



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3423 OF 24TH FEBRUARY, 1949.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 7 OF 1949.

**A LAW INCORPORATING CERTAIN SUPPLEMENTARY
PROVISIONS RELATING TO COURTS.**

R. E. TURNBULL,]

[18th February, 1949.

Officer Administering the Government.

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

1. This Law may be cited as the Courts of Justice Short title
(Supplementary Provisions) Law, 1949.

PART I.—PRELIMINARY.

Interpre-
tation.

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

“action” includes all proceedings of a civil nature before any Court ;

“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 ;

“Rules of Court” includes forms.

PART II.—POWERS OF COURTS.

Powers to be
exercising
generally by
the Courts.

3.—(1) Every Court shall, in the exercise of its jurisdiction and authority in civil proceedings and subject to any Rules of Court, have powers to do all or any of the following things, that is to say :—

- (a)—(i) on proof of extreme urgency or other peculiar circumstances, the Court may, if it thinks fit, at any time after the issue of a writ of summons and without notice, make an order of injunction, or an order to sequester money or goods, or to stop the clearance of a vessel, or to attach property ;
- (ii) before making any such order, the Court shall require the person applying for it to enter into a recognizance, with or without surety or sureties, as the Court thinks fit, as security for his being answerable in damages to the person against whom the order is sought ;
- (iii) no such order shall remain in force for a longer period than shall be necessary for service of notice thereof on all persons affected thereby and enabling them to appear before the Court and object thereto and every such order shall, at the end of that period, cease to be in force, unless the Court upon hearing the parties or any of them shall otherwise direct ; and every such order shall be dealt with in the action as the Court thinks just ;

- (b)—(i) where an action is brought for the recovery of a sum of money exceeding ten pounds and it is proved that the defendant is about to abscond the Court may, if it thinks fit, order that he be arrested and delivered into safe custody, to be kept until he gives bail or security, with a surety or sureties, in such sum, expressed in the order, as the Court thinks fit (not exceeding the probable amount of debt or damages and costs to be recovered in the action), that he will appear at any time when called on while the action is pending and until the execution or satisfaction of any order made against him, and that, in default of appearance, he will pay any money and costs which he is ordered to pay in the action ;
- (ii) the expenses incurred for the subsistence of the defendant while under arrest shall be paid by the plaintiff in advance, at such rate and in such amounts as the Court directs, and the total amount so paid may be recovered by the plaintiff in the action unless the Court otherwise directs ;
- (c) where it is proved that the defendant, with intent to obstruct or delay the execution of any order to be obtained or already obtained against him, is about to remove any property out of the jurisdiction of the Court, the Court may, if it thinks fit, on application by the plaintiff, order that the property be forthwith seized and secured ;
- (d) on proof of extreme urgency or other peculiar circumstances, the Court may, if it thinks fit, on the application of a plaintiff, or of its own motion, make an order for stopping the clearance of, or for the arrest and detention of, a vessel about to leave the district other than a vessel enjoying immunity from civil process.

(2) The Court may at any time, on reasonable cause shown, discharge or vary any order made under paragraphs (b), (c) or (d) of sub-section (1) of this section.

(3) If it appears to the Court that any order made under sub-section (1) of this section 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.

Power to refer to arbitration.

4.—(1) Every Court may, with the consent of the parties, refer to arbitration the final determination of any action pending, or of all matters in difference between the parties on such terms and with such directions as to appointment of an arbitrator and other things as the Court may think fit, with or without security from the parties or any of them, that they will abide by the result of the reference and in any such case the award shall be final and conclusive.

(2) Every reference to arbitration and every submission to arbitration by consent, may, on the application of any party, be recorded in the Court and thereupon the Court shall have authority to enforce the reference or submission and the award made thereunder, and to control and regulate the proceedings before and after the award in such manner and on such terms as the Court thinks just.

(3) On the application of any party, a decree of the Court may be entered in conformity with the award, and the decree shall not be open to appeal or rehearing.

Power to award costs.

5. 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.

Enforcing obedience to orders.

6. 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, subject to any Rules of Court, such powers shall be exercised in conformity with the following provisions :—

(a) where any order is issued by any Court directing any act to be done or prohibiting the doing of any act there shall be endorsed on the copy of it, to be served on the person required to obey it, a memorandum in the words or to the effect

following: "If you, the within named, A.B., neglect to obey this order, within the time therein appointed, you will be liable to be arrested and to have your property sequestered." ;

- (b) where any order has been issued by any Court directing any act to be done or prohibiting the doing of any act and the person directed to do or prohibited from doing the act refuses or neglects to do or abstain from doing it, according to the directions of such order, the person in whose favour such order has been given may apply to the Court for a writ of attachment or for an order on the person disobeying such order to show cause why he should not be punished for the disobedience and the Court may, upon such application, issue such writ at once, or in the first instance make such order to show cause as aforesaid ;
- (c) in the event of the Court making such order to show cause, a certified copy thereof shall be served by an officer of the Court or peace officer on the person to whom the order is directed ;
- (d) on the return day of the order, if the person to whom it is directed does not attend and the Court is satisfied that the order has been duly served, the Court may order that a writ of attachment be issued against him ;
- (e) the Court may enlarge the time for the appearance of the person to whom the order is directed, or may, on the return of it, direct that the writ of attachment shall issue only after a certain time and in the event of his continued disobedience at that time to the order in respect of which he has been guilty of disobedience ;
- (f) if the person against whom such order to show cause shall have been made shall not establish a sufficient excuse for not attending, or if he attends and does not show cause to the satisfaction of the Court why he should not be punished for disobedience the Court may order him to pay such fine, or to be committed to prison for such time as the Court directs ;
- (g) the Court may order that a person committed to prison for disobedience to an order shall be detained in prison till he has obeyed such order in all things that are to be immediately performed and given such security as the Court thinks fit to obey the other parts of the order, if any, at the time or times when they are to be performed ;

- (h) whenever any such order of commitment shall have been made the Registrar shall issue, under the seal of the Court, a warrant of commitment directed to the proper officer of the Court who by such warrant shall be empowered to take the body of the person against whom such order shall have been made, and all police officers within their several jurisdictions shall aid in the execution of every such warrant, and the gaoler or keeper of every gaol or prison mentioned in any such order shall be bound to receive and keep therein the person against whom such order of commitment shall have been made until he shall be discharged by due course of law ;
- (i) in case the person against whom a writ of attachment has issued is not and cannot be found, the Court may make an order that a writ of sequestration be issued against his property. The said writ shall bind his immovable property from the date of the order in the same manner, and to the same extent in every respect as a decree for sequestration in a civil action ;
- (j) the writ of sequestration shall be directed to two or more persons to be appointed by the Court for that purpose, who shall be commanded and empowered to enter upon all the immovable property of the person against whom the writ shall issue, and collect, take, and get into their hands not only the rents and profits of his said immovable property, but also all his goods, chattels, and movable property, and detain and keep the same under sequestration in their hands until he shall appear before the Court and clear his contempt, or the Court shall make other order to the contrary. And the Court may order payment out of the proceeds of such sequestration of all charges attending the execution thereof, including such reasonable remuneration to the persons appointed to carry out the same as the Court shall think fit to allow ;
- (k) in all proceedings against any person for disobedience of the order of a Court, the Court before which such proceedings are taken shall make such order as to the costs thereby occasioned as to the Court shall seem just.

PART III.—WITNESSES AND EVIDENCE.

7. In every civil proceeding 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.

8. 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 a fine not exceeding ten pounds or to imprisonment not exceeding seven days.

Witness
failing to
attend.

9.—(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.

Witness 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.”

10. 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.

Witness
refusing to
be examined.

Court may call on persons in Court to give evidence.

11. 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.

12.—(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.

13. 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.

When witnesses may testify without oath or declaration.

14. 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.

Inspection of property.

15. 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.

PART IV.—ACTIONS BY OR AGAINST GOVERNMENT.

16. 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.

17.—(1) No claim of any kind whatsoever, and whether by way of original claim, counter-claim, set-off, or otherwise, against the Government of the Colony 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 of the Colony 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 an 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 V.—MISCELLANEOUS.

Chapter I.—Appeals to Privy Council.

18. In civil proceedings, when the amount or value in dispute exceeds three hundred pounds, an appeal shall lie from the Supreme Court to His Majesty in Council. Every appeal shall be brought within such time and in such manner as may be prescribed by any rules of procedure made by His Majesty in Council.

Appeals to
Privy
Council.

*Chapter II.—Records.*Notes of
evidence.

19.—(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 :

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.

20.—(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.

21.—(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.

*Chapter III.—Duties of Officers.*Duties of
Registrar.

22. 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 pay into the Treasury the amount of fines and fees in his custody, and, subject to such regulations or directions, such audit and payments shall take place at least once in every month.

23. Subject to any Rules of Court or any order made thereunder by any Court, every 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 :

Taxing
Master.

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

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

Duties of
sheriff.

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.

25. 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.

Bailiffs and
messengers.

26. 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.

Neglect of
duty of
officer.

Misconduct
of officer.

27. 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 twenty pounds for each offence, as the Court thinks just.

Chapter IV.—Transfer of actions.

Power to
transfer.

28. 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, how
to be
exercised.

29. 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.

Court may
apply for
transfer.

30. 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.

Effect of
order of
transfer.

31. 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.

PART VI.—SUPPLEMENTARY.

32. 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
communi-
cation.

33.—(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,

Obstruction
of or
disturbance
in 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 two 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.

Misconduct
of officer.

27. 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 twenty pounds for each offence, as the Court thinks just.

Chapter IV.—Transfer of actions.

Power to
transfer.

28. 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, how
to be
exercised.

29. 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.

Court may
apply for
transfer.

30. 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.

Effect of
order of
transfer.

31. 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.

PART VI.—SUPPLEMENTARY.

32. 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
communi-
cation.

33.—(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,

Obstruction
of or
disturbance
in 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 two 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.

34. 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.

35. 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.

Disposal of
fees and
other
moneys.

36. 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.

Power to
make Rules
of Court.

37. The Governor, with the advice and assistance of the Chief Justice, may from time to time by writing under the hand and official seal of the Governor and the hand of the Chief Justice make Rules (in this Law referred to as "Rules of Court") for the better execution of the provisions of this Law and in particular—

- (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.

38. The Governor shall from time to time, with the advice and assistance of the Chief Justice, by order in writing under the hand and official seal of the Governor and the hand of the Chief Justice, prescribe the fees to be taken under this Law by any Court, or by any officer of a Court or by any person authorized or appointed to act in respect of any proceedings in any Court or otherwise.

Power to
prescribe
fees of Court.

39. Every Rule made and every list of fees prescribed under the provisions of this Law shall be published in the *Gazette* and reported to the Secretary of State. Every such Rule made and list of fees prescribed shall, when published in the *Gazette*, have the same force and effect for all purposes as if it had been incorporated in this Law and shall come into operation either immediately or on such day as shall be provided by such Rule or order prescribing fees subject to disallowance by His Majesty.

Rules of
Court and
fees to be
published.

40. 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 repealed by this Law, 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.

Saving.

41. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette* and, thereupon, the Laws set out in the Schedule to this Law shall be repealed as from such date.

Date of
coming into
operation
and repeal.
Schedule.

SCHEDULE.

REPEALS.—(Section 41.)

1. The Cyprus Courts of Justice Order, 1927, (Amendment) Law, 1934; (45 of 1934).
2. The Cyprus Courts of Justice Order, 1927, (Amendment) Law, 1935; (14 of 1935).
3. The Cyprus Courts of Justice Order, 1927, (Amendment) Law, 1945; (8 of 1945).

18th February, 1949.

H. G. RICHARDS,
Acting Colonial Secretary.