

# **Tort Law in Cyprus**

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**Kluwer Law International**

**Alphen aan den Rijn, 2021 pp. 234**

**ISBN: 978-90-411-1573-7**

Two top-tier academics in Cyprus, Professor Achilles Emilianides and Dr Christiana Markou, have united their powers and produced the first comprehensive book in English that deals with the Cypriot Tort Law.

In the first part of this excellent book, the authors analyse the general principles of Tort law, in a very clear and concise way. In the second chapter of the first part, the authors notably discuss the tort of defamation and the balancing exercise that courts undertake when they evaluate the freedom of expression on the one hand and the protection of one's personality on the other. The authors analyse the leading Cypriot cases in a critical way that helps the reader understand how judges of the Supreme Court have managed to keep this balance through their reasoning that is imperative in the context of a democratic society. Additionally, the authors engage in an analysis of other important torts, such as the torts of assault, false imprisonment, passing off, private and public nuisances. All these torts are discussed in a concise and fruitful way that is essential for lawyers and academics who are interested in tort law. Professionals from various fields that are interested in this topic can grasp the concepts discussed, and can apply them in the judicial practice and reality.

In the second part of the book, the authors discuss and elaborate on the concept of liability for the acts of others, the so-called 'vicarious liability'. The writers pay particular attention to this notion, and provide a comprehensive analysis of the various liability use cases that arise between employers and employees. The authors take stock of recent and relevant Cypriot and English case law; they dissect and scrutinise each case as relevant, and discuss the preconditions that must manifest when establishing vicarious liability. Similarly, the authors analyse the topic of liability that parents and teachers have for the negligent actions of their children and pupils, respectively. The authors connect the principles of common law, and explain how they are relevant to recent cases.

The second part of the book concludes with an original discussion on the liability that owners have for the damage caused by their animals. This is an issue of increas-

ing relevance and importance, since, nowadays, a significant and exponential number of individuals own animals, mostly dogs and cats. The authors therefore grasp this contemporary issue and analyse the features of the law that regulate such liability that owners have, as well as the conditions that need to be present when establishing such liability.

The fourth part of this comprehensive book discusses the statute of limitations and relevant limitation periods that practicing attorneys and concerned individuals need to bear in mind before bringing an action in tort. The authors discuss the original text of the Cypriot legislator, and the various changes over the years, aimed at modernising and simplifying the previous regime, which had often proved inefficient, confusing and, ultimately, outdated. The authors further provide comments on the provisions of the law, and provide their own insights as to how the legal framework and the statute of limitations can be further refined to truly reflect the societal needs, and the effective administration of justice.

An interrelated aim to the above is to simplify and effectuate the various legal actions in tort, and to adjudicate the legal actions in court at a quicker pace. The authors offer their views in a distinctive and fruitful way, while making meaningful suggestions that are imperative and practical. It is expected that Cypriot judges and Cypriot legislators will make use of this helpful commentary to improve and address the gaps and inconsistencies that exist in relation to the statute of limitations and relevant limitation periods. Different court cases and challenges may face a varying deadline, so this insightful overview is a meaningful companion when the parties of a case assess their options.

Another important topic of the book is in Chapter 2 of the fourth part, since the reader can find a refreshing review of the various defences that parties and other interested individuals can plead in court. The authors provide a concise and fruitful overview of the various defences at hand when dealing with such type of cases. Through this overview, the reader can understand the prerequisites and actual points that they need to establish when defending their case in a court of law. In particular, the authors dedicate a standalone chapter in the defence of contributory negligence. Such defence merits indeed a separate chapter, since this is the most common and used defence in cases of tort law. As such, the parties can dive into an extensive analysis of this widely used defence, and go through all the points that the authors helpfully and exhaustively discuss throughout. The practicing attorneys must also pay particular attention to this chapter, since they need to include them in the defence that

they draft on behalf of their client. The court of law cannot in itself examine whether such defence is applicable, which means that the affected party must explicitly invoke this defence and ask the court to recognise it.

Such clarifications are valuable and can have a significant impact for everyone that is charged, and/or defends, a tort case in a court of law. This book therefore offers a significant originality, since it provides a practical outlook, whereas other books in the field only approach the matter from a theoretical and academic standpoint.

This book is overall unique in that its authors adopt a comprehensive approach when handling the topics that they discuss. At the same time, the authors include wide-ranging case law with relevant decisions and opinions. The authors go a step further, making their book even more original, since they form their own suggestions in making the law a better fit for today's societal needs.

The book can serve and satisfy various needs. For starters, it is a valuable resource for law students, trainees, junior and senior lawyers who want to understand, but also delve deeper into the notions and issues of tort law. The book will further be a valuable resource for practicing lawyers, since it contains valuable case law and relevant analysis that they can use when they prepare for a case, advise a client, or defend a claim. Tort law is a topic of relevance, so it is important for practicing lawyers to ensure that they have a friendly handbook which can help them decipher some challenging tort-related questions. Further, the book will help Cypriot legislators and judges to better reflect on the controversies and challenges that arise when handling tort-related cases. Through this comparative companion, the judges can make the necessary changes to improve the law, and make it relevant for its time and the current societal needs.

The book overall will be an interesting and valuable resource for every professional who is interested in tort law, irrespective of his/her approaching angle. The book contains a plethora of examples, relevant case law and analysis, and contains just the right amount of food for thought that the reader needs to further think about and interrogate pertinent issues of tort law. This book will indubitably form an essential reading for every legal professional who wants to stay informed and who is puzzled and attracted by the always challenging issues that tort law poses.

**Ioannis P. Giokaris**