

Ο Κυρωτικός της Συμφωνίας Νομικής Συνεργασίας με τη Σοσιαλιστική Ομοσπονδιακή Δημοκρατία της Γιουγκοσλαβίας Νόμος του 1986 εκδίδεται με δημοσίευση στην επίσημη εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 179 του 1986

ΝΟΜΟΣ ΚΥΡΩΤΙΚΟΣ ΤΗΣ ΣΥΜΦΩΝΙΑΣ ΜΕΤΑΞΥ ΤΗΣ
ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΚΑΙ ΤΗΣ ΣΟΣΙΑΛΙΣΤΙΚΗΣ
ΟΜΟΣΠΟΝΔΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΗΣ ΓΙΟΥΓΚΟΣΛΑΒΙΑΣ
ΓΙΑ ΠΑΡΟΧΗ ΝΟΜΙΚΗΣ ΣΥΝΔΡΟΜΗΣ ΣΕ ΘΕΜΑΤΑ ΑΣΤΙ-
ΚΟΥ ΚΑΙ ΠΟΙΝΙΚΟΥ ΔΙΚΑΙΟΥ.

Η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα:

1. Ο παρών Νόμος θα αναφέρεται ως ο Κυρωτικός της Συμφωνίας Νομικής Συνεργασίας με τη Σοσιαλιστική Ομοσπονδιακή Δημοκρατία της Γιουγκοσλαβίας Νόμος του 1986.

Συνοπτικός
τίτλος.

2. Στον παρόντα Νόμο—

Ερμηνεία.

«Συμφωνία» σημαίνει τη Συμφωνία μεταξύ της Κυπριακής Δημοκρατίας και της Σοσιαλιστικής Ομοσπονδιακής Δημοκρατίας της Γιουγκοσλαβίας για παροχή νομικής συνδρομής σε θέματα Αστικού και Ποινικού Δικαίου της οποίας το κείμενο στην αγγλική εκτίθεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ του Πίνακα:

Πίνακας
Μέρος Ι
Μέρος ΙΙ.

Νοείται ότι σε περίπτωση αντίθεσης ανάμεσα στα δυο κείμενα επικρατεί το κείμενο που εκτίθεται στο Μέρος Ι του Πίνακα.

3. Η Συμφωνία, που υπογράφηκε στις 19 Σεπτεμβρίου 1984 κατόπιν Απόφασης του Υπουργικού Συμβουλίου αρ. 24.633 ημερομηνίας 7 Ιουνίου 1984, με τον παρόντα Νόμο κυρώνεται.

Κύρωση της
Συμφωνίας.

ΠΙΝΑΚΑΣ
(Άρθρο 2)
ΜΕΡΟΣ Ι

AGREEMENT
BETWEEN THE REPUBLIC OF CYPRUS
AND THE
SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA
ON LEGAL ASSISTANCE
IN CIVIL AND CRIMINAL MATTERS

The President of the Republic of Cyprus and the Presidency of the Socialist Federal Republic of Yugoslavia, desiring to regulate legal assistance in civil and criminal matters and to protect the rights and interests of citizens of the two States,

Have decided to conclude the present Agreement and for this purpose have appointed as their plenipotentiaries:—

The President of the Republic of Cyprus:—

Mr. Phoebus N. Clerides,
Minister of Justice,

The Presidency of the Socialist Federal Republic of Yugoslavia:—

Mr. Borislav Krajina,
Member of the Federal Executive Council and Federal Secretary for Justice
and Organisation of the Federal Administration,

who, having verified the validity and authenticity of their respective authorizations, have agreed as follows:—

PART ONE
GENERAL PROVISIONS

Article 1

1. Citizens of one Contracting Party shall enjoy in the territory of the other Contracting Party the same legal protection in respect of their personal and property rights as the citizens of the latter Contracting Party.
2. Citizens of one Contracting Party may appear before the Courts of Justice of the other Contracting Party under the same conditions as citizens of the other Contracting Party.
3. The provisions of paragraphs 1 and 2 of this Article shall also apply to legal persons.

Article 2

1. For the purpose of requesting and rendering legal assistance, the Courts of Justice of the Contracting Parties shall unless otherwise expressly provided, communicate through the following competent authorities:—

(a) For the Socialist Federal Republic of Yugoslavia:—

The administrative authorities authorized to act in judicial matters of the Socialist Republic of Bosnia and Hercegovina, Montenegro, Croatia, Macedonia, Slovenia and Serbia and of the socialist autonomous provinces of Vojvodine and Kosovo.

(b) For the Republic of Cyprus:—

The Ministry of Justice of the Republic of Cyprus.

Article 3

The request for legal assistance (hereinafter referred to as "The Letter of Request") and all documents submitted by the Courts of Justice and the competent authorities appointed under Article 2, shall be in one of the languages of the requesting Contracting Party and shall be accompanied by a translation into one of the languages of the requested Contracting Party.

Article 4

1. The Letter of Request shall contain the following:—
 - (a) The designation of the requesting authority,
 - (b) the designation of the requested authority, if known,
 - (c) the specification of the case in which the legal assistance is requested,
 - (d) the names and surnames of parties, accused or convicted persons, the place of their permanent or temporary residence, their citizenship and occupation and in criminal matters, if possible, their place and date of birth and the names and surnames of parents and in case of legal persons their name and seat,
 - (e) the names and surnames of their legal representatives, if any,
 - (f) the nature of the request giving all information necessary for the execution of the request,
 - (g) in criminal matters also the description and specification of the criminal act.
2. The Letter of Request and the documents attached to the Letter of Request must be signed by the competent authority and the official seal must be affixed thereto. No further authentication shall be required.

Article 5

1. The requested authority in rendering legal assistance shall apply the law of its State.
2. The requested authority may proceed in the manner specified in the Letter of Request if such manner does not conflict with the law of its State.

Article 6

1. If the requested authority is not authorized to execute the request, it shall forward the Letter of Request to the competent authority.
2. The requested authority shall inform on request directly and in good time the requesting authority of the time and place of the execution of the request.
3. If the person designated in the Letter of Request cannot be found at the address given in the Letter of Request, the requested authority shall take all possible measures to establish the correct address.

Article 7

If the requested authority has been unable to execute the request, it shall promptly notify the requesting authority giving the reasons for its inability to execute the request and shall return the documents.

Article 8

1. Either Contracting Party shall have the right to serve legal documents on its citizens who are in the territory of the other Contracting Party, through its diplomatic missions or consular offices.
2. No compulsion shall be used in connection with such service.

Article 9

Compliance with the request for legal assistance may be refused if the requested Contracting Party should deem that such compliance is in conflict with its fundamental legal principles or may prejudice or endanger its sovereignty or security.

Article 10

The Federal Administration Authority competent for judicial affairs, of the Socialist Federal Republic of Yugoslavia and the Ministry of Justice, of the Republic of Cyprus, shall inform each other if requested of their laws and regulations which are or were in force in their States and if required shall supply the text of such laws or regulations.

PART TWO

LEGAL ASSISTANCE IN CIVIL MATTERS

Chapter I

Exemption from the payment of
costs of judicial proceedings

Article 11

Citizens of one Contracting Party shall, when they appear before the Courts of Justice of the other Contracting Party, be exempted from payment of costs under the same conditions and to the same extent as citizens of the other Contracting Party.

Article 12

1. The decision for the exemption provided by Article 11 of this Agreement shall be made on the basis of a certificate relating to the financial situation of the person concerned issued by the competent authority of the Contracting Party in the territory of which the person concerned resides.

2. If the person concerned resides in the territory of a third State, the certificate may be issued by the diplomatic mission or the consular office, in the third State, of the Contracting Party of which he is a citizen.

3. The authority which makes the decision on the application for exemption may request additional information.

Article 13

Where the person concerned resides in the territory of the Contracting Party, of which he is a citizen, the application for exemption from payment of costs may be submitted to a Court of Justice of such Contracting Party. The application shall be transmitted to the competent authority of the other Contracting Party, as provided by Article 2 of this Agreement.

Chapter II

Legal Assistance and Service of Documents

Article 14

1. The Contracting Parties shall provide each other with legal assistance in civil matters regulated by this Agreement. For the purpose of this Agreement the term "civil matters" shall include also commercial and family matters.

2. The legal assistance shall be provided by the Courts of Justice and other authorities of the Contracting Parties, empowered by law in their respective States to deal with the matters in question.

Article 15

Legal assistance, under Article 14 of this Agreement, shall include service and sending of documents and such other specific acts as are provided under the law of the requested Contracting Party, including the taking of evidence.

Article 16

1. In the case of a request for the service of documents the Letter of Request shall, in addition to the matters specified in paragraph (1) of Article 4 contain the address of the person to be served and the title of the document to be served.

2. In the case of a request for the taking of evidence the Letter of Request shall contain particulars of the case for which the evidence is required and the questions to be put to the person whose evidence is required.

Article 17

1. The requested authority shall effect service of documents in accordance with the law of its State if they are drawn up in the language of the requested Contracting Party or are accompanied by a translation into that language, otherwise the requested authority shall serve the documents on the addressee only if he is willing to accept them.

2. The requested authority may apply the law of the requesting Contracting Party in effecting service of documents, if expressly requested to do so, provided that such law does not conflict with the law of the requested Contracting Party.

3. The service of documents shall be proved in accordance with the rules of service in force in the territory of the requested Contracting Party. The time and place of service as well as the person on whom the document was served shall be indicated in a certificate of service issued by the competent authority.

4. The certificate of service shall be sent immediately to the requesting Contracting Party. If service cannot be effected, the requested Contracting Party shall immediately notify the requesting Contracting Party of the reasons.

Article 18

1. The Contracting Parties shall not require reimbursement of costs incurred in their own territory for the provision of legal assistance in pursuance of this Agreement with the exception of experts fees and other expenses incurred in connection with the taking of expert evidence.

2. The requested authority may require payment of a deposit against the expenses referred to in paragraph 1 of this Article.

Chapter III

Recognition of documents

Article 19

1. Documents issued or certified in the prescribed form by a Court of Justice or some other competent authority of one Contracting Party and duly signed and sealed with an official seal of the competent State authority shall not require any form of authentication in the territory of the other Contracting Party.

2. The provisions of paragraph 1 of this Article shall also apply to copies and transcriptions certified as aforesaid by a Court of Justice or other competent authority.

Article 20

Official documents issued and treated as valid in the territory of one Contracting Party shall also be valid in the territory of the other Contracting Party.

Article 21

1. Each Contracting Party shall provide the other Contracting Party with excerpts from its records or registers relating to birth, marriage and death as well as decrees of divorce and nullity and other Court decisions pertaining to personal status, which concern citizens of the other Contracting Party.

2. Excerpts, decrees and decisions referred to in paragraph 1 shall be sent, free of charge, at six-monthly intervals, through diplomatic channels.