

CYPRUS

FOREIGN TRIBUNAL CITATION

CHAPTER 11 OF THE LAWS

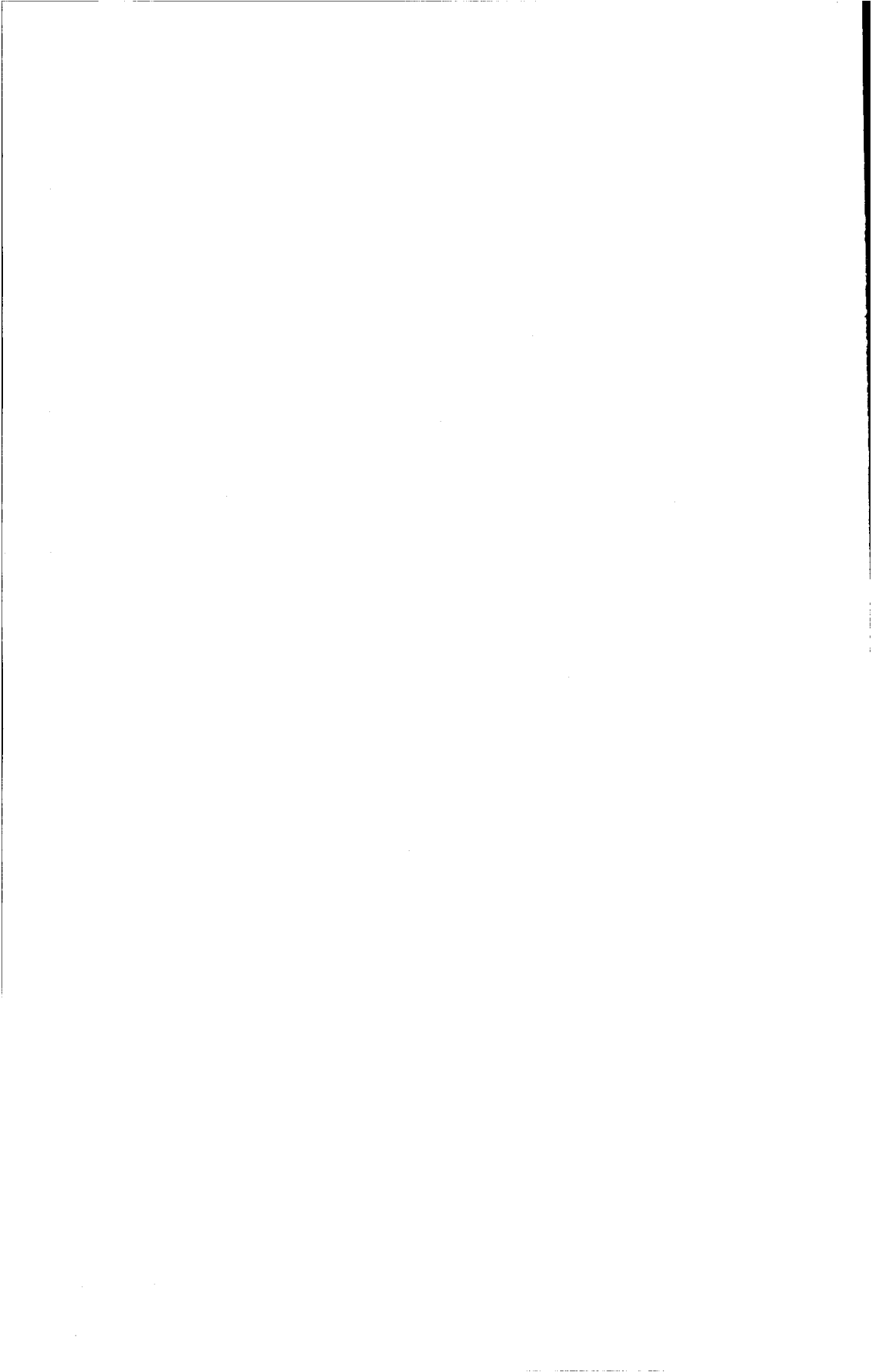
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1959



CHAPTER 11.

FOREIGN TRIBUNAL (CITATION).

ARRANGEMENT OF SECTIONS.

<i>Section</i>	<i>Page</i>
1 Short title	1
2 Interpretation	1
3 Procedure to be adopted in the service of citation and the payment for such service	1
4 Procedure to be adopted where a Convention is in force	2
5 Power to vary the mode of service	3
6 Power to make Rules of Court	3
7 Penalty	3
SCHEDULE	
Certificate of Service of Foreign Process	4

TO PROVIDE FOR SERVICE OF PROCESS OR CITATION IN CYPRUS IN RELATION TO CIVIL OR COMMERCIAL MATTERS PENDING BEFORE COURTS AND TRIBUNALS OTHER THAN THOSE OF CYPRUS.

[14th May, 1912.] 1949 Cap. 17.

1. This Law may be cited as the Foreign Tribunal Citation Law. Short title.

2. In this Law—

“foreign country” shall mean and include any country other than Cyprus, and “foreign” shall mean of or belonging to such country. Interpretation.

3. Where in any civil or commercial matter pending before a Court or Tribunal of a foreign country, a Commission Rogatoire or Letter of Request from such Court or Tribunal for service on any person in Cyprus of any process or citation in such matter is transmitted to the Supreme Court by Her Majesty's Secretary of State for the Colonies with an intimation that it is desirable that effect should be given to the same, the following procedure shall be adopted:— Procedure to be adopted in the service of citation and the payment for such service.

(a) the Letter of Request for service shall be accompanied by a translation thereof in the English language, and by two copies of the process or

- citation to be served, and two copies thereof in the English language ;
- (b) service of the process or citation shall be effected by the process-server whom the Governor may appoint from time to time for the purpose or his authorized agent ;
- (c) such service shall be effected by delivering to an authorized agent leaving with the person to be served one copy of the process to be served, and one copy of the translation thereof, where it is to be served upon any native of Cyprus, drawn up in the language of such person, and in all other cases drawn up in the English language ;
- (d) after service has been effected, the process-server shall return to the Chief Registrar of the Supreme Court one copy of the process, together with the evidence of service by affidavit of the person effecting the service sworn before the Chief Registrar and verified by the certificate of the Chief Registrar and particulars of charges for the cost of effecting such service ;
- (e) the particulars of charges for the cost of effecting such service shall be taxed by the Chief Registrar of the Supreme Court, who shall certify the correctness of the charges, or such other amount as shall be properly payable for the cost of effecting service. A copy of such charges and certificate shall be forwarded to the Administrative Secretary ;
- (f) the Registrar of the Court shall transmit to the Administrative Secretary the letter of Request for service received from the foreign country together with the evidence of service, with certificate appended thereto duly sealed with the seal of the Court for transmission through the Secretary of State for the Colonies to the foreign Court or Tribunal requiring the same. Such certificate shall be in the form in the Schedule to this Law.

Schedule.

Procedure
to be
adopted
where a
Convention
is in force.
2 of 65/32.

4. Where in any civil or commercial matter pending before a Court or Tribunal in any foreign country with which a Convention on that behalf has been or shall be made and applied to Cyprus a Request for service of any document on a person in Cyprus is received by the Chief Registrar of t

Supreme Court from the Consular or other authority of such country the following procedure shall, subject to any special provisions contained in the Convention, be adopted—

- (a) the service shall be effected by the delivery of the original or a copy of the document as indicated in the Request and the copy of the translation to the party or person to be served in person by the agent of the process-server appointed pursuant to paragraph (b) of section 3 of this Law :

Provided that where the party or person to be served is a native of Cyprus a translation drawn up in the language of such person shall at the same time be served upon him ;

- (b) no Court fees shall be charged in respect of the service. The particulars of charges of the agent employed to effect service shall be submitted to the Chief Registrar of the Supreme Court who shall certify the amount properly payable in respect thereof ;

- (c) the Chief Registrar of the Supreme Court shall transmit to the Consular or other authority making the Request a certificate establishing the fact and the date of the service in person, or indicating the reasons for which it has not been possible to effect it, and at the same time shall notify to the said Consular or other authority the amount of the charges certified under paragraph (b) hereof.

5. Upon the application of the Attorney-General, with the consent of the Administrative Secretary, the Court may make all such orders for substituted service or otherwise as may be necessary to give effect to this Law. Power to vary the mode of service.

6. The Governor with the advice and assistance of the Chief Justice may from time to time by writing under the hand and seal of the Governor and the hand of the Chief Justice make Rules for the better carrying out of the objects of this Law and may by such Rules amend or repeal any of the provisions of this Law. Power to make Rules of Court.

7. Any person who shall by affidavit give false evidence of service of any document to be served under this Law shall be liable to the same penalty as a person giving false evidence in a judicial proceeding in Cyprus. Penalty.

SCHEDULE.

(Section 3.)

CERTIFICATE OF SERVICE OF FOREIGN PROCESS.

- (a) Name of Chief Registrar. I, (a) , Chief Registrar of the Supreme Court of Cyprus hereby certify that the documents annexed hereto are as follows:—
- (b) Description of Foreign Court or Tribunal. (1) The original letter of request for service of process received from the Court of Tribunal at (b) in the of in the matter of (c) versus and
- (c) Names of parties. (2) The process received with such letter of request, and (3) The evidence of service upon the person named in such letter of request, together with the affidavit of the process-server.

And I certify that such service so proved and the proof thereof, are such as are required by the law and practice of the Supreme Court of Cyprus regulating the service of legal process in Cyprus, and the proof thereof

And I certify that the cost of effecting such service, as duly certified by (d) Amount. me, amounts to the sum of (d).

Dated this day of 19 .

(Signed.)

Chief Registrar of the Supreme Court of Cyprus.