

*Amended by
Law 35/1934*

No. 35 OF 1932.

A.D. 1932.

A LAW TO DEFINE AND AMEND THE LAW OF
CIVIL WRONGS.

35 of 1932.

RONALD STORRS,
Governor.

[8th June, 1932.]

BE it enacted:—

Short title.

1. This Law may be cited as the Civil Wrongs Law, 1932.

PART I.

PRELIMINARY.

Interpreta
tion.

2.—(1) This Law shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in it shall be presumed, so far as is consistent with their context, and except as may be otherwise expressly provided, to be used with the meaning attaching to them in English Law and shall be construed in accordance therewith.

(2) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Action” means all proceedings of a civil nature before any Court and includes a set off or a counterclaim;

“Animal” includes birds, fish, insects and reptiles.
“Wild animal” means any animal not usually kept in captivity or under the control of man in the Colony;

“the Colony” means the Colony of Cyprus;

“Damage” means the loss of or detriment to any property, comfort, bodily welfare, reputation or other similar loss or detriment. “Pecuniary damage” means any actual loss or expense which is capable of estimation in money and of which particulars can be given;

“Enactment” means any Order of His Majesty in Council or any Law or any Order of the Governor in Council or any bye-law, regulation, rule or other subsidiary legislation lawfully made ;

“Injury” means any unlawful interference with a legal right ;

“Master” means the person who, in relation to another, has complete control of the way in which such other performs his work for such person. “Servant” means any person whose work is so controlled by a master :

Provided that no person in the service of His Majesty or of the Government of the Colony or of the Evcaf Department or of any Municipal Corporation or of any person shall be deemed to be the master or servant of any other person in such services respectively ;

“Occupier” means any person entitled as against the owner thereof to occupy or use any immovable property and if there is no such person then the owner of such property ;

“Property” means immovable and movable property. “Immovable property” means land, houses, buildings, walls and other constructions and trees. “Movable property” means all inanimate things and animals and shall include money, the produce of trees and vines, cereals, vegetable and other crops and water, whether severed from the land or not ;

“Public office” means any office held for the time being by any person employed in the public service as defined in the Cyprus Criminal Code Order in Council, 1928.

3. The matters in this Law hereinafter enumerated shall be civil wrongs, and subject to the provisions of this Law, any person who shall suffer any injury or damage by reason of any civil wrong committed in the Colony or within three miles of the coast thereof measured from low water mark shall be entitled to recover from the person committing or liable for such civil wrong the remedies hereinafter specified :

Right to
remedy in
respect of
civil wrongs.

Provided that an act which if repeated would not tend to establish an adverse claim or which is an act of which in the circumstances a person of ordinary sense and temper would not complain shall not be deemed to be a civil wrong.

PART II.

RIGHTS AND LIABILITIES OF CERTAIN
PERSONS.

Limitation
of actions
against
certain
persons in
respect of
civil wrongs.

4.—(1) No action in respect of any civil wrong shall be brought against His Majesty.

(2) A servant of the Crown shall be responsible for any civil wrong committed by him :

Provided that he shall be sued therefor in his personal capacity :

Provided also that, subject to the provisions of subsections (3) and (4) hereof, it shall be a defence to any action brought against any such servant that the act complained of was within the scope of his lawful authority.

No servant of the Crown shall be responsible for any civil wrong committed by any other servant of the Crown unless he shall have expressly authorised or ratified such civil wrong.

(3) No action shall be brought against any Judge of the Supreme Court of the Colony, nor against any person lawfully performing the duties of a Judge of such Court in respect of any civil wrong committed by him in his judicial capacity.

(4) No action shall be brought against any Judge of any Court in the Colony, other than the Supreme Court, nor against any person lawfully performing the duties of a Judge of such Court, nor against any official receiver, nor any member of any court martial nor against any arbitrator nor other judicial officer in respect of any civil wrong committed by him in his judicial capacity if the act causing the civil wrong was within his jurisdiction.

Acts of State.

5. No action shall be brought under the provisions of this Law in respect of any act of state, that is to say, any act causing injury or damage to any person who is not at the time of that act a subject of His Majesty and which act is done by a representative of His Majesty's civil or military authority and is either previously sanctioned or subsequently ratified by His Majesty.

6. Notwithstanding anything contained in the Bankruptcy Law, 1930, a bankrupt may sue and be sued in respect of a civil wrong and no action in respect thereof shall be brought on behalf of or against the estate of any bankrupt : Provided,

Bankrupts.

(a) that the right of action in respect of any such wrong which caused or causes pecuniary damage to the estate of a bankrupt shall pass to or be exercised by his trustee, and

(b) that a judgment obtained against a bankrupt before the date of the receiving order, in respect of a civil wrong, shall be provable in the bankruptcy.

7. A corporate body shall not recover any compensation in respect of any civil wrong unless it shall have suffered damage thereby.

Corporate bodies.

8. A person under the age of eighteen years may sue and, subject to the provisions of section 9 of this Law, be sued in respect of a civil wrong :

Persons under the age of eighteen years.

Provided that no action shall be brought against any such person in respect of any civil wrong when such wrong arises directly or indirectly out of any contract entered into by such person.

9. No action shall be brought against any person in respect of any civil wrong committed by such person when such person was under the age of twelve years.

Persons under the age of twelve years.

10.—(1) No action shall be brought in respect of any civil wrong committed before or during the subsistence of a marriage by either party thereto or any person representing his or her estate against the other party thereto or any person representing his or her estate.

Husband and wife.

(2) No party to a marriage shall be liable for any civil wrong committed at any time by the other party thereto save under the provisions of sections 11 and 12 of this Law.

11. When two or more persons are respectively liable under the provisions of this Law for any act and such act constitutes a civil wrong such persons shall be jointly liable as joint civil wrong doers for such act and may be sued therefor jointly or severally :

Joint civil wrong doers, etc.

Provided that,

(a) if a judgment is obtained against, or

(b) if a release is given to,

one or more of such persons in respect of such civil wrong no action shall lie against the other person or persons in respect thereof.

Liability
for acts
committed
by other
persons not
being
servants.

12.—(1) For the purposes of this Law,

(a) Any person who shall join or aid in, authorise, counsel, command, procure or ratify any act done or to be done by any other person shall be liable for such act ;

(b) Any person who shall employ an agent, not being his servant, to do any act or class of acts on his behalf shall be liable for anything done by such agent in the performance of, and for the manner in which such agent does, such act or class of acts ;

(c) Any person who shall enter into any contract with any other person, not being his servant or agent, to do any act on his behalf shall not be liable for any civil wrong arising during the doing of such act :

Provided that the provisions of this paragraph of this sub-section shall not apply if,

(i) such person was negligent in the selection of such contractor, or

(ii) such person interfered with the work of the contractor in such a way as to cause the injury or damage, or

(iii) such person authorised or ratified the act causing injury or damage, or

(iv) the thing for the doing of which the contract was entered into was unlawful.

(2) Nothing in this section shall affect the liability of any person for any act committed by such person.

Master's
liability for
acts of his
servant.

13.—(1) For the purposes of this Law a master shall be liable for any act committed by his servant,

(a) which he shall have authorised or ratified, or

(b) which was committed by his servant in the course of his employment :

Provided,

(a) that subject to the provisions of any enactment as to workman's compensation or employer's liability a master shall not be liable to one of his servants for any civil wrong committed against such servant by another of his servants unless the master shall have authorised or ratified such civil wrong, and

(b) that a master shall not be liable for any act committed by any person, not being another of his servants, to whom his servant shall without his authority, express or implied, have delegated his duty.