



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3406 OF 30TH NOVEMBER, 1948.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 40 OF 1948.

**A. LAW TO AMEND AND CONSOLIDATE THE LAW RELATING
TO PROCEDURE IN CRIMINAL PROCEEDINGS.**

R. E. TURNBULL,] [25th November, 1948.]
Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering the Government and Commander-in-Chief of the Colony of Cyprus as follows:—

1. This Law may be cited as the Criminal Procedure Short title.
Law, 1948.

PART I.—PRELIMINARY.

Interpre-
tation.

2. In this Law, unless the context otherwise requires—
“charge” means the accusation in writing of an offence with which an accused person is charged in a summary trial or a preliminary inquiry;

“court” means a court of competent jurisdiction;

“criminal proceedings” and cognate expressions mean any proceedings instituted before any court against any person to obtain punishment of such person for any offence against any enactment and includes a preliminary inquiry;

“enactment” includes Laws and public instruments

“information” means the accusation in writing of an offence filed by, or on behalf of, the Attorney-General in an Assize Court against an accused person for trial before such court;

“judge” means any member of a district court;

“offence” means an act, attempt or omission punishable under any enactment;

“officer in charge of a police station” includes, when the officer in charge of a police station is absent from the station building or is unable for any reason to perform his duties, the police officer present at the station building who is next in seniority to, or who, in the absence of such officer in charge, performs the duty of, such officer;

“penalty” means any fine imposed under any enactment in force for the time being, any forfeited bail bond or recognizance, any sum adjudged in any criminal proceedings to be paid by any person by way of compensation, damages, costs or otherwise and includes the costs of execution for the recovery of the same;

“place” includes any house, office, room or building and any place or spot, whether open or enclosed and any vehicle, aircraft on land and any ship, boat or other vessel whether afloat or not;

“preliminary inquiry” means an inquiry into a charge held by a judge with a view to the committal of an accused person for trial before an Assize Court;

“summary trial” means any trial by a judge in the exercise of his summary jurisdiction.

Law of
England
when
applicable.

3. As regards matters of criminal procedure for which there is no special provision in this Law or in any other enactment in force for the time being, every court shall, in criminal proceedings, apply the law and rules of practice relating to criminal procedure for the time being in force in England.

PART II.—INVESTIGATION OF OFFENCES AND PROCEEDINGS
ANTECEDENT TO PROSECUTION.

Chapter I.—Investigation of Offences.

4. The Governor may authorize any person, by name or by his office, who appears to him to be competent for the purpose (hereinafter in this Law referred to as “investigating officer”) to investigate into the commission of any offence. Investiga-
tion of
offences.

5.—(1) Every investigating officer may require any person, whom he has reason to suppose to be acquainted with the facts or circumstances of the offence which he is investigating, to attend at such time and place as such officer may reasonably direct for the purpose of examining him and taking a statement from him in relation to such offence. Investiga-
tion of
offences.

(2) The investigating officer may put to the person examined such questions as the investigating officer may deem necessary for the purposes of the investigation and the person examined shall be bound to answer truly all such questions :

Provided that, before putting any questions under this section, the investigating officer shall inform the person examined that he is not bound to answer any question the answer to which would have a tendency to expose such person to a criminal charge; the officer shall record upon any statement taken that the person has been so informed, and the person examined may, on that ground, refuse to answer any such question.

(3) The investigating officer may reduce into writing any statement made by the person examined and such statement shall then be read over to such person who shall thereupon sign the same or, if he is illiterate, affix his mark thereto and, if such person refuses to do so, the investigating officer shall make at the foot of the statement a note of the refusal stating also the reason thereof, if ascertained, and the statement shall then be signed by the investigating officer.

(4) Any person who, without reasonable cause, refuses to attend at such time and place as he may be directed or to answer any question or who answers any question untruly, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred pounds or to both.

(5) In any criminal proceedings against any person for any offence in connection with any statement made by him under this section, everything contained in the record of such statement made by the investigating officer shall be deemed to have been stated by such person, unless the contrary is proved by him.

Order to
produce
documents.

6.—(1) The investigating officer during the investigation of an offence may, if he considers the production of a document to be necessary or desirable for the purposes of such investigation, issue a written order to the person in whose possession or under whose control such document is, or is believed to be, requiring him to produce it at such reasonable time and place as may be specified in the order.

(2) Any person required by written order under this section to produce a document shall be deemed to have complied with the order, if he causes the document to be produced instead of attending personally to produce the same.

(3) Any person who, without reasonable cause, refuses to produce any document when ordered to do so under this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred pounds or to both.

(4) Nothing in this section shall apply to any document for the production of which a warrant of the Governor or an order of the court is required by this Law or any other Law.

Governor
may require
production
of tele-
grams.

7.—(1) If during the investigation of an offence it is made to appear to the Governor that such course is expedient in the public interest, the Governor may, 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 the Colony, 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 the Colony by means of any such cable, wire or apparatus, and all other papers relating to any such telegram as aforesaid.

(2) Any person who, on being required to produce any such original or transcript or paper as aforesaid, refuses or neglects to do so, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred pounds or to both.

(3) For the purposes of this section—

“telegraph” 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;

“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.

8.—(1) No person in custody shall be questioned unless the investigating officer cautions him as follows or to the like effect:—

“You are not obliged to say anything but anything you say may be given in evidence.”

(2) If any person in custody wishes to volunteer a statement, an investigating officer shall, after administering the caution as in sub-section (1) of this section provided, take the statement of such person without, however, putting any question to him in connection therewith except for the purpose of removing an ambiguity in what such person has actually said.

(3) When an investigating officer has made up his mind to charge a person with an offence, he shall not put to him any questions or any further questions, as the case may be, unless he first cautions him in the manner in sub-section (1) of this section provided.

(4) Before a person is formally charged with an offence by an investigating officer, the investigating officer shall read out to him the statement of the offence and shall immediately proceed to caution him as follows:—

“Do you wish to say anything in answer to the charge? You are not obliged to say anything, unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence.”

The investigating officer shall then take down any statement which such person may make in answer to the charge.

(5) The provisions of sub-section (3) of section 5 of this Law shall apply to the taking of any statement under this section.

(6) No statement made under this section shall be received in evidence against the person making the same, unless the provisions of this section have been complied with:

Provided that no statement made by a person before there was time to caution him shall be rendered inadmissible in evidence merely because it was made before caution had been administered if the court is satisfied that caution was administered as soon as possible thereafter.

Statements
by persons
in custody
and by
persons
charged with
offences.