

Ο περί της Ευρωπαϊκής Συμφωνίας για τη Διαβίβαση Αιτήσεων Νομικής Αρωγής και του Πρόσθετου Πρωτοκόλλου της (Κυρωτικός) Νόμος του 2007 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 20(ΙΙΙ) του 2007

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗΝ ΕΥΡΩΠΑΪΚΗ ΣΥΜΦΩΝΙΑ
ΓΙΑ ΤΗ ΔΙΑΒΙΒΑΣΗ ΑΙΤΗΣΕΩΝ ΝΟΜΙΚΗΣ ΑΡΩΓΗΣ ΚΑΙ
ΤΟΥ ΠΡΟΣΘΕΤΟΥ ΠΡΩΤΟΚΟΛΛΟΥ ΤΗΣ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Ευρωπαϊκής Συμφωνίας για τη Διαβίβαση Αιτήσεων Νομικής Αρωγής και του Πρόσθετου Πρωτοκόλλου της (Κυρωτικός) Νόμος του 2007. Συνοπτικός τίτλος.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια— Ερμηνεία.

«Συμφωνία» σημαίνει την Ευρωπαϊκή Συμφωνία για τη Διαβίβαση Αιτήσεων Νομικής Αρωγής του Συμβουλίου της Ευρώπης η οποία άνοιξε προς υπογραφή στο Στρασβούργο στις 27 Ιανουαρίου 1977 και την οποία η Κυπριακή Δημοκρατία υπέγραψε στις 22 Νοεμβρίου 2005, κατόπιν Απόφασης του Υπουργικού Συμβουλίου με Αρ. 62.333 και ημερομηνία 13 Ιουλίου 2005.

«Πρόσθετο Πρωτόκολλο» σημαίνει το Πρόσθετο Πρωτόκολλο της Συμφωνίας το οποίο άνοιξε προς υπογραφή στη Μόσχα στις 4 Οκτωβρίου 2001.

3. Με τον παρόντα Νόμο κυρώνεται η Συμφωνία και το Πρόσθετο Πρωτόκολλο της, των οποίων τα πρωτότυπα κείμενα στην αγγλική γλώσσα εκτίθενται στα Μέρη Ι και ΙΙ του Πίνακα, αντίστοιχα, και σε ελληνική μετάφραση στα Μέρη ΙΙΙ και ΙV του Πίνακα, αντίστοιχα: Κύρωση της Συμφωνίας και του Πρόσθετου Πρωτοκόλλου της Πίνακας.

Νοείται ότι σε περίπτωση αντίφασης μεταξύ των κειμένων των Μερών Ι και ΙΙ του Πίνακα και εκείνων των Μερών ΙΙΙ και ΙV του Πίνακα υπερισχύουν τα κείμενα που εκτίθενται στα Μέρη Ι και ΙΙ του Πίνακα. Μέρος Ι, Μέρος ΙΙ, Μέρος ΙΙΙ, Μέρος ΙV.

4.—(1) Ο Υπουργός Δικαιοσύνης και Δημοσίας Τάξεως ορίζεται ως «η αρχή διαβίβασης» για σκοπούς εφαρμογής της παραγράφου (1) του άρθρου 2 και της παραγράφου (1) του άρθρου 3 της Συμφωνίας. Αρχή διαβίβασης και κεντρική αρχή παραλαβής.

(2) Ο Υπουργός Δικαιοσύνης και Δημοσίας Τάξεως ορίζεται, επίσης, ως «η κεντρική αρχή παραλαβής» για σκοπούς εφαρμογής της παραγράφου (2) του άρθρου 2 και της παραγράφου (2) του άρθρου 3 της Συμφωνίας.

ΠΙΝΑΚΑΣ
(Άρθρο 3)
ΜΕΡΟΣ Ι

EUROPEAN AGREEMENT ON THE
TRANSMISSION OF APPLICATIONS
FOR LEGAL AID

Strasbourg, 27.I.1977

European Treaty Series
Série des traités européens/92

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering that it is desirable to eliminate existing economic obstacles to civil proceedings and to permit persons in an economically weak position more easily to exercise their rights in member States;

Believing that the creation of an appropriate system of transmission of applications for legal aid would contribute to the attainment of this aim,

Have agreed as follows:

Article 1

Every person who has his habitual residence in the territory of one of the Contracting Parties and who wishes to apply for legal aid in civil, commercial or administrative matters in the territory of another Contracting Party may submit his application in the State where he is habitually resident. That State shall transmit the application to the other State.

Article 2

- 1 Each Contracting Party shall designate one or more transmitting authorities to forward applications for legal aid direct to the foreign authority designated below.
- 2 Each Contracting Party shall also designate a central receiving authority to receive, and to take action on, applications for legal aid coming from other Contracting Parties. Federal States and States which have more than one legal system shall be free to designate more than one authority.

Article 3

- 1 The transmitting authority shall assist the applicant in ensuring that the application is accompanied by all the documents known by it to be required to enable the application to be determined. It shall also assist the applicant in providing any necessary translation of the documents.

It may refuse to transmit the application if it appears to be manifestly not made in good faith.

- 2 The central receiving authority shall transmit the application to the authority which is competent to determine the application. It shall inform the transmitting authority of any difficulty relating to the examination of the application and of the decision taken on the application by the competent authority.

Article 4

All documents forwarded in pursuance of the present Agreement shall be exempt from legalisation or any equivalent formality.

Article 5

No charges shall be made by the Contracting Parties in respect of services rendered under this Agreement.

Article 6

- 1 Unless there are particular agreements between the authorities concerned of Contracting Parties and subject to the provisions of Articles 13 and 14:
 - a the application for legal aid and the documents attached thereto and any other communications shall be drawn up in the official language or in one of the official languages of the receiving authority or be accompanied by a translation into that language;
 - b each Contracting Party shall nevertheless accept the application for legal aid and the documents attached thereto and any other communications when they are drawn up in English or in French or are accompanied by a translation into one of these languages.
- 2 Communications emanating from the State of the receiving authority may be drawn up in the official language or one of the official languages of that State or in English or French.

Article 7

In order to facilitate the application of this Agreement the central authorities of the Contracting Parties agree to furnish each other with information on the state of their law governing legal aid.

Article 8

The authorities referred to in Article 2 shall be designated by means of a declaration addressed to the Secretary General of the Council of Europe when the State concerned becomes Party to the Convention in accordance with the provisions of Articles 9 and 11. Any change in the powers of the authorities shall likewise be declared to the Secretary General of the Council of Europe.

Article 9

- 1 This Agreement shall be open to signature by the member States of the Council of Europe, who may become Parties to it either by:
 - a signature without reservation in respect of ratification, acceptance or approval;
 - b signature with reservation in respect of ratification, acceptance or approval followed by ratification, acceptance or approval.
- 2 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 10

- 1 This Agreement shall enter into force one month after the date on which two member States of the Council shall have become Parties to the Agreement in accordance with the provisions of Article 9.
- 2 As regards any member State who shall subsequently sign the Agreement without reservation in respect of ratification, acceptance or approval or who shall ratify, accept or approve it, the Agreement shall enter into force one month after the date of such signature or after the date of deposit of the instrument of ratification, acceptance or approval.

Article 11

- 1 After the entry into force of this Agreement the Committee of Ministers of the Council of Europe may invite any non-member State to accede thereto.
- 2 Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect one month after the date of its deposit.

Article 12

- 1 Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession specify the territory or territories to which this Agreement shall apply.
- 2 Any State may, when depositing its instrument of ratification, acceptance, approval or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Agreement to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. Any extension shall come into force within one month after receipt of the declaration.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect six months after the date of receipt by the Secretary General of the Council of Europe of the notification.

Article 13

- 1 Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession declare that it excludes wholly or partly the application of the provisions of Article 6, paragraph 1.b. No other reservation may be made to this Agreement.
- 2 Any Contracting Party may wholly or partly withdraw the reservation it has made by means of a declaration addressed to the Secretary General of the Council of Europe. The reservation shall cease to have effect as from the date of receipt of the declaration.
- 3 When a Contracting Party has made a reservation any other Party may apply the same reservation with respect to that Party.