

**CYPRUS**

**EVIDENCE**

**CHAPTER 9 OF THE LAWS**

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1959



## CHAPTER 9.

## EVIDENCE.

## ARRANGEMENT OF SECTIONS.

| Section                                                                                                 | Page |
|---------------------------------------------------------------------------------------------------------|------|
| 1 Short title ...                                                                                       | 1    |
| 2 Interpretation ...                                                                                    | 1    |
| 3 Application of English law and rules of evidence ...                                                  | 2    |
| 4 Admissibility of documentary evidence as to facts in issue ...                                        | 2    |
| 5 Weight to be attached to evidence ...                                                                 | 4    |
| 6 Evidence in actions for breach of promise ...                                                         | 4    |
| 7 Claim upon estate of deceased person ...                                                              | 4    |
| 8 Evidence in case of treason and misprision of treason ...                                             | 4    |
| 9 Unsworn evidence of child of tender years ...                                                         | 4    |
| 10 Particulars of immediate complaint may be given in evidence on behalf of the prosecution ...         | 4    |
| 11 Statements in depositions afterwards contradicted may be considered in evidence in certain cases ... | 5    |
| 12 Reports and certificates admissible in evidence in certain circumstances ...                         | 5    |
| 13 Who are competent witnesses ...                                                                      | 6    |
| 14 Husband and wife ...                                                                                 | 6    |
| 15 Presumptions as to documents twenty years old ...                                                    | 7    |
| 16 Proof of instruments to validity of which attestation is necessary ...                               | 7    |
| 17 Admission in evidence of documents executed out of the Colony ...                                    | 7    |
| 18 Certified copies of registers, etc., to be evidence ...                                              | 8    |
| SCHEDULE ...                                                                                            | 9    |

A LAW TO AMEND AND CONSOLIDATE CERTAIN PROVISIONS  
RELATING TO THE LAW OF EVIDENCE.

1949 Cap. 15.  
36 of 55.  
6 of 57.

[8th August, 1946.]

1. This Law may be cited as the Evidence Law.\* Short title.
2. In this Law, Interpreta-  
tion.
  - “civil proceeding” and cognate expressions means any proceeding other than a criminal proceeding and includes arbitrations and references;
  - “Court” means a Court of competent jurisdiction and, in relation to arbitrations or references, shall be construed accordingly;
  - “criminal proceeding” and cognate expressions means any proceeding against any person to obtain punishment of such person for any offence against any Law or public instrument;
  - “document” includes books, maps, plans, drawings, photographs and also includes any matter expressed

\* And see Stamp Law, Cap. 328, sections 20 and 21.

or described upon any substance by means of letters, figures or marks or by more than one of these means, intended to be used or which may be used for the purpose of recording that matter.

Application  
of English  
law and rules  
of evidence.

3. Save in so far as other provision is made in this Law or has been made or shall be made in any other Law in force for the time being, every Court, in the exercise of its jurisdiction in any civil or criminal proceeding, shall apply, so far as circumstances may permit, the law and rules of evidence as in force in England on the 5th day of November, 1914.

Admissi-  
bility of  
documentary  
evidence as  
to facts in  
issue.

4. (1) In any civil proceeding where direct oral evidence of a fact would be admissible, any statement made by a person in a document and tending to establish that fact shall, on production of the original document, be admissible as evidence of that fact if the following conditions are satisfied; that is to say—

(a) if the maker of the statement either—

(i) had personal knowledge of the matters dealt with by the statement; or

(ii) where the document in question is or forms part of a record purporting to be a continuous record, made the statement (in so far as the matters dealt with thereby are not within his personal knowledge) in the performance of a duty to record information supplied to him by a person who had, or might reasonably be supposed to have, personal knowledge of those matters; and

(b) subject to subsection (2) of this section, if the maker of the statement is called as a witness in the proceedings:

Provided that the condition that the maker of the statement shall be called as a witness need not be satisfied if he is dead or unfit by reason of his bodily or mental condition to attend as a witness, or if he is beyond the seas and it is not reasonably practicable to secure his attendance, or if all reasonable efforts to find him have been made without success.

(2) In any civil proceedings, the Court may, at any stage of the proceedings, if having regard to all the circumstances of the case it is satisfied that undue delay or expense would

otherwise be caused, order that such a statement as is mentioned in subsection (1) of this section shall be admissible as evidence or may, without any such order having been made, admit such a statement in evidence—

(a) notwithstanding that the maker of the statement is available but is not called as a witness;

(b) notwithstanding that the original document is not produced, if in lieu thereof there is produced a copy of the original document or of the material part thereof certified to be a true copy in such manner as may be specified in the order or as the Court may approve, as the case may be.

(3) Nothing in this section shall render admissible as evidence any statement made by a person interested at a time when proceedings were pending or anticipated involving a dispute as to any fact which the statement might tend to establish.

(4) For the purposes of this section, a statement in a document shall not be deemed to have been made by a person unless the document or the material part thereof was written, made or produced by him with his own hand, or was signed or initialled by him or otherwise recognized by him in writing as one for the accuracy of which he is responsible.

(5) For the purpose of deciding whether or not a statement is admissible as evidence by virtue of the foregoing provisions, the Court may draw any reasonable inference from the form or contents of the document in which the statement is contained, or from any other circumstances, and may, in deciding whether or not a person is fit to attend as a witness, act on a certificate purporting to be the certificate of a registered medical practitioner, and the Court may in its discretion reject the statement notwithstanding that the requirements of this section are satisfied with respect thereto, if for any reason it appears to it to be expedient in the interests of justice that the statement should be admitted.

(6) Nothing in this section shall prejudice the admissibility of any evidence which would, apart from the provisions of this section, be admissible or enable documentary evidence to be given as to any declaration relating to a matter of pedigree, if that declaration would not have been admissible as evidence if this Law had not been enacted.