

The Probation of Offenders (Form of Records) Regulations 1952.



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3613 OF 19TH MARCH, 1952.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 6 OF 1952.

A LAW TO PROVIDE FOR THE PROBATION OF OFFENDERS.

A. B. WRIGHT,] [14th March, 1952.
Governor.

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 Probation of Offenders Law, 1952. Short title.

Interpretation.

2. In this Law, unless the context otherwise requires—
- “judge” means a member of a district court ;
- “probationer” means a person for the time being under supervision by virtue of a probation order ;
- “probation officer” means a person appointed to be probation officer under this Law ;
- “probation order” has the meaning assigned to it by section 5 ;
- “probation period” means the period for which a probationer is placed under supervision by a probation order ;
- “supervising court” means, in relation to a probation order, the district court of the district for the time being named in the order.

Appointment of probation officers.

3. The Governor shall appoint a sufficient number of proper persons to be probation officers, who shall perform the duties provided by this Law or such other duties as may be prescribed by regulations made under this Law.

Duties of probation officers.

4. It shall be the duty of a probation officer, subject to the directions of the court by which a probation order is made—
- (a) to visit or receive reports from the probationer at such reasonable intervals as may be specified in the probation order, or, subject thereto, as the probation officer may think fit ;
- (b) to see that the probationer observes the conditions of the probation order ;
- (c) to report to the court as to his behaviour ;
- (d) to advise, assist, and befriend him, and when necessary, to endeavour to find him suitable employment.

Probation.

- 5.—(1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer for a period to be specified in the order of not less than one year nor more than three years.
- (2) A probation order shall name the district in which the probationer shall reside ; and the offender shall be required to be under the supervision of a probation officer appointed for or assigned to that district.

(3) Subject to the provisions of sub-section (4) a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences :

Provided that (without prejudice to the power of the court to make an order under sub-section (2) of section 10) the payment of sums by way of damages for injury or compensation for loss shall not be included among the requirements of a probation order.

(4) Without prejudice to the generality of sub-section (3) a probation order may include requirements relating to the residence of the offender :

Provided that, before making any probation order containing any such requirements, the court shall consider the home surroundings of the offender.

(5) Before making a probation order, the court shall explain to the offender in ordinary language the effect of the order (including any additional requirements proposed to be inserted therein under sub-section (3) or sub-section (4)) and that if he fails to comply therewith or commits another offence he will be liable to be sentenced for the original offence.

(6) The court by which a probation order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy to the offender and to the probation officer responsible for the supervision of the offender ; and the court shall, except where it is itself the supervising court, send to the Registrar of the district court of the district in which the probationer shall reside a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to the supervising court.

6.—(1) When a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment and that a probation order is not appropriate, the court may make an order discharging him absolutely or, if the court thinks fit, discharging him subject to the condition that he commits no offence during such period not exceeding twelve months from the date of the order, as may be specified therein.

(2) An order discharging a person, subject to such a condition as aforesaid is in this Law referred to as "an order

Absolute and conditional discharge.

for conditional discharge” and the period specified in any such order as “the period of conditional discharge”.

(3) Before making an order for conditional discharge, the court shall explain to the offender in ordinary language that, if he commits another offence during the period of conditional discharge, he will be liable to be sentenced for the original offence.

(4) Where, under the provisions of this Law, a person on conditional discharge under this section is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

Discharge,
amendment
and review
of probation
order.

7.—(1) The court by which the probation order was made may discharge, amend or review such order.

(2) Where, under the following provisions of this Law, a probationer is sentenced for the offence for which he was placed on probation, the probation order shall cease to have effect.

Breach of
requirement
of probation
order.

8.—(1) If at any time during the probation period it appears on information to a judge of the supervising court that the probationer has failed to comply with any of the requirements of the order, the judge may issue a summons requiring the probationer to appear before such court at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.

(2) If it is proved to the satisfaction of the court before which a probationer appears or is brought under this section that the probationer has failed to comply with any of the requirements of the probation order, that court may without prejudice to the continuance of the probation order, impose on him a fine not exceeding ten pounds, or may—

(a) if the probation order was made by a court of summary jurisdiction, deal with the probationer, for the offence in respect of which the probation order was made, in any manner in which the court could deal with him if it had just convicted him of that offence ;

(b) if the probation order was made by an assize court, commit him to custody or release him on bail, with or without sureties, until he can be brought or appear before the assize court.

(3) Where the court of summary jurisdiction deals with the case as provided in paragraph (b) of sub-section (2) then—

(a) the court shall send to the assize court a certificate signed by a judge, certifying that the probationer has failed to comply with such of the requirements of the probation order as may be specified in the certificate, together with such other particulars of the case