

Amendment
of Schedule
to Law 31
of 1923.

3. The Schedule to the Principal Law is hereby amended by the deletion therefrom of the words "Receipt given by an officer of a public department for money paid by way of imprest or advance, other than a wage fee or salary" (which occur in the third paragraph of the table of exemptions relating to receipts or discharges for the payment of £1 and upwards) and the substitution therefor of the words—

"Receipt given by a public officer for money paid by way of imprest or advance, or in adjustment of an account, where he derives no personal benefit.

Receipt given for or on account of any salary, pay, allowance, wages or for or on account of any other like payment made to or for the account or benefit of any person, being the holder of an office or an employment, or for or on account of money paid in respect of any pension, superannuation allowance, compassionate allowance, or other like allowance."

NO. 2 OF 1937.

A LAW FURTHER TO AMEND THE CRIMINAL CODE.

H. R. PALMER,
Governor.

[27th February, 1937.]

BE it enacted:—

Short title.
The Cyprus
Criminal
Code Order
in Council,
1928.

9 of 1931
34 of 1932
35 of 1933
43 of 1933
9 of 1936
28 of 1936

Repeal of
section 7 of
the Criminal
Code and
substitution
of new
section.

1. This Law may be cited as the Cyprus Criminal Code (Amendment) Law, 1937, and shall be read as one with the Cyprus Criminal Code, 1928 to (No. 2) 1936, (hereinafter called "the Criminal Code"), and the Criminal Code and this Law may together be cited as the Cyprus Criminal Code, 1928 to 1937.

2. Section 7 of the Criminal Code is hereby repealed and the following section substituted therefor:—

"Offences
committed
partly in one
and partly
in another
or other
Districts.

7. 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."

3. Section 28 of the Criminal Code is hereby amended by the addition thereto of the following sub-section:—

Addition of new sub-section (3) to section 28 of the Criminal Code.

“(3)—(a) Where a woman convicted of an offence punishable with death is found in accordance with the provisions of this sub-section to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of sentence of death.

(b) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the Assize Court before whom a woman is so convicted thinks fit so to order, the question whether or not the woman is pregnant shall, before sentence is passed on her, be determined by the Court.

(c) The question whether the woman is pregnant or not shall be determined by the Court on such evidence as may be laid before it either on the part of the woman or on the part of the Crown, and the Court shall find that the woman is not pregnant unless it is proved affirmatively to their satisfaction that she is pregnant.

(d) Where on proceedings under this sub-section the Court finds that the woman in question is not pregnant, the woman may appeal to the Supreme Court, and that Court, if satisfied that for any reason the finding should be set aside, shall quash the sentence passed on her and instead thereof pass on her a sentence of imprisonment for life.

(e) The rights conferred by this sub-section on a woman convicted of an offence punishable with death shall be in substitution for the right of such a woman to move in arrest of execution on the ground that she is pregnant and the last mentioned right shall cease as from the 5th day of March, 1937.”

4. Section 70 of the Criminal Code is hereby amended by the deletion therefrom of the words “in charge” (lines 2 and 3).

Amendment of section 70 of the Criminal Code.

5. Section 79 of the Criminal Code is hereby repealed and the following section substituted therefor:—

Repeal of section 79 of the Criminal Code and substitution of new section.

“Carrying knives outside house prohibited.

79.—(1) Any person who wears or carries a knife not ending in a sharp point outside his house or the curtilage thereof is guilty of a misdemeanour and is liable to imprisonment for one year.

(2) Any person who wears or carries a knife ending in a sharp point outside his house or the curtilage thereof is guilty of a misdemeanour and shall, notwithstanding anything to the contrary in section 29 (2), 34 or 35 of this Code or in clause 51 of the Cyprus Courts of Justice Order, 1927, contained, be liable to imprisonment for one year :

Provided that, unless the Court for special reasons to be recorded in the minutes thinks fit to order otherwise, no sentence imposed under this sub-section shall be for a term less than six months. Any such order if made by a member of a District Court other than the President shall be subject to confirmation by the President, and if the President does not confirm the lesser sentence the trial Court shall pass the minimum sentence prescribed by this sub-section.

(3) No person shall be deemed to have committed an offence under this section if he shall prove to the satisfaction of the Court that he was wearing or carrying outside his house or the curtilage thereof the knife in respect of which the charge is made, for some lawful purpose for which such knife was necessary."

Repeal of section 80 of the Criminal Code and substitution of new section.

6. Section 80 of the Criminal Code is hereby repealed and the following section substituted therefor:—

"Knives at weddings, etc., prohibited.

80.—(1) Any person who shall wear or carry a knife not ending in a sharp point at any wedding or fair or in any brothel or licensed premises is guilty of a misdemeanour.

(2) Any person who wears or carries a knife ending in a sharp point at any wedding or fair or in any brothel or licensed premises is guilty of a misdemeanour and shall, notwithstanding anything to the contrary in section 29 (2), 34 or 35 of this Code or in clause 51 of the Cyprus Courts of Justice Order, 1927, contained, be liable to imprisonment for two years :

Provided that, unless the Court for special reasons to be recorded in the minutes thinks

fit to order otherwise, no sentence imposed under this sub-section shall be for a term less than one year.

(3) No person shall be deemed to have committed an offence under this section if he proves to the satisfaction of the Court that he was wearing or carrying such knife in the exercise of his trade or calling."

7. Section 89 of the Criminal Code is hereby amended by the deletion therefrom of the words "misdemeanour and is liable to imprisonment for one year" (lines 7 and 8) and the substitution therefor of the words "felony and is liable to imprisonment for five years".

Amendment of section 89 of the Criminal Code.

8. The Criminal Code is hereby amended by the insertion immediately after section 169 of the following section:—

Insertion of new section 169A in the Criminal Code.

"Neglect of filial duty.

169A. Any person being the son or daughter of any parent incapable of providing himself or herself through mental or bodily weakness or old age who, being able to do so, refuses or neglects to provide sufficient food, clothes, bedding and other necessaries for such parent may, on conviction before any Court of summary jurisdiction, be ordered to maintain such parent and on default shall be liable on conviction by a competent Court to imprisonment not exceeding two years and the Court before which such person is convicted may order that any property in his or her possession which may have been received as a gift from such parent shall be re-transferred to such parent and any such order shall be sufficient authority to the Land Registry Office to cause the necessary amendments to the relative registrations to be effected:

Provided that no such order shall affect or prejudice the rights of any person other than the son or daughter against whom the order is made."

9. Section 255 of the Criminal Code is hereby repealed and the following section substituted therefor:—

Repeal of section 255 of the Criminal Code and substitution of new section.

"Stealing cattle, crops, etc.

255.—(1) If the thing stolen is any of the things following, that is to say, a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram,

ewe, wether, goat or pig, or the young of any such animal, or any crops or fruit the offender is liable to imprisonment for three years.

(2) The provisions of section 9 of this Code shall not apply in the case of any prosecution under this section for stealing any crops or fruit, the produce of any land or tree registered in the name of another person, unless the person charged proves to the satisfaction of the Court that—

- (a) he has purchased or acquired by partition, exchange, inheritance or in consideration of marriage such land or tree from the registered owner thereof or the heirs of such owner, or
- (b) the crop or fruit although the produce of any land or tree so registered has been lawfully acquired by him."

Insertion of
new section
270A in the
Criminal
Code.

10. The Criminal Code is hereby amended by the insertion immediately after section 270 of the following section :—

"Unauthor-
ized culti-
vation.

270A.—(1) Any person who ploughs, sows or otherwise cultivates—

- (a) any land registered in the name of any other person,
- (b) any land in respect of which a contract for sale has been deposited in the Land Registry Office under the provisions of the Sale of Land (Specific Performance) Law, 1885, by the purchaser thereof,

11 of 1885.

without the consent of such registered owner or his heirs or purchaser or his heirs, as the case may be, is guilty of a misdemeanour and is liable to imprisonment for six months.

(2) The provisions of section 9 of this Code shall not apply in the case of any prosecution under this section unless the person charged proves to the satisfaction of the Court that he has purchased or acquired by partition, exchange, inheritance or in consideration of marriage such land from the registered owner thereof or his heirs."

11. Section 272 of the Criminal Code is hereby amended by the addition at the end of the second paragraph of the words "with or without whipping or flogging".

Amendment of section 272 of the Criminal Code.

12. Section 273 of the Criminal Code is hereby amended by the addition at the end of the second paragraph of the words "with or without whipping or flogging".

Amendment of section 273 of the Criminal Code.

13. The Criminal Code is hereby amended by the insertion immediately after section 274 of the following section :—

Insertion of new section 274A in the Criminal Code.

"Entering upon the property of another armed, with intent to steal.

274A. Any person who enters upon the property of another with intent to steal, being armed with any dangerous or offensive weapon or instrument or in company with one or more person or persons, in circumstances in which it would be reasonably apprehended that in furtherance of that intent, or in order to effect or facilitate his escape, violence to any person would be used is guilty of a felony and is liable to imprisonment for five years with or without whipping or flogging."

14. Section 284 of the Criminal Code is hereby repealed and the following section substituted therefor :—

Repeal of section 284 of the Criminal Code and substitution of new section.

"Person found armed, etc., with intent to commit felony.

284. Any person who is found under any of the circumstances following, that is to say—

- (a) being armed with any dangerous or offensive weapon or instrument with intent to break or enter a dwelling house and to commit a felony therein ;
- (b) being armed as aforesaid by night with intent to break or enter any building whatever, and to commit a felony therein ;
- (c) having in his possession by night, without lawful excuse, the proof of which lies on him, any instrument of housebreaking ;
- (d) having in his possession by day any such instrument with intent to commit a felony ;
- (e) having his face masked or blackened or being otherwise disguised, with intent to commit a felony ;
- (f) being in any building whatever by night with intent to commit a felony therein ; or

(g) being in any building whatever by day with intent to commit a felony therein, and having taken precautions to conceal his presence,

is guilty of a felony and is liable (i) in the case of a conviction under paragraph (a), (b), (c), (e) or (f) to imprisonment for five years; (ii) in the case of a conviction under paragraph (d) or (g) to imprisonment for three years.

If the offender has been previously convicted of a felony relating to property, he is liable to imprisonment for seven years."

Amendment of section 289 (c) of the Criminal Code.

15. Paragraph (c) of section 289 of the Criminal Code is hereby amended by the deletion therefrom of the word "sells" (line 1) and by the substitution therefor of the word "conceals".

Repeal of section 294 of the Code and substitution of new section.

16. Section 294 of the Criminal Code is hereby repealed and the following section substituted therefor:—

"Receiving stolen property, etc.

294.—(1) Any person who by himself or by any agent wilfully receives or takes upon himself, either alone or jointly with any other person, the control or disposition of any chattel, money, valuable security or other property whatsoever, knowing the same to have been feloniously stolen, taken, extorted, obtained or disposed of, is guilty of a felony, and is liable to imprisonment for ten years.

(2) Any person who is charged with any offence under this section may be tried summarily, that is to say—

(a) before the President of a District Court and on conviction shall be liable to imprisonment for any term not exceeding three years or to a fine not exceeding one hundred pounds or to both, with or without an order to pay compensation not exceeding one hundred pounds; or

(b) where the value of the property does not exceed ten pounds, before a District Judge and on conviction shall be liable to imprisonment for any term not exceeding one year or to a fine not exceeding one hundred pounds or to both, with

or without an order to pay compensation not exceeding ten pounds ; or

- (c) where the value of the property does not exceed five pounds, before a Magistrate, and on conviction shall be liable to imprisonment for any term not exceeding six months or to a fine not exceeding twenty-five pounds or to both, with or without an order to pay compensation not exceeding five pounds :

Provided that nothing herein contained shall prevent a person being charged on information before an Assize Court for any offence under this section, but so that he shall not be punished twice for the same offence."

17. Paragraph (c) of section 303 of the Criminal Code is hereby amended by the insertion immediately after the word "stack" of the words "of corn, grain, hay, straw or". Amendment of section 303 of the Criminal Code.

18. Section 305 of the Criminal Code is hereby amended as follows:— Amendment of section 305 of the Criminal Code.

(a) By the insertion in paragraph (a) thereof immediately after the word "crop" of the words "of corn, grain or".

(b) By the insertion in paragraph (c) thereof immediately after the word "cultivation" of the word "or".

(c) By the addition of the following paragraph immediately after paragraph (c) thereof:—

"(d) any forest being the property of or under the protection, control or management of the Government."

19. Section 344 of the Criminal Code is hereby amended by the deletion of the word "misdemeanour" and the substitution therefor of the words "felony and is liable to imprisonment for life". Amendment of section 344 of the Criminal Code.