

The Probation of Offenders (Form of Records)
Regulations 1952.



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3613 OF 19TH MARCH, 1952.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 6 OF 1952.

A LAW TO PROVIDE FOR THE PROBATION OF OFFENDERS.

A. B. WRIGHT,] [14th March, 1952.
Governor.

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows:—

1. This Law may be cited as the Probation of Offenders Short title.
Law, 1952.

Interpretation.

2. In this Law, unless the context otherwise requires—
- “judge” means a member of a district court ;
- “probationer” means a person for the time being under supervision by virtue of a probation order ;
- “probation officer” means a person appointed to be probation officer under this Law ;
- “probation order” has the meaning assigned to it by section 5 ;
- “probation period” means the period for which a probationer is placed under supervision by a probation order ;
- “supervising court” means, in relation to a probation order, the district court of the district for the time being named in the order.

Appointment of probation officers.

3. The Governor shall appoint a sufficient number of proper persons to be probation officers, who shall perform the duties provided by this Law or such other duties as may be prescribed by regulations made under this Law.

Duties of probation officers.

4. It shall be the duty of a probation officer, subject to the directions of the court by which a probation order is made—
- (a) to visit or receive reports from the probationer at such reasonable intervals as may be specified in the probation order, or, subject thereto, as the probation officer may think fit ;
- (b) to see that the probationer observes the conditions of the probation order ;
- (c) to report to the court as to his behaviour ;
- (d) to advise, assist, and befriend him, and when necessary, to endeavour to find him suitable employment.

Probation.

- 5.—(1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer for a period to be specified in the order of not less than one year nor more than three years.
- (2) A probation order shall name the district in which the probationer shall reside ; and the offender shall be required to be under the supervision of a probation officer appointed for or assigned to that district.

(3) Subject to the provisions of sub-section (4) a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences :

Provided that (without prejudice to the power of the court to make an order under sub-section (2) of section 10) the payment of sums by way of damages for injury or compensation for loss shall not be included among the requirements of a probation order.

(4) Without prejudice to the generality of sub-section (3) a probation order may include requirements relating to the residence of the offender :

Provided that, before making any probation order containing any such requirements, the court shall consider the home surroundings of the offender.

(5) Before making a probation order, the court shall explain to the offender in ordinary language the effect of the order (including any additional requirements proposed to be inserted therein under sub-section (3) or sub-section (4)) and that if he fails to comply therewith or commits another offence he will be liable to be sentenced for the original offence.

(6) The court by which a probation order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy to the offender and to the probation officer responsible for the supervision of the offender ; and the court shall, except where it is itself the supervising court, send to the Registrar of the district court of the district in which the probationer shall reside a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to the supervising court.

6.—(1) When a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment and that a probation order is not appropriate, the court may make an order discharging him absolutely or, if the court thinks fit, discharging him subject to the condition that he commits no offence during such period not exceeding twelve months from the date of the order, as may be specified therein.

(2) An order discharging a person, subject to such a condition as aforesaid is in this Law referred to as "an order

Absolute and conditional discharge.

for conditional discharge” and the period specified in any such order as “the period of conditional discharge”.

(3) Before making an order for conditional discharge, the court shall explain to the offender in ordinary language that, if he commits another offence during the period of conditional discharge, he will be liable to be sentenced for the original offence.

(4) Where, under the provisions of this Law, a person on conditional discharge under this section is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

Discharge,
amendment
and review
of probation
order.

7.—(1) The court by which the probation order was made may discharge, amend or review such order.

(2) Where, under the following provisions of this Law, a probationer is sentenced for the offence for which he was placed on probation, the probation order shall cease to have effect.

Breach of
requirement
of probation
order.

8.—(1) If at any time during the probation period it appears on information to a judge of the supervising court that the probationer has failed to comply with any of the requirements of the order, the judge may issue a summons requiring the probationer to appear before such court at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.

(2) If it is proved to the satisfaction of the court before which a probationer appears or is brought under this section that the probationer has failed to comply with any of the requirements of the probation order, that court may without prejudice to the continuance of the probation order, impose on him a fine not exceeding ten pounds, or may—

(a) if the probation order was made by a court of summary jurisdiction, deal with the probationer, for the offence in respect of which the probation order was made, in any manner in which the court could deal with him if it had just convicted him of that offence ;

(b) if the probation order was made by an assize court, commit him to custody or release him on bail, with or without sureties, until he can be brought or appear before the assize court.

(3) Where the court of summary jurisdiction deals with the case as provided in paragraph (b) of sub-section (2) then—

(a) the court shall send to the assize court a certificate signed by a judge, certifying that the probationer has failed to comply with such of the requirements of the probation order as may be specified in the certificate, together with such other particulars of the case

as may be desirable ; and a certificate purporting to be so signed shall be admissible as evidence of the failure before the assize court ; and

(b) where the probationer is brought or appears before the assize court, and it is proved to the satisfaction of that court that he has failed to comply with any of the requirements of the probation order, that court may deal with him, for the offence in respect of which the probation order was made, in any manner in which the court could deal with him if he had just been convicted before that court of that offence.

(4) A fine imposed under this section in respect of a failure to comply with the requirements of a probation order shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.

9.—(1) If it appears to a judge of the court by which a probation order or an order for conditional discharge has been made that a person in whose case a probation order or an order for conditional discharge has been made has been convicted by a court in any part of the Colony of an offence committed during the probation period or during the period of conditional discharge, and has been dealt with in respect of that offence, the judge may issue a summons requiring that person to appear at the place and time specified therein, or may issue a warrant for his arrest :

Commission
of further
offences.

Provided that no such summons shall be issued except on information and no such a warrant shall be issued except on information in writing and on oath.

(2) A summons or warrant issued under this section shall direct the person so convicted to appear or to be brought before the court by which the probation order was made :

Provided that if a warrant is issued requiring him to be brought before an assize court and he cannot forthwith be brought before that court because that court is not being held, the warrant shall have effect as if it directed him to be brought before a court of summary jurisdiction for the place in the Colony where he is arrested ; and the court of summary jurisdiction shall commit him to custody or release him on bail, with or without sureties, until he can be brought or appear before the assize court.

(3) If a person in whose case a probation order or an order for conditional discharge has been made by an assize court is convicted and dealt with by a court of summary jurisdiction in respect of an offence committed during the probation period or during the period of conditional discharge, the court of summary jurisdiction may commit him to custody

or release him on bail, with or without sureties, until he can be brought or appear before the court by which the order was made ; and if it does so the court of summary jurisdiction shall send to the assize court a copy of the conviction signed by the Registrar of the court by whom the probationer was convicted.

(4) Where it is proved to the satisfaction of the court by which a probation order or an order for conditional discharge was made, or, if the order (being a probation order) was made by a court of summary jurisdiction, to the satisfaction of that court or the supervising court, that the person in whose case that order was made has been convicted and dealt with in respect of an offence committed during the probation period, or during the period of conditional discharge, as the case may be, the court may deal with him, for the offence for which the order was made, in any manner in which the court could deal with him if he had just been convicted by or before that court of that offence.

(5) If a person in whose case a probation order or an order for conditional discharge has been made by a court of summary jurisdiction is convicted before an assize court of an offence committed during the probation period or during the period of conditional discharge, the assize court may deal with him, for the offence for which the order was made, in any manner in which the court of summary jurisdiction could deal with him if it had just convicted him of that offence.

(6) If a person in whose case a probation order or an order for conditional discharge has been made by a court of summary jurisdiction is convicted by another court of summary jurisdiction of any offence committed during the probation period or during the period of conditional discharge, that court may, with the consent of the court which made the order, deal with him, for the offence for which the order was made, in any manner in which the court could deal with him if it had just convicted him of that offence.

Supplementary provisions as to probation.

10.—(1) Any court may, on making a probation order or an order for conditional discharge under this Law, if it thinks it expedient for the purpose of the reformation of the offender, allow any person who consents to do so to give security for the good behaviour of the offender ; and to any security so given the provisions of sections 155 to 161, both inclusive, of the Criminal Procedure Law shall apply *mutatis mutandis*.

Cap. 14.

(2) A court, on making a probation order or an order for conditional discharge or on discharging the offender absolutely may, without prejudice to its power of awarding costs against him, order the offender to pay such damages

for injury or compensation for loss as the court thinks reasonable ; but the damages and compensation together shall not exceed the sum which such court has jurisdiction to award.

(3) An order for the payment of damages or compensation as aforesaid may be enforced in like manner as an order for the payment of a penalty by the offender ; and where the court, in addition to making such an order for the payment of damages or compensation to any person, orders the offender to pay to that person any costs, the orders for the payment of damages or compensation and for the payment of costs may be enforced as if they constituted a single order for the payment of a penalty.

11.—(1) Subject as hereinafter provided, a conviction of an offence for which an order is made under this Law placing the offender on probation or discharging him absolutely or conditionally shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under the foregoing provisions of this Law.

Effects of
probation
and
discharge

(2) Without prejudice to the foregoing provisions of this section, the conviction of an offender who is placed on probation or discharged absolutely or conditionally shall in any event be disregarded for the purposes of any enactment which imposes any disqualification or disability upon convicted persons, or authorizes or requires the imposition of any such disqualification or disability.

(3) The foregoing provisions of this section shall not affect—

- (a) any right of any such offender as aforesaid to appeal against his conviction, or to rely thereon in bar of any subsequent proceedings for the same offence ;
- (b) the revesting or restoration of any property in consequence of the conviction of any such offender ; or
- (c) the operation, in relation to any such offender, of any enactment in force at the commencement of this Law which is expressed to extend to convicted persons.

12. Where a report by a probation officer is made to any court with a view to assisting the court in determining the most suitable method of dealing with any person in respect of an offence, a copy of the report shall be given by the court to the offender or his advocate.

Reports of
probation
officers.

13. The Governor may make regulations—

- (a) prescribing any duties of probation officers in addition to the duties provided by this Law ;

Regulations.

- (b) prescribing the forms of records to be kept by probation officers under this Law ;
- (c) generally for the better carrying out of the purposes of this Law.

Rules.

14. The Governor may, with the advice and assistance of the Chief Justice, make rules of court regulating any matter or proceeding had or taken under this Law and prescribing the forms to be used for any such matter or proceeding and the fees payable in respect thereto.

Juvenile Offenders Law unaffected. Cap. 19.

15. Nothing in this Law contained shall affect the provisions of the Juvenile Offenders Law or the powers of a Juvenile Court to deal with a juvenile offender thereunder.

Repeal of section 33 of the Criminal Code. Cap. 13.

16. Section 33 of the Criminal Code Law is hereby repealed.

Date of commencement.

17. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette*.

J. FLETCHER-COOKE,
Colonial Secretary.

14th March, 1952.

Reports of Probation Officers.

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