



**SUPPLEMENT No. 2**

TO

**THE CYPRUS GAZETTE No. 3423 OF 24TH FEBRUARY, 1949.**

**LEGISLATION.**

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**THE STATUTE LAWS OF CYPRUS**

**No. 7 OF 1949.**

**A LAW INCORPORATING CERTAIN SUPPLEMENTARY  
PROVISIONS RELATING TO COURTS.**

**R. E. TURNBULL,]**

**[18th February, 1949.**

*Officer Administering the Government.*

**B**E 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 Courts of Justice Short title  
(Supplementary Provisions) Law, 1949.

## PART I.—PRELIMINARY.

Interpre-  
tation.

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

“action” includes all proceedings of a civil nature before any Court ;

“civil proceeding” includes any proceeding other than criminal proceeding ;

“Court” means the Supreme Court or any Judge thereof and a District Court or any member thereof, having jurisdiction ;

“criminal proceeding” means any proceeding instituted before any Court against any person to obtain punishment of such person for any offence against any Law or public instrument ;

“Rules of Court” includes forms.

## PART II.—POWERS OF COURTS.

Powers to be  
exercising  
generally by  
the Courts.

3.—(1) Every Court shall, in the exercise of its jurisdiction and authority in civil proceedings and subject to any Rules of Court, have powers to do all or any of the following things, that is to say :—

- (a)—(i) on proof of extreme urgency or other peculiar circumstances, the Court may, if it thinks fit, at any time after the issue of a writ of summons and without notice, make an order of injunction, or an order to sequester money or goods, or to stop the clearance of a vessel, or to attach property ;
- (ii) before making any such order, the Court shall require the person applying for it to enter into a recognizance, with or without surety or sureties, as the Court thinks fit, as security for his being answerable in damages to the person against whom the order is sought ;
- (iii) no such order shall remain in force for a longer period than shall be necessary for service of notice thereof on all persons affected thereby and enabling them to appear before the Court and object thereto and every such order shall, at the end of that period, cease to be in force, unless the Court upon hearing the parties or any of them shall otherwise direct ; and every such order shall be dealt with in the action as the Court thinks just ;

- (b)—(i) where an action is brought for the recovery of a sum of money exceeding ten pounds and it is proved that the defendant is about to abscond the Court may, if it thinks fit, order that he be arrested and delivered into safe custody, to be kept until he gives bail or security, with a surety or sureties, in such sum, expressed in the order, as the Court thinks fit (not exceeding the probable amount of debt or damages and costs to be recovered in the action), that he will appear at any time when called on while the action is pending and until the execution or satisfaction of any order made against him, and that, in default of appearance, he will pay any money and costs which he is ordered to pay in the action ;
- (ii) the expenses incurred for the subsistence of the defendant while under arrest shall be paid by the plaintiff in advance, at such rate and in such amounts as the Court directs, and the total amount so paid may be recovered by the plaintiff in the action unless the Court otherwise directs ;
- (c) where it is proved that the defendant, with intent to obstruct or delay the execution of any order to be obtained or already obtained against him, is about to remove any property out of the jurisdiction of the Court, the Court may, if it thinks fit, on application by the plaintiff, order that the property be forthwith seized and secured ;
- (d) on proof of extreme urgency or other peculiar circumstances, the Court may, if it thinks fit, on the application of a plaintiff, or of its own motion, make an order for stopping the clearance of, or for the arrest and detention of, a vessel about to leave the district other than a vessel enjoying immunity from civil process.

(2) The Court may at any time, on reasonable cause shown, discharge or vary any order made under paragraphs (b), (c) or (d) of sub-section (1) of this section.

(3) If it appears to the Court that any order made under sub-section (1) of this section was applied for on insufficient grounds, or if the plaintiff's action fails, or judgment is given against him by default or otherwise, and it appears to the Court that there was no probable ground for his bringing the action, the Court may, if it

thinks fit, on the application of the defendant, order the plaintiff to pay to the defendant such amount as appears to the Court to be a reasonable compensation to the defendant for the expense and injury occasioned to him by the execution of the order.

Payment of compensation under this sub-section shall be a bar to any action for damages in respect of anything done in pursuance of the order ; and any such action, if begun, shall be stayed by the Court in such manner and on such terms as the Court thinks just.

Power to refer to arbitration.

4.—(1) Every Court may, with the consent of the parties, refer to arbitration the final determination of any action pending, or of all matters in difference between the parties on such terms and with such directions as to appointment of an arbitrator and other things as the Court may think fit, with or without security from the parties or any of them, that they will abide by the result of the reference and in any such case the award shall be final and conclusive.

(2) Every reference to arbitration and every submission to arbitration by consent, may, on the application of any party, be recorded in the Court and thereupon the Court shall have authority to enforce the reference or submission and the award made thereunder, and to control and regulate the proceedings before and after the award in such manner and on such terms as the Court thinks just.

(3) On the application of any party, a decree of the Court may be entered in conformity with the award, and the decree shall not be open to appeal or rehearing.

Power to award costs.

5. The costs of, and incident to, all civil proceedings in any Court shall, unless otherwise provided by any Law or public instrument in force for the time being, be in the discretion of the Court and the Court shall have full power to determine by whom and to what extent such costs are to be paid.

Enforcing obedience to orders.

6. Every Court shall have power to enforce obedience to any order issued by it, directing any act to be done or prohibiting the doing of any act, by fine or imprisonment or sequestration of goods, and, subject to any Rules of Court, such powers shall be exercised in conformity with the following provisions :—

(a) where any order is issued by any Court directing any act to be done or prohibiting the doing of any act there shall be endorsed on the copy of it, to be served on the person required to obey it, a memorandum in the words or to the effect

following: "If you, the within named, A.B., neglect to obey this order, within the time therein appointed, you will be liable to be arrested and to have your property sequestered." ;

- (b) where any order has been issued by any Court directing any act to be done or prohibiting the doing of any act and the person directed to do or prohibited from doing the act refuses or neglects to do or abstain from doing it, according to the directions of such order, the person in whose favour such order has been given may apply to the Court for a writ of attachment or for an order on the person disobeying such order to show cause why he should not be punished for the disobedience and the Court may, upon such application, issue such writ at once, or in the first instance make such order to show cause as aforesaid ;
- (c) in the event of the Court making such order to show cause, a certified copy thereof shall be served by an officer of the Court or peace officer on the person to whom the order is directed ;
- (d) on the return day of the order, if the person to whom it is directed does not attend and the Court is satisfied that the order has been duly served, the Court may order that a writ of attachment be issued against him ;
- (e) the Court may enlarge the time for the appearance of the person to whom the order is directed, or may, on the return of it, direct that the writ of attachment shall issue only after a certain time and in the event of his continued disobedience at that time to the order in respect of which he has been guilty of disobedience ;
- (f) if the person against whom such order to show cause shall have been made shall not establish a sufficient excuse for not attending, or if he attends and does not show cause to the satisfaction of the Court why he should not be punished for disobedience the Court may order him to pay such fine, or to be committed to prison for such time as the Court directs ;
- (g) the Court may order that a person committed to prison for disobedience to an order shall be detained in prison till he has obeyed such order in all things that are to be immediately performed and given such security as the Court thinks fit to obey the other parts of the order, if any, at the time or times when they are to be performed ;