

Ο περί της Συμβάσεως διά την Παροχήν Νομικής Συνδρομής εις Πολιτικές και Ποινικές Υποθέσεις μεταξύ της Κυπριακής Δημοκρατίας και της Λαϊκής Δημοκρατίας της Ουγγαρίας (Κυρωτικός) Νόμος του 1983 εκδίδεται διά δημοσίευσως εις την Επίσημον Εφημερίδα της Κυπριακής Δημοκρατίας συμφώνως τω άρθρω 52 του Συντάγματος.

Αριθμός 7 του 1983

ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΝ ΣΥΜΒΑΣΙΝ ΔΙΑ ΤΗΝ ΠΑΡΟΧΗΝ ΝΟΜΙΚΗΣ ΣΥΝΔΡΟΜΗΣ ΕΙΣ ΠΟΛΙΤΙΚΑΣ ΚΑΙ ΠΟΙΝΙΚΑΣ ΥΠΟΘΕΣΕΙΣ ΜΕΤΑΞΥ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΚΑΙ ΤΗΣ ΛΑΪΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΗΣ ΟΥΓΓΑΡΙΑΣ.

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμβάσεως διά την Παροχήν Νομικής Συνδρομής εις Πολιτικές και Ποινικές Υποθέσεις μεταξύ της Κυπριακής Δημοκρατίας και της Λαϊκής Δημοκρατίας της Ουγγαρίας (Κυρωτικός) Νόμος του 1983. Συνοπτικός τίτλος.

2. Εν τω παρόντι Νόμω, εκτός εάν εκ του κειμένου προκύπτει διάφορος έννοια— Ερμηνεία.

«Σύμβασις» σημαίνει την Σύμβασιν διά την παροχήν Νομικής Συνδρομής εις Πολιτικές και Ποινικές Υποθέσεις μεταξύ της Κυπριακής Δημοκρατίας και της Λαϊκής Δημοκρατίας της Ουγγαρίας, της οποίας το κείμενον εν τω Αγγλικώ προτύπω εκτίθεται εις το Μέρος Ι του Πίνακος και εν μεταφράσει εις την Ελληνικήν εις το Μέρος ΙΙ του Πίνακος:

Νοείται ότι εν περιπτώσει αντιθέσεως μεταξύ των δύο κειμένων υπερισχύει το εις το Μέρος Ι του Πίνακος εκτιθέμενον κείμενον. Πίναξ.
Πρώτον Μέρος.
Δεύτερον Μέρος.

3. Η Σύμβασις την οποίαν η Κυπριακή Δημοκρατία υπέγραψε την 30ήν Νοεμβρίου 1981, και ενεκρίθη διά της υπ' αρ. 22319 και ημερ. 21 Οκτωβρίου 1982 Αποφάσεως του Υπουργικού Συμβουλίου, διά του παρόντος Νόμου κυρούται. Κύρωσις
Συμβάσεως.

ΠΙΝΑΞ

(Άρθρον 2)

ΜΕΡΟΣ Ι

CONVENTION

between the Republic of Cyprus and the Hungarian People's Republic on Legal Assistance in Civil and Criminal Matters

The President of the Republic of Cyprus, and the Presidential Council of the Hungarian People's Republic, attaching high importance to a

cooperation to be established between their countries in the legal field: Have decided to conclude a Convention on legal assistance in civil and criminal matters, and have for this purpose appointed as their Plenipotentiaries:

The President of the Republic of Cyprus:

Mr. Nicos Rolandis.

The Presidential Council of the Hungarian People's Republic:

Mr. Imre Markoja,

who, having exchanged their Full Powers found to be in good and due form, have agreed as follows:

PART I

General Provisions

Chapter 1

Legal Protection and Legal Assistance in Civil and Criminal Matters

Article 1

Legal Protection

1. Citizens of one Contracting Party shall enjoy in the territory of the other Contracting Party equal legal protection in personal and property matters as citizens of the other Contracting Party.

2. Citizens of one Contracting Party may appear and act before the judicial authorities of the other Contracting Party under the same conditions as citizens of the other Contracting Party.

3. The provisions of this Convention shall apply *mutatis mutandis* to legal persons which have their seat in the territory of either of the Contracting Parties and which have been established in accordance with its laws.

Article 2

Legal Assistance

1. The judicial authorities of the Contracting Parties shall provide each other with mutual legal assistance in matters regulated by the present Convention.

2. For the purpose of the present Convention the term "judicial authority" represents any judicial or other appropriate organ having competence in matters regulated by the present Convention according to the law of its State.

3. For the purpose of the present Convention the term "civil matters" shall be deemed to include also commercial, family and labour matters.

Article 3

Mode of Communication

1. The judicial authorities of the Contracting Parties in their dealings in matters of legal assistance shall communicate with one another through their central bodies, namely, in the case of the Hungarian People's Republic, through the Ministry of Justice and the General Prosecutor's Office respectively, and in the case of the Republic of Cyprus, through the Ministry of Justice. This may not exclude making use of diplomatic channels.

2. In executing the present Convention the central authorities of the Contracting Parties shall use their official languages in their communication accompanied by an English translation.

Article 4

Extent of Legal Assistance

1. The Contracting Parties shall, upon request, afford each other legal assistance in accordance with the provisions of the legislation of the Party addressed, in particular by the sending and service of documents, the hearing of witnesses, experts and interested persons and the transmission of articles or exhibits to be produced in evidence.

2. The measures provided for by this Convention shall be taken by the Party addressed as expeditiously as possible and according to the procedure of its internal law. The Party addressed shall take all the necessary steps to ensure the proper execution of the request for legal assistance.

Article 5

Request for Legal Assistance

1. The request for legal assistance shall contain the following :

- (a) The designation of the requesting authority,
- (b) the designation of the requested authority,
- (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, 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 signature and official seal of the competent authority shall be affixed to the request.

Article 6

Execution of the Request for Legal Assistance

1. In executing the request for legal assistance the requested authority shall apply the law of its State. However, upon the request of the requesting authority it can apply the method referred to in the request if not in conflict with the law of its State.

2. If the requested authority is not competent to execute the request, it shall forthwith pass it on to the competent authority and shall so advise the requesting authority.

3. If the address given in the request for legal assistance is not exact or if the person referred to in the request does not reside at the given address, the requested authority shall take necessary measures to ascertain the correct address.

4. The requested authority shall, upon request, in due time notify directly the requesting authority of the place and time of the execution of the request for legal assistance.

5. After executing the request for legal assistance the requested authority shall, upon request, return the documents to the requesting authority. If the request for legal assistance cannot be complied with, the requested authority shall return the documents to the requesting authority and at the same time shall give the reasons preventing the execution of the request.

Article 7

Protection of Witnesses and Experts

1. A citizen who is to be examined as a witness or expert before the authority of one of the Contracting Parties and who resides in the territory of the other Contracting Party is not obliged to appear before that authority on the basis of summons; therefore the summons shall not contain the threat of penalty in case he fails to appear. If the requesting Party considers the personal appearance of a witness or expert before its judicial authorities especially necessary, it shall so mention in the summons and the requested Party shall invite the witness or expert to appear.

2. A witness or expert, whatever his nationality, appearing on the basis of summons of the authority of the other Contracting Party shall not be prosecuted or detained nor shall any sentence or penalty be carried out by the court in respect of a criminal act or conviction anterior to crossing of the border of the requesting Contracting Party. In the same way he shall not be prosecuted in connection with the giving of his testimony or expert evidence.

3. A witness or expert shall be deprived of the protection provided for in paragraph 2 of the present Article if he does not leave the territory of the requesting Contracting Party within the period of 7 days from the day on which he was informed by the authority which summoned him that his presence is no longer required. The time during which the witness or expert was unable to leave the territory of such Contracting Party for reasons not dependent on his will shall not be reckoned in the above period.

4. The summoned citizen is entitled to compensation for the costs of his journey and sojourn, as well as for loss of earnings and, in addition, the expert witness is entitled to survey fees for expert evidence. The kind of compensation to which the summoned person is entitled shall be stated in the summons and upon request he shall be provided with an advance to cover such expenses.

Article 8

Documents

1. Documents drawn up in the territory of either Contracting Party, or attested and furnished with a seal by its authorities within their competence in conformity with the prescribed formalities, shall be accepted without any further legalization.

2. No further legalization shall be required for private documents either, which have been attested by a court or other competent authority of either Contracting Party in case they are required to be presented before a court or other authority of the other Contracting Party.

Article 9

Service of Documents.

1. The requested authority shall effect service of documents according to the law of its State if they are drawn up in the language of the requested Contracting Party or if a translation certified as correct into this language is attached. Otherwise the requested authority shall serve the document to an addressee only if he is willing to accept it voluntarily.

2. The Contracting Parties shall be free to effect service of documents on their own citizens also through their diplomatic missions or consular offices. In such case no compulsion shall be used.

Article 10

Certificate of Service

1. The service of documents shall be proved by a certificate signed by the person served and provided with an official seal, date and signature of the authority which has effected the service or by a certificate issued by this authority stating the manner, place and date of such service.

2. The certificate of service shall be sent immediately to the requesting Party. If service cannot be effected, the reasons shall be communicated immediately by the requested Party to the requesting Party.

Article 11

Costs of Legal Assistance

1. The Contracting Parties shall not require the reimbursement of costs for the execution of the requested procedures of legal assistance with the exception of survey fees and other expenses arising in connection with the execution of expert evidence.

2. Upon request, the requested authority shall advise the requesting authority about the amount of costs occasioned by the compliance with the request for legal assistance.

Article 12

Legal Information

1. Upon request, the contracting Parties shall supply each other with information on their law which is or was in force in their territories as well as with the text of such law.

2. A request for information shall state the authority from which it emanates as well as the nature of the case in connection with which the information is requested. Copies of documents may be attached where necessary to clarify the object of the request.

Article 13

Refusal of Legal Assistance

Compliance with the request for legal assistance may be refused if the requested Contracting Party is of the opinion that it would be incompatible with the basic principles of its Law or that its sovereignty, security or public order would be prejudiced or endangered thereby.

Article 14

Service of Personal Status Documents and other Documents

1. The Contracting Parties shall provide each other with extracts from their official records concerning birth, marriage and death of citizens of the other Contracting Party as well as information on any alteration of such entries.

2. The appropriate authority of one Contracting Party shall of its own motion and free of charge provide such extracts or information through the diplomatic channels to the other Contracting Party.

Article 15

Delivery of objects and transfer of sums of money

If pursuant to the provisions of this Convention delivery of objects or transfer of sums of money is effected, then this shall be carried out in accordance with the law of the requested Contracting Party.