



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3256 OF 8TH AUGUST, 1946.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 14 OF 1946.

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

C. C. WOOLLEY,]
Governor.

[4th August, 1946.

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 Evidence Law, 1946. Short title.

Interpreta-
tion.

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

“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 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.

General.

Application
of English
law and rules
of evidence.

3. Save in so far as other provision is made in this Law or has been 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.

Provisions relating to Civil Cases.

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 sub-section (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 sub-section (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 inexpedient 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.

Weight to be attached to evidence.

5.—(1) In estimating the weight, if any, to be attached to a statement rendered admissible as evidence by section 4 of this Law, regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement, and in particular to the question whether or not the statement was made contemporaneously with the occurrence or existence of the facts stated, and to the question whether or not the maker of the statement had any incentive to conceal or misrepresent facts.

(2) For the purpose of any rule of law or practice requiring evidence to be corroborated or regulating the manner in which uncorroborated evidence is to be treated, a statement rendered admissible as evidence by section 4 of this Law shall not be treated as corroboration of evidence given by the maker of the statement.

Evidence in actions for breach of promise.

6. A plaintiff in any action for breach of promise of marriage shall not recover judgment unless his or her testimony is corroborated by some other material evidence in support of such promise. The fact that the defendant did not answer letters affirming that he had promised to marry the plaintiff is not such corroboration.

Claim upon estate of deceased person.

7. A claim upon the estate of a deceased person, whether founded upon an allegation of debt or of gift, shall not be maintained upon the uncorroborated testimony of the claimant, unless circumstances appear or are proved which make the claim antecedently probable, or throw the burden of disproving it on the representatives of the deceased.

Provisions relating to Criminal Cases.

Evidence in case of treason and misprision of treason.

8. In all cases of treason and of misprision of treason the person charged with such offence may be convicted upon the like evidence as if such person stood charged with murder.