

No. 37 OF 1935.

A.D. 1935.

37 of 1935.

A LAW TO MAKE PROVISION FOR THE APPLICATION
IN THE COLONY OF THE ENGLISH LAW AND
RULES OF EVIDENCE

H. R. PALMER,]

Governor.

[23rd December, 1935.

WHEREAS pending the enactment of an Evidence Code it is desirable that provision be made for the application in the Colony of the English law and rules of evidence:

BE it therefore enacted:—

Short title.

1. This Law may be cited as the Evidence Law, 1935.

Application
of English
law and
rules of
evidence.

2. Every Court in the exercise of its civil or criminal jurisdiction shall, so far as circumstances permit, apply the law and rules of evidence as in force in England on the 5th day of November, 1914, save in so far as other provision has been or shall be made under any Law.

This Law came into operation on 23rd December, 1935.

No. 38 OF 1935.

A.D. 1935.

38 of 1935

A LAW TO MAKE BETTER PROVISION FOR THE ADMINIS-
TRATION OF JUSTICE AND TO RECONSTITUTE THE
COURTS OF THE COLONY.

H. R. PALMER,]

Governor.

[23rd December, 1935.

BE it enacted:—

Short title.

1. This Law may be cited as the Courts of Justice Law, 1935, and shall be construed as one with the Cyprus Courts of Justice Orders and Laws, 1927 to (No. 2) 1935.

Interpreta-
tion.

2. In this Law—

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

PART I.

COURTS, JUDGES AND OFFICERS.

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.

(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—

- (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. 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.

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 His Majesty, and shall hold office during His Majesty's pleasure.

(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 His 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 subsection, 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.

Appointment of Acting Judge 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. 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 His Majesty's pleasure, subject to any conditions contained in any regulations made by or under the authority of His Majesty for His Majesty's Colonial Service.

Appointment of Chief Registrar.

10.—(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.

(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.

Appointment of Registrars, etc.

11.—(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.

(2) Every person appointed to act as Registrar shall be the deputy Sheriff in the District to which he is appointed.

PART II.

JURISDICTION AND POWERS OF COURTS.

12. 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 50, 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.

13. The Supreme Court shall have jurisdiction—

Appellate
jurisdiction
of Supreme
Court.

- (a) to hear and determine, in accordance with the provisions of Part III, appeals from Assize Courts ;
- (b) to hear and determine, in accordance with the provisions of Part IV, appeals from District Courts exercising criminal jurisdiction ;
- (c) to consider and determine any question of law in any case stated under the provisions of section 23 or reserved under the provisions of section 24 ;
- (d) subject to the provisions of section 18, 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 ;
- (e) 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.

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

Jurisdiction
of Assize
Courts.

(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 three hundred pounds to any person injured by his offence.

Territorial
jurisdiction
of District
Courts in
civil matters.

15.—(1) Every District Court shall, subject to the provisions of sections 12 and 50, have original jurisdiction to hear and determine all actions in accordance with the provisions of section 16 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.

Civil juris-
diction of
District
Courts.

16.—(1) Save as provided in sections 12 and 50, 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.

(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.

(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 twenty-five pounds :

Provided that the Governor may by Order published in the *Gazette* increase the limit of the jurisdiction of any Magistrate to fifty 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—

(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 defendant admits the plaintiff's claim;

(b) to frame issues or 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 at the settlement of issues or upon the pleadings, notwithstanding that the amount claimed or the alleged value of the subject matter in the action exceeds that amount or value.

17. Save as provided in section 18, every decision of a District Court exercising civil jurisdiction shall be subject to appeal to the Supreme Court.

Appeals from District Courts in civil matters.

18.—(1) Every decision of a Magistrate exercising the civil jurisdiction conferred upon him by section 16 (5) 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:

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

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) Any party to the appeal may, upon giving security for costs to the Registrar not exceeding five pounds, apply that the appeal shall be a rehearing and that evidence shall be heard before the President of the District Court on the hearing of the appeal.

(3) The decision of the President of the District Court upon every appeal from a Magistrate, whether on a rehearing or otherwise, 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 section 16 (7) shall apply.

Territorial
jurisdiction
of District
Courts in
criminal
matters.

19.—Every District Court shall, subject to the provisions of section 14, have jurisdiction to try all offences committed within its District in accordance with the provisions of section 20 :

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.

Criminal
jurisdiction
of District
Courts.

20.—(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 one 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 one hundred pounds to any person injured by his offence.

(2) Every District Judge shall have jurisdiction to try summarily—

(a) all offences punishable with imprisonment for a term not exceeding one year or with a fine not exceeding one 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 fifty pounds to any person injured by his offence ;

(b) contraventions of sections 141, 173, 175 (1), 209, 224, 233, 234, 255, 256, 269, 270, 286, 288, 312 (1) and 355 of the Cyprus Criminal Code, 1928 to (No. 2) 1933 :

Provided that the punishment or any compensation awarded under paragraph (b) hereof shall not exceed the punishment or compensation in paragraph (a) hereof provided :

Provided also that where the prosecution is being conducted by a Law Officer or a Police Officer the Court shall not deal with a case under paragraph (b) hereof without the consent of such officer.

(3) Every Magistrate shall have jurisdiction to try summarily—

(a) all offences punishable with imprisonment for a term not exceeding six months or with a fine not exceeding twenty-five 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 twenty-five pounds to any person injured by his offence ;

(b) contraventions of sections 224, 232, 233, 234, 252, 255 and 256 of the Cyprus Criminal Code, 1928 to (No. 2) 1933 :

Provided that the punishment or any compensation awarded under paragraph (b) hereof shall not exceed the punishment or compensation in paragraph (a) hereof provided :

Provided also that where the prosecution is being conducted by a Law Officer or a Police Officer the Court shall not deal with a case under paragraph (b) hereof without the consent of such officer.

(4) Notwithstanding anything in this section contained, a President of a District Court or a District Judge shall, with the consent of the Attorney-General and of the accused, have jurisdiction to try summarily any offence punishable with imprisonment for a term not exceeding five years :

Provided that the punishment or any compensation awarded shall not exceed the punishment or compensation which a President of a District Court or a District Judge, as the case may be, is empowered to award under sub-sections (1) and (2) respectively.

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

Jurisdiction of District Courts to hold preliminary enquiries.

22. 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.

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

Stating case
by District
Court
for opinion
of Supreme
Court.

23.—(1) Any party dissatisfied with the decision of a District Court exercising summary criminal jurisdiction as being erroneous on a point of law or as being in excess of the jurisdiction or of the powers of the Court may, within the times in sub-section (8) prescribed, apply in writing to the Court which gave the decision to state and sign a case, setting forth the facts and grounds of such decision, for the opinion of the Supreme Court.

(2) The party applying (in this section called "the appellant") shall, within seven days after receiving such case, transmit the same to the Chief Registrar and shall within the same time give notice in writing signed by the appellant or his advocate to the other party to the proceeding (in this section called "the respondent").

(3) If the District Court be of opinion that the application is merely frivolous, but not otherwise, it may refuse to state a case and shall, on the request of the appellant, sign and deliver to him a certificate of such refusal :

Provided that the District Court shall not refuse to state a case where application for that purpose is made by or on behalf of the Attorney-General.

(4) Where the District Court shall refuse to state a case, it shall be lawful for the appellant to apply to the Supreme Court upon an affidavit of the facts for a rule calling upon such District Court and also upon the respondent to show cause why such case should not be stated and the Supreme Court may make such rule absolute or discharge it and the District Court upon being served with such rule absolute shall state a case accordingly.

(5) Where the District Court agrees to state and sign a case or the Supreme Court makes a rule absolute under sub-section (4), the District Court or the Supreme Court, as the case may be, may, if the appellant has been sentenced to imprisonment, release him on bail pending the determination of the case stated.

(6) The Supreme Court shall consider and determine the question of law arising on the case submitted to it under this section and may—

- (a) reverse, affirm or amend the decision in respect of which the case has been stated ;
- (b) remit the matter to the District Court with the opinion of the Supreme Court thereon ;
- (c) if the case stated relates to an acquittal, itself convict and pass sentence on the respondent as ought to have been passed at the trial ; or
- (d) make such other order as justice may require :

Provided that the Supreme Court shall not have power to reduce or modify any punishment imposed by the District Court save when the punishment imposed was in excess of its powers or the maximum provided by law, in which case the Supreme Court shall reduce the punishment to the maximum limit which the District Court had power to impose or the maximum limit provided by law, as the case may be.

(7) The Supreme Court shall have power to cause the case to be sent back for amendment and thereupon the same shall be amended accordingly and judgment shall be delivered after it shall have been amended.

(8) Where the application to state a case is made by or on behalf of the Attorney-General it shall be made within fourteen days from the date of the decision in respect of which the application is made. In every other case it shall be made within seven days from the date of such decision.

(9) Any person convicted by a District Court who applies to such Court to state and sign a case shall be deemed to have abandoned any right to apply for leave to appeal to the Supreme Court under Part IV.

24.—(1) If any question of law arises during the trial of any person, an Assize Court or the President thereof may, at any stage of the proceedings, reserve such question for the opinion of the Supreme Court.

Question of law reserved for opinion of Supreme Court by Assize Court.

(2) If the Assize Court or the President decides to reserve any such question, the President shall make a record of the question reserved with the circumstances upon which the same has arisen and shall transmit a copy thereof to the Chief Registrar.

(3) The Supreme Court shall consider and determine the question submitted and may—

- (a) if the Court has convicted the accused—
 - (i) confirm the judgment of the Court;
 - (ii) direct that the judgment of the Court shall be set aside, in which case the accused shall be acquitted;
 - (iii) direct that the judgment of the Court shall be set aside and that instead thereof judgment shall be given by the Court as ought to have been given at the trial; or
 - (iv) make such other order as justice may require;
- (b) if the Court has not delivered its verdict, remit the case to it with the opinion of the Supreme Court upon the question submitted.

PART III.

APPEALS FROM ASSIZE COURTS.

Right of
appeal from
Assize Court
to Supreme
Court.

25.—(1) Subject to the limitations in sub-section (3) contained, when any person is convicted by an Assize Court and sentenced—

- (a) to death ;
- (b) to be imprisoned without the option of a fine ; or
- (c) to pay a fine exceeding twenty pounds either as a punishment for an offence or for failing to do or abstain from doing any act or thing required to be done or left undone,

such person may appeal to the Supreme Court against conviction in accordance with the provisions of this Part on any one or more of the grounds set out in sub-section (2).

(2) An application for leave to appeal shall lie only on any one or more of the following grounds, that is to say,—

- (a) a defect in the information prejudicing the accused in his defence ;
- (b) wrongful admission or exclusion of material evidence ;
- (c) absence of corroboration where such is required by law ;
- (d) a wrongful view of the legal effect of the finding of fact ;
- (e) that the evidence adduced at the trial does not disclose the offence of which the accused was convicted ;
- (f) an irregularity at the trial to the prejudice of the accused ;
- (g) that the sentence was illegal or in excess of the powers of the Court.

(3)—(a) No person who has been convicted and sentenced by an Assize Court upon a plea of guilty shall be entitled to apply for leave to appeal to the Supreme Court.

(b) No application for leave to appeal shall lie where a person has been adjudged to undergo imprisonment for failure to comply with an order for the payment of money, for the finding of sureties, for the entering into any recognizance or for the giving of any security.

Application
for leave
to appeal.

26.—(1) Where a person, who is entitled to appeal as in section 25 (1) provided, desires to appeal to the Supreme Court he shall apply for leave to appeal within ten days of the date upon which sentence was pronounced,

(2) Every application for leave to appeal shall—

- (a) be in the form set out in the First Schedule;
- (b) be signed by the applicant or his advocate;
- (c) set out the grounds on which it is founded;
- (d) be delivered to the Chief Registrar within ten days from the date upon which sentence was pronounced.

(3) Upon receipt of an application for leave to appeal the Chief Registrar shall file the same and shall forthwith request the President of the Assize Court to transmit to him the documents and exhibits hereinafter specified (which, together with the application for leave to appeal, are in this Part referred to as "the file of the proceedings"), that is to say,—

- (i) the information;
- (ii) the notes of the evidence taken by the Assize Court;
- (iii) any statement which may have been made by the applicant before the Assize Court;
- (iv) the judgment of the Assize Court and the written grounds thereof, if any;
- (v) all documents which may have been put in evidence of which the Assize Court has the custody or copies of any of them of which the Assize Court has not the custody; and
- (vi) such exhibits, other than documents, as may conveniently be forwarded to the Chief Registrar.

(4) The Chief Registrar shall, as soon as conveniently may be after he has received the file of the proceedings, present the same to a Judge of the Supreme Court sitting in chambers (not being the Judge who presided at the trial) for consideration of, and decision on, the application for leave to appeal.

(5) No application for leave shall be entertained unless it complies with all the requirements of sub-section (2).

27.—(1) Where the file of the proceedings has been presented to a Judge of the Supreme Court in accordance with the provisions of section 26 (4), such Judge, after perusing the file of the proceedings and without hearing either the applicant or his advocate or the Attorney-General or his representative, shall—

Power of
Judge of
Supreme
Court on
application
for leave
to appeal.

- (a) grant leave to appeal on all or any of the grounds set out in the application for leave to appeal; or
- (b) refuse leave to appeal.

(2) Every order of a Judge of the Supreme Court or application for leave to appeal shall be recorded by in the file of the proceedings and shall be final conclusive and shall be communicated by the Chief Registrar to the applicant or his advocate and where leave to appeal is refused, to the officer in charge of the prison in which the applicant is confined.

(3) An applicant may abandon his application for leave to appeal by giving notice thereof to the Chief Registrar and on such notice being received by the Chief Registrar the application shall be deemed to have been dismissed.

Supreme Court to hear appeal upon leave being granted.

28. Where a Judge of the Supreme Court makes an order granting leave to appeal, the Supreme Court shall, subject to the provisions of section 30, proceed to hear and determine such appeal.

Suspension of sentence and bail.

29.—(1) Where a person is granted leave to appeal the Judge of the Supreme Court who granted him leave may, if he thinks proper, pending the hearing of the appeal, on application made to him, either—

(a) remand such person in custody, or

(b) subject to the limitations and conditions in sub-section (2) contained, suspend the execution of any sentence of imprisonment passed upon such person and admit him to bail.

(2) No person shall be admitted to bail under the provisions of sub-section (1)—

(a) where the sentence of imprisonment passed upon him is in respect of an offence under section 69 or any of the offences specified in Chapters VII and VIII of the Cyprus Criminal Code, 1928 to (No. 2) 1933, other than an offence under section 40 (1) or 52 thereof;

(b) unless (i) the Judge of the Supreme Court who hears the application for bail is satisfied that by his refusal to grant bail such person will be impeded or prejudiced in prosecuting or presenting his appeal fully before the Supreme Court, and (ii) such person names some proper address within the municipal limits of Nicosia, where all notices, summonses, orders and other written communications may be left for him.

(3) No person upon whom sentence of death has been passed shall be admitted to bail pending the hearing of his appeal.

(4) Any notice, summons, order or other written communication left at the address named by any person in accordance with the provisions of sub-section (2) shall be deemed to have been received by him or to have come to his knowledge.

(5) Where any person is granted leave to appeal from any conviction involving a sentence for the payment of a fine exceeding twenty pounds, the Judge of the Supreme Court who granted leave to appeal may, if he thinks proper, order that the payment of the fine shall be made at the final determination of the appeal, if the same be dismissed, to a Registrar of a District Court.

30.—(1) The Chief Registrar shall, as soon as conveniently may be after leave to appeal has been granted—

Fixing hearing of appeal and notice thereof.

- (a) fix the time for the hearing of the appeal;
- (b) give notice thereof to the Attorney-General;
- (c) transmit to the officer in charge of the Police at Nicosia a notice in writing addressed to the appellant of the time so fixed.

(2) Such Police officer shall cause the notice to be served on the appellant and a certificate under the hand of the officer in charge of the Police of the District in which the notice has been served, that such notice has been served on the appellant or has been left at his address of service shall be evidence that the notice has been duly served.

(3) An appellant may abandon his appeal by giving notice thereof to the Chief Registrar and on such notice being received by the Chief Registrar the appeal shall be deemed to have been dismissed by the Supreme Court.

31.—(1) Subject to the provisions of sub-section (2), the Supreme Court, after perusing the file of the proceedings and after hearing the appellant or his advocate, and the Attorney-General or his representative or such of them as shall attend at the time fixed for the hearing of the appeal, shall have full power to—

Powers of Supreme Court on hearing of appeal.

- (a) allow the appeal and quash the conviction;
- (b) dismiss the appeal;
- (c) notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred;

- (d) call upon the President of the Assize Court which convicted the appellant to furnish any information the Supreme Court may think necessary beyond that which is furnished by the file of the proceedings as to the grounds upon which such Assize Court has found the appellant guilty ;
- (e) receive evidence wrongfully excluded by the Assize Court where it is their opinion that if such evidence had not been excluded it would have affected a finding of fact made by the Assize Court which was material to the case, and upon receiving such evidence make such finding of fact as in their opinion should have been made by the Assize Court if such evidence had not been excluded ;
- (f) where they are of opinion that evidence was wrongfully admitted by the Assize Court, make such finding of fact as in their opinion should have been made by the Assize Court if such evidence had not been admitted ;
- (g) set aside the conviction and convict the appellant of any offence of which he might have been convicted by the Assize Court on the evidence which has been adduced and sentence him accordingly ;
- (h) where the sentence is illegal or in excess of the powers of the Assize Court, set aside the sentence and sentence the appellant to any punishment which the Assize Court could have lawfully imposed.

(2)—(a) The Supreme Court shall not hear the appellant except on the grounds set out in the order granting leave to appeal.

(b) Save as provided in paragraphs (e) and (f) of subsection (1), the Supreme Court shall, on the hearing of the appeal, be bound by the view of the facts in the case taken by the Assize Court which convicted the appellant.

32. In case of the exercise by the Supreme Court—

- (a) of the power contained in paragraph (a) of section 31 (1), the appellant shall forthwith be set at liberty or in the case of a fine, the fine, if already paid, shall be refunded ;
- (b) of the power contained in paragraph (b), (c), (g) or (h) of section 31 (1), then—
 - (i) where the appellant has been admitted to bail, the sentence of imprisonment shall commence to run from the date on which the judgment of the Supreme Court has been delivered ;

Exercise of certain powers by Supreme Court under section 31.

- (ii) where the appellant has not been admitted to bail, the sentence of imprisonment shall commence to run either from the date of the conviction or of the order granting leave to appeal or from the date upon which the judgment of the Supreme Court has been delivered, as the Supreme Court may direct ;
- (iii) where the appellant is undergoing sentence of imprisonment under any other conviction, the sentence of imprisonment shall commence to run from the expiration of the first mentioned sentence of imprisonment, unless the Assize Court which passed sentence has otherwise directed ;
- (iv) where an appellant has been remanded in custody the time during which the appellant was in custody shall not count as part of any term of imprisonment under his sentence.

33.—(1) Every judgment or order of the Supreme Court made on appeal from an Assize Court shall be drawn up and entered in a book to be kept for that purpose.

Judgment to be entered in special book, etc.

(2) Every such judgment or order of the Supreme Court when drawn up shall be signed by one of the Judges of the Supreme Court, and a copy thereof, certified by the Chief Registrar to be a true copy, shall be attached by him to the file of the proceedings.

(3) The Supreme Court shall issue all such warrants and orders as may be necessary for carrying into execution any such judgment or order.

PART IV.

APPEALS FROM DISTRICT COURTS IN CRIMINAL CASES.

34.—(1) Subject to the limitations in sub-section (7) contained, when any person is convicted by a District Court and sentenced—

Appeals from District Courts exercising criminal jurisdiction to the Supreme Court.

(a) to be imprisoned without the option of a fine, or

(b) to pay a fine exceeding ten pounds either as a punishment for an offence or for failing to do or abstain from doing any act or thing required to be done or left undone,

such person may appeal to the Supreme Court in accordance with the provisions of this Part on any one or more of the grounds set out in sub-section (4).

(2) Where any person, who is entitled to appeal as in sub-section (1) provided, desires to appeal to the Supreme Court, he shall immediately after sentence has been pronounced declare to the District Court by which he has been sentenced his intention to apply for leave to appeal; and if he fails to make such declaration or application for leave to appeal shall lie unless, on application made within seven days from the date of sentence to the District Court which sentenced him, such District Court, or being satisfied, having regard to all the circumstances, that his failure to make such declaration was neither unreasonable nor intentional, grants him permission to make declaration of his intention to apply for leave to appeal.

(3) Where any person declares his intention to apply for leave to appeal in accordance with the provisions of sub-section (2), the District Court sentencing him shall inform him of the proper steps to be taken by him to obtain leave to appeal and shall at the same time enter on the notes of the proceedings a note that such declaration has been made and such information given, which note shall be conclusive evidence thereof.

(4) An application for leave to appeal shall lie only on any one or more of the following grounds, that is to say,—

- (a) a defect in the charge prejudicing the accused in his defence;
- (b) wrongful admission or exclusion of material evidence;
- (c) absence of corroboration where such is required by law;
- (d) a wrongful view of the legal effect of the finding of fact;
- (e) that the evidence adduced at the trial does not disclose the offence of which the accused was convicted;
- (f) that further evidence has become available since the trial;
- (g) an irregularity at the trial to the prejudice of the accused;
- (h) absence of jurisdiction provided objection was taken at the proper stage of the proceeding in the District Court;
- (i) that the sentence was illegal or in excess of the powers of the Court;
- (j) subject to the provisions of sub-sections (1) and (7), that the sentence was excessive.

(5) Where the application for leave to appeal is only on any one or more of the grounds set out in paragraphs (a) to (h), both inclusive, of sub-section (4), it shall be deemed to be against conviction only.

(6) Where the application for leave to appeal is only on any one or more of the grounds set out in paragraphs (i) and (j) of sub-section (4), it shall be deemed to be against sentence only.

(7)—(a) No person who has been convicted and sentenced upon a plea of guilty shall be entitled to apply for leave to appeal against conviction but he may, if he has been sentenced to imprisonment without the option of a fine or has been adjudged to pay a fine exceeding ten pounds, apply for leave to appeal as to the extent of such imprisonment or fine.

(b) No application for leave to appeal shall lie where a person has been adjudged to undergo imprisonment for failure to comply with an order for the payment of money, for the finding of sureties, for the entering into any recognizance or for the giving of any security.

35.—(1) Where a person has declared his intention to apply for leave to appeal in accordance with the provisions of section 34 (2), such person may apply for leave to appeal to the Supreme Court.

Application
for leave to
appeal.

(2) Every application for leave to appeal shall—

- (a) be in the form set out in the Second Schedule;
- (b) be signed by the applicant or his advocate;
- (c) set out in full the grounds on which it is founded;
- (d) be delivered to the Registrar of the District Court which has sentenced the applicant within fourteen days from the date on which the applicant has declared his intention to apply for leave to appeal in accordance with the provisions of section 34 (2).

(3)—(a) Upon receipt of an application for leave to appeal, the Registrar of the District Court shall file the same and shall forthwith transmit to the Chief Registrar the documents and exhibits hereinafter specified (which in this Part are referred to as “the file of the proceedings”), that is to say,—

- (i) the application for leave to appeal;
- (ii) the charge;

- (iii) the notes of the evidence taken by the District Court ;
- (iv) any statement which may have been made by the applicant before the District Court ;
- (v) the judgment of the District Court and the written grounds thereof, if any ;
- (vi) all documents which may have been put in evidence of which the District Court has the custody or certified copies of any of them of which the District Court has not the custody, and
- (vii) such exhibits, other than documents, as may be conveniently forwarded to the Chief Registrar.

(b) If the Registrar of the District Court is unable to forward to the Chief Registrar the originals or certified copies of any of the documents in sub-section (3) (a) (vi) or any exhibits in sub-section (3) (a) (vii) mentioned he shall furnish a statement of the reason why he is unable to do so.

(4) The Chief Registrar shall, as soon as conveniently may be after he has received the file of the proceedings, present the same to a Judge of the Supreme Court sitting in chambers for consideration of, and decision on, the application for leave to appeal.

(5) No application for leave to appeal shall be entertained unless it complies with all the requirements of sub-section (2).

(6) Any person who has made an application for leave to appeal under this section may apply to the District Court that he may be remanded in custody pending the determination of his application for leave to appeal and the District Court may, if it thinks fit, remand him accordingly.

(7) An applicant may abandon his application for leave to appeal by giving notice thereof to the Chief Registrar and on such notice being received by the Chief Registrar the application shall be deemed to have been dismissed.

36.—(1) Where the file of the proceedings has been presented to a Judge of the Supreme Court in accordance with the provisions of section 35 (4), such Judge, after perusing the file of the proceedings and without hearing either the applicant or his advocate or the Attorney-General or his representative, shall—

- (a) grant leave to appeal on all or any of the grounds set out in the application for leave to appeal, or
- (b) refuse leave to appeal.

Powers of
Judge of
Supreme
Court on
application
for leave to
appeal.

(2) Every order of a Judge of the Supreme Court on an application for leave to appeal shall be recorded by him in the file of the proceedings and shall be final and conclusive and shall be communicated by the Chief Registrar to the applicant or his advocate and where leave to appeal is refused, to the officer in charge of the prison in which the applicant is confined.

(3) Where leave to appeal is refused, the sentence of imprisonment pronounced by the District Court shall commence to run from the date of such refusal—

(a) if the applicant was remanded in custody under the provisions of section 35 (6), or

(b) if, in the opinion of the Judge of the Supreme Court, the application for leave to appeal was frivolous.

37.—Where a Judge of the Supreme Court makes an order granting leave to appeal, the Supreme Court shall, subject to the provisions of section 39, proceed to hear and determine such appeal.

Supreme Court to hear appeal upon leave being granted.

38.—(1) Where any person is granted leave to appeal the Judge of the Supreme Court who granted him leave may, if he thinks proper, pending the hearing of the appeal, on application made to him, either—

Suspension of sentence and bail.

(a) remand such person in custody, or

(b) subject to the limitations and conditions in sub-section (2) contained, suspend the execution of any sentence of imprisonment passed upon such person and admit him to bail.

(2) No person shall be admitted to bail under the provisions of sub-section (1)—

(a) where the sentence of imprisonment passed upon him is in respect of an offence under section 69 or any of the offences specified in Chapters VII and VIII of the Cyprus Criminal Code, 1928 to (No. 2) 1933, other than an offence under section 40 (1) or 52 thereof;

(b) unless (i) the Judge of the Supreme Court who hears the application for bail is satisfied that by his refusal to grant bail such person will be impeded or prejudiced in prosecuting or presenting his appeal fully before the Supreme Court and (ii) such person names some proper address within the municipal limits of the principal town of the District in which the District

Court which passed sentence is sitting, where all notices, summonses, orders and other written communications may be left for him.

(3) Any notice, summons, order or other written communication left at the address named by any person in accordance with the provisions of sub-section (2), shall be deemed to have been received by him or to have come to his knowledge.

(4) Where any person is granted leave to appeal from any sentence for the payment of a fine exceeding ten pounds, the Judge of the Supreme Court who granted leave to appeal may, if he thinks proper, order that the payment of the fine shall be made at the final determination of the appeal, if the same be dismissed, to a Registrar of a District Court.

(5) Notwithstanding anything in any Law contained no District Court shall, after the coming into operation of this Law, have power to admit to bail any person who has been convicted and sentenced save as provided in section 23 (5).

39.—(1) The Chief Registrar shall, as soon as conveniently may be after leave to appeal has been granted—

- (a) fix the time for the hearing of the appeal ;
- (b) give notice thereof in the case of a public prosecution to the Attorney-General or in the case of a private prosecution to the prosecutor or his advocate ;
- (c) transmit to the officer in charge of the Police of the District, within which is situate the place appointed for the service of notice on the appellant, a notice in writing addressed to the appellant of the time so fixed.

(2) Such Police officer shall cause the notice to be served on the appellant and a certificate under the hand of the officer in charge of the Police of the District in which the notice has been served, that such notice has been served on the appellant or has been left at his address of service shall be evidence that the notice has been duly served.

(3) An appellant may abandon his appeal by giving notice thereof to the Chief Registrar and on such notice being received by the Chief Registrar the appeal shall be deemed to have been dismissed by the Supreme Court.

Fixing
hearing of
appeal and
notice
thereof.

40.—(1) Subject to the provisions of sub-section (2), the Supreme Court, after perusing the file of the proceedings and after hearing the appellant or his advocate, and the Attorney-General or his representative or the prosecutor, or his advocate, as the case may be, or such of them as shall attend at the time fixed for the hearing of the appeal, shall have full power to—

Powers of
Supreme
Court on
hearing of
appeal.

- (a) allow the appeal and quash the conviction ;
- (b) dismiss the appeal ;
- (c) notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred ;
- (d) increase, reduce or modify the sentence ;
- (e) hear further evidence, and reserve their judgment until such further evidence has been heard ;
- (f) receive evidence wrongfully excluded by the District Court where it is their opinion that if such evidence had not been excluded it would have affected a finding of fact made by the District Court which was material to the case, and upon receiving such evidence make such finding of fact as in their opinion should have been made by the District Court if such evidence had not been excluded ;
- (g) where they are of opinion that evidence was wrongfully admitted by the District Court, make such finding of fact as in their opinion should have been made by the District Court if such evidence had not been admitted ;
- (h) order a new trial before the District Court which passed sentence or before any other District Court having jurisdiction in the matter ;
- (i) order further evidence to be taken either generally or on some particular point before the District Court which passed sentence ;
- (j) call upon the District Court which passed sentence to furnish any information the Supreme Court may think necessary beyond that which is furnished by the file of the proceedings as to the grounds upon which such District Court has found the appellant guilty or passed sentence upon him ;

(k) set aside the conviction and convict the appellant of any offence triable by a District Court of which he might have been convicted on the evidence which has been adduced, and sentence him accordingly ;

(l) if they consider that the evidence which has been adduced justifies the filing of an information for any offence not triable by a District Court, direct that an information be filed against the appellant for such offence before an Assize Court at the next sitting thereof and upon such direction the trial of the appellant before the Assize Court shall take place in the same manner as though he had been committed for trial for the offence by a District Court.

(2)—(a) The Supreme Court shall not hear the appellant except on the grounds set out in the order granting leave to appeal.

(b) Save as provided in paragraphs (e), (f) and (g) of subsection (1), the Supreme Court shall, on the hearing of the appeal, be bound by the view of the facts in the case taken by the District Court which passed sentence on the appellant.

Exercise of
certain
powers by
Supreme
Court under
section 40.

41. In case of the exercise by the Supreme Court—

(a) of the power contained in paragraph (a) of section 40 (1), the appellant shall forthwith be set at liberty, or in the case of a fine, the fine, if already paid, shall be refunded ;

(b) of the power contained in paragraph (b), (c), (d) or (k) of section 40 (1), then—

(i) where the appellant has been admitted to bail, the sentence of imprisonment shall commence to run from the date on which the judgment of the Supreme Court has been delivered ;

(ii) where the appellant has not been admitted to bail, the sentence of imprisonment shall commence to run either from the date of the conviction or of the order granting leave to appeal or from the date upon which the judgment of the Supreme Court has been delivered, as the Supreme Court may direct ;

(iii) where the appellant is undergoing sentence of imprisonment under any other conviction, the sentence of imprisonment shall commence to run from the expiration of the first mentioned sentence of imprisonment, unless the District Court which passed sentence has otherwise directed ;

(iv) where an appellant has been remanded in custody the time during which the appellant was in custody shall not count as part of any term of imprisonment under his sentence ;

(c) of the power contained in paragraph (h) or (i) of section 40 (1), the Supreme Court may issue such directions in respect of further proceedings in the matter as they may deem necessary ;

(d) of any of the powers contained in paragraph (e), (f), (h), (i), (j), or (l) of section 40 (1), the Supreme Court may, in their discretion, order that the appellant be kept in custody or released on bail, or, in the case of a fine, if the fine has not already been paid, may suspend execution of the sentence.

42.—(1) Every judgment or order of the Supreme Court made on an appeal from a District Court shall be drawn up and entered in a book to be kept for that purpose. Judgment to be entered in special book, etc.

(2) Every such judgment or order of the Supreme Court when drawn up shall be signed by one of the Judges of the Supreme Court, and a copy thereof, certified by the Chief Registrar to be a true copy, shall be attached by him to the file of the proceedings and returned therewith to the Registrar of the District Court which has passed sentence on the appellant.

(3) The Supreme Court shall issue all such warrants and orders as may be necessary for carrying into execution any such judgment or order.

43. The costs of all witnesses called on the part of the prosecution in any proceedings under this Part shall in the first instance be paid out of the Revenue of the Colony, and in any such proceedings the Supreme Court may order that the costs of any witness either on the part of the prosecution or of the defence be paid out of the Revenue of the Colony. Costs of witnesses.

PART V.

SITTINGS.

Place of sitting of Supreme Court and Assize Court.

44.—(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.

45. 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.

46. 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.

Period of sittings.

47.—(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.

(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,

PART VI.
GENERAL.

48.—(1) Every Judge of the Supreme Court and every member of a District Court holding office at the commencement of this Law shall, within three months therefrom, take and subscribe the oath of allegiance and the judicial oath in the forms prescribed in the Third Schedule.

Oath of
allegiance
and judicial
oath.

(2) Every Judge of the Supreme Court and every member of a District Court appointed after the coming into operation of this Law 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 Third Schedule.

(3) The oaths mentioned in sub-sections (1) and (2) 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.

49. Every Court in the exercise of its civil or criminal jurisdiction shall apply—

Law to be
applied.

- (a) the Laws of the Colony ;
- (b) the Ottoman laws set out in the Fourth Schedule to the extent specified therein ;
- (c) the common law and the rules of equity as in force in England on the 5th day of November, 1914, 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 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.

50. Save as provided in section 13 (e), nothing in this Law contained—

Saving.

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

- (a) any matrimonial cause where—
 - (i) 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

(ii) either party is of the Moslem faith and the marriage has been contracted in accordance with the Moslem Sacred Law ;

(b) 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 ;

(c) any matters which under any Law in force in the Colony for the time being are within the jurisdiction of the Mussulman religious tribunals known as Mehkeme-i-Sheriè ;

(2) 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 ;

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

Practice and procedure.

51. The jurisdiction, civil and criminal, 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.

Quorum of Supreme Court.

52.—(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.

(2) Every proceeding or matter before the Supreme Court in exercise of the disciplinary powers conferred upon it by the Advocates Laws, 1933 to 1934, shall be heard and determined by the full Supreme Court.

(3) Every appeal before the Supreme Court and every case stated under section 23 or question of law reserved under section 24 for the opinion of the Supreme Court shall be heard by not less than two Judges :

20 of 1933.
40 of 1933.
7 of 1934.

Provided that in civil matters 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.

53.—(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.

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

(2) Whenever a case stated under section 23 or a question of law reserved under section 24 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.

54. 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.

55.—(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.

Seals.

(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.

56. 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.

57. 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

Transfer of jurisdiction.

Courts and the District Courts as established by this Law having regard to the jurisdiction respectively conferred upon such Courts.

Transfer of
pending
cases.

58.—(1) All proceedings, civil or criminal, which at the time of the commencement of this Law shall be pending in or before any Court or Judge established under the Cyprus Courts of Justice Orders and Laws, 1927 to (No. 2) 1935, shall be continued and determined before the appropriate Court established under this Law, having jurisdiction to hear and determine the same.

(2) The evidence of any witness already taken in any proceedings before any Court as constituted under the Cyprus Courts of Justice Orders and Laws, 1927 to (No. 2) 1935, shall, for all intents and purposes, be deemed to be evidence taken by the appropriate Court before which such proceedings are being continued under the provisions of this Law :

Provided that where the evidence of any witness has been taken by a Court which consists of a Judge or Judges other than the Judge or Judges before whom the proceedings are being continued, any party to such proceedings may apply to the Court before which the proceedings are being continued that the evidence of any such witness be heard and taken before such Court and thereupon the Court shall hear and take such evidence subject to such order as to the payment of costs as the Court may think fit to make.

Savings.

59.—(1) Subject to the provisions of section 48—

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

(2) All buildings in which the sittings of the several Courts established by the Cyprus Courts of Justice Orders and Laws, 1927 to (No. 2) 1935, 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.

60. This Law shall come into operation on the 1st day of January, 1936, and thereupon the enactments mentioned in the first column of the Fifth Schedule shall be repealed to the extent specified in the second column of that Schedule:

Date of coming into operation and repeals.

Provided that this section shall not prejudice any right which, if this Law had not been passed, any person had or might have to appeal from a decision of a Divisional Court, nor shall it affect the power of the Supreme Court to hear any such appeal; and any such right or power may be exercised after the coming into operation of this Law in the same manner as if this Law had not been enacted. For the purpose of this proviso the Court hearing the appeal shall consist of not less than two Judges, excluding the Judge from whose decision the appeal is made; and if two Judges hear the appeal and they differ in opinion as to whether the appeal should be allowed, the judgment of the Court below shall stand.

FIRST SCHEDULE.

(SECTION 26 (2).)

FORM OF APPLICATION FOR LEAVE TO APPEAL FROM ASSIZE COURT.

To the Chief Registrar of the Supreme Court.

Name of the applicant
Convicted by the Assize Court of
Offence
Sentence and when commencing
Date of conviction
Date of sentence
Grounds in full on which the application is founded :
.....
.....
.....

State whether applicant wishes to be present at the hearing of the appeal, if leave to appeal is granted.....

I, the above-named applicant, hereby apply for leave to appeal to the Supreme Court from the conviction of the Assize Court of.....aforesaid on the grounds hereinbefore set out.

Dated the.....day of.....19.....

(Signature of applicant or his advocate.)

SECOND SCHEDULE.

(SECTION 35 (2).)

FORM OF APPLICATION FOR LEAVE TO APPEAL FROM DISTRICT COURT.

To the Chief Registrar of the Supreme Court.

Criminal case No.....

Name of the applicant.....

Convicted by.....of.....

Offence.....

Sentence and when commencing.....

Date of conviction.....

Date of sentence.....

Grounds in full on which the application is founded :

.....
.....
.....

State whether applicant wishes to be present at the hearing of the appeal, if leave to appeal is granted.....

I, the above-named applicant, hereby apply for leave to appeal to the Supreme Court from the conviction (or sentence) of the..... aforesaid on the grounds hereinbefore set out.

Dated the.....day of.....19.....

.....
(Signature of applicant or his advocate.)

THIRD SCHEDULE.

(SECTION 48.)

OATH OF ALLEGIANCE.

I,.....do swear that I will be faithful and bear true allegiance to His Majesty King George the Fifth, His Heirs and Successors, according to law,—So help me God,

JUDICIAL OATH.

I, do swear that I will well and truly serve Our Sovereign Lord King George the Fifth 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.

FOURTH SCHEDULE.

(SECTION 49.)

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:—

- (1) The Land Law, dated 7 Ramazan, 1274. (*Ottoman Land Code*)
- (2) The Tapu Law, dated 8 Jemazi-ul-Akhir, 1275.
- (3) The Regulations regarding Tapu Seneds, dated 7 Shaban, 1276.
- (4) The Instructions regarding Tapu Seneds, dated 15 Shaban, 1276.
- (5) The Law on the registration of census and of properties, dated 14 Jemazi-ul-Evel, 1277.
- (6) The Supplement to the Tapu Law, dated 26 Safer, 1278.
- (7) The Law concerning the sale of land of certain debtors for the payment of debt, dated Rebi-ul-Evel, 1279.
- (8) The Regulations concerning counterfoil certificates for Musakafat and Musteghilat Mevkoufé in the provinces, dated 25 Ramazan, 1281.
- (9) The Instructions regarding certificates for Musakafat and Musteghilat Mevkoufé in the provinces, dated 25 Ramazan, 1281.
- (10) The Law of Inheritance of Mirié and Mevkoufé land possessed by Tapu, dated 17 Muharrem, 1284.
- (11) The Fiscal Regulations relating to the application of the Law of Inheritance, dated 17 Muharrem, 1284.
- (12) The Law of Extension of Inheritance of Musakafat and Musteghilat Mevkoufé held in Idjaretein, dated 17 Muharrem, 1284.

- (13) The Law on acquisition of property by foreigners, dated end of Jemazi-ul-Evel, 1284.
- ✕ (14) The Mines Regulations, dated 2 Shaban, 1285.
- (15) The Appendix to Inheritance of Musakafat and Musteghilat Mevkoufé, dated 2 Zilkade, 1285.
- (16) The Law concerning conditions fixing the securing of debt after death by Arazi Mirié and Mevkoufé and Musakafat and Musteghilat Vakf, dated 23 Ramazan, 1286.
- (17) The Law concerning the mortgage of property, dated 21 Rebi-ul-Akhir, 1287.
- (18) The Land Law, 1274, Supplementary Article, dated 25 Muharrem, 1287.
- (19) The Instructions concerning Tapu operations (date unknown).
- (20) The Law concerning the procedure of Musakafat and Musteghilat Vakfs, dated 9 Jemazi-ul-Akhir, 1287.
- (21) The Regulations modifying Article 18 of the Tapu Law, 1275, dated Rejeb, 1288.
- (22) The Appendix to the Law concerning conditions fixing the securing of debt after death by Arazi Mirié and Mevkoufé and Musakafat and Musteghilat Vakfs, 1286, dated 21 Ramazan, 1288.
- (23) The Law concerning the sale of immovable property for debt, dated 15 Shevval, 1288.
- (24) The Law concerning Mahlul Vakf Houses, dated 19 Zilhije, 1288.
- (25) The Appendix to Inheritance of Mirié and Mevkoufé land, dated 29 Rebi-ul-Akhir, 1289.
- (26) The Law concerning title-deeds issued by the Defter Hakani for Mulk, dated 28 Rejeb, 1291.
- (27) The Appendix to Article 41, Imperial Land Law, dated 19 Shaban, 1291.
- (28) The Appendix to Article 108, Imperial Land Law, dated 28 Rebi-ul-Akhir, 1292.
- (29) The Appendix to Article 6, Tapu Law, dated 24 Jemazi-ul-Akhir, 1292.

- (30) The Article replacing Article 20 of the Tapu Law, dated 24 Jemazi-ul-Akhir, 1292.
- (31) The Law concerning the extension of inheritance of Musakafat and Musteghilat Mevkoufé held in Idjaretein, dated 4 Rejeb, 1292.
- (32) The Instructions concerning the issue of title-deeds by the Defterkhane for Arazi Mevkoufé, dated 6 Rejeb, 1292.
- (33) The decision that extension of inheritance is not obligatory, dated 15 Zilkade, 1292.
- (34) The Law concerning land, dated 7 Muharrem, 1293.
- (35) The Instructions regarding the issue by the Defterkhane of title-deeds for Musakafat and Musteghilat Vakfs in Constantinople and the Provinces, dated 9 Rebi-ul-Evel, 1293.
- (36) The Appendix to Article 91 of the Land Law, dated 10 Rebi-ul-Evel, 1293.
- (37) The Instructions regarding certificates received by the Emlak Office.
- (38) The Vezirial Order that no action is to be taken in the Courts and Public Offices before the Verghi on property has been paid, dated 10 Rebi-ul-Akhir, 1293.
- (39) The Moslem Sacred Law relating to wills, succession and inheritance. } ✓
- (40) The Moslem Sacred Law relating to vakfs.
- (41) The Mejellé.
- (42) The Maritime Code, in so far as does not conflict with any provision of the Merchant Shipping Act, 1894.
- (43) The Ottoman Regulations of 13 Jemazi-ul-Akhir, 1277 ; 2 Jemazi-ul-Evel, 1287 and 30 Zilkade, 1287.
- (44) The Instruction or Law as to the measures proper to be taken and carried out for the prevention of theft of oxen, buffaloes, asses and other gregarious animals contained on the 742nd page of the first volume of the Destour.
- (45) Any Ottoman laws or regulations relating to the elections of the Central Mejlis Idaré and the District Mejlis Idarés in so far as they are applicable.
- (46) The Regulations relating to the Organization of the Passport Service of 16 Rejeb 1260.

FIFTH SCHEDULE.

(SECTION 60.)

REPEALS.

Enactment.	Extent of repeal.
1. The High Court of Justice Law, 1879, (No.1 of 1878)	1. The whole.
2. The District Courts Jurisdiction Amendment Law, 1897, (No. 1 of 1897)	2. The whole.
3. The Cyprus Courts of Justice Orders and Laws, 1927 to 1935.	<p>3. Clause 2 in so far as it is repugnant to or inconsistent with the provisions of this Law.</p> <p>Clauses 3 to 16 both inclusive. Clauses 18 to 35 both inclusive. The proviso to paragraph (c) of clause 44. The words " or a Divisional Court of the Supreme Court " in paragraph (d) of clause 44. The words " the District Court or the Divisional Court or the Supreme Court respectively shall apply the law in manner following, that is to say : (1) In any such action Ottoman law as modified by Cyprus Statute Laws shall be applied. (2) In any such action " in paragraph (e) of clause 44.</p> <p>Clauses 46 to 50 both inclusive. Clauses 52 to 57 both inclusive. Clause 61. Clause 94 (2). Clauses 101 and 102 Clauses 158 and 159. Clauses 177 and 178. Clauses 210 to 216 both inclusive.</p>
4. The Criminal Evidence and Procedure Laws, 1929 to 1934.	4. Sections 9 to 20, both inclusive, and the First Schedule.