

NEW CIVIL
PROCEDURE
RULES AS OF
1ST SEPTEMBER
2023



As of 01/09/2023,
the **new Civil Procedure
Rules** (the “Rules”) will apply
to new cases filed from that
date onwards. However, the
Court has the discretionary
power to extend the
application of the principles
derived from these Rules to
older cases as well.



The fundamental purpose of the Rules is to enable the Courts to deal with cases fairly and in a manner which is **quicker, more efficient and cost-effective**.

One of the major changes introduced by the Rules in this context is the establishment and mandatory application of pre-action protocols.



PRE-ACTION PROTOCOLS



Pre-action protocols

constitute the customary approach to pre-trial conduct (i.e. the procedures to be followed prior to the filing of any claim, application or application form) that Courts will expect the parties involved to observe. Otherwise, in the absence of any justification for the failure to adhere to the Rules, the Court may proceed with the imposition of sanctions on the non-complying party.



According to **Protocol I**, which concerns claims for specified amounts of money (e.g. invoices, loans, liquidated amounts, rent), the Claimant is required to send a letter of claim to the proposed Defendant. The letter of claim must be drafted in accordance with specific forms introduced by the Rules for the purpose of being utilised in all applicable cases. We note that this letter may be modified to suit each individual case.



Protocol II relates to road traffic accidents and personal injury claims. It applies mainly to claims in connection with traffic accidents, which include property damage and personal injury cases. Protocol guidelines must be followed in all personal injury cases and, where possible, in all claims arising from road traffic accidents where no personal injuries are involved.



Protocol III deals with pre-action conduct in cases not covered by the aforementioned Protocols and concerns the procedure that the parties concerned must follow prior to the commencement of legal proceedings.



In summary, the parties filing claims in Court must **ensure compliance with the terms of the Protocols** since any failure on their part can be taken into account by the Court and lead to the imposition of sanctions on the non-complying party.





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