

No. 30 OF 1935.

A LAW TO MAKE BETTER PROVISION FOR THE PREVENTION OF CRIME. A.D. 1935.

30 of 1935.

W. D. BATTERSHILL,] [16th October, 1935.

Officer Administering the Government.

BE it enacted :—

1. This Law may be cited as the Prevention of Crime Law, 1935. Short title.

2. A Commissioner or a President of a District Court upon information on oath that any person is likely to commit a breach of the peace or to disturb the public tranquillity may, if in his opinion there is sufficient ground for proceeding, issue a summons in the form set out in the First Schedule to this Law requiring such person to attend before him to show cause why he should not execute a bond in such amount as the Commissioner or the President of a District Court shall direct, with or without sureties, in the form set out in the Second Schedule to this Law, for keeping the peace or refraining from acts liable to disturb the public tranquillity for any period not exceeding one year as such Commissioner or President of a District Court thinks fit to fix. Security for keeping the peace.

3. A Commissioner or a President of a District Court upon information on oath that there is within his jurisdiction a person who comes within one of the categories mentioned below, may, if in his opinion there is sufficient ground for proceeding, issue a summons in the form set out in the First Schedule to this Law requiring such person to attend before him to show cause why he should not execute a bond with or without sureties, in the form set out in the Second Schedule to this Law, for his good behaviour for any period not exceeding one year, as such Commissioner or President of a District Court thinks fit to fix— Security in other cases.

(a) any person who is found in any place whether public or private, in such circumstances as to satisfy the Commissioner or President of a District Court that he was about to commit or aid in the commission of any offence ;

(b) any person who is by habit a robber or thief or receiver of stolen property, or habitually protects or harbours thieves or aids in the concealment and disposal of stolen property ;

- (c) any person who is so desperate or dangerous as to render his being at large without security hazardous to the community.

When
warrant of
arrest may
issue.

4. Whenever—

- (a) it appears to a Commissioner or a President of a District Court upon the report of a Police officer in charge of a Police Station or upon other information (the substance of which report or information shall be recorded by such Commissioner or President of a District Court) that there is reason to fear the commission of a breach of the peace or disturbance of the public tranquillity and that such breach of the peace or disturbance of the public tranquillity cannot be prevented otherwise than by the immediate arrest of any person ;
- (b) any person summoned to appear before a Commissioner or a President of a District Court in accordance with the provisions of section 2 or section 3 of this Law, does not appear within a reasonable time after service of such summons,

such Commissioner or President of a District Court may issue a warrant for the arrest of such person.

Procedure
at enquiry.

5.—(1) When any person appears or is brought up upon a summons or warrant issued under sections 2, 3 or 4 of this Law, the Commissioner or President of a District Court shall proceed to enquire into the truth of the information upon which he has taken action and to take such further evidence as may appear necessary.

(2) If on enquiry it is proved that the person should be required to execute a bond, the Commissioner or President of a District Court shall make an order accordingly :

Provided that no person shall be ordered to give security of a nature different from or of an amount larger than or for a period longer than the security, amount or period respectively specified in such summons or warrant.

(3) If on enquiry it is not proved to be necessary that the person should execute a bond, the Commissioner or President of a District Court shall make an entry on the record to that effect, and, if such person is in custody only for the purpose of the enquiry, release him, or if he is not in custody, discharge him.

(4) The procedure to be followed in proceedings under this Law as to the taking of evidence on oath, examination and cross-examination of witnesses, appearance of advocates,

service of orders, summonses and other documents, enforcement of orders and other like matters shall be the same as the procedure for the time being followed in summary proceedings before a Magisterial Court :

Provided that—

- (a) no charge other than that revealed by the information contained in the summons shall be framed ;
- (b) in proceedings under this Law it shall not be necessary to prove that the person charged was guilty of any particular act or acts tending to show his purpose or intent or character and an order may be made against such person if from the circumstances of the case and from his known character as proved to the Commissioner or President of a District Court it appears to such Commissioner or President of a District Court that an order ought to be made.

6. Where any person is ordered by a Commissioner or a President of a District Court to execute a bond under the provisions of section 2, 3 or 5 of this Law or to be placed under police supervision under the provisions of section 14 of this Law such person may, within ten days from the date of such order appeal to the Governor in Council whose decision thereon shall be final and conclusive.

Appeal to
Governor in
Council.

7.—(1) The bond to be executed by any person under this Law shall bind him to keep the peace, or to refrain from acts liable to disturb the public tranquillity or to be of good behaviour.

Nature of
bond and
power to
forfeit it.

(2) Where a bond conditioned to keep the peace or to refrain from acts liable to disturb the public tranquillity or to be of good behaviour has been executed under the provisions of this Law by any person as principal or surety in accordance with an order of a Commissioner or a President of a District Court such Commissioner or President of a District Court upon proof of the conviction of the person bound as principal by such bond of any offence which is in law a breach of the condition of such bond, may adjudge such bond to be forfeited, and adjudge the persons bound thereby, whether as principal or sureties, or any of such persons, to pay the sums for which they are respectively bound, and such judgment shall be a final judgment and shall be executed in accordance with the law for the time being in force relating to the execution of civil judgments,

Power to
Com-
missioner
or President
of District
Court to
administer
oath.

8. A Commissioner or a President of a District Court shall, for the purposes of this Law, have power to administer an oath and any oath taken before a Commissioner or a President of a District Court under the provisions of this section shall be deemed to have been taken in a judicial proceeding.

Powers of
Com-
missioner or
President
to refuse
surety.

9. A Commissioner or a President of a District Court may refuse to accept any surety on the ground that, for reasons to be recorded by him, such surety is an unfit person.

Failure to
give security
involves
imprison-
ment.

10. If any person ordered to give security under section 5 (2) of this Law fails to do so on or before the date of the commencement of the period for which security is to be given, he shall be committed to prison, or if already in prison, detained there until such period expires, or until, within such period, he gives the required security.

Power of
Governor to
release in
certain
cases.

11. Whenever the Chief Commandant of Police on the representation of the Commissioner or otherwise, is satisfied that any person imprisoned for failing to give security under this Law may be released without danger to the community or to any other person, he shall make an immediate report of the case for the order of the Governor, who may, if he thinks fit, order such person to be discharged.

Power of
Governor to
cancel bond.

12. The Governor may at any time cancel or modify any bond executed under this Law.

Cancellation
of bond of
surety.

13.—(1) Any surety for the peaceful conduct or good behaviour of another person may apply to the Commissioner or President of a District Court to cancel any bond that he has executed. The Commissioner or President of a District Court shall then issue his summons or warrant, requiring the person for whom such surety is bound to appear. When that person appears, the Commissioner or President of a District Court shall cancel such bond, and shall order such person to give fresh security for the unexpired portion of the term of the bond. In default such person shall be committed to prison until the expiration of the period for which security is to be given or until within such period, he has given the required security.

(2) If the Commissioner or President of a District Court is of opinion that a surety for the good conduct or peaceful behaviour of another person has become unfit to act in that capacity while the bond is still in operation, he may,

in like manner and subject to the same conditions, require the person for whom such surety is bound to find a fresh surety in the place of such surety or cancel the former bond.

14. Where any person is brought before a Commissioner or President of a District Court under the provisions of section 2 or 3 of this Law, and the Commissioner or President of a District Court is of opinion that such person should be required to give security for good behaviour within the terms of this Law, he may, in place of or in addition to requiring security to be given, order that such person shall be placed under police supervision for any period not exceeding one year.

Power to place a person under police supervision.

15. Any person placed under police supervision shall be subject to all or any of the following restrictions as the Commissioner or President of a District Court so placing him may order:—

Restrictions on persons placed under police supervision.

- (a) He shall be required to reside within the limits of any District, town or village in Cyprus specified in the order;
- (b) He shall not transfer his residence to any other town or village in the same District without the written authority of the Local Commandant of Police and he shall not transfer his residence to any other District without the written authority of the Chief Commandant of Police;
- (c) He shall not leave the District, town or village within which he resides without the written authority of the Local Commandant of Police;
- (d) He shall at all times keep the Local Commandant of Police of the District in which he resides notified of the house or the place in which he resides;
- (e) He shall be liable, whenever called upon so to do by the officer in charge of the Police in the District or town or village in which he resides, to present himself at the nearest police station;
- (f) He shall remain within the doors of his residence from one hour after sunset until sunrise, and may be visited at his residence at any time by the police.

16. Any person placed under police supervision who fails to comply with any of the conditions specified in the order shall be liable to imprisonment not exceeding six months or a fine not exceeding fifty pounds or to both.

Penalty for failure to comply with order.

FIRST SCHEDULE.

(SECTIONS 2 AND 3.)

SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE, ETC.

To..... of.....

Whereas it has been made to appear to me by credible information that (1)..... and that you are likely to..... you are hereby required to attend in person at..... on the..... day of..... 19...., ato'clock in the....., to show cause why you should not be required to enter into a bond for £....., (2) and also to give security by the bond of one surety in the sum of £..... or two sureties in the sum of £..... each that you will..... for the term of.....

Given under my hand this.... day of..... 19..

.....
.....

(1) State the substance of the information.

(2) Strike out if not required.

SECOND SCHEDULE.

(SECTIONS 2 AND 3.)

BOND.

Whereas I,....., inhabitant
of....., have been called upon to enter
into a bond to.....
for the term of..... I hereby
bind myself to His Majesty King George V his heirs and
successors during the said term, and, in case of any making
default therein, I bind myself to forfeit to His Majesty
King George V his heirs and successors the sum of £.....

Dated this..... day of..... 19.....

.....

(Where a bond with sureties is to be executed, add)

We do hereby declare ourselves sureties for the above
named..... that he
will be..... during the
said term, and, in case of his making default therein, we
bind ourselves, jointly and severally, to forfeit to His
Majesty King George V his heirs and successors the sum of
£.....

Dated this..... day of..... 19.....

.....

.....

This Law came into operation on 18th October, 1935.