

Final Conference
Modernising the Civil Procedure Rules in Cyprus
8th December 2021
Supreme Court

Your Honours,

Your Excellencies,

Dear esteemed participants,

The Cyprus Bar has worked in close collaboration with the Cyprus Judiciary and the Lord Dyson team, under the umbrella of the European Commission and the Council of Europe for the introduction in Cyprus of a modern set of civil procedure rules intended to help in expediting the administration of justice and even reduce the overall cost of civil proceedings. The Cyprus Bar also participated successfully in the training of advocates and continues to do so.

Moreover, the new modern set of rules based on the English civil procedures rules is intended to upgrade the quality of justice giving the control of the proceedings to the judge who with the help of advocates will ensure speedy and effective quality justice.

In my capacity as President of the Cyprus Bar Association consisting of more than 4000 practitioners would also highlight the following points:

1. The new set of rules relies heavily on the introduction of a new culture. It presupposes that certain types of cases will be referred to ADR at the appropriate stage and that advocates will exhaust pre-trial efforts to settle cases at an early stage. The Cyprus Bar Council has set up an arbitration and mediation centre which will facilitate the process.
2. The new ecosystem also necessitates the introduction of a new judicial and advocates' culture. Judges shall make sure at all stages that cases are well studied, understood and fully reviewed. Advocates must know

their cases, the law, the weakness and strength of a case and be cooperative in all respects. The power of the Court to give pretrial directions such as a common hearing bundle of the evidence, skeleton arguments, list of authorities all to be hyper linked for easy access necessitates, that no case will start and finish on a day in day out basis without all involved knowing the facts the argument and the crucial points to be decided.

3. Although the rules can be applied to new cases as from now on, in order to avoid injustice in the handling of old and new cases, it is preferable that certain parts of the rules should be made immediately applicable. For example, the part about interim/interlocutory injunctions or the part relating to expert evidence. This *modus vivendi* will help judges and advocates to get a taste of the new rules before their full implementation in due course.

I will conclude my short opening statement by expressing the Bar's Recommendation to introduce distant hearings in all types of cases where evidence need not be heard e.g., in cases of judicial review, appeals and in all interlocutory proceedings. This is widely practiced in other countries including England. The adoption of our recommendation is almost cost free in that it involves making use of existing applications and software such as Zoom, Blue Jeans etc.

This will expedite proceedings, free court space, which is scarce in Cyprus, and elevate the quality of justice.

We congratulate all the participants for the successful completion of the project and hope that the exercise will be followed for the reform of our outdated legal system in many respects.

Dr. C.Clerides
President
Cyprus Bar Association