

CYPRUS BAR ASSOCIATION**CYLA****W****The General Principles of Administrative Law Law of 1999
(158(I)/1999)****History of Modifications****158(I)/1999** 99(I)/2014 28(I)/2020**PART I INTRODUCTORY PROVISIONS****Short title**

1. This Law shall be referred to as the General Principles of Administrative Law Law of 1999.

[158\(I\)/1999](#)**Interpretation**

2. For the purposes of this Law, unless the context otherwise requires-

"suspensory clause" means a condition by which the administration makes the occurrence of the results of the administrative act dependent on a future and uncertain event;

"administration" includes any administrative body;

"administrative authority" means an administrative body with decision-making power;

"administrative act" means an individual administrative act by which an administrative body unilaterally determines what should apply in a specific case;

"administrative body" means the single-member or collective administrative body of the central administration, local government and legal entities under public law that are administrative authorities;

"regulatory act" means an act which lays down rules of legislative content, general and impersonal, which may be applied to indefinite, existing or future cases;

"law" means the law under which a specific act is enacted or revoked;

"organ" means an administrative body;

"act" means an administrative act;

"teleconference" means a remotely held meeting, namely two-way communication between two or more groups or individuals through audio, video and sound systems or computers or other means provided by information and communication technologies, provided that each of the members taking part in the meeting has the ability to hear or see and hear all those present at any material time throughout the meeting.

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PART II ADMINISTRATIVE ACTS

Issuance of administrative acts

3. The issuance of an administrative act is done by expressing the will of the administrative body.

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Entry into force of administrative acts

4. The substantive force of an administrative act begins on the day on which the declaration of the will of the administrative body is notified to the interested party. When the law makes its publication in the Official Gazette of the Republic an integral part of the act, its substantive force begins on the day of publication.

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Information on treatment methods

5. The administration must, in the document by which the act is notified, inform the interested party of the remedies available to him to challenge the act. The document must specify the nature and form of the remedy, the deadline set by the Constitution or the law and the competent court or administrative body to which the interested party may apply.

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Commencement of legal effects of administrative acts

6.-(1) The legal effects of an administrative act begin when its substantive force begins, unless it is specified in the administrative act that the occurrence of its effects is postponed in time either to the future or to the past.

(2) The legal effects of an act are postponed to the future when a suspensive condition or time limit is added to it. The legal effects of an act are postponed to the past when it is given retroactive effect.

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Retroactive effect of administrative acts

7. An administrative act may not have retroactive effect, except in the following cases:

(a) If the law allows the retroactivity of the act;

(b) if it is issued to comply with a decision of the Supreme Court and retroactive effect is necessary to restore legality;

(c) when the administrative body repeats an act that was annulled for formal reasons, provided that the new act has the same content as the annulled one and is issued within a reasonable time from the first act and based on the same facts and the same legal provisions. An act that repeats a previous decision that was annulled for violation of a law or the general principles of administrative law cannot have retroactive effect;

(d) when the administrative act revokes another administrative act that is illegal or contrary to the general principles of administrative law;

(e) when the exclusive content of the act is the determination of a factual situation and retroactive effect is imposed for the correct application of the law and does not affect existing situations;

(f) when retroactive effect is imposed to redress an injustice committed against an administrator due to the administration's failure to take due action.

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PART III THE PRINCIPLE OF LEGALITY

Legal frameworks of administrative action

8.-(1) The activities of the administration are determined and limited by the applicable law.

(2) The legal rules that determine the limits and extent of the power of the administration are dictated by the Constitution, the formal laws and the regulatory acts of the Council of Ministers or other administrative bodies issued under the authority of law.

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Critical legislative regime

9. When the administrative body is to issue an act, following an application, it will be based on the legislative regime in force at the time of issuing the act, regardless of whether this was different at the time of submitting the relevant application. Where the administration, after a reasonable time, fails to examine the application, the regime in force at the end of the reasonable time shall be taken into account.

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Exercise of competence within a reasonable time

10. The administrative body must exercise its competence within a reasonable time, so that its decision is timely in relation to the factual or legal facts to which it refers. The determination of the reasonable time depends on the specific circumstances of each case.

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Deadlines

11.—(1) The time limits set for the issuance of an administrative act are indicative, unless they are expressly stated to be subversive. However, the act cannot be legally issued if an excessive period of time has elapsed since the expiration of the time limit, which substantially affects the legal or factual conditions for issuing the act.

(2) The deadlines set for the submission of applications by the governed for the satisfaction of a request are, unless otherwise provided by law, subversive.

(3) Applications shall be submitted either by hand delivery or by fax or any other electronic means or by post. When an application is submitted by post, the date of submission of the application shall be deemed to be the day on which the application is received in the normal course of the post.

(4) Exceeding a subversive deadline may be justified for reasons of force majeure or if special circumstances exist and the exceedance does not harm the interests of another subject.

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Recognition of acts of other bodies

12. An administrative body, when exercising its competence, recognizes as valid and applies the acts of other administrative bodies, provided that they have the external characteristics of valid acts.

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Compliance with the formulas

13.—(1) The administration must comply with the formalities required by law for the issuance of an administrative act. A breach of an essential formality renders the act unlawful.

(2) The decisive criterion for the separation of formalities into essential and non-essential is the potential impact of their non-compliance on the content of the act. If the irregularity affected the outcome of the decision taken, it is considered essential.

(3) If there is an objective impossibility of following the procedure provided for by law, the administration may follow a similar procedure that provides the same guarantees as that provided for by law.

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Administrative coercion

14.—(1) The administration, before taking any measures of administrative coercion to execute its acts, must warn the recalcitrant citizen accordingly, and the application of these measures must not exceed what is absolutely necessary for the execution of the act.

(2) Direct coercive measures not aimed at the execution of administrative acts may only be taken when-

(a) There is an urgent and serious need concerning the treatment of the common interest;

(b) it is impossible for the person being administered to comply with the taking of other coercive measures against him.

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Legal status of the institution

15. A basic condition for an administrative act to be valid is the legal existence of the body that issues it.

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Acts of an institution that is on leave, availability or pre-retirement leave

16.—(1) A single-member administrative body that is on regular leave of absence may validly issue an act of its competence, if it previously declares in writing the interruption of its leave.

(2) Acts of a single-member administrative body that is on leave of absence or leave before retirement are unlawful.

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Authority

17.—(1) The administrative body that issues an act must be competent in terms of the matter, place and time.

(2) The competence of an administrative body is determined by the Constitution or by law or by a regulatory or administrative act issued under the authority of law.

(3) The illegality of an act issued by an unauthorized body is not remedied, even if the act is subsequently approved by the authorized body.

(4) When the law assigns the exercise of a power to an organ, that organ may not transfer, in whole or in part, that power to another organ, without there being an express provision of the law permitting it.

(5) If an application is submitted to an administrative body that is not competent, the administrative body must forward it to the competent body, informing the interested party thereof.

(6) Administrative authority must be exercised by the body to which it has been assigned by law.

(7) The mere approval of the recommendations of an existing body, without the competent body addressing the resolution of the matter, constitutes a refusal to exercise the competence of the competent body.

(8) The adoption of a note or a proposal submitted by a current employee or body to the competent administrative body does not constitute abstention from the exercise of competence, if the note or proposal contains a specific suggestion and it follows from the totality of the entire administrative action that the competent body essentially exercised its decision-making competence.

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Hierarchical control

18.—(1) The authority of the superior to control the subordinate arises from the hierarchical relationship that exists between them.

(2) The hierarchically superior body may always exercise control over the legality of the acts of its subordinate body.

(3) The control of legality concerns compliance with the requirements of the law, whether they are contained in the Constitution, laws, regulatory or administrative acts or are mandated by the general principles of administrative law.

(4) The hierarchically superior body does not have the power to annul or reform for substantive reasons the acts of its subordinate body, when the law has exclusively assigned to the subordinate body the exercise of the relevant competence.

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Actions requiring approval

19. When the law requires approval by a Minister or by the Council of Ministers of acts of legal persons governed by public law or local government authorities, the act of the latter is not valid before approval.

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PART IV THE COLLECTIVE ADMINISTRATIVE BODIES

Formation of a collective body

20.—(1) In order to be legal, a collective body must be composed of all the persons specified by law.

(2) The existence of a vacancy due to the death or resignation of a member does not allow the legal formation of the collective body, unless the law provides otherwise.

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Composition and meetings of the collective body

21.—(1) The collective administrative body must meet with a legal composition. It is not legally constituted if a person who is not authorized by law is present at its meeting, even if he did not take part in the vote, unless he is an employee responsible for keeping the minutes.

(2) The presence of competent officials or other persons at the meeting of the collective administrative body for the purpose of providing identifying information or providing evidence does not constitute poor composition of the body, provided that they leave before the consultation for the decision to be taken.

(3) In order for a collective body to meet legally, all its members must be duly and timely summoned to the meeting, except in cases where the collective body meets on regular days and times:

It is understood that notification of members by e-mail or other electronic means to the electronic address that the members have declared is considered a formal summons.

(4) If between the time the annulled act was issued and the time of the review, no change occurred in the composition of the collective body that issued the act, the members of the body that participated in the

session during which the annulled act was adopted shall be invited to the review and the adoption of a new decision.

(5) If between the time the annulled act was issued and the time of the review, any change occurred in the composition of the collective body that issued the act, all members of the collective body are invited to participate in the review and in the taking of a new decision.

(6) By decision of the President of a collective body, its members may, in the event of their absence abroad or in the event that their physical presence is difficult or in the event that there is any other obstacle that prevents the attendance of one or more or all members of the collective body, participate in its meeting via videoconference:

It is understood that, subject to the provisions of article 23 regarding the determination of a legal quorum, decisions taken via teleconference are considered legal:

It is further understood that any meeting via teleconference is considered a legal meeting and each member of the collective body participating in the meeting is considered present and entitled to vote:

It is further understood that, in the event that the withdrawal of one or more members is deemed necessary for any reason, the interruption of the connection with the said member or members is considered a legal withdrawal from the meeting via teleconference:

It is further understood that a meeting via teleconference is deemed to take place at the usual workplace of the collective body or at a place designated for this purpose.

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Change in composition

22. The process of discussing and making a decision on a certain issue must be carried out from beginning to end by the same members of the collective body. If the process is extended to more sessions and the composition of the body changes after the first session with the participation of members who were absent from the previous sessions, the collective body cannot take a valid decision at the last session, unless the process and the previous discussion are repeated from the beginning at that session. This is not required when it comes to absence from a session that dealt with preliminary issues or when the members who take the final decision are fully informed about all the information necessary for making a decision.

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Quorum

23.-(1) In order for the collective body to meet legally, it must have a quorum, that is, the minimum number of members specified by law must be present at the meeting.

(2) Unless otherwise specified by law, a quorum exists if the majority of all members are present.

(3) A quorum exists even if some of the members present abstain from voting.

(4) For the purposes of determining a quorum, it is considered that all members who participate in the meeting via teleconference are also present, provided that in each case a record is kept of the reasons for their participation in the meeting via teleconference in accordance with the provisions of subsection (6) of article 21.

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Keeping records

24.-(1) Detailed minutes of the meetings of the collective bodies must be kept, in which the decisions taken are clearly stated. The keeping of accurate minutes is an obligation of every body exercising an administrative function.

(2) In cases of appointments or promotions, it is mandatory to record the results of the oral examination and any other event that affects the decision-making. It is not required to record the questions and answers during the oral examination, nor to record the mental processes of the members regarding their assessments

regarding the performance of the candidates. Any personal notes of the members regarding the performance of the candidates in the oral examination, if any, are delivered by the members immediately after the end of the procedure for filling the positions and form part of the relevant file.

(3) The detailed minutes, kept in accordance with the provisions of this article, concerning, on the one hand, the award of public contracts in accordance with the Law on the Coordination of Procedures for the Award of Public Supply, Works and Service Contracts in the Water, Energy, Transport and Postal Services Sectors and on Related Matters, the Law on the Coordination of Procedures for the Award of Public Supply, Works and Service Contracts and on Related Matters, the Law on the Coordination of Procedures for the Award of Certain Works, Supplies and Service Contracts Awarded by Contracting Authorities or Contracting Entities in the Defence and Security Sectors and on Related Matters, as amended or replaced from time to time, and on the other hand, the Urban Planning Decisions issued under the Urban Planning and Zoning Law, as amended or replaced from time to time, are published, for transparency purposes, on the website of the collective body, immediately after the completion of the procedure and without affecting the applicable provisions regarding their notification to interested parties or the deadlines for taking measures by any subject having a legitimate interest.

(4) The minutes of the relevant decisions or part thereof are exempt from the obligation to publish, provided for in subsection (3) of this article:

(a) relating to matters of a confidential nature, including confidential matters of national security, defense, international relations, and/or

(b) which contain personal data for the publication of which the provisions of the Processing of Personal Data (Protection of Individuals) Law, as amended or replaced from time to time, must be complied with.

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Decision making

25.-(1) Unless otherwise provided by law, the decisions of a collective body are taken by simple majority and, in the event of a tie, the vote of the chairman shall prevail.

(2) Unless otherwise specified by law, for the calculation of the majority, the members present and not prevented shall be taken into account.

(3) Unless otherwise provided by law, voting shall be open.

(4) Unless otherwise provided by law, when the decisions of a collective body are taken by majority, it is not necessary to justify the decision of the minority. However, dissenting members may request that the reasons for their disagreement be stated in the decision.

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PART V JUSTIFICATION OF ADMINISTRATIVE ACTS

Justifiable acts

26.-(1) Administrative acts issued following the exercise of discretionary power must be sufficiently and duly justified, in particular when they concern acts which-

(a) They are unfavorable to the subject;

(b) are contrary in their content to a previous opinion, proposal, recommendation or report of a competent body or to the information in the administrative file;

(c) are contrary to established policy or tactics;

(d) constitute an exceptional measure of action;

(e) are justified by law.

(2) The form and extent of the required justification vary depending on the subject matter of the act and the circumstances surrounding it.

(3) The justification for the acts and decisions referred to in subsection (3) of article 24 of this Law shall be made public, without delay, on the website of the administrative body and without affecting the provisions in force in each case regarding their notification to interested parties or the deadlines for taking measures by any subject having a legitimate interest.

(4) The following decisions are exempt from the obligation to publish the reasons provided for in subsection (3) of this article:

(a) relating to matters of a confidential nature, including confidential matters of national security, defense, international relations, and/or

(b) which contain personal data for the publication of which the provisions of the Processing of Personal Data (Protection of Individuals) Law, as amended or replaced from time to time, must be complied with.

(5) The failure to publish, pursuant to the provisions of this article, an act or decision does not affect its validity.

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Actions that do not require justification

27. No need for justification-

(a) Acts not issued following the exercise of discretionary power;

(b) acts that fully accept the request of the governed or that are generally beneficial to a governed, without affecting the legitimate interests of third parties;

(c) instruments issued uniformly in large numbers or by mechanical or electronic means;

(d) administrative acts of general content; and

(e) acts for which the law expressly states that no justification is required.

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Adequate justification

28.-(1) The justification for an administrative act must be clear, so as to leave no doubt as to what was the real reason that led the administrative body to take the decision.

(2) The reference in the decision to general characterizations that can be applied and valid for every case, nor the simple reference to the general terms of the law that can be applied in any case, does not constitute sufficient justification.

(3) An act that invokes the public interest in a general and vague manner is unjustified. The public interest invoked must be specified by reference to specific facts on which the judgment of the competent administrative body was based.

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Completion and replenishment of the justification

29. Regardless of any provision of any law, the justification of an act may be supplemented or supplemented by the elements of the administrative file as well as by the entire administrative action.

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Subsequent reasoning

30. In urgent cases, the administration is allowed, exceptionally, to justify its action subsequently, but based on evidence and facts that existed before the action and which can be deduced from the administrative file.

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Incorrect legal reasoning

31. Incorrect legal reasoning does not lead to the annulment of the act, if the act can have another legal basis.

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Multiple or alternative etiologies

32. When the act has multiple or alternative justifications and one of them is incorrect, the act is annulled, unless it is determined that the incorrect justification was ancillary or secondary to the correct justification and therefore did not influence the competent administrative body in making the decision.

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PART VI RIGHT OF PETITION

Content of the right of reference

33.-(1) Subject to the provisions of Article 29 of the Constitution, the right of petition-

(a) It is provided to any person residing in the Republic, regardless of whether he is a natural or legal person, citizen or foreigner;

(b) covers the submission of a complaint or request for the administration to take administrative action or for the revocation or amendment of an act that has already been issued or for the prevention or redress of moral or material harm;

(c) does not cover a request for information, unless this is provided for by law.

(2) The right to petition is not violated if the administration failed to respond to a request or complaint because it had previously given a reasoned response to the same request or complaint, unless the new request or complaint invokes new facts or a change in the circumstances that existed when the response was given.

(3) If the petition requests the revocation or amendment of an act that has already been issued, for the violation of which the law provides for the exercise of a hierarchical appeal, the administrative body to which the petition has been addressed shall not examine it, but shall inform the applicant accordingly.

(4) The report shall be addressed to the competent authority. If the report is addressed to a non-competent authority, the latter shall not examine it, but shall forward it to the competent authority.

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Appeal to the Supreme Court

34. The obligation of the competent authority, in accordance with Article 29 of the Constitution, continues to exist, even if an appeal has been filed with the Supreme Court for the same matter, in accordance with Article 146 of the Constitution.

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Nature of the thirty-day period

35. The obligation to respond within thirty days exists when the decision is feasible within that period, taking into account all the circumstances of each case. The administration must in all cases provide written information on the progress of the case within the thirty-day period.

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Appeal of failure to respond as a negative decision

36. After the lapse of three months from the date of submission of the petition, the interested party is entitled to consider the failure of the competent authority to respond to him as its refusal to satisfy his petition and to challenge this failure before the Supreme Court as a refusal to satisfy his petition. In this case, the interested party cannot simultaneously challenge, on the basis of Article 29 of the Constitution, the failure to respond, unless he has suffered damage as a result of the failure.

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Request a copy

37. Any person affected by an act or entitled to make use of an act may request in writing to be given a full copy thereof. The competent administrative body may, by reasoned decision, reject the request in whole or in part if its satisfaction would prejudice the official interest or the interest of a third party.

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PART VII PRINCIPLE OF EQUALITY

Content of the principle of equality

38.—(1) The principle of equality of citizens imposes on the administration, when exercising its discretionary power, equal or uniform treatment of all citizens who are under the same or similar circumstances.

(2) The principle of equal treatment is infringed when the administration decides in a case in a manner different from that in which it has previously decided in another similar case, unless it has decided to change its approach in the exercise of its discretionary power. In such a case, the administration must give specific reasons for its decision to change its approach.

(3) Equal treatment of unequals is just as unacceptable as unequal treatment of equals.

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Non-recognition of equality in illegality

39. If the administration has in one case exercised its discretionary power illegally, it must not continue the illegality in other similar cases that will arise in the future, because equality is not recognized in illegality.

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Gender equality

40. When implementing the principle of gender equality, it is necessary to provide equal opportunities to both sexes and deviations are permitted when these are justified either for reasons related to the need for greater protection of women, and in particular in matters relating to motherhood, marriage and the family, or for reasons related to purely biological differences.

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Equal access to public functions

41.—(1) The principle of equality before the law and the administration imposes equal access to public functions and the assurance of equal opportunities to every citizen to claim a position or office in the state.

For the purposes of this article, the term "public functions" includes the broader public sector.

(2) The right of access to public functions is a fundamental political right, closely intertwined with citizenship.

(3) Equal access to public functions requires that they be filled in accordance with the principle of meritocracy. The selection of candidates is carried out in an objective manner and through transparent procedures.

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PART VIII PRINCIPLES OF NATURAL JUSTICE

Principle of impartiality

42.—(1) Every administrative body participating in the production of an administrative act must provide the guarantees of impartial judgment.

(2) A person who has a special relationship or kinship bond by blood or consanguinity up to the fourth degree or who is in a state of acute enmity with the person concerned by the case under consideration or who has an interest in its outcome shall not participate in the production of an administrative act.

(3) Participation in an administrative body, as referred to in subsection (2) above, is permitted when the administrative act cannot be issued by another legally competent body or when the competent collective body cannot meet because there is no quorum.

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Right to be heard

43.—(1) The right to be heard is granted, except in cases expressly provided for by law, to any person who will be affected by the issuance of an act or by the taking of an administrative measure that is of a disciplinary nature or that has the character of a sanction or that is otherwise of an adverse nature.

(2) An administrative body that intends to base its decision on allegations against a person must provide that person with the opportunity to submit his views on those allegations.

(3) The right to be heard is exercised either in person or through a lawyer of the interested party's choice.

(4) The hearing of the interested party need not be oral. It is sufficient, if requested, for him to state his views in writing, unless the law provides otherwise.

(5) The right to be heard is also recognized in the case of a hierarchical appeal, unless the legislative provision providing for the exercise of the hierarchical appeal expressly allows the competent body not to grant the right to be heard.

(6) Any person who has the right to be heard may, upon written request, obtain knowledge of the relevant administrative file. The competent administrative body may, by reasoned decision, reject the request in whole or in part if granting it would prejudice the official interest or the interest of a third party.

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PART IX PROPER EXERCISE OF DISCRETIONARY POWER

Exercise of discretionary power

44.—(1) The administrative body to which the exercise of discretionary power has been assigned by law has the legal obligation to exercise it.

(2) It is not permissible for the competent administrative body to be substituted for or directed in the exercise of its discretionary power by another body.

(3) The competent body is not permitted to decide in advance and in a general manner its discretionary power for cases that will arise in the future.

(4) An administrative body is not prohibited from exercising its discretion in a case, based on general policy or criteria that it has established for similar cases, provided that the policy or criteria it has established are consistent with the law, and from examining each case presented to it in particular and, more specifically, from examining whether the particular circumstances of the case justify a departure from the general policy or criteria it has established.

(5) The competent administrative body, in the exercise of its discretionary power, is not prohibited from being guided by circulars or general administrative instructions issued by hierarchically superior bodies and which determine the general policy of the government on a matter, provided that such circulars or instructions do not conflict with the law.

(6) The competent body is permitted to exercise its discretionary power based on forms and commitments that it has determined and that are not imposed, but are not prohibited by law.

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Adequate research

45.-(1) The administration, in exercising its discretionary power, must conduct an adequate investigation of all the facts relevant to the case.

(2) The extent of the investigation shall depend on the circumstances of each case. It is for the competent administrative body to choose the appropriate manner of conducting the investigation. The investigation may be conducted either by the competent administrative body or through another body or person.

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Error

46.-(1) If the administration, in the exercise of its discretionary power, relies on factual facts and conditions that are objectively non-existent or if it fails to take into account essential factual facts, it acts with an error of fact.

(2) If the error has influenced the decision of the administrative body, it is essential and renders the act unlawful.

(3) The evaluation and assessment of contradictory evidence and other elements of the administrative file and the selection of some of them on which the conclusion reached by the administration was based do not constitute an error, provided that the selection was reasonably permissible for the administration.

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Crisis data

47. The elements that the administration must take into account when exercising its discretionary power must be lawful and relevant to the purpose pursued by law.

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Abuse of power

48. The pursuit of a purpose manifestly foreign to the purpose of the law, as well as exceeding the extreme limits of discretionary power, constitute an abuse of power.

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Terms and heresies

49.-(1) A condition or condition may be included in an act issued following the exercise of discretionary power, provided that this is not contrary to the purpose of the law.

(2) If a term or condition included in an administrative act is illegal, it affects the validity of the entire act and renders it invalid, if it appears that the administrative body would not have issued the act if it had been aware of the illegality of the term or condition.

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PART X PRINCIPLES OF GOOD ADMINISTRATION

Content of the principles of good administration

50. Οι αρχές της χρηστής διοίκησης επιβάλλουν στα διοικητικά όργανα, κατά την άσκηση της διακριτικής τους εξουσίας, να ενεργούν σύμφωνα με το περί δικαίου αίσθημα, ώστε κατά την εφαρμογή των σχετικών νομοθετικών διατάξεων σε κάθε συγκεκριμένη περίπτωση να αποφεύγονται ανεπιεικείς και άδικες λύσεις.

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Αρχή της καλής πίστης

51.-(1) Η διοίκηση δεν επιτρέπεται να ενεργεί με τρόπο ασυνεπή, αντιφατικό ή κακόπιστο, ώστε να εξαπατά ή να ταλαιπωρεί χωρίς λόγο το διοικούμενο.

(2) Η διοίκηση δε δικαιούται, επικαλούμενη τις ίδιες της τις παραλείψεις για τις οποίες δεν είναι υπαίτιος ο διοικούμενος, να αγνοεί μια ευνοϊκή γι' αυτόν κατάσταση η οποία έχει διαρκέσει αρκετό χρόνο και να αρνείται την υπέρ του διοικουμένου συναγωγή των ωφελημάτων και των νόμιμων συνεπειών που προκύπτουν από την κατάσταση αυτή.

(3) Δεν είναι επιτρεπτό στη διοίκηση να αίρει εκ των υστέρων, σε μια συγκεκριμένη περίπτωση, κίνητρα που προέβλεψε ο νόμος ή που η ίδια έθεσε, για να προσελκύσει ορισμένη συμπεριφορά των διοικουμένων.

(4) Δεν είναι επιτρεπτό διοικητικές πράξεις να αντίκεινται σε παραστάσεις ή πληροφορίες των αρμόδιων αρχών ή σε πληροφορίες, τη χορήγηση των οποίων προβλέπει ο νόμος, εφόσον οι παραστάσεις και οι πληροφορίες είναι σύμφωνες με το νόμο.

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Αρχή της αναλογικότητας

52.-(1) Το διοικητικό όργανο, κατά την άσκηση της διακριτικής του εξουσίας, οφείλει να λαμβάνει υπόψη και να σταθμίζει όλα τα άμεσα αναμιγμένα στην υπόθεση συμφέροντα.

(2) Τα μέσα που χρησιμοποιεί η διοίκηση στις ενέργειές της πρέπει να είναι ανάλογα με τον επιδιωκόμενο σκοπό. Επέμβαση στα δικαιώματα των πολιτών επιτρέπεται μόνο στην έκταση που αυτό είναι απαραίτητο για την προστασία του δημόσιου συμφέροντος.

(3) Αν η διοίκηση έχει να επιλέξει μεταξύ δύο ή περισσότερων νόμιμων λύσεων, οφείλει να προτιμήσει εκείνη που είναι λιγότερο επαχθής για το διοικούμενο.

(4) Κάθε πειθαρχικό ή διοικητικό μέτρο που λαμβάνει η διοίκηση πρέπει να έχει αντικειμενική συνάφεια με την υποχρέωση που παραβιάστηκε και να βρίσκεται σε εύλογη σχέση με τον επιδιωκόμενο σκοπό.

(5) Οι δυσμενείς για έναν ή περισσότερους διοικουμένους συνέπειες μιας διοικητικής πράξης δεν πρέπει να είναι δυσανάλογες με τον επιδιωκόμενο με την πράξη σκοπό.

158(I)/1999

Αναζήτηση αχρεωστήτων

53. Αντίκειται προς τις αρχές της χρηστής και της εύρυθμης διοίκησης η μετά πάροδο εύλογου χρόνου αναδρομική αναζήτηση χρημάτων που η διοίκηση κατέβαλε παράνομα και που έλαβαν καλόπιστα οι πολίτες, όπως αποδοχές ή συντάξεις.

[158\(I\)/1999](#)

Ανάκληση διοικητικών πράξεων

54.—(1) Τηρουμένων των πιο κάτω εδαφίων, θεωρείται παράβαση των αρχών της χρηστής διοίκησης η ανάκληση από τη διοίκηση μετά πάροδο εύλογου χρόνου πράξης της έστω και παράνομης, που στο μεταξύ δημιούργησε δικαιώματα και γενικά ευνοϊκές για το διοικούμενο καταστάσεις. Η ύπαρξη του εύλογου χρόνου κρίνεται από τις ειδικές περιστάσεις κάθε υπόθεσης.

(2) The revocation of an unlawful administrative act is permitted even after a reasonable period of time has elapsed, if it was issued following a fraudulent or deceptive act by the interested party or if the interested party was aware of the unlawfulness of the act at the time of its issuance or for reasons of public interest.

(3) The revocation of a lawful administrative act, even if a reasonable period of time has passed since its issuance, is justified for reasons of public interest.

(4) The revocation of an administrative act is permitted in the event of a change in the factual circumstances on which its issuance was based or which constituted, according to the law, the condition for its issuance.

(5) A revocation pursuant to subsections (3) and (4) shall apply for the future and shall not have retroactive effect.

(6) The above general principles of administrative law, which govern the revocation of administrative acts, do not apply when the revocation is specifically regulated by law.

[158\(I\)/1999](#)

Competence and type of revocation

55.—(1) The competent body for the revocation of an act is the body that issued it, unless the law provides otherwise.

(2) For the revocation of a legal act, the form and procedure applicable to the issuance of the act being revoked must be observed.

(3) For the revocation of an illegal act, it is not required to comply with the form and procedure applicable to the issuance of the act being revoked, unless this is necessary for the diagnosis of its illegality.

[158\(I\)/1999](#)

Suspension and termination of execution

56. The administrative body that issued an administrative act may, by reasoned decision, suspend or interrupt its execution, if reasons of public interest so require.

[158\(I\)/1999](#)

PART XI ADMINISTRATION'S COMPLIANCE WITH THE DECISIONS OF THE SUPREME COURT AND CASE LAW

Results of a annulment decision.

57. Following a nullification decision, the act disappears and the administration is obliged to restore things to the position they were in before the issuance of the nullified act.

[158\(I\)/1999](#)

Factual and legal status during the review

58. When reviewing its act that has been annulled, the administration must take into account the factual and legal situation that was in force at the time when its relevant decision was issued. By way of exception and

subject to the provisions of any other law, the legal situation at the time of the issuance of the new act is applicable, when the newer legislation is of retroactive effect or when it follows from it that the legislator no longer tolerates the application of the old provisions.

[158\(I\)/1999](#)

Prescribed

59.—(1) The decisions of the Supreme Court have the force of *res judicata*. The annulment decision is effective against everyone. The rejection decision is effective against the applicant.

(2) During the review, the administration is bound by the operative part of the court decision and by the findings of the Court regarding the existence of certain legal and factual situations that existed at the time of the issuance of the act on which the operative part of the decision was based.

[158\(I\)/1999](#)

PART XII REGULATORY ACTS

Principles governing the exercise of regulatory power

60.—(1) A regulatory act is invalid if it was issued without authority granted to it by law or if it exceeds the limits of the authorization granted by law or if it is contrary to any provision of the authorizing law or if it was issued without observing the form necessary for its valid issuance.

(2) An administrative body may not transfer to another body the authorization it received from the House of Representatives to issue regulatory acts, unless expressly or implicitly granted authority by law.

(3) Regulatory acts issued with the authorization of a law may not have retroactive effect, unless the law granting the authorization expressly permits it.

[158\(I\)/1999](#)

Type of regulatory acts

61. Regulatory acts enter into force upon their publication in the Official Gazette of the Republic.

[158\(I\)/1999](#)

Power to issue decrees

62. The Minister of Finance, for the purposes of effective implementation of the provisions of this Law, may issue decrees for the regulation of issues of a technical nature, for the smooth operation of a meeting held by teleconference, for the smooth participation of the members of the collective body in it, for the reliability of the system and for its smooth electronic activation, in a manner that complies with the provisions of this Law.

[28\(I\)/2020](#)

Validity of the provisions of this Law

63. The provisions of this Law regarding the convening of a meeting by teleconference, establishing a quorum and/or any other related matters relating to the conduct of a meeting of a collective body, shall apply and be applied regardless of the relevant provisions of any other Law.

[28\(I\)/2020](#)

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