

No. 45 OF 1934.

A.D. 1934.

A LAW FURTHER TO AMEND THE CYPRUS COURTS OF
JUSTICE ORDER, 1927.

45 of 1934.

H. R. PALMER,]

[15th November, 1934.

Governor.

BE it enacted :—

Short title.

1. This Law may be cited as the Cyprus Courts of Justice Order, 1927 (Amendment) Law, 1934, and shall be read as one with the Cyprus Courts of Justice Order, 1927, as amended by the Cyprus Courts of Justice Amendment Order, 1931, (hereinafter together referred to as "the Order"), and the Order and this Law may together be cited as the Cyprus Courts of Justice Orders and Law, 1927 and 1934.

Amendment
of clause 85
of the Order.

2. Clause 85 of the Order is hereby amended by the insertion in the third paragraph after the word "refuses" of the words "or by reason of physical infirmity is unable".

Repeal of
clause 106 of
the Order
and sub-
stitution of
new clause.

3. Clause 106 of the Order is hereby repealed and the following substituted therefor :—

"Right of
accused to
reply to
charge.

106. When the Magisterial Court has expressed such intention to commit the accused as aforesaid the charge shall be read over to the accused and the Court shall then address him as follows :—

'Having heard the evidence do you wish to say anything in answer to the charge? You are not bound to say anything; but whatever you do say will be taken down in writing, and may be given in evidence at your trial.'

Whatever the accused then says in answer thereto shall be taken down in writing, and shall be signed by the Judge or Judges constituting the Court and kept with the depositions of the witnesses, and dealt with as hereinafter mentioned.

The accused or his advocate may then show cause why the Court should not commit him for trial."

4. Clause 142 of the Order is hereby amended by the insertion in the third paragraph after the word "refuses" of the words "or by reason of physical infirmity is unable".

Amendment of clause 142 of the Order.

5. The Order is hereby amended by the insertion immediately after clause 156 of the following title:—

Insertion of new title in the Order.

"CHAPTER XIXA.—POWERS OF THE ATTORNEY-GENERAL IN CRIMINAL PROCEEDINGS."

6. The Order is hereby amended by the insertion immediately after clause 157 of the following clauses:—

Insertion of new clauses 157A and 157B in the Order.

"Power of Attorney-General to delegate *nolle prosequi*."

157A. The Attorney-General may by Order under his hand direct that the powers vested in him to enter a *nolle prosequi* shall be vested in and exercised by the Solicitor-General or a Crown Counsel:

Provided that the power to enter a *nolle prosequi* in any proceedings preliminary to the committal of the accused for trial on information shall not be vested in any person other than the Attorney-General:

Provided also that the Attorney-General may by Order under his hand revoke any Order made by him under this clause.

Power of Attorney-General to remit case to lower Court.

157B. Whenever any person charged with any offence shall have been committed for trial on information and the Attorney-General shall be of opinion that further investigation is required before such trial, it shall be lawful for the Attorney-General to direct that the original depositions be remitted to the Court which committed the accused for trial, and such Court may thereupon reopen the case and deal with it in all respects as if such commitment had not been made; and if the case be one which in the opinion of the Attorney-General may suitably be dealt with under the powers possessed by such Court it may, upon the direction of the Attorney-General, be so tried and determined accordingly notwithstanding that such offence could not otherwise be triable by such Court:

Provided that nothing in this Chapter shall be construed so as to restrict in any way any right or power otherwise possessed by the Attorney-General."

Repeal of
clause 179
of the Order
and sub-
stitution of
new clause.

7. Clause 179 of the Order is hereby repealed and the following substituted therefor:—

“Notes of
evidence.

179.—(1) In every case, civil or criminal, 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.”

Repeal of
clause 205 of
the Order
and sub-
stitution of
new clause.

8. Clause 205 of the Order is hereby repealed and the following substituted therefor:—

“Evidence
of single
witness
sufficient,
except in
certain cases.

205.—(1) Save as in sub-clauses (2), (3), (4), (5) and (6) of this clause or in any other enactment provided, a Court may give judgment in civil proceedings or convict in criminal proceedings upon the evidence of a single witness.

In actions
for breach
of promise.

(2) A plaintiff in any action for breach of promise of marriage shall not recover judgment unless his or her testimony is corroborated by some other material evidence in support of such promise. The fact that the defendant did not answer letters affirming that he had promised to marry the plaintiff is not such corroboration.

Claim upon
estate of
deceased
person.

(3) A claim upon the estate of a deceased person, whether founded upon an allegation of debt or of gift, shall not be maintained upon the uncorroborated testimony of the claimant, unless circumstances appear or are proved which make the claim antecedently probable, or throw the burden of disproving it on the representatives of the deceased.

In case of
treason.

(4) No person shall be convicted of treason except upon the evidence of two or more witnesses either both of them to the same overt act or one of them to one and another of them to another overt act of the same treason,

Unsworn
evidence of
child of
tender years.

(5) No person shall be convicted of an offence upon the unsworn evidence of a child of tender years unless such unsworn evidence is corroborated by material evidence implicating the accused.

Evidence of
accomplice.

(6) No person shall be convicted of an offence upon the evidence of an accomplice unless such evidence is corroborated by some other material evidence which, in the opinion of the Court, is sufficient to establish the accuracy of the evidence of such accomplice."

9. Clause 216 of the Order is hereby repealed and the following substituted therefor :—

Repeal of
clause 216 of
the Order
and sub-
stitution of
new clause.

"Quorum of
Supreme
Court in
appeals.

216. Every appeal before the Supreme Court and every question reserved for the Supreme Court under clause 94 (2) or clause 158 of this Order shall be heard by two Judges :

Provided that where the two Judges differ in opinion the judgment in the Court below shall stand :

Provided further that any order in any civil action not disposing of the case on its merits may be made by any Judge of the Court sitting alone but every order so made may be reviewed by the full Court."

R. & R.
by Law 38/35
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This Law came into operation on 16th November, 1934.