

No. 40 of 1953. ✓

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A LAW TO PROVIDE FOR THE CONSTITUTION OF THE COURTS  
AND FOR OTHER PURPOSES RELATING TO THE  
ADMINISTRATION OF JUSTICE.

A. B. WRIGHT,]  
Governor.

[11th November, 1953.

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

PART I.

PRELIMINARY.

1. This Law may be cited as the Courts of Justice Law, Short title,  
1953.

Interpreta-  
tion.

2. In this Law, unless the context otherwise requires—

“action” means a civil proceeding commenced by writ or in such other manner as may be prescribed by Rules of Court;

“cause” includes any action or other original proceeding between a plaintiff and a defendant;

“cause of action” in actions founded on contract does not necessarily mean the whole cause of action; but a cause of action shall be deemed to have arisen within the jurisdiction if the contract was made therein, though the breach may have occurred elsewhere, and also if the breach occurred within the jurisdiction, though the contract may have been made elsewhere;

“civil proceeding” includes any proceeding other than criminal proceeding;

“Court” means the Supreme Court or any Judge thereof and a District Court or any member thereof, having jurisdiction;

“criminal proceeding” means any proceeding instituted before any Court against any person to obtain punishment of such person for any offence against any Law or public instrument;

“defendant” includes any person served with any writ of summons or process, or served with notice of, or entitled to attend any, proceedings;

“matrimonial cause” means any action for divorce, nullity of marriage, judicial separation, jactitation of marriage or restitution of conjugal rights;

“matter” includes every proceeding in Court not in a cause;

“plaintiff” includes every person asking any relief (other than a defendant asking relief by way of counterclaim) against any other person by any form of proceeding, whether the proceeding is by action, petition, motion, summons or otherwise;

“Rules of Court” includes forms.

## PART II.

### COURTS, JUDGES AND OFFICERS.

Courts.

3. There shall be established the following Courts for the administration of civil and criminal law in the Colony—

(a) the Supreme Court;

(b) Assize Courts;

(c) a District Court for each district.

4.—(1) The Supreme Court shall consist of the Chief Justice, who shall be the President of the Court, and two or more Puisne Judges. Constitution of Supreme Court.

(2) The disposition and distribution of the duties of the Puisne Judges shall be regulated by the Chief Justice.

5. An Assize Court shall consist of the Chief Justice or such one of the Puisne Judges as the Chief Justice may direct, who shall be the President of the Assize Court, and either— Constitution of Assize Courts.

(a) a President of a District Court and a District Judge nominated by the Chief Justice ; or

(b) two District Judges nominated by the Chief Justice.

6.—(1) Subject to the provisions of sub-sections (2) and (3), a District Court shall consist of the President of the District Court and such District Judges and Magistrates as the Chief Justice may, from time to time, direct. Constitution of District Courts.

(2) The Governor may appoint one or more Additional Presidents of District Courts and any Additional President so appointed shall exercise jurisdiction in any District Court to which he may be assigned from time to time by the Chief Justice and shall be a member of that Court while so assigned.

(3) The jurisdiction of an Additional President shall be exercised concurrently with that of the President of the District Court to which he shall be assigned and all the provisions of this Law which apply to the President of a District Court, except the provisions of sections 32, 66 and sub-section (4) of section 76 shall apply also to an Additional President :

Provided that the duties of an Additional President in any District Court shall be regulated by the President of that Court.

7.—(1) Judges of the Supreme Court shall be appointed by the Governor by Letters Patent under the Public Seal of the Colony in accordance with such instructions as he may receive from Her Majesty, and shall hold office during Her Majesty's pleasure. Appointment of Judges of Supreme Court.

(2) Upon the death, resignation, retirement or incapacity of any Judge of the Supreme Court or in the case of his suspension by the Governor from office, it shall be lawful for the Governor to appoint another fit and proper person to fill such office until Her Majesty's pleasure be known ; and in case of the temporary illness or absence of any Judge of the Supreme Court it shall be lawful for the Governor in his discretion to appoint a fit and proper person to fill the office of such Judge, until he shall resume the duties thereof.

Pending the making of any appointment under this sub-section, the business of the Court shall devolve upon, and be transacted, as far as practicable, by the remaining or continuing Judges :

Provided that any person appointed to act as a Judge of the Supreme Court under this sub-section may, notwithstanding that the period of his appointment has expired, sit for the purpose of completing the hearing of a case partly heard by him or of giving judgment in relation to any proceedings heard before him.

(3) No person shall be appointed to be a Judge of the Supreme Court unless—

(a) he is qualified to practise as an advocate in a Court in England, Scotland, Northern Ireland or some other part of Her Majesty's dominions having unlimited jurisdiction in civil or criminal matters; and

(b) he has been qualified for not less than five years to practise as an advocate or solicitor in such a Court.

Appointment  
of acting  
Judge, etc.,  
for special  
purpose.

8. Whenever it is, for any cause, undesirable that any Judge of the Supreme Court or President of a District Court should take part in the hearing of any proceeding, the Governor may appoint another fit and proper person to be an acting Judge of the Supreme Court or an acting President of a District Court, as the case may be, for the purpose of hearing such proceeding and every such person so appointed shall, while so acting, have all the powers of a Judge of the Supreme Court or a President of a District Court respectively.

Appointment  
of members  
of District  
Courts.

9.—(1) Every President of a District Court, District Judge and Magistrate shall be appointed by an instrument in writing under the hand of the Governor and shall hold his office during Her Majesty's pleasure, subject to any conditions contained in any regulations made by or under the authority of Her Majesty for Her Majesty's Colonial Service.

(2) The Governor may, by an instrument in writing under his hand, appoint any fit and proper person—

(a) to act as President of a District Court, District Judge or Magistrate, as the case may be, for such time as may be specified in the instrument of appointment ;

(b) to hear and determine any proceeding, specified in the instrument of appointment, instituted or pending before any District Court ;

and every such person so appointed shall, while so acting, or during the hearing and determination of the proceeding specified in the instrument of appointment, as the case may be, have all the powers of a President of a District Court, District Judge or Magistrate, respectively.



**10.**—(1) Every Judge of the Supreme Court and every member of a District Court shall, before entering on the execution of the duties of his office, take and subscribe the oath of allegiance and the judicial oath in the forms prescribed in the First Schedule.

Oath of allegiance and judicial oath.

First Schedule.

(2) The oaths mentioned in sub-section (1) shall in the case of a Judge of the Supreme Court be taken and subscribed before the Governor, and in the case of a member of a District Court be taken and subscribed before the Chief Justice.

**11.** Every Court established under this Law shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of any member thereof.

Courts duly constituted in spite of vacancies.

**12.**—(1) The Governor shall appoint a person to be Chief Registrar of the Supreme Court who shall perform such duties as he may be required or empowered to perform under any Law or Rules of Court in force for the time being.

Appointment of Chief Registrar.

(2) The Chief Registrar shall be the Sheriff and shall discharge his duties in that capacity under the direction of the Chief Justice subject to any Law or Rules of Court in force for the time being.

**13.**—(1) The Governor may appoint such number of persons as may be necessary to act as Registrars, Assistant Registrars, process-servers and bailiffs for the performance of such duties as they may be required or empowered to perform under any Law or Rules of Court in force for the time being.

Appointment of Registrars, etc.

(2) Every person appointed to act as Registrar shall be the deputy Sheriff in the District to which he is appointed and shall discharge his duties as such under the direction of the Sheriff.

**14.** Subject to any Rules of Court or to any orders made thereunder by any Court, the Registrar in each Court shall issue all summonses, warrants, precepts and writs of execution, and shall register all orders and judgments, and shall keep a record of all proceedings of the Court, and shall have the custody and keep an account of all fees and fines payable or paid into Court, and of all moneys paid into or out of Court, and shall enter an account of all such fees, fines and moneys as and when received, in a book belonging to the Court, to be kept by him for that purpose, and shall from time to time, at such times as shall be required by the regulations of the Accountant-General, or as may be directed by the Court, submit his accounts to be audited and settled by the Principal Auditor, and shall, subject to any such regulations or directions, pay into the Department of the Accountant-General the amount of fines and fees in his custody.

Duties of Registrar.

Taxing  
Master.

**15.** Subject to any Rules of Court or any order made thereunder by any Court, the Chief Registrar, every Registrar and every Assistant Registrar, shall be Taxing Master for the Court or Courts to which he belongs, and shall tax all bills of costs in accordance with the scale of fees for the time being in force, subject to review of such taxation by the Court :

Provided that the Court may direct in any case that taxation of costs shall take place before the Court itself in the first instance.

Duties of  
Sheriff.

**16.** The duty of the Sheriff is by himself or his officers to receive in the district for which he is acting, writs and processes of the Courts, and to execute the same and make returns thereto :

Provided that the Sheriff shall not be liable to be sued for any act or omission of any messenger, bailiff, or other person in the execution of any process which shall have been done or may have occurred either through disobedience or neglect of the orders or instructions given by the Sheriff, or which may have been done or occurred without his authority.

Bailiffs and  
messengers.

**17.** The duty of every messenger or bailiff shall be to attend the Court and serve and execute any process issued out of the Court, whether delivered to him by the Court direct or by the sheriff and to obey all directions of the Court for preserving order and decorum in the Court.

Neglect of  
duty by  
officer.

**18.** If any officer of the Court employed to execute an order wilfully or by neglect or omission loses the opportunity of executing it then, on complaint of the person aggrieved and proof of the fact alleged, the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof, and the order shall be enforced as an order directing payment of money.

Misconduct  
of officer.

**19.** If any officer of the Court is charged with extortion under pretence of the process or authority of the Court or with not duly paying over money levied or with any other misconduct the Court, if it thinks fit, may (without prejudice to any other liability or punishment to which the officer would, in the absence of the present provision, be liable) inquire into the charge in a summary manner, and may for that purpose summon and enforce the attendance of all necessary persons as in an action, and may make such order for the repayment of any money extorted or for the payment over of any money levied, and for the payment of such damages and costs as the Court thinks just, and the Court may also, if it thinks fit, impose on the officer such fine not exceeding fifty pounds for each offence, as the Court thinks just.

## PART III.

## JURISDICTION AND LAW.

20. The Supreme Court shall have exclusive original jurisdiction—

Original  
jurisdiction  
of Supreme  
Court.

- (a) as a Colonial Court of Admiralty under the Colonial Courts of Admiralty Act, 1890, or any Act amending or substituted for the same ;
- (b) subject to the provisions of section 34, in matrimonial causes, including power to make orders for alimony whether pendente lite or after judicial separation, maintenance upon a decree of dissolution or of nullity, maintenance of children and periodical payments in suits for restitution of conjugal rights and such other powers as belong to the High Court of Justice in England ;
- (c) to hear and determine such other matters as the Court may be empowered to hear and determine in the first instance under any Law in force for the time being ;
- (d) to issue prerogative orders and exercise, in all matters where the proceedings of a quasi judicial tribunal or of a ministerial authority are called in question, the powers of the High Court of Justice in England.

21. The Supreme Court shall have jurisdiction—

Appellate  
jurisdiction  
of Supreme  
Court.

- (a) subject to the provisions of section 28, to hear and determine appeals, in accordance with the provisions of any Law or Rules of Court relating to civil appeals in force for the time being, from the decision of a Judge of the Supreme Court and from the decisions of District Courts exercising civil jurisdiction ;
- (b) to hear and determine such other matters as the Court may be empowered to hear and determine by way of appeal under any Law in force for the time being.

22.—(1) Subject to the provisions of sub-section (2), every proceeding or matter before the Supreme Court in its exclusive original jurisdiction shall, unless otherwise provided, be heard and determined by one Judge thereof.

Quorum of  
Supreme  
Court.

(2) Every proceeding or matter before the Supreme Court in exercise of the disciplinary powers conferred upon it by the Advocates Law shall be heard and determined by the full Supreme Court. Cap. 3.

(3) Every appeal before the Supreme Court and every case stated or question of law reserved for the opinion of the Supreme Court shall be heard by not less than two Judges :  
Provided that in civil matters—

(a) an appeal against an order refusing an *ex parte* application, may be heard and determined by any Judge of the Supreme Court sitting alone, whose decision shall be final and conclusive ;

(b) any order on an application for leave to appeal or any order relating to any pending appeal and not disposing of such appeal on its merits, may be made by any Judge of the Supreme Court sitting alone but any order so made shall be subject to review by the full Supreme Court.

Decision of lower Court to stand in case of disagreement of two Judges, etc.

**23.—**(1) Whenever an appeal is heard by two Judges of the Supreme Court, and the two Judges differ in opinion as to whether the appeal should be allowed the judgment of the Court below shall stand.

(2) Whenever a case stated or a question of law reserved is heard by two Judges of the Supreme Court and the two Judges differ in opinion, the case stated or question of law reserved, as the case may be, shall be referred to and determined by the full Supreme Court.

Jurisdiction of Assize Courts.

**24.—**(1) Every Assize Court shall have jurisdiction to try all offences committed within the Colony.

(2) An Assize Court may, in addition to or in substitution for any punishment, adjudge any person convicted before it to make compensation not exceeding five hundred pounds to any person injured by his offence.

(3) An Assize Court shall make such enquiry concerning all persons in custody within the district where the Assize Court is sitting as to ensure that no person is detained except in accordance with law, and that the administration of criminal justice is not unduly delayed ; for this purpose an Assize Court may make such order as it deems fit for the release of any person from custody with or without bail.

Territorial jurisdiction of District Courts in civil matters.

**25.—**(1) Every District Court shall, subject to the provisions of sections 20 and 34, have original jurisdiction to hear and determine all actions in accordance with the provisions of section 26 where—

(a) the cause of action has arisen either wholly or in part within the limits of the district in which the Court is established ; or

(b) the defendant or any of the defendants, at the time of the institution of the action, resides or carries on business within the District in which the Court is established.



(2) Where the action relates to the partition or sale of any immovable property or any other matter relating to immovable property, such action shall be taken in the District Court of the district within which such property is situate.

26.—(1) Save as provided in sections 20 and 34 the President of a District Court sitting with one or two District Judges shall have jurisdiction to hear and determine in the first instance any action.

Civil  
jurisdiction  
of District  
Courts.

(2) Whenever an action is heard by the President of the District Court sitting with one District Judge and they differ in opinion on any question relating to the admissibility of evidence, the opinion of the President shall prevail.

(3) Subject to the provisions of sub-section (2), whenever an action is heard by the President of the District Court sitting with one District Judge and they differ in opinion as to the final determination of the matter at issue, the decision shall be against the party upon whom the burden of proof lies.

(4) The President of a District Court or a District Judge, sitting alone, shall have jurisdiction to hear and determine any action in which the amount in dispute or the value of the subject matter does not exceed two hundred pounds :

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Provided that the Governor may by Order published in the *Gazette* increase the limit of the jurisdiction of any President of a District Court, sitting alone, to five hundred pounds.

(5) Every Magistrate shall have jurisdiction to hear and determine any action in which the amount in dispute or the value of the subject matter does not exceed fifty pounds :

Provided that the Governor may by Order published in the *Gazette* increase the limit of the jurisdiction of any Magistrate to one hundred pounds.

(6) Every member of a District Court shall, notwithstanding anything in any other Law contained and notwithstanding that the amount in dispute or the value of the subject matter is in excess of the jurisdiction conferred upon him by this section, have power—

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(a) to give judgment in any action in which—

(i) either party fails to appear at the time fixed for the appearance of the defendant before the Court ; or

(ii) the claim of any party is admitted in whole or in part ;

(b) to make any order in any action not disposing of the action on its merits.

(7) For the purposes of this section, the amount in dispute or the value of the subject matter of an action shall be the amount or value actually in dispute between the parties thereto as disclosed upon the pleadings, notwithstanding that the amount claimed or the alleged value of the subject matter in the action exceeds that amount or value.

Appeals from District Courts in civil matters.

27. Save as provided in section 28, every decision of a District Court exercising civil jurisdiction shall be subject to appeal to the Supreme Court.

Appeals from Magistrates in civil matters to President of District Court.

28.—(1) Every decision of a Magistrate exercising the civil jurisdiction conferred upon him by sub-section (5) of section 26 shall be subject to appeal to the President of the District Court, who shall have jurisdiction to hear and determine such appeal in accordance with the provisions of any Law or Rules of Court relating to civil appeals in force for the time being :

Provided that where the amount in dispute or the value of the subject matter of the action in which the decision is given does not exceed two pounds, such decision shall be final and conclusive and no appeal shall lie therefrom to the President of the District Court unless the decision involves a point of law and the Magistrate or the President grants leave to appeal.

(2) Upon the application of any party to the appeal and upon such party giving security for costs to the Registrar, not exceeding ten pounds, the President of the District Court may order that the evidence taken at the trial shall be heard afresh before the President of the District Court and also such further evidence as he may deem fit to allow.

(3) The decision of the President of the District Court upon every appeal from a Magistrate shall be final and conclusive and no appeal shall lie therefrom to the Supreme Court unless the decision involves a point of law and the President or the Supreme Court grants leave to appeal.

(4) For the purposes of this section the provisions of sub-section (7) of section 26 shall apply.

Territorial jurisdiction of District Courts in criminal matters.

29. Every District Court shall, subject to the provisions of section 24, have jurisdiction to try all offences committed within its district in accordance with the provisions of section 30 :

Provided that where an offence is committed on the boundary of two or more districts or within a mile of the boundary or is committed partly in one district and partly in another or other districts such offence may be tried by the District Court of either or any such district as if it had been wholly committed in the district in which it is tried.

30.—(1) The President of a District Court shall have jurisdiction to try summarily all offences punishable with imprisonment for a term not exceeding three years or with a fine not exceeding five hundred pounds or with both and may, in addition to or in substitution for any such punishment, adjudge any person convicted before him to make compensation not exceeding three hundred pounds to any person injured by his offence.

Criminal  
jurisdiction  
of District  
Courts.

(2) Every District Judge shall have jurisdiction to try summarily all offences punishable with imprisonment for a term not exceeding one year or with a fine not exceeding two hundred pounds or with both and may, in addition to or in substitution for any such punishment, adjudge any person convicted before him to make compensation not exceeding two hundred pounds to any person injured by his offence.

(3) Every Magistrate shall have jurisdiction to try summarily all offences punishable with imprisonment for a term not exceeding six months or with a fine not exceeding fifty pounds or with both and may, in addition to or in substitution for any such punishment, adjudge any person convicted before him to make compensation not exceeding fifty pounds to any person injured by his offence.

(4) Notwithstanding anything in this section contained a President of a District Court, a District Judge or a Magistrate shall, with the consent of the accused to be recorded in the minutes of the proceedings, have jurisdiction to try summarily any offence punishable with imprisonment for a term not exceeding seven years, if satisfied that it is expedient so to do, in all the circumstances of the case including consideration of the adequacy of the punishment or compensation such President, District Judge or Magistrate is empowered under this section to impose or award :

Provided that—

- (a) any punishment imposed or any compensation awarded shall not exceed the punishment or compensation which a President of a District Court, a District Judge or a Magistrate, as the case may be, is empowered to impose or award under sub-sections (1), (2) and (3) respectively ;
- (b) failure to record the consent of the accused in the minutes of the proceedings shall not be a ground for setting aside any conviction or sentence in such proceedings ;
- (c) subject to paragraph (d) hereof where the prosecution in any case is conducted by a Law Officer or a police

officer who informs the Court that it is necessary that the Attorney-General should be consulted, the Court shall not deal with a case under this sub-section until the prosecution has been afforded a reasonable opportunity of so doing, and the Court shall refuse to deal with the case if informed in writing by the Attorney-General that he does not consent to such a course ;

(d) in any case where the offence charged is punishable with imprisonment exceeding five years no Court shall deal with the case under this sub-section unless the written consent of the Attorney-General is produced to the Court.

Jurisdiction of District Courts to hold preliminary enquiries.

31. Every member of a District Court shall have jurisdiction to hold a preliminary inquiry for the purpose of committing for trial to the Assize Court any person charged with an offence triable on information.

Power of President to regulate duties of District Judges and Magistrates.

32. The disposition and distribution of the duties of the several District Judges and Magistrates shall be regulated by the President of the District Court of which they are members.

Law to be applied.

33.—(1) Every Court in the exercise of its civil or criminal jurisdiction shall apply—

- (a) the Laws of the Colony ;
- (b) the Ottoman laws set out in the Second Schedule to the extent specified therein ;
- (c) the common law and the doctrines of equity save in so far as other provision has been or shall be made by any Law of the Colony ;
- (d) the Statutes of the Imperial Parliament, and Orders of Her Majesty in Council, applicable either to the Colonies generally or to the Colony save in so far as the same may validly be modified or other provision made by any Law of the Colony.

Second Schedule.

(2) The Supreme Court in exercise of the jurisdiction conferred by paragraph (b) of section 20 shall apply the law relating to matrimonial causes for the time being administered by the High Court of Justice in England.

(3) This section shall be deemed to have come into operation on, and to have had effect as from, the 3rd day of September, 1953.



34. Save as provided in paragraph (b) of section 21, nothing in this Law contained—

Saving of certain jurisdictions.

(a) shall confer upon any Court by this Law established any jurisdiction to hear and determine—

(i) any matrimonial cause where—

(aa) either party is a member of the Greek Orthodox Church and the marriage has been celebrated in accordance with the rites of the Greek Orthodox Church ; or

(bb) either party is of the Moslem faith and the marriage has been contracted in accordance with the Moslem Sacred Law before the 28th day of May, 1951, or has, after that date, been solemnized in accordance with the provisions of the Turkish Family (Marriage and Divorce) Law, 1951 ;

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(ii) any other matter which under the principles of Ottoman law in force in the Colony before the commencement of this Law was cognizable by an ecclesiastical tribunal of the religious community to which the parties belonged ;

(iii) any matters which under any Law in force in the Colony for the time being are within the jurisdiction of the Turkish Family Courts ;

(b) shall be construed as abrogating any jurisdiction which an ecclesiastical tribunal of the Greek Orthodox Church may possess in respect of matrimonial causes to which a member of the Greek Orthodox Church is a party ;

(c) shall be construed as abrogating the principles of Ottoman law in force in the Colony before the commencement of this Law whereby matters of marriage and family status are governed by the law of the religious community to which the party belongs.

35. The civil jurisdiction, by this or any other Law conferred upon any Court established by this Law, shall be exercised in accordance with the procedure prescribed by any Law in force for the time being or Rules of Court made under any Law in force for the time being and in default thereof shall, so far as circumstances permit, be exercised in accordance with the practice and procedure observed by the Courts in England.

Practice and procedure.

## PART IV.

## POWERS OF THE COURTS.

Determina-  
tion of  
matter  
completely  
and finally.

36. Every Court in the exercise of its civil jurisdiction shall, in every cause or matter grant, either absolutely or on such terms and conditions as the Court thinks just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any legal or equitable claim properly brought forward by them in the cause or matter, so that, as far as possible, all matters in controversy between the parties may be completely and finally determined, and all multiplicity of legal proceedings concerning any of those matters avoided.

Mandamus,  
injunctions  
and  
receivers.

37.—(1) Subject to any Rules of Court every Court, in the exercise of its civil jurisdiction may, by order, grant a mandamus or injunction (interlocutory, perpetual or mandatory) or appoint a receiver in all cases in which it appears to the Court just or convenient so to do, notwithstanding that no compensation or other relief is claimed or granted together therewith:

Provided that an interlocutory injunction shall not be granted unless the Court is satisfied that there is a serious question to be tried at the hearing, that there is a probability that the plaintiff is entitled to relief and that unless an interlocutory injunction is granted it shall be difficult or impossible to do complete justice at a later stage.

(2) Any interlocutory order made under sub-section (1) may be made under such terms and conditions as the Court thinks just, and the Court may at any time, on reasonable cause shown, discharge or vary any such order.

(3) If it appears to the Court that any interlocutory order made under sub-section (1) was applied for on insufficient grounds, or if the plaintiff's action fails, or judgment is given against him by default or otherwise, and it appears to the Court that there was no probable ground for his bringing the action, the Court may, if it thinks fit, on the application of the defendant, order the plaintiff to pay to the defendant such amount as appears to the Court to be a reasonable compensation to the defendant for the expense and injury occasioned to him by the execution of the order.

Payment of compensation under this sub-section shall be a bar to any action for damages in respect of anything done in pursuance of the order; and any such action, if begun, shall be stayed by the Court in such manner and on such terms as the Court thinks just.

**38.** Where any person neglects or refuses to comply with a judgment or order directing him to execute any transfer, contract or other document, or to indorse any negotiable instrument, the Court may, on such terms and conditions, if any, as may be just, order that the transfer, contract or other document shall be executed or that the negotiable instrument shall be indorsed by such person as the Court may nominate for that purpose, and a transfer, contract, document or instrument so executed or indorsed shall operate and be for all purposes available as if it had been executed or indorsed by the person originally directed to execute or indorse it.

Execution of instruments by order of Court.

**39.—(1)** Subject to Rules of Court, the Court may refer to an official or special referee for inquiry or report any question arising in any civil proceedings.

Reference for report.

(2) The report of an official or special referee may be adopted wholly or partially by the Court, and if so adopted may be enforced as a judgment or order to the same effect.

**40.—(1)** In any civil proceedings—

Reference for trial.

(a) if all the parties interested who are not under disability consent ; or

(b) if the cause or matter requires any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Court conveniently be made before or conducted by the Court through its other ordinary officers ; or

(c) if the question in dispute consists wholly or in part of matters of account,

the Court may at any time order the whole cause or matter, or any question or issue of fact arising therein, to be tried before a special referee or arbitrator respectively agreed on by the parties, or before an official referee or officer of the Court.

(2) Where a special referee or arbitrator has misconducted himself or the proceedings the Court may remove him and the Court further may set aside any award made in any such proceedings or procured improperly in any other way.

**41.—(1)** In all cases of reference to an official referee or arbitrator, the official or special referee or arbitrator shall be deemed to be an officer of the Court, and subject to Rules of Court shall have such authority, and conduct the reference in such manner, as the Court may direct.

Powers and remuneration of referees and arbitrators.

(2) The report or award of an official or special referee or arbitrator on any reference shall be filed in Court and the Court, on the application of the parties or of its own motion, may direct that such report or award be set aside or entered as a judgment of the Court.

(3) The remuneration to be paid to a special referee or arbitrator to whom any matter is referred under an order of the Court shall be determined by the Court.

Statement of case pending arbitration.

42. A referee or arbitrator may at any stage of the proceedings under a reference, and shall, if so directed by the Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference.

Power of Court to impose terms as to costs, etc.

43. An order made under section 40 relating to inquiries and trials by referees may be made on such terms as to costs or otherwise as the Court thinks fit.

Power to Court to make order for maintenance in certain cases.

44.—(1) If any ecclesiastical tribunal of the Greek Orthodox Church would have power to entertain a matrimonial cause brought by a wife in respect of her marriage, and the husband has been guilty of wilful neglect to provide reasonable maintenance for his wife or infant children of the marriage, the District Court, on the application of the wife, may make an order (hereinafter in this section referred to as "maintenance order") directing the husband to make to her such periodical payments as may be just.

(2) For the purposes of sub-section (1), an ecclesiastical tribunal of the Greek Orthodox Church shall be deemed to have power to entertain a matrimonial cause if it is proved or admitted before the Court that either party is a member of the Greek Orthodox Church and the marriage has been celebrated in accordance with the rites of that Church, unless it is shown that in the circumstances of the case the tribunal would have no such power.

(3) The jurisdiction of the District Court to make a maintenance order shall be exercised as follows:—

- (a) The President of a District Court may order such periodical payments as may be just;
- (b) A District Judge may order such periodical payments not exceeding the equivalent of £25 a month;
- (c) A Magistrate may order such periodical payments not exceeding the equivalent of £10 a month.

(4) Where any ecclesiastical tribunal of the Greek Orthodox Church has in the exercise of its jurisdiction annulled or dissolved a marriage, the President of a District Court on the application of the wife may make such provision as appears just with respect to the maintenance and education of the children the marriage of whose parents is the subject of the proceedings.



(5)—(a) No maintenance order shall be made in respect of any period prior to the date of the application for such order.

(b) No sum due on a maintenance order for more than one year shall be recoverable.

(6) The Court may, from time to time, vary any maintenance order made under this section.

(7) In proceedings under this section, the Court fees and advocates' fees shall be regulated in accordance with the Rules of Court in force for the time being on the basis of—

(a) in the case of Court fees, the monthly payment claimed;

(b) in the case of advocates' fees, the monthly payment ordered by the Court.

45. Every Court in the exercise of its civil jurisdiction shall have power to make binding declarations of right whether any consequential relief is or could be claimed or not.

Power to Court to make declaratory judgments.

46. Every Court shall have power to enforce obedience to any order issued by it, directing any act to be done or prohibiting the doing of any act, by fine or imprisonment or sequestration of goods, and such powers shall be exercised subject to any Rules of Court.

Enforcing obedience to orders.

47. The costs of, and incident to, all civil proceedings in any Court shall, unless otherwise provided by any Law or public instrument in force for the time being, be in the discretion of the Court and the Court shall have full power to determine by whom, and to what extent such costs are to be paid.

Power to award costs.

48.—(1) If, on an application made by the Attorney-General under this section, the Supreme Court is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the Supreme Court or in any inferior court, and whether against the same person or against different persons, the Supreme Court may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall without the leave of the Supreme Court or a Judge thereof be instituted by him in a Court, and such leave shall not be given unless the Supreme Court or Judge is satisfied that the proceedings are not an abuse of the process of the Court and that there is prima facie ground for the proceedings.

Restriction on institution of vexatious actions.

(2) If the person against whom an order is sought under this section is unable on account of poverty to retain counsel, the Supreme Court shall assign counsel to him.

(3) A copy of any order made under this section shall be published in the *Gazette*.

Obstruction  
of or  
disturbance  
in Court.

49.—(1) If any person—

- (a) wilfully obstructs by act or threat an officer of any Court in the performance of his duty ;
- (b) within or close to the room or place where the Court is sitting, wilfully misbehaves in a violent, threatening or disrespectful manner, to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto ;
- (c) wilfully insults any member of the Court, or any officer of the Court, during his sitting or attendance in Court, or in his going to or returning from the Court,

such person shall be liable to be immediately apprehended by order of the Court, and to be detained until the rising of the Court, and on inquiry and consideration then and there, and without further trial, to be punished with a penalty not exceeding five pounds or with imprisonment not exceeding seven days in the discretion of the Court.

(2) A minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment ; and, if the punishment is inflicted by a District Court, a copy of the minutes shall be forthwith sent to the Chief Justice.

(3) A person punished for an offence under this section shall not be liable to a prosecution or action in respect of the same matter ; and any such prosecution or action, if begun, shall be stayed by the Court in such manner and on such terms as the Court thinks just.

Prejudicing  
proceedings  
of Court.

50. If while any proceedings, civil or criminal, are pending in any Court, any person shall publish any writing or do any act in reference to such proceedings calculated to prejudice the fair trial of such proceedings or to interrupt or delay the course of justice or to bring into contempt the Court before which such proceedings are pending, the Supreme Court may, upon the application of any party to such proceedings or of its own motion proceed against such person by way of attachment, in manner hereinbefore provided in case of disobedience to a decree, order, or injunction :

Provided that no writ of attachment shall issue in the first instance under the provisions of this section.

Compelling  
payment of  
fees and  
other  
moneys.

51. Every Court shall, for the purpose of compelling payment of any costs and any charges and expenses of witnesses in any civil proceedings and of any other charges and expenses and of any fees, forfeitures and money penalties, have power to issue the same process as may be issued to compel payment of a judgment debt.

52. All fees, forfeitures and money penalties levied under this Law shall be carried to the public account unless where it is otherwise specially provided by the order under which any fees are chargeable or by any Law under which any such forfeiture or money penalty is established or provided.

Disposal of fees and other moneys.

53. The judgment of every Court shall, subject to any direction contained therein to the contrary and notwithstanding that the same shall have been made in default of pleading or of appearance of any party, be binding on all parties to the action immediately on the making thereof and notwithstanding any appeal against the same, but the Court by which such judgment is given, or any Court having jurisdiction to hear such judgment on appeal, may at any time, if it shall so think fit, and whether an order for execution shall have been issued or not, direct that execution of such judgment be suspended for such time and subject to terms or otherwise as to such Court may seem just.

Judgment to be binding without communication.

## PART V.

### WITNESSES AND EVIDENCE.

54. In every civil proceedings before any Court and at any stage thereof, the Court, either of its own motion or on the application of any party, may summon any person within the Colony to attend to give evidence or to produce any document in his possession, and may examine such person as a witness or expert, and require him to produce any document in his possession or power, subject to all just exceptions.

Court may summon witnesses.

55. If the person summoned, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly and does not excuse his failure to the satisfaction of the Court he may, independently of any other liability, be proceeded against by warrant to compel his attendance and may be ordered to pay all costs which may have been occasioned in compelling his attendance, or by reason of his refusal to obey the summons, and shall be liable also to imprisonment not exceeding two months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

Witness failing to attend.

56.—(1) In civil proceedings any person called upon to give evidence in any Court shall, before being examined, be required to take such oath as is customarily administered to persons of his creed or faith on testifying upon oath before a Court of Justice. Such oath may be administered by any Judge, Registrar, or Clerk, or by any person requested by the presiding judge to administer such oath.

Witnesses to be sworn or make declaration.

(2) If any witness shall object to take an oath or shall be objected to as incompetent to take an oath, or if the Court shall be of opinion that the taking of an oath will have no binding effect on his conscience, he shall be required to make the following promise and declaration :—

“ I solemnly promise and declare that the evidence given by me to the Court shall be the truth, the whole truth, and nothing but the truth.”.

Witness  
refusing to  
be examined.

**57.** In civil proceedings if any person, whether appearing in obedience to a summons or brought up under a warrant, being required to give evidence refuses to take an oath or make a promise and declaration in lieu thereof or refuses to answer any question lawfully put to him or to produce any document in his possession and does not excuse his refusal to the satisfaction of the Court, he shall, independently of any other liability, be liable to be committed to prison under the warrant of the Court there to remain for not more than one month, unless he in the meantime consents to answer duly, and he shall also be liable to a fine not exceeding twenty pounds.

Court may  
call on  
persons in  
Court to  
give  
evidence.

**58.** Any person present in the Court, whether a party or not in the action, may be compelled by the Court to give evidence and produce any document in his possession or in his power in the same manner and subject to the same rules as if he had been summoned to attend and give evidence or to produce such document and may be punished for any refusal to obey the order of the Court as if he had been so summoned.

Summoning  
prisoner as  
witness.

**59.—(1)** It shall be lawful for any Court to issue a warrant for bringing up any person confined as a prisoner, under any sentence or order of commitment for trial or otherwise or under civil process, to be examined as a witness in any civil proceeding pending in any Court :

Provided that such warrant shall not be granted as of course nor unless the Court shall have probable ground for believing that the evidence of the prisoner is likely to prove material.

(2) The gaoler or person in whose custody such prisoner may be shall forthwith obey such warrant by bringing the prisoner to Court in his custody, or by delivering him to an officer of the Court as the warrant may order ; and, if the prisoner shall under the term of the warrant be delivered to any officer of the Court, the gaoler shall not be liable for the escape of such prisoner.

Witness to  
attend  
though  
expenses not  
paid.

**60.** It shall not be lawful in any civil proceeding for any person to refuse to attend as a witness, or to give evidence when so required by process of the Court, on the ground that his expenses have not been paid or provided for.



**61.** On any occasion in any civil proceeding the Court may, if it thinks it just and expedient (for reasons to be recorded in the minutes of the proceedings), take without oath or promise and declaration in lieu thereof, the evidence of any person who, by reason of immature age, ought not in the opinion of the Court to be admitted to give evidence upon oath, the fact of the evidence having been so taken without oath being also recorded in the minutes of the proceedings.

When witnesses may testify without oath or declaration.

**62.** In any civil proceeding, it shall be lawful for the Court, on the application of either party or on its own motion, to make such order for the inspection by the Court, the parties or witnesses of any movable or immovable property, the inspection of which may be material to the proper determination of the question in dispute, and to give such directions respecting such inspection as to the Court may seem fit.

Inspection of property.

## PART VI.

### ACTIONS BY OR AGAINST GOVERNMENT.

**63.** Actions by the Government against any private person shall, except as by any Law otherwise provided, be brought in the name of the Attorney-General, and actions by any private person against the Government shall, except as by any Law otherwise provided, be brought against the Attorney-General as defendant. Such actions shall, subject to any Rules of Court, be carried on in the same manner in every respect as suits between private parties.

Actions by or against Government.

**64.—(1)** No claim of any kind whatsoever, and whether by way of original claim, counter-claim, set-off, or otherwise, against the Government, shall be entertained in any Court unless it be a claim of the same nature as claims which may be preferred against the Crown in England, under the provisions of the Act 23 and 24 Vict., Chap. 34, intituled The Petitions of Right Act, 1860.

Claims against Government.

(2) No claim which may otherwise lawfully be made against the Government shall be entertained in any Court unless the claimant shall have obtained the written consent of the Governor authorizing such claimant to bring an action in such form and subject to such qualifications as the Governor in respect of such claim may direct, in manner hereinafter provided.

(3) Every claim which may otherwise lawfully be made against the Government shall, if and after the claimant shall have obtained the consent of the Governor in manner hereinbefore determined, be preferred before the District Court in any action instituted by the claimant as plaintiff against the Attorney-General as defendant.

(4) In any such action, an appeal shall lie from the decision of a District Court to the Supreme Court.

(5) In any such action and in any such appeal, the Government shall be entitled to claim all or any prerogative rights, limitation of liability, and exemption from rules of procedure which could be claimed by the Crown upon the trial of a petition of right in England.

(6) No person representing the Government in any action shall be called upon to give security for costs, or that he will abide by the decision of the Court or other security.

## PART VII.

### SITTINGS OF THE COURTS AND TRANSFER OF ACTIONS.

#### *Sittings.*

Place of sitting of Supreme Court and Assize Court.

**65.**—(1) The sittings of the Supreme Court shall ordinarily be held at Nicosia in such building as the Governor shall from time to time assign as a Court House for that purpose but may, if it shall seem expedient to the Court, be held in any other place in the Colony.

(2) The sittings of the Assize Court shall ordinarily be held in such building within the principal town of each of the several Districts of the Colony as the Governor shall from time to time assign as a Court House for that purpose but may, if it shall seem expedient to the presiding Judge, be held in any other building within any such town or in any other building in any other place.

Place of sitting of District Courts.

**66.** The sittings of each District Court shall ordinarily be held in such building within the principal town of the district as the Governor shall from time to time assign as a Court House for that purpose but may, if it shall seem expedient to the President of the District Court, be held in any other building within such town or in any building in any other place within the district :

Provided that every member of a District Court may, for the purpose of taking the deposition of any person, sit in any building in such town or in any building in any other place within the district.

Sittings ordinarily to be public.

**67.** The sittings of every Court for the hearing of all proceedings shall ordinarily be public, but the Court may, for a reason to be entered by it on the minutes, hear any proceeding in the presence only of the parties with their advocates or other representatives, if any, and the officers of the Court.

68.—(1) Subject to any Rules of Court, the Supreme Court and every District Court shall be open throughout the year except on Sundays and public holidays. Period of sittings.

(2) Assize Courts shall be held at such times as the Chief Justice may direct :

Provided that there shall be at least one sitting in the principal town of each district in every six months, unless in the opinion of the Chief Justice, owing to absence of business or sufficient amount of business to be transacted thereat, such sitting may be dispensed with by special direction of the Chief Justice.

#### *Transfer of Actions.*

69. Any action may at any time and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the Chief Justice from any Court to any other Court of competent jurisdiction ; and such action may be transferred either entirely or in respect of any portion thereof or procedure required to be taken therein. Power to transfer.

70. The power of transfer shall be exercised by means of an order under the hand of the Chief Justice and the seal of the Supreme Court, and the Chief Justice may at any time revoke, add to, or amend any such order. Power, how to be exercised.

71. The President of a District Court may, of his own motion or on the application of any person concerned, report to the Chief Justice the pendency of any civil proceedings, which in the opinion of such Court ought for any reason to be transferred from such Court to any other Court, and the Chief Justice shall thereupon direct in what Court such proceedings shall be heard and determined. Court may apply for transfer.

72. Every order of transfer shall operate as a stay of proceedings in the Court to which it may be addressed in any action or case to which the order extends or is applicable, and the process and proceedings in every such action or case and an attested copy of all entries in the books of the Court relative thereto, shall be transmitted to the Court to which the same shall be transferred, and such action or case shall be heard and determined by or before the Court to which the same shall be assigned by such order. Effect of order of transfer.

### PART VIII. MISCELLANEOUS.

#### *Records.*

73.—(1) In all civil proceedings, the presiding or senior Judge or another Judge by his direction shall take down in writing the notes of evidence or, if the Court so directs, such evidence may be taken down in shorthand : Notes of evidence.

Provided that the whole or any part of the evidence may, if the Court thinks fit, be taken down in the form of question and answer.

(2) No person shall be entitled as of right to inspection or a copy of the Judge's notes save as may be provided for by any Rules of Court.

Minutes of proceedings.

74.—(1) In all civil proceedings before any Court, minutes of the proceedings shall be drawn up and shall be signed by the Judge or one of the Judges before whom the proceedings are taken. These minutes with the notes of evidence, taken at the hearing or trial, shall be preserved as records of the Court.

(2) The said minutes and notes of evidence, or a copy thereof, purporting to be signed and certified as a true copy by the Registrar, shall at all times, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

Books of record and language.

75.—(1) Every Court shall keep such books as may be prescribed by Rules of Court or, in default of any such Rules, as may be directed by the Chief Justice for recording the orders and sentences and such other proceedings of the Court as may be directed to be entered therein. All matters to be recorded in the books so to be kept shall be therein recorded in English.

(2) Any party to any proceeding, civil or criminal, and any person served with notice of such proceedings by order of the Court, shall, on request, be furnished with a translation in English, Greek or Turkish, as he may require of any portion of the records, a copy of which he may be entitled to have furnished to him, on the same terms in all respects, as though he were only furnished with such copy. Subject to any Rules of Court, the translation of any part of the record shall be deemed complete notwithstanding the omission from such translation of any merely formal parts of the record.

### *Seals.*

Seals.

76.—(1) The Supreme Court and every Assize Court and District Court shall have and use as occasion requires a seal bearing the style of such Court and such device as may be approved from time to time by the Governor.

(2) Every Court shall have as many duplicates of the seal of the Court as may be required, not exceeding one duplicate for each member of the Court other than the President.

(3) The Chief Justice shall direct in whose custody every duplicate of the seal of the Supreme Court and the several Assize Courts shall be kept.

(4) The President of each District Court shall direct in whose custody every duplicate of the seal of the Court shall be kept.



77. All writs, orders and other instruments issued by the Supreme Court or any Assize Court or District Court shall be sealed with the seal of the Court which issues the same. Writs, etc.,  
to be sealed.

*Rules of Court.*

78. The Governor may, with the advice and assistance of the Chief Justice, make Rules (in this Law referred to as "Rules of Court") to be published in the *Gazette* for the better carrying out of this Law into effect and in particular for all or any of the following matters:— Power to  
make Rules.

- (a) for regulating the sittings of the Courts ;
- (b) for regulating the pleading, practice and procedure of any of the Courts, and for prescribing the forms to be used in connection therewith ;
- (c) for regulating the execution of any judgment or order out of the district in which the Court which gave such judgment or order is established ;
- (d) generally for regulating any matters relating to the practice and procedure of Courts and Judges respectively ; or to the duties of the officers of Courts, or to the costs of proceedings therein to be allowed to parties to actions or other proceedings or to be allowed to the advocates and others lawfully representing any party to an action or other proceeding ;
- (e) for prescribing the fees to be taken in respect of any matter or proceedings in any Court or by any officer of any Court :

Provided that unless and until other provision is made under the provisions of this Law, any Rules of Court and any list of fees in force on the date of the coming into operation of this Law, made or prescribed under the Cyprus Courts of Justice Order, 1927, the Cyprus Courts of Justice Amendment Order, 1931, and the Laws set out in the Third Schedule, shall remain valid and effective as if made or as if prescribed under the provisions of this Law, and any power exercised or thing done under the said Orders and the said Laws shall be deemed to have been exercised or done under the provisions of this Law.

Third  
Schedule.

*Transfer of jurisdiction.*

79. All jurisdiction, civil or criminal, vested by any Law in the Supreme Court, the Divisional Courts, the Assize Courts, the District Courts, the Magisterial Courts and the several Judges of such Courts and the Assistant District Judges, as established by the Cyprus Courts of Justice Orders and Laws, 1927 to (No. 2) 1935, shall be vested in and exercised by the Supreme Court, the Assize Courts and the District Courts as established by this Law having regard to the jurisdiction respectively conferred upon such Courts. Transfer of  
jurisdiction.

*Savings.*

Savings.

80.—(1) (a) Every Judge of the Supreme Court appointed and holding office at the commencement of this Law shall be deemed to have been appointed and to hold office as a Judge of the Supreme Court established under this Law ;

(b) every President of a District Court appointed and holding office at the commencement of this Law shall continue to hold office as a President of a District Court established under this Law ;

(c) every District Judge and Magistrate appointed and holding office at the commencement of this Law shall continue to hold office as District Judge and Magistrate respectively.

Cap. 11.

(2) All buildings in which the sittings of the several Courts established by the Courts of Justice Law were held before the commencement of this Law shall be deemed to have been assigned as buildings for the sittings of the Supreme Court, the Assize Courts and the District Courts, as the case may be, established under this Law.

*Repeals.*

Repeals.  
Fourth  
Schedule.

81. The Laws set out in the Fourth Schedule are hereby repealed.

*Date of Commencement.*

Date of com-  
mencement.

82. Subject to sub-section (3) of section 33, this Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette*.

FIRST SCHEDULE.

(Section 10.)

OATH OF ALLEGIANCE.

I, ....., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law, So help me God.

JUDICIAL OATH.

I, ....., do swear that I will well and truly serve Our Sovereign Lady Queen Elizabeth the Second in the office of..... and will do right to all manner of people after the laws and usages of Cyprus without fear or favour, affection or ill-will, So help me God.

## SECOND SCHEDULE.

*(Section 33.)*

## OTTOMAN LAWS.

The Ottoman laws as hereinafter, in so far as they have not been repealed or other provision has not been made under any Law, that is to say:—

The Moslem Sacred Law relating to Vakfs.

The Maritime Code, in so far as it does not conflict with any provision of the Merchant Shipping Act, 1894.

## THIRD SCHEDULE.

*(Section 78.)*

- The Cyprus Courts of Justice Order, 1927 (Amendment) Law, 1934;  
 The Cyprus Courts of Justice Order, 1927 (Amendment) Law, 1935;  
 The Cyprus Courts of Justice Order, 1927 (Amendment) Law, 1945.  
 The Courts of Justice (Supplementary Provisions) Law (Cap. 12).

## FOURTH SCHEDULE.

*(Section 81.)**Repeals.*

- The Courts of Justice Law (Cap. 11);  
 The Courts of Justice (Amendment) Law, 1952 (No. 2 of 1952);  
 The Courts of Justice (Amendment No. 2) Law, 1952, (Law 29 of 1952);  
 The Courts of Justice (Supplementary Provisions) Law (Cap. 12).

11th November, 1953.

J. FLETCHER-COOKE,  
*Colonial Secretary.*