

No. 4 OF 1955.

CAP. 7
24 of 1954.

A LAW TO AMEND THE CIVIL PROCEDURE LAW.

R. P. ARMITAGE,
Governor.

[20th January, 1955.]

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

Short title.
Cap. 7
24 of 1954.

1. This Law may be cited as the Civil Procedure (Amendment) Law, 1955, and shall be read as one with the Civil Procedure Law (hereinafter referred to as "the principal Law").

2. The principal Law is hereby amended by the insertion immediately after section 5 of the following new section :—

“ Power to
arrest
defendant.

5A.—(1) Where the plaintiff in an action in any Court proves at any time before final judgment by evidence on oath to the satisfaction of such Court, that he has good cause of action against the defendant to an amount exceeding fifty pounds, and that there is probable cause for believing that the defendant is about to quit Cyprus unless he be apprehended, and that the absence of the defendant from Cyprus will materially prejudice the plaintiff in the prosecution of his action, such Court may order such defendant to be arrested and imprisoned for a period not exceeding six months, unless and until he has sooner given the security directed by the Court, not exceeding the amount claimed in the action, that he will not go out of Cyprus without the leave of the Court.

(2) 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 manner as is directed by Prison Regulations in respect of judgment debtors committed under Part VIII of this Law.

(3) The Court may at any time, on reasonable cause shown, discharge or vary the order, or grant such other relief as may be just.

(4) The security to be given by the defendant may be a deposit in Court of the amount mentioned in the order, or a bond to the plaintiff by the defendant and two sufficient sureties (or, with the leave of the Court either one surety or more than two), or, with the plaintiff's consent, any other form of security. The plaintiff may, within four days after receiving particulars of the names and addresses of the proposed sureties, give notice that he objects thereto, stating in the notice the particulars of his objections. In such case the sufficiency of the security shall be determined by the Court, which shall have power to award costs to either party. The plaintiff shall file an application in Court for that purpose, and unless he do so within four days after giving notice of objection, the security shall be deemed sufficient.

(5) Unless otherwise ordered, the costs of and incidental to an order of arrest, shall be costs in the cause.”

Amendment
of the
principal
Law by the
insertion of
new section
5A.

