

## No. 37 OF 1935.

A.D. 1935.

37 of 1935.

A LAW TO MAKE PROVISION FOR THE APPLICATION  
IN THE COLONY OF THE ENGLISH LAW AND  
RULES OF EVIDENCE

H. R. PALMER,]

*Governor.*

[23rd December, 1935.

WHEREAS pending the enactment of an Evidence Code it is desirable that provision be made for the application in the Colony of the English law and rules of evidence:

BE it therefore enacted:—

Short title.

1. This Law may be cited as the Evidence Law, 1935.

Application  
of English  
law and  
rules of  
evidence.

2. Every Court in the exercise of its civil or criminal jurisdiction shall, so far as circumstances permit, apply the law and rules of evidence as in force in England on the 5th day of November, 1914, save in so far as other provision has been or shall be made under any Law.

*This Law came into operation on 23rd December, 1935.*

## No. 38 OF 1935.

A.D. 1935.

38 of 1935

A LAW TO MAKE BETTER PROVISION FOR THE ADMINIS-  
TRATION OF JUSTICE AND TO RECONSTITUTE THE  
COURTS OF THE COLONY.

H. R. PALMER,]

*Governor.*

[23rd December, 1935.

BE it enacted:—

Short title.

1. This Law may be cited as the Courts of Justice Law, 1935, and shall be construed as one with the Cyprus Courts of Justice Orders and Laws, 1927 to (No. 2) 1935.

Interpreta-  
tion.

2. In this Law—

“matrimonial cause” means any action for divorce, nullity of marriage, judicial separation, jactitation of marriage or restitution of conjugal rights.

## PART I.

## COURTS, JUDGES AND OFFICERS.

3. There shall be established the following Courts for the administration of civil and criminal law in the Colony—

- (a) the Supreme Court ;
- (b) Assize Courts ;
- (c) a District Court for each District.

4.—(1) The Supreme Court shall consist of the Chief Justice, who shall be the President of the Court, and two or more Puisne Judges.

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

5. An Assize Court shall consist of the Chief Justice or such one of the Puisne Judges as the Chief Justice may direct, who shall be the President of the Assize Court, and either—

- (a) a President of a District Court and a District Judge nominated by the Chief Justice ; or
- (b) two District Judges nominated by the Chief Justice.

6. A District Court shall consist of the President of the District Court and such District Judges and Magistrates as the Chief Justice may from time to time direct.

7.—(1) Judges of the Supreme 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 His Majesty, and shall hold office during His Majesty's pleasure.

(2) Upon the death, resignation, retirement or incapacity of any Judge of the Supreme Court or in the case of his suspension by the Governor from office, it shall be lawful for the Governor to appoint another fit and proper person to fill such office until His Majesty's pleasure be known ; and in case of the temporary illness or absence of any Judge of the Supreme Court it shall be lawful for the Governor in his discretion to appoint a fit and proper person to fill the office of such Judge, until he shall resume the duties thereof. Pending the making of any appointment under this subsection, the business of the Court shall devolve upon, and be transacted, as far as practicable, by the remaining or continuing Judges :

Provided that any person appointed to act as a Judge of the Supreme 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 Acting Judge for special purpose.

8. Whenever it is, for any cause, undesirable that any Judge of the Supreme Court or President of a District Court should take part in the hearing of any proceeding, the Governor may appoint another fit and proper person to be an acting Judge of the Supreme Court or an acting President of a District Court, as the case may be, for the purpose of hearing such proceeding and every such person so appointed shall, while so acting, have all the powers of a Judge of the Supreme Court or a President of a District Court respectively.

Appointment of members of District Courts.

9. Every President of a District Court, District Judge and Magistrate shall be appointed by an instrument in writing under the hand of the Governor and shall hold his office during His Majesty's pleasure, subject to any conditions contained in any regulations made by or under the authority of His Majesty for His Majesty's Colonial Service.

Appointment of Chief Registrar.

10.—(1) The Governor shall appoint a person to be Chief Registrar of the Supreme Court who shall perform such duties as he may be required or empowered to perform under any Law or Rules of Court in force for the time being.

(2) The Chief Registrar shall be the Sheriff and shall discharge his duties in that capacity under the direction of the Chief Justice subject to any Law or Rules of Court in force for the time being.

Appointment of Registrars, etc.

11.—(1) The Governor may appoint such number of persons as may be necessary to act as Registrars, Assistant Registrars, process-servers and bailiffs for the performance of such duties as they may be required or empowered to perform under any Law or Rules of Court in force for the time being.

(2) Every person appointed to act as Registrar shall be the deputy Sheriff in the District to which he is appointed.

## PART II.

## JURISDICTION AND POWERS OF COURTS.

12. The Supreme Court shall have exclusive original jurisdiction—

Original  
jurisdiction  
of Supreme  
Court.

- (a) as a Colonial Court of Admiralty under the Colonial Courts of Admiralty Act, 1890, or any Act amending or substituted for the same ;
- (b) subject to the provisions of section 50, in matrimonial causes, including power to make orders for alimony whether pendente lite or after judicial separation, maintenance upon a decree of dissolution or of nullity, maintenance of children and periodical payments in suits for restitution of conjugal rights and such other powers as belong to the High Court of Justice in England ;
- (c) to hear and determine such other matters as the Court may be empowered to hear and determine in the first instance under any Law in force for the time being.

13. The Supreme Court shall have jurisdiction—

Appellate  
jurisdiction  
of Supreme  
Court.

- (a) to hear and determine, in accordance with the provisions of Part III, appeals from Assize Courts ;
- (b) to hear and determine, in accordance with the provisions of Part IV, appeals from District Courts exercising criminal jurisdiction ;
- (c) to consider and determine any question of law in any case stated under the provisions of section 23 or reserved under the provisions of section 24 ;
- (d) subject to the provisions of section 18, to hear and determine appeals, in accordance with the provisions of any Law or Rules of Court relating to civil appeals in force for the time being, from the decision of a Judge of the Supreme Court and from the decisions of District Courts exercising civil jurisdiction ;
- (e) to hear and determine such other matters as the Court may be empowered to hear and determine by way of appeal under any Law in force for the time being.

14.—(1) Every Assize Court shall have jurisdiction to try all offences committed within the Colony.

Jurisdiction  
of Assize  
Courts.

(2) An Assize Court may, in addition to or in substitution for any punishment, adjudge any person convicted before it to make compensation not exceeding three hundred pounds to any person injured by his offence.

Territorial  
jurisdiction  
of District  
Courts in  
civil matters.

15.—(1) Every District Court shall, subject to the provisions of sections 12 and 50, have original jurisdiction to hear and determine all actions in accordance with the provisions of section 16 where—

- (a) the cause of action has arisen either wholly or in part within the limits of the District in which the Court is established ; or
- (b) the defendant or any of the defendants, at the time of the institution of the action, resides or carries on business within the District in which the Court is established.

(2) Where the action relates to the partition or sale of any immovable property or any other matter relating to immovable property, such action shall be taken in the District Court of the District within which such property is situate.

Civil juris-  
diction of  
District  
Courts.

16.—(1) Save as provided in sections 12 and 50, the President of a District Court sitting with one or two District Judges shall have jurisdiction to hear and determine in the first instance any action.

(2) Whenever an action is heard by the President of the District Court sitting with one District Judge and they differ in opinion on any question relating to the admissibility of evidence, the opinion of the President shall prevail.

(3) Subject to the provisions of sub-section (2), whenever an action is heard by the President of the District Court sitting with one District Judge and they differ in opinion as to the final determination of the matter at issue, the decision shall be against the party upon whom the burden of proof lies.

(4) The President of a District Court or a District Judge, sitting alone, shall have jurisdiction to hear and determine any action in which the amount in dispute or the value of the subject matter does not exceed two hundred pounds.

(5) Every Magistrate shall have jurisdiction to hear and determine any action in which the amount in dispute or the value of the subject matter does not exceed twenty-five pounds :

Provided that the Governor may by Order published in the *Gazette* increase the limit of the jurisdiction of any Magistrate to fifty pounds.