

REPUBLIC



OF CYPRUS

187 of 1991  
213 of 1991  
161(I) of 2000  
78(I) of 2006  
69(I) of 2008.

**THE CHILDREN (RELATIONSHIP AND LEGAL STATUS) LAWS  
1991 TO 2008**

*(English translation and consolidation)*

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## **NOTE FOR THE READER**

The publication at hand by the Office of the Law Commissioner is an English translation and consolidation of the Children (Relationship and Legal Status) Laws, 1991 to 2008 [i.e. Laws 187/1991, 213/1991, 161(I)/2000, 78(I)/2006, 69(I)/2008].

However useful the English translation of the consolidated Laws is in practice, it does not replace the original text of the Laws since only the Greek text of the Laws published in the Official Gazette of the Republic is authentic.

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**THE CHILDREN (RELATIONSHIP AND LEGAL STATUS) LAWS  
1991 TO 2008**

**ARRANGEMENT OF SECTIONS**

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187 of 1991  
213 of 1991  
161(I) of 2000  
78(I) of 2006  
69(I) of 2008.

## **A LAW TO REGULATE MATTERS OF RELATIONSHIP AND OF LEGAL STATUS OF CHILDREN**

The House of Representatives enacts as follows:

Short title.

**1.** This Law may be cited as the Children (Relationship and Legal Status) Laws, 1991 to 2008.

### **PART I**

#### **INTRODUCTORY PROVISIONS**

Interpretation.

**2.** For the purposes of this Law-

“Court” means the family court of the District where the child has his ordinary residence;

Cap.195.  
75 of 1970  
100 of 1989  
96(I) of 2015.

“heir” means a person who is entitled to a statutory portion in accordance with the provisions of the Wills and Succession Law;

“will” shall have the meaning assigned to this term by the Wills and Succession Law.

### **PART II**

#### **RELATIONSHIP**

Relationship.

**3.-(1)** Blood relatives in the direct line shall be the persons who are descended one from the other.

(2) Blood relatives not in the direct line shall be the persons who without being relatives in the direct line are descended from a common ancestor.

(3) The relationship of a person with his mother and her relatives shall be created solely by the birth.

(4) The relationship of a person with his father and his relatives shall be evidenced by the marriage between the father and mother or established by voluntary or judicial recognition.

Degree of relationship.

**4.**-(1) The degree of blood relationship in the direct line shall be ascertained by the number of generations that connect the persons; each generation constitutes a degree.

(2) The blood relationship not in the direct line shall be ascertained by the number of generations that connect the persons with the common ancestor.

Affinity.

**5.**-(1) The blood relatives of one of the spouses are allied to relatives of the other spouse by affinity in the same line and the same degree.

(2) The relationship by affinity shall continue to exist even though the marriage by which it was created, has been dissolved or annulled.

### **PART III**

#### **CHALLENGING PATERNITY**

Presumption of origin arising from marriage.

**6.** A child born during the subsistence of the marriage of its mother or within a period of three hundred and two days after the dissolution or annulment of such marriage is presumed to have as father the spouse of its mother.

Presumption of paternity.  
2 of 161(I)/2000.

**6A.** A child conceived during the subsistence of the marriage of its mother using sperm from someone other than her spouse with the written consent of the spouse is presumed to be child



of the spouse.

Conflicting presumptions.

**7.** A child born to a woman who has married again, within three hundred and two days after the dissolution or annulment of the marriage, is presumed to have as father the second spouse, unless an application challenging the paternity is admissible, whereupon he is presumed to have as father the first spouse.

Challenging paternity.

**8.** The status of a child as child born during marriage may be judicially challenged upon proof that the mother did not in fact conceive by her spouse or that at any time during the period of possible conception it was impossible to conceive by him.

Period of possible conception.

**9.** The period of possible conception is the period between the three-hundred and second day and the one hundred and eighty-first day before the birth of the child.

Capacity to challenge the status of child as child born during marriage.

**10.-(1)** The status of a child as child born during marriage may be challenged by:

- (a) The spouse of the mother,
- (b) the father or mother of the spouse if he died without having lost the right to challenge,
- (c) the child,
- (d) the mother of the child,
- (e) the first spouse of the mother in the case where the application challenging the paternity by the second spouse is admissible, in accordance with the provisions of section 7.

(2) The right to challenge shall cease to exist after the death of the persons having this right.

Limitations on challenging paternity.

**11.-(1)** Challenging paternity is excluded:

(a) For the spouse of the mother, when one year has elapsed from the date he was informed for the child's birth and the circumstances from which it emerges that the mother did not conceive by him and in every case, five years from the birth of the child.

(b) For the father or mother of the spouse, when one year has elapsed from the date they were informed about the death of the latter and the birth of the child.

(c) For the child, when one year has elapsed since the child attained the age of majority.

(d) For the mother, when one year has elapsed from the birth of the child or if there is a reasonable cause for non-challenging paternity, when five years have elapsed from the birth of the child.

3 of 161(I)/2000.

(e) For the donor, when a child was conceived in accordance with the provisions of section 6A.

Retrospective loss of status of child born during marriage.

**12.** The child loses the status of a child born during marriage retrospectively, as from its birth, provided that the decision that accepts the challenge to such status becomes irrevocable.

**PART IV**  
**SUBSEQUENT MARRIAGE, VOLUNTARY AND JUDICIAL**  
**RECOGNITION**

Subsequent  
marriage of  
parents.

**13.**-(1) A child born outside marriage of its parents acquires retrospectively from its birth the legal status and rights of a child born during marriage as against its parents and their relatives, if the parents subsequently marry and the child had been recognized or after the marriage is recognized voluntarily or by judicial decision as the spouse's child.

(2) The voluntary recognition as provided in subsection (1) may be challenged on the grounds that the mother's spouse is not the father in accordance with the provisions of section 18.

Death of child.

**14.** If the child dies before the marriage of its parents, the legal effects of section 13 as to its descendants shall not be affected.

Recognition of  
child.

**15.** The paternal recognition of a child born outside marriage of his parents is effected by-

(a) voluntary recognition; or

(b) judicial recognition.

Voluntary  
recognition.

**16.**-(1) The father may recognize the child who was born outside marriage, as his own provided that the mother consents to this.

(2) If the mother has died or does not have legal capacity the recognition is made only by the sole declaration of the father.

(3) If the father has died or does not have legal capacity the recognition may be given by the paternal grandfather or grandmother.

(4) If the child has died the recognition takes effect for the benefit of its descendants.

Procedure of  
voluntary  
recognition.

**17.-(1)** The recognition by the father or his parents shall be made before the Registrar of the Court by affidavit or by will.

(2) The mother's consent shall be given before the Registrar by affidavit or, in case where the mother is residing outside Cyprus, before the competent consular authorities of the Republic or in such other manner as may be prescribed by Rules of Court.

(3) The mother's right not to consent is restricted only in the case where she claims that the person seeking recognition is not the biological father of the child.

(4) The voluntary recognition cannot be revoked.

(5) If the consent of the mother is given in accordance with the provisions of this section, the recognition is considered to have been carried out and the analogous changes are made in the official registers.

Challenging  
recognition.

**18.-(1)** The child and in case of death its descendants may challenge the voluntary recognition on the grounds that the person who has acknowledged himself that he is the father is

not in truth and in fact the child's father.

(2) In the case where the mother has died or does not have legal capacity the recognition may be challenged by her parents or in the case of subsection (3) of section 16, by the grandfather or grandmother who has not recognized the child.

(3) The person alleged to be the true father of the child shall have the right to challenge the voluntary recognition.

Time-limit for  
challenging  
recognition.

**19.**-(1) The challenge of recognition is excluded when six months have elapsed from the date on which the person challenging the recognition was informed of it.

(2) The challenge of recognition is excluded, in any case, when three years have elapsed from the date of recognition or, in case the person challenging the recognition was a minor at the time of recognition, when three years have elapsed from the date he attained the age of majority.

Judicial  
recognition.

**20.**-(1) The mother has the right to apply to the Court for paternal recognition of her child who was born outside marriage with its father.

(2) The child also has the right referred to in subsection (1).

(3) Where the mother refuses her consent as provided by subsection (1) of section 16, the father also has the right to judicial recognition and in the case of subsection (3) of section 16 the paternal grandfather and grandmother.

Parties.

**21.**-(1) The application of the mother for judicial recognition is brought against the father or his heirs.

(2) The application of the child for judicial recognition is brought against the parent who has not proceeded with the necessary declaration for voluntary recognition or against his heirs.

(3) The application of the father or of his parents for judicial recognition is brought against the mother or her heirs.

Period of limitation of the right to judicial recognition of paternity.

**22.**-(1) The right of the mother to seek judicial recognition of paternity of her child is barred when five years have elapsed from its birth.

(2) If the mother was married at the crucial period of the child's conception, her right to seek judicial recognition of paternity of her child by the biological father is barred when five years have elapsed from the day when the decision became irrevocable which accepts the challenge to paternity in accordance with the provisions of section 8.

(3) The right of the child to seek judicial recognition of its paternity is barred three years after he has attained the age of majority.

2 of 69(I)/2008.

(4) Subject to the provisions of subsection (5) of this section, in case the material facts that could lead the child to the identity of the alleged father came for first time to its knowledge after the expiration of the three-year period from the date on which he attained majority or the date of the coming into force of the Children (Relationship and Legal Status) Law, 1991, as provided in subsections (3) of this section and (1) of section 25, respectively, concerning the limitation of the child's right to judicial recognition of its paternity, then the said limitation

period shall commence to run from the date on which the child had first acquired knowledge of the material facts and not on the date of attaining majority or the date of the coming into force of the above Law.

2 of 69(I)/2008.

(5) The three-year period of limitation of the child's right to judicial recognition of its paternity shall commence to run from the date provided in subsection (4) of this section and not from the date of attaining majority or the date of the coming into force of the Children(Relationship and Legal Status) Law, 1991, solely in the case where the child seeking judicial recognition under the aforementioned subsection after the expiration of the three-year period from attaining majority or from the date of the coming into force of this Law, as the case may be, satisfies the court that-

(a) the material facts that could lead the child to the identity of its alleged father actually came for first time to its knowledge after the expiration of the aforementioned three-year period running from the age of majority or from the date of the coming into force of this Law, as the case may be, and

(b) it had no opportunity to obtain knowledge of these facts earlier despite its reasonable efforts, taking into account the circumstances of the case and its personal capacities and means available to the child for the investigation of its paternity.

2 of 69(I)/2008.

(6) The provisions of subsections (4) and (5) of this section shall also apply-

(a) in any case where the material facts that could lead the

69 of 2008.

child to the identity of its alleged father came for first time to its knowledge before the date on which the Children (Relationship and Legal Status) (Amendment) Law, 2008, came into force, whereupon the three-year period under subsection (3) of this section and (1) of section 25, commences from the date of the coming into force of the aforementioned amending law and not from the date when he had first acquired knowledge of the facts provided for in subsection (4) of this section, and

(b) in cases which are pending before any court on the date of the coming into force of the Children (Relationship and Legal Status) (Amendment) Law, 2008, and the issue of the period of limitation of the child's right to seek judicial recognition of its paternity was raised therein by any party or the court or has been tried and is pending for decision, in the first instance or by way of appeal, under subsection (3) of this section or subsection (1) of section 25, as the case may be, or such issue was raised therein by any party or the court, in the first instance or by way of appeal, after the date of the coming into force of the aforementioned amending law.

2 of 69(I)/2008.

(7) In any case falling within the provisions of paragraph (a) of subsection (6) of this section but due to limitation under subsection (3) or subsection (1) of section 25, as the case may be, an application of a child for judicial recognition of its paternity has been rejected or withdrawn before the date on which the Children (Relationship and Legal Status) (Amendment) Law, 2008, came into force, the issue of rejection or withdrawal of such application shall not constitute a reason to reject or withdraw again any application of the child for judicial



recognition of its paternity in applying the provisions of subsections (4) and (5) and of paragraph (a) of subsection (6) of this section.

2 of 69(I)/2008. (8) The right of the father or of his parents to seek judicial recognition is barred three years after the mother has refused to give her consent to voluntary recognition.

2 of 69(I)/2008. (9) In the case of section 13 the right to judicial recognition is not barred.

Legal effects of recognition. **23.** In the case of voluntary or judicial recognition the child acquires from the date of its birth the legal status and the rights of a child born during marriage, as against both its parents and their relatives.

## **PART V**

### **MISCELLANEOUS**

Rules of Court. **24.-(1)** The Supreme Court may make Rules of Court for prescribing the type of pleadings and for regulating any matter of procedure.

(2) Until such Rule of Court is made in accordance with subsection (1), the application for judicial recognition of a child shall be submitted in the form of an “Application by summons” and shall be governed by the provisions of the Civil Procedure Rules.

The Court may require the carrying **24A.-(1)** In any proceedings before Court under the provisions of this Law, the Court may, on an application by any party to

the proceedings, give directions for carrying out blood or genetic tests to ascertain whether a party to the proceedings is or is not the biological father of the child and for the taking, within a period specified by the Court, of blood samples or other genetic material from the child, the mother of the child and any party who in case of application for judicial recognition is alleged to be the father of the child or in case of application challenging the paternity is presumed to be the father of the child or any of those persons.

(2) The person responsible for carrying out blood or genetic tests for the purpose of giving effect to directions of Court under this section, after the completion of the test shall make to the Court by which the direction was given a report in which he shall state:

- (a) the results of the test;
- (b) whether the party to whom the test relates is ascertained to be or not to be the father of the child; and
- (c) the value of the results of the test in determining whether that party is or is not the child's father.

(3) The Court may, at any time, revoke or vary a direction previously given by it under this section.

(4) Without prejudice to the provisions of subsection (5) hereinbelow, the taking of a blood sample or other genetic material from any person for the purpose of giving effect to the directions of Court for carrying out blood or genetic tests shall not be made except with that person's consent.

(5) The consent of a minor who is of or over sixteen years of age, to the taking from himself of a blood sample or other genetic material shall be as effective as it would be if he were of full age and where a minor has in accordance with the provisions of this subsection given such a consent to the taking of such sample or material it shall not be necessary to obtain any consent from any other person.

(6) A blood sample or other genetic material may be taken from a minor under the age of sixteen years if the person or persons who have the care of him consent, or if they or one of those persons refuse to give such consent, after a permission of Court.

(7) Where a Court gives directions under subsection (1) hereinabove and any person refuses or omits to take any step required of him for the purpose of giving effect to that directions, the Court may draw such inferences from that denial or refusal as the Court deems appropriate under the circumstances:

Provided that, that where any person named in directions issued under subsection (1) hereinabove fails to consent to the taking of a blood sample or other genetic material by him or where any other person fails to consent to the taking of a blood sample or other genetic material from any minor in whose parental care he is and who is named in the directions, that person shall be deemed to have failed or omit to take a step required of him for the purposes of giving effect to the directions of the Court.

Transitional  
provisions.

**25.-(1)** In the cases where in this Law reference is made to

time-limits within which a person may exercise his rights or take the measures which this Law provides, these time-limits shall begin to run from the date of the entry into force of this Law.

2 of 213/91.

(2) All cases pending on the date of the entry into force of this Law shall be continued and shall be tried by the Court before which they are pending, subject always to the provisions of this Law.

Repeal.  
Cap.278.

**26.**-(1) The Illegitimate Children Law is hereby repealed.

(2) Any legitimation made and any affiliation order issued pursuant to the Illegitimate Children Law shall not be affected, but shall continue to be legal.