



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3885 OF 2ND NOVEMBER, 1955.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 55 OF 1955.

A LAW TO PROVIDE FOR THE CONSTITUTION OF A SPECIAL COURT ;
FOR THE APPOINTMENT OF JUDGES AND JUSTICES THEREOF AND
FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL
THERE TO.

G. E. SINCLAIR,]
Governor's Deputy.

[1st November, 1955.

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

1. This Law may be cited as the Special Court Law, 1955. Short title.

Interpretation.

2. In this Law, unless the context otherwise requires—

“ Crown Prosecuting Counsel ” means a Crown Prosecuting Counsel appointed under section 14 of this Law and includes an acting Crown Prosecuting Counsel ;

“ Judge ” means a Judge appointed under section 4 of this Law and includes an acting Judge ;

“ Justice ” means a Justice appointed under section 5 of this Law and includes an acting Justice ;

“ Special Court ” or “ the Court ” means the Special Court established under section 3 of this Law ;

“ specified offence ” means any offence against any Law or public instrument made thereunder, or against any Order of Her Majesty in Council or any Regulations made thereunder, for the time being in force—

(a) which the Governor, by Order published in the *Gazette*, prescribes to be a specified offence for the purposes of this Law ; or

(b) any other offence which the Attorney-General or the Solicitor-General certifies in writing to be an offence the commission of which is prejudicial to the internal security of the Colony or to the maintenance of public order in the Colony and that the case, having regard to all the circumstances of any such offence, is a proper case for trial by the Special Court.

Establishment of Special Court.

3.—(1) There shall be established a Special Court in the Colony, consisting of one or more Judges and three or more Justices, for the trial of specified offences.

(2) The disposition and distribution of the duties of the Judges and Justices shall be regulated by the Chief Justice.

Appointment of Judges of the Special Court.

4.—(1) Judges of the Special Court shall be appointed by the Governor by Letters Patent under the Public Seal of the Colony in accordance with such instructions as he may receive from Her Majesty through a Secretary of State, and shall hold office during Her Majesty's pleasure.

(2) Whenever there shall be a vacancy in the office of a Judge of the Special Court, it shall be lawful for the Governor to appoint another fit and proper person to fill such office until Her Majesty's pleasure be known ; and in case of the temporary illness or absence of any Judge of the Special Court it shall be lawful for the Governor in his discretion to appoint a fit and proper person to act in the office of such Judge until he shall resume the duties thereof :

Provided that any person appointed to act as a Judge of the Special Court under this sub-section may, notwithstanding that the period of his appointment has expired, sit for the purpose of completing the hearing of a case partly heard by him or of giving judgment in relation to any proceedings heard before him.

Appointment of Justices of the Special Court.

5.—(1) Justices of the Special Court shall be appointed by an instrument in writing under the hand of the Governor and shall hold their office during Her Majesty's pleasure.

(2) The Governor may, by an instrument in writing under his hand, appoint any fit and proper person to act as a Justice of the Special Court for such time as may be specified in the instrument of appointment, and every such person so appointed shall, while so acting, have all the powers of a Justice of the Special Court.

6.—(1) Every Judge and Justice of the Special Court shall, before entering on the execution of the duties of his office, take and subscribe the oath of allegiance and the judicial oath in the forms prescribed in the First Schedule to the Courts of Justice Law, 1953. Oath of allegiance and judicial oath.
40 of 1953.

(2) The oaths mentioned in sub-section (1) of this section shall, in the case of a Judge, be taken and subscribed before the Governor, and, in the case of a Justice, be taken and subscribed before the Chief Justice.

7.—(1) The Governor may appoint such number of persons as may be necessary to act as Registrars, Assistant Registrars, and such other officers as he may deem fit for the administration of justice in the Special Court. Appointment of Registrars, etc.

(2) The duties of the Registrars and Assistant Registrars of the Special Court shall be the same as the duties of the Registrar or Assistant Registrar of a District Court acting in the exercise of its criminal jurisdiction.

8.—(1) A Judge of the Special Court shall have jurisdiction to try all specified offences committed within the Colony whether before or after the coming into operation of this Law. Jurisdiction of a Judge of the Special Court.

(2) A Special Court composed of a Judge exercising jurisdiction under this section shall, subject to the provisions of this Law, have all the powers and privileges of an Assize Court constituted under the Courts of Justice Law, 1953, or under any Law amending or substituted for the same, and shall for all the purposes of the said Law or of any Law in force for the time being be deemed to be an Assize Court. 40 of 1953.

9.—(1) A Justice of the Special Court shall have jurisdiction to try summarily all specified offences committed within the Colony before or after the coming into operation of this Law which are punishable with imprisonment for a term not exceeding three years or with a fine not exceeding five hundred pounds or with both such imprisonment and fine. Jurisdiction of a Justice of the Special Court.

(2) Notwithstanding anything in this section contained, a Justice of the Special Court shall, with the consent of the accused to be recorded in the minutes of the proceedings, have jurisdiction to try summarily any specified offence punishable with imprisonment for a term not exceeding seven years, if satisfied that it is expedient so to do, in all the circumstances of the case including consideration of the adequacy of the punishment such Justice is empowered under this section to impose :

Provided that—

- (a) any punishment imposed shall not exceed the punishment which a Justice is empowered to impose under sub-section (1) of this section ;

- (b) failure to record the consent of the accused in the minutes of the proceedings shall not be a ground for setting aside any conviction or sentence in such proceedings ;
- (c) subject to paragraph (d) hereof, where the Crown Prosecuting Counsel or other person appearing for the Crown informs the Court that it is necessary that the Attorney-General should be consulted, the Justice shall not deal with a case under this sub-section until the prosecution has been afforded a reasonable opportunity of so doing, and the Court shall refuse to deal with the case if informed in writing by the Attorney-General that he does not consent to such a course ;
- (d) in any case where the offence charged is punishable with imprisonment exceeding five years no Justice shall deal with the case under this sub-section unless the written consent of the Attorney-General is produced to the Court.

Procedure.

10. Trials in the Special Court shall be conducted in accordance with the provisions of any Law relating to criminal procedure in force for the time being.

Appeals and cases stated.

11.—(1) Any person convicted of an offence by a Special Court shall have the same right of appeal to the Supreme Court as a person convicted of an offence by any court of criminal jurisdiction, and the provisions of sections 129 to 144 (both inclusive) of the Criminal Procedure Law shall apply, *mutatis mutandis*, to appeals against conviction and sentence by the Special Court as they apply to appeals against conviction and sentence by a court of original criminal jurisdiction :

Cap. 14.
6 of 1953
39 of 1954
55 of 1954
27 of 1955.

Provided that any appeal to the Supreme Court from a judgment of a Justice in any case where a sentence of imprisonment for a term not exceeding one year, or a fine not exceeding fifty pounds, has been imposed may, notwithstanding anything in section 22 of the Courts of Justice Law, 1953, or of any Law amending or substituted for the same, to the contrary contained, be heard and determined by one Judge of the Supreme Court.

40 of 1953.

(2) The provisions of sections 145 and 146 of the Criminal Procedure Law, relating to questions of law reserved for the opinion of the Supreme Court and to cases stated for the opinion of the Supreme Court, shall apply, *mutatis mutandis*, to cases tried by a Special Court as they apply to cases tried by a court of original criminal jurisdiction.

Cap. 14.
6 of 1953
39 of 1954
55 of 1954
27 of 1955.

Sittings.

12.—(1) The sittings of the Special Court shall be held at such places and times as the Chief Justice may from time to time direct.

(2) The sittings of every Special Court for the hearing of all proceedings shall ordinarily be public, but the Court may, for a reason to be entered by it on the minutes, hear any proceeding in the presence only of the parties with their advocates or other representatives, if any, and the officers of the Court.

13.—(1) The Special Court shall have and use as occasion requires a seal bearing the style of such Court and such device as may be approved by the Governor. Seals.

(2) The Special Court shall have as many duplicates of the seal of the Court as may be required, not exceeding one duplicate for each member of the Court.

(3) The Chief Justice shall direct in whose custody every duplicate of the seal of the Special Court shall be kept.

(4) All writs, orders and other instruments issued by the Special Court shall be sealed by the seal of the Court.

14. The Governor may appoint one or more Crown Prosecuting Counsel to appear for the prosecution in any trial or matter before any Special Court and any such Crown Prosecuting Counsel shall, in connection with any such trial or matter, have all the powers and privileges of a Law Officer, and shall for all the purposes of any Law in force for the time being be deemed to be a Law Officer. Appointment of Crown Prosecuting Counsel.

15. In any proceedings before a Special Court all or any of the provisions of the Juvenile Offenders Law may be dispensed with or modified at the discretion of the Special Court. Provisions of Juvenile Offenders Law may be dispensed with or modified. Cap. 19 49 of 1954.

16. The Governor may, with the advice and assistance of the Chief Justice, make rules of court regulating any matters relating to the practice and procedure of the Special Court and generally for the better carrying out of the purposes of this Law. Rules of Court.

17. Subject to the provisions of this Law, the provisions of the Courts of Justice Law, 1953, relating to courts of original criminal jurisdiction, and the provisions of any other Law in force for the time being relating to criminal trials shall, in so far as they are not inconsistent with the provisions of this Law, apply, *mutatis mutandis*, to trials by the Special Court as they apply to trials by any other court of original criminal jurisdiction. Application of provisions of Law 40 of 1953 and of general provisions relating to criminal trials.

18. This Law shall remain in force for a period of one year from the date of its enactment and shall then expire : Duration.

Provided that the Governor in Council may, by an Order to be published in the *Gazette*, continue the operation of this Law for any further period or periods of six months.

1st November, 1955.

J. W. SYKES,
Administrative Secretary.