documents provided for in the European Arrest Warrant and the Surrender Procedures of Requested persons between Member States of the European Union Law, has been provided to it through the Competent Authority of the executing Member State.

(4) For the purposes of this section, the terms "European arrest warrant proceeding", "executing Member State", "issuing Member State", "requested person", shall have the meaning assigned to them by the European Arrest Warrant and the Surrender Procedures

of Requested persons between Member States of the European Union Law.

Providing free legal aid in a cross-border dispute.
6 of 22(l) of 2015.

7A.- (1) For the purposes of applying section 6A (1), (2) and (3) the competent court before which any proceeding concerning a cross-border dispute is pending, or even before its filing, upon written request in a form as specified in section 13(2)(f), may issue a certificate for the provision of free legal aid if it considers that -

(a) The financial situation of the applicant and, in the event that the applicant is a dependent family member, the financial situation of his family, in accordance with the supporting documents he submits through the standard form pursuant to section 13(2)(f), does not allow him to obtain legal aid, taking into account his earnings, actual and expected, any other income, from work or other sources, expenses for the basic needs of himself and his family, other obligations and needs, the importance of the case for the applicant and the difference in living expenses between the Member State of residence or habitual residence and the Republic; and

(b) due to the gravity of the case or other circumstances of the case, it is desirable in the interest of justice to have free legal aid for preparing and handling the case:

Provided that, unless exceptional circumstances lead the Court to rule otherwise, the conditions of this paragraph shall be deemed not to be met when the applicant claims that his reputation has been damaged and that he has not suffered material or financial loss or when the application concerns a claim arising directly out of the applicant's trade or self-employed profession;

(c) the action to which the application relates is not manifestly unfounded or outside the scope of Directive 2003/8/EC or in the case of pre-litigation advice, if access to justice is not

guaranteed.

(2) The court that issued the certificate may revoke it, when there is a substantial change in the data of the beneficiary or it was issued on the basis of inaccurate information provided by the beneficiary.

3 of 77(l) of 2015. (3) In the case of an application for free legal aid, a new certificate shall not be required in a secondary procedure and the court shall take into account the written application of the applicant under subsection (1), submitted for the purposes of the first instance procedure, provided that the applicant declares under oath that his financial situation has not changed.

Transmission of applications for legal aid in cross-border cases.

6 of 22(l) of 2015.

7B.- (1) The competent authority for the transmission of applications of persons domiciled or habitually residents in the Republic for the provision of free legal aid from another Member State and which fall within the scope of Directive 2003/8/EC, is the Ministry of Justice and Public Order.

(2) The competent authority shall assist the applicant, in ensuring that the application is accompanied by all the supporting documents known by it to be required to enable the application to be determined and shall provide, free of charge, any necessary translation of the application and supporting documents.

(3) If the application is duly completed and the supporting documents have been translated, it shall be forwarded to the competent receiving authority in the other Member State within fifteen days of the receipt of the application.

(4) No validation is required for documents transmitted pursuant to the provisions of this section.

Receipt of applications for legal aid in cross-border disputes.

2 of 43(l) of 2006.

7C.- (1) The competent authority for receiving applications from persons domiciled or habitually residents in a Member State other than the Republic for the provision of free legal aid in the Republic

and which fall within the scope of Directive 2003/8/EC, is the Ministry of Justice and Public Order.

(2) The Competent Authority, upon receipt of the application referred to in subsection (1), shall ensure that it is brought before the competent Court which will hear the application.

Receipt of applications for legal aid to applicants and beneficiaries of international protection and to illegally staying third-country nationals.
6 of 132(I) of 2009
5 of 8(I) of 2012
7 (a), (b), (c) of 105(I) of 2014
5 of 173(I) of 2015
4 (a), (b) of 111(I) of 2016

7D. The Registrar of the Administrative Court is the competent authority for the receipt of applications from -

(a) applicants and beneficiaries of international protection, for the provision of free legal aid in accordance with the provisions of section 6B:

Provided that the competent authority for the receipt of applications for free legal aid in accordance with paragraph (b) of subsection (7) of section 6B is the Registrar of the Supreme Court;

(b) illegally staying third-country nationals, for free legal aid in accordance with section 6C; and

(c) Union citizens or family members, for free legal aid in accordance with section 6F.

Declaration of the applicant for his financial situation.
6 of 173(I) of 2015.

8.— (1) Before issuing the certificate provided for in section 7, the Court shall request the applicant to submit a written declaration of facts and information which may assist it in deciding whether his financial situation, and in the event that he is a dependent family member, the financial situation of the family, justifies the provision of free legal aid, subject to the following:

7 of 132(I) of 2009.

(a) In the case of an unaccompanied minor seeking legal aid in accordance with section 6B, the Court shall order the representative to submit the above declaration;

6 of 8(I) of 2012.

(b) in the case of an unaccompanied minor seeking legal aid in accordance with section 6C, the Court shall order the Social

Welfare Services to submit the above declaration;

6 of 64(l) of 2014.

(c) in the case of an unaccompanied minor seeking legal aid in accordance with section 6D, the court shall order the Social Welfare Services to submit the above declaration;

(d) in the case of an unaccompanied minor seeking legal aid in accordance with section 6F, the court shall order the Social Welfare Services to submit the above declaration.

(2) The form and content of the declaration shall be determined in the Rules of Court issued pursuant to section 13.

The lawyer-client relationship is not affected by the Law.

9.— (1) Unless otherwise provided by this Law or the Regulations issued under it;

(a) The fact that the services of a lawyer are provided under this Law does not affect the relationship between a lawyer-client or the rights of each or the privileges deriving from this relationship; and

(b) the rights conferred by this Law to the person to whom free legal aid is provided do not affect the rights or responsibilities of other parties with respect to the procedures or principles on which the court's discretion is usually exercised.

(2) Without prejudice to the generality of paragraph (b) of subsection (1), for the purposes of calculating the costs of the successful beneficiary, the services of a lawyer shall not be deemed to have been provided under this Law:

Provided that, in the event that the court orders costs in favor of the successful beneficiary, no amount will be paid for legal aid purposes and any amount paid will be refunded.

(3) A lawyer who receives a fee under this Law shall not receive any other amount in relation to the services he provides, unless the

amount is provided by this Law or the Regulations issued under it and is approved by the court.

(4) Any revocation of a certificate issued for the provision of free legal aid to any person shall not affect the right of any lawyer to remuneration for services rendered up to the date of revocation.

Selection or appointment of a lawyer.

10.— (1) Subject to the provisions of this section, the beneficiary of free legal aid has the right to choose the lawyer who will offer him free legal aid by lawyers who are willing to offer their services under this Law.

(2) In the event that the beneficiary does not nominate a lawyer of his choice, the Court shall appoint a lawyer from the list of lawyers drawn up in accordance with section 11, reserving the right of the lawyer to refuse and in compliance with the in force at the time Lawyer' Code of Conduct.

(4) A lawyer appointed on the basis of the above subsections may request the payment of his legal fees at any stage of the procedure:

Provided further that in case of change of lawyer, the legal expenses of the previous lawyer are reimbursed first.

List of lawyers.

11. -(1) The Cyprus Bar Association draws up a list with the names of the lawyers interested in offering services, based on this Law.

8 of 132(I) of 2009
7 of 8 (I) of 2012
7 of 64(I) of 2014
5 of 140(I) of 2014
7 of 173(I) of 2015
6(a), (b) of 72(I) of 2019
Correction: O.G.
Suppl.I(I), No. 4709,
Date. 7/6/2019.

(2) The list prepared pursuant to this section shall indicate the sector and the type of legal aid that each lawyer is interested in offering and the list may consist of ten main parts, respectively in accordance with sections 4, 4A, 5, 6, 6A, 6B, 6C, 6D, 6E and 6F.

Offenses and penalties.

12.— (1) A person who, in order to obtain free legal aid for himself or another person under this Law, makes, orally or in writing, a fraudulent or false statement or representation or conceals a

substantial fact, is guilty of an offense, and is liable, on conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding four hundred and fifty pounds or both.

(2) A court which convicts a person for an offense in accordance with this section may order that person to reimburse in whole or in part the amount paid to him for the purposes of the legal aid in connection with the committed offence.

Issuance of Rules of Court.

13.— (1) The Supreme Court may issue Rules of Court for the better carrying into effect of the provisions of this Law and for the determination of any issue that must or is desirable to be determined.

(2) Without prejudice to the generality of subsection (1), the Rules of Court adopted pursuant to this section may provide for-

- (a) The form and content of the application for free legal aid;
- (b) the type of the certificate of provision of free legal aid;
- (c) the form and content of the declaration submitted pursuant to section 8;
- (d) remuneration scales, costs and other expenses to be paid for free legal aid purposes; and
- (e) the way in which lawyers shall be appointed for the purposes of providing free legal aid;
- (f) adopting the form for the transmission of legal aid applications pursuant to Council Directive 2003/8/EC on improving access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

7 of 22(l) of 2005.

Making of Regulations.

14. — (1) Without prejudice to the provisions of section 13, the Council of Ministers may make Regulations for the better carrying

into effect of the provisions of this Law.

(2) These Regulations are approved by the House of Representatives and published in the Official Gazette of the Republic.

SCHEDULE

The human rights for the violations of which this Law applies are those safeguarded by—

- (a) Part II of the Constitution,
- (b) the European Convention for the Protection of Human Rights (Ratification) Law of 1962;
39 of 1962
31(III) of 2005
- (c) the Convention on the Elimination of All Forms of Racial Discrimination (Ratification) Laws of 1967 to 1995;
12 of 1967
11(III) of 1992
6(III) of 1995
28(III) of 1999.
- (d) the International Covenants (Economic, Social and Cultural Rights and Civil and Political Rights) (Ratification) Law of 1969;
14 of 1969.
- (e) the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Ratification) Law of 1989;
24 of 1989
8(III) of 1997
- (f) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ratification) Laws of 1990 and 1993;
235 of 1990
35(III) of 1993
12(II) of 2017.
- (g) the United Nations Convention on the Elimination of All Forms of Discrimination against Women (Ratification) Law of 1985;
78 of 1985.
- (h) the Convention on the Rights of the Child (Ratification) Law of 1990.
243 of 1990
5(III) of 2000
9(III) of 2010.

NOTES

The following Notes do not constitute part of the consolidated text of the Law. However, in view of the fact that they affect the application of the Law it was considered expedient to include them in this Note:

The Legal Aid (Amendment) (No.2) Law of 2014 (L. 105(I)/2014) published in the official Gazette of the Republic, (O.G. Supplement I (I) dated 11.7.2014), contains in section 8, the following provision:

8. Section 40 of the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law of 2014 is replaced by the following new section:

Right to legal advice and legal representation in order to exercise the right to compensation.

40. Every victim, regardless of their willingness to collaborate with the prosecuting authorities, concerning the criminal investigation, prosecution or trial, shall have the right of-

(a) direct access to legal advice and legal representation in order to claim compensation, in accordance with the Advocates Law, as from time to time amended or substituted;

165(I) of 2002
22(I) of 2005
77(I) of 2005
43(I) of 2006
132(I) of 2009
172(I) of 2011
8(I) of 2012
64(I) of 2014
105(I) of 2014
140(I) of 2014
20(I) of 2015
173(I) of 2015
111(I) of 2016
72(I) of 2019.

(b) legal aid in accordance with the Legal Aid Law, as from time to time amended or substituted.