

9. The Principal Law, section 61, is hereby amended by the deletion of the words "to the Rural Police Fund" in line thirteen and the substitution therefor of the words "into the Revenues of Cyprus."

Amendment of Law 2 of 1878, sec. 61.

10. The Principal Law, section 64 (2), is hereby amended by the deletion of the word "consent" and the substitution therefor of the words "previous written permission in the prescribed form."

Amendment of Law 2 of 1878, sec. 64 (2).

11. The Principal Law, section 78, is hereby repealed and in place thereof the following section shall have effect:

Repeal of Law 2 of 1878, sec. 78, and substitution of new section.

"78. Any sum paid in respect of damages to the Police Group Commander under the provisions of this Law shall forthwith be paid by him as follows:—

Eighty-five per centum thereof shall be paid to the person entitled to the same under the provisions of this Law.

Fifteen per centum thereof shall be paid into the Revenues of Cyprus in such manner as the Chief Commandant of Police shall direct. Provided that in attributing the share payable into the Revenues no fraction of a piastre shall be payable thereto."

12. The Principal Law, section 79, is hereby repealed.

Repeal of Law 2 of 1878, sec. 79.

This Law was published in the Cyprus Gazette No. 2026 of the 3rd January, 1930.

No. 12 of 1929.

TO MAKE PROVISION FOR CERTAIN MATTERS RELATING TO CRIMINAL EVIDENCE AND PROCEDURE.

A.D. 1929.
12 of 1929.

H. HENNIKER-HEATON.]

[December 14, 1929.

BE it enacted:—

*Amended by Law 37/1933
18/1934
38/1935
14/1946.*

PART I.

TITLE AND INTERPRETATION.

1. This Law may be cited as the Criminal Evidence and Procedure Law, 1929.

Short title.

2. In this Law:—

"Telegram" means any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals.

Interpretation.

"Wireless telegraphy" means any system of communication by telegraph without the aid of any wire connecting the points from and at which the messages or other communications are sent and received.

PART II.

EVIDENCE AND PROCEDURE.

Examination of persons by a Local Commandant or by authorised persons.

R. & R. by Law 37/33.

3. A Local Commandant of Police, or any competent and trustworthy person having experience in criminal investigation whom the Governor has by writing under his hand authorised to hold inquiries into the commission of offences, may examine orally any person whom he has good reason to suppose is acquainted with the facts and circumstances of any offence in respect whereof the Local Commandant of Police or other authorised person is inquiring, and may reduce into writing any statement made by a person so examined.

The person so examined shall be bound to answer truly all questions put to him by the Local Commandant of Police or other authorised person, other than questions the answers to which would have a tendency to expose him to a criminal charge.

Statements when reduced into writing to be signed, etc.

4. Any such statement when reduced into writing shall be read over to the person examined, who shall be requested to sign it, or, if he is illiterate, to affix his mark to it.

If he refuses to sign the statement or affix his mark to it, the Local Commandant of Police or other authorised person shall note in writing at the foot of the written statement that the person making the statement has refused to sign it or affix his mark to it, and the reason, if ascertained, of the refusal.

The written statement shall then be signed by the Local Commandant of Police or other authorised person; and in any proceeding against the person making it for not truly answering any question put to him or for a misdemeanour under section 5 of this Law, the written statement shall be evidence of the statements made by him, unless it is proved that he did not make the statements or any of them.

Evidence before Magisterial Court contradictory to statement made to an authorised person.

in force

5. Any person who, having made a statement to a Local Commandant of Police, or to any competent and trustworthy person having experience in criminal investigation whom the Governor has by writing under his hand authorised to hold inquiries into the commission of offences, which statement shall have been reduced into writing as hereinbefore provided, subsequently, on his examination as a witness before a Magisterial Court when the offence in relation to which the statement was made is being tried, makes any statement tending to prove the guilt or innocence

of any person inconsistent with or contradictory to his first mentioned statement is guilty of a misdemeanour and is liable to imprisonment for one year or to a fine not exceeding fifty pounds.

Provided that upon the trial of any person for a misdemeanour under this section it shall not be necessary to prove the falsity of either of the inconsistent or contradictory statements, but, upon proof that both the statements were made by him, the Court before which he is tried, if it considers that the statements, or either of them, were, or was, made with a view to deceive the Court to which, or the person to whom, the statements, or either of them, were, or was, made, and thereby improperly to prove the guilt or innocence of any person of the offence in relation to which the statements were made, shall convict the accused.

Mode of proof.

in force

New sections 59 & 5B added by law 31/1933.

6.—(1) Where upon the trial on information of a person accused of any offence, any witness shall make any material statement of fact in direct contradiction to a statement of fact contained in his deposition taken before a Magisterial Court, or upon commission in accordance with the provisions of Clause 125 of the Cyprus Courts of Justice Order, 1927, in or in the course of the preliminary inquiry into the charge against the accused person, the deposition may be put in evidence; and if it appears to the Court, having regard to all the circumstances of the case, that the statement therein contained is true (notwithstanding that the witness has so contradicted it as aforesaid), it shall be lawful for the Court, in considering whether the accused person has or has not committed the offence charged against him in the information or any offence for which he may be lawfully convicted by the Court on his trial, to treat the statement of fact contained in the deposition as the true evidence of the witness and to act upon it accordingly.

Statements in depositions afterwards contradicted may be considered as evidence in certain cases.

Repealed by law 14 of 1946

Provided that the Court shall not treat the statement of fact contained in the deposition of a witness as his evidence unless it appears to the Court that the fact deposed to by the witness is corroborated by other evidence in the case.

(2) For the purposes of this section proceedings under which a committal for trial on information has been ordered in accordance with the provisions of Clause 48 (iii.) of the Cyprus Courts of Justice Order, 1927, shall be deemed to be a preliminary inquiry.

obsolete

Particulars of immediate complaint may be given in evidence on behalf of the prosecution.

7. Any Magisterial Court before which any person charged of any offence triable summarily with or without consent is being tried, or any Magisterial Court before which a preliminary inquiry on a charge for any offence not triable summarily brought against any person is being held, or any Court before which any person accused of any offence by information is being tried, may receive in evidence, on behalf of the complainant or of the prosecution, the particulars of any complaint or any statement relating to the offence made by the person on whom the offence has been committed, or the person in charge of any property against which the offence has been committed and who was present when the offence was so committed.

Provided that the particulars of any such complaint or statement shall not be admissible on behalf of the complainant or of the prosecution unless it appears to the Magisterial Court before which a preliminary inquiry is being held or the Court before which the accused person is being tried that the complaint or statement has been made, having regard to the circumstances of the case, immediately after the commission of the offence, and to the first person or persons to whom the person making the complaint or statement spoke after the commission of the offence, or to the person or persons to whom the Court considers that it was natural that he would complain or make a statement regarding the offence.

Power to require the production of telegrams.

8.—(1) Whenever an inquiry into the commission of any offence is held or is about to be held by a Local Commandant of Police, or any competent and trustworthy person having experience in criminal investigation whom the Governor has by writing under his hand authorised to hold inquiries into the commission of offences, the Governor may, if it appears to him that such a course is expedient in the public interest, by warrant under his hand require any person who owns or controls any telegraphic cable or wire, or any apparatus for wireless telegraphy, used for the sending or receipt of telegrams to or from any place either within or out of Cyprus, to produce to him, or to any person named in the warrant, the originals and transcripts, either of all telegrams, or of telegrams of any specified class or description, or of telegrams sent from or addressed to any specified person or place, sent or received to or from any place either within or out of Cyprus by means of any such cable, wire or apparatus, and all other papers relating to any such telegram as aforesaid.