



**SUPPLEMENT No. 2**

TJ

THE CYPRUS GAZETTE No. 3410 OF 23RD DECEMBER, 1948.  
LEGISLATION.

---

**THE STATUTE LAWS OF CYPRUS**

**No. 44 OF 1948.**

A LAW FURTHER TO AMEND THE CRIMINAL CODE.

R. E. TURNBULL,]

[16th December, 1948.

*Officer Administering the Government.*

**B**E 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 Criminal Code (Amendment) Law, 1948, and shall be read as one with the Cyprus Criminal Code, 1928 to 1944 (hereinafter referred to as "the Criminal Code"), and the Criminal Code and this Law may together be cited as the Cyprus Criminal Code, 1928 to 1948.

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  
2 of 1937  
19 of 1944

Insertion  
of new  
section 35A  
in the  
Criminal  
Code.

2. The Criminal Code is hereby amended by the insertion therein, immediately after section 35, of the following section:—

“Powers of  
Court in  
minor cases.

35A. If, upon the hearing of a charge for an offence triable summarily, the Court is of opinion that, though the charge is proved, the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment or any other than a nominal punishment, the Court, without proceeding to conviction, may dismiss the charge and may, if it thinks fit, order the person charged to pay such damages, not exceeding ten pounds, and such costs of the proceedings or either of them as the court may think reasonable.”

Amendment  
of section 69  
of the  
Criminal  
Code.

3. Section 69 of the Criminal Code is hereby amended by the deletion of the words “two years” and the substitution therefor of the words “three years”.

Amendment  
of sections  
79 (2) and  
80 (2) of the  
Criminal  
Code.

4. Sub-section (2) of section 79 and sub-section (2) of section 80 of the Criminal Code are hereby amended by the deletion therefrom in each case of the words “section 29 (2), 34, or 35 of this Code or in clause 51 of the Cyprus Courts of Justice Order, 1927, contained,” and the substitution therefor of the words “section 29 (2), 34, 35 or 35A of this Code contained,”.

Amendment  
of section 96  
of the  
Criminal  
Code.

5. Section 96 of the Criminal Code is hereby amended by the insertion therein, immediately after the words “public place” of the words “or in any place not being a public place in such manner or circumstances as to be likely to be heard by any other person in any public place”.

Amendment  
of section 109  
of the  
Criminal  
Code.

6. Section 109 of the Criminal Code is hereby amended as follows:—

(a) by the deletion therefrom of the marginal note and the substitution therefor of the following marginal note:—

“Contradictory statements by witnesses.”;

(b) by the deletion in sub-section (2) thereof of the marginal notes and of the first paragraph beginning with the words “Any person who” to and ending with the words “not exceeding fifty pounds.” and the substitution therefor of the following paragraph:—

“(2) Any person who, having made a statement to any person authorized by the Governor under any Law in force for the time being to investigate into the commission of any

offence, subsequently on his examination as a witness in a summary trial or in a preliminary inquiry, makes any statement tending to prove the guilt or innocence of any person inconsistent with, or contradictory to, the first mentioned statement, is guilty of a misdemeanour and is liable to imprisonment for three years or to a fine not exceeding fifty pounds or to both :”.

7. The Criminal Code is hereby amended by the insertion therein, immediately after section 110, of the following section :—

“ Effecting public mischief.

110A. Any person who knowingly makes to any police officer a false statement concerning an imaginary offence, shall be guilty of the offence of effecting a public mischief and shall be liable to a fine not exceeding fifty pounds or to imprisonment for one year.”

Insertion of new section 110A in the Criminal Code.

8. Section 169 of the Criminal Code is hereby repealed and the following section substituted therefor :—

“ Desertion of children.

169. Any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of twelve years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, may, on conviction before any Court of summary jurisdiction, be ordered to maintain such child and on default shall be liable on conviction by a competent Court to imprisonment not exceeding two years.”

Repeal of section 169 of the Criminal Code and substitution of new section.

9. The Criminal Code is hereby amended by the insertion therein, immediately after section 172, of the following section :—

“ Use of sound amplifying instruments in or near public places.

172A.—(1) No person shall use or operate or cause or permit any other person to use or operate any loudspeaker, megaphone, amplifier or other instrument automatically, mechanically or electrically amplifying or transmitting amplified sound—

(a) in any public place ; or

(b) in any other place in such manner or circumstances that the sound so amplified is audible in any public place, save under a permit issued by the Commissioner or such person as the Commissioner

Insertion of new section 172A in the Criminal Code.

may authorize in that behalf and in accordance with such conditions as may be attached to such permit :

Provided that no permit shall be required for the use or operation of any instrument solely used or operated for the exhibition of a cinematograph film in any place or premises duly licensed for the purpose.

(2) Any person who acts in contravention of sub-section (1) or of any condition attached to any permit issued thereunder is guilty of a misdemeanour and is liable to a fine not exceeding twenty-five pounds or to imprisonment for six months or to both and the Court trying the offence may order that the instrument in respect of which the offence has been committed shall be forfeited.

(3) The provisions of this section shall be in addition to, and not in substitution for, the provisions of any other Law or public instrument relating to the use or operation of any of the instruments referred to therein but so that no person shall be punished twice on the same set of facts."

16th December, 1948.

---

H. G. RICHARDS,  
*Acting Colonial Secretary.*