



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3724 OF 5TH NOVEMBER, 1953.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 38 OF 1953.

A LAW TO AMEND THE CIVIL WRONGS LAW.

CAP. 9.

A. B. WRIGHT,
Governor.

[4th November, 1953.]

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 Civil Wrongs (Amendment) Law, 1953, and shall be read as one with the Civil Wrongs Law (hereinafter referred to as "the principal Law").

Amendment
of section 2
of the
principal
Law.

2. Sub-section (2) of section 2 of the principal Law is hereby amended by the deletion from the definition of "damage" occurring therein of the definition of "pecuniary damage" (the comma at the end of the definition of "damage" being substituted by a semicolon).

Substitution
for the
words
"pecuniary
damage" of
the words
"special
damage"
throughout
the principal
Law.

3. The principal Law is hereby amended by the substitution for the words "pecuniary damage", wherever they occur, of the words "special damage".

Amendment
of section 10
of the
principal
Law.

4. Sub-section (1) of section 10 of the principal Law is hereby amended by the insertion at the end thereof of the following proviso (the full stop at the end thereof being substituted by a colon):—

"Provided that any spouse may, for the protection and security of his or her own property, bring an action against the other for any civil wrong committed by him or her in connection with such property."

Amendment
of section 11
of the
principal
Law.

5. Section 11 of the principal Law is hereby amended by the substitution for the proviso thereto of the following proviso:—

"Provided that where damage is suffered by any person as a result of a civil wrong (whether a crime or not)—

(a) judgment recovered against any civil wrong doer liable in respect of that damage shall not be a bar to an action against any other person who would, if sued, have been liable as a joint civil wrong doer in respect of the same damage;

(b) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate, or of the wife, husband, parent or child, of that person, against civil wrong doers liable in respect of the damage (whether as joint civil wrong doers or otherwise) the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given; and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the Court is of opinion that there was reasonable ground for bringing the action."

6. Sub-section (1) of section 13 of the principal Law is hereby amended by the substitution for the proviso thereto of the following proviso :—

Amendment
of section 13
of the
principal
Law.

“ Provided that a master shall not be liable for any act committed by any person, not being another of his servants, to whom his servant shall, without his authority, express or implied, have delegated his duty.”.

7. Section 15 of the principal Law is hereby repealed and the following section substituted therefor :—

Repeal of
section 15 of
the principal
Law and
substitution
of new
section.

“ Effect of
death on
causes of
action on
a civil
wrong.

15.—(1) Subject to the provisions of this section, on the death of any person all causes of action in respect of any civil wrong subsisting against, or vested in, him shall survive against, or, as the case may be, for the benefit of, his estate :

Provided that this sub-section shall not apply to causes of action for defamation.

(2) Where a cause of action survives as aforesaid for the benefit of the estate of a deceased person, the compensation recoverable for the benefit of the estate of that person shall, where the death of that person has been caused by the act or omission which gives rise to the cause of action, be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(3) No proceedings shall be maintainable in respect of a cause of action in respect of a civil wrong which by virtue of this section has survived against the estate of a deceased person, unless either—

(a) proceedings against him in respect of that cause of action were pending at the date of his death ; or

(b) the cause of action arose not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representative took out representation.

(4) Where damage has been suffered by reason of any act or omission in respect of which a cause of action for a civil wrong would have subsisted against any person if that person had not died before or at the same time as the damage was

suffered, there shall be deemed, for the purposes of this Law, to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered.

(5) The rights conferred by this section for the benefit of the estates of deceased persons shall be in addition to, and not in derogation of, any rights conferred on the dependants of the deceased by this Law or any other Law.

(6) In the event of the administration in bankruptcy of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract, promise or breach of trust."

8. The principal Law is hereby amended by the insertion therein, immediately after section 15, of the following new section :—

" Provisions relating to the armed forces.

15A.—(1) Nothing done or omitted to be done by a member of the armed forces of the Crown while on duty as such shall subject him to liability in civil wrong for causing the death of another person, or for causing personal injury to another person, in so far as the death or personal injury is due to anything suffered by that other person while he is a member of the armed forces of the Crown if—

- (a) at the time when that thing is suffered by that other person, he is either on duty as a member of the armed forces of the Crown or is, though not on duty as such, on any land, premises, ship, aircraft or vehicle for the time being used for the purposes of the armed forces of the Crown ; and
- (b) (i) where that other person is a member of the armed forces of the Crown in right of its Government in the United Kingdom, the Minister of Pensions certifies that his suffering that thing has been or will be treated as attributable to service for the purposes of entitlement to an award under

Amendment of the principal Law by the insertion of new section 15A.

the Royal Warrant, Order in Council or Order of Her Majesty relating to the disablement or death of members of the force of which he is a member ;

- (ii) where that other person is a member of the armed forces of the Crown in right of its Government in the Colony, the Governor-in-Council certifies that his suffering that thing has been or will be treated as attributable to service for the purposes of entitlement to a gratuity or pension under any enactment relating to the disablement or death of members of the force of which he is a member :

Provided that this sub-section shall not exempt a member of the said forces from liability in civil wrong in any case in which the Court is satisfied that the act or omission was not connected with the execution of his duties as a member of those forces.

(2) The Colonial Secretary, if satisfied that it is the fact—

- (a) that a person was or was not on any particular occasion on duty as a member of the armed forces of the Crown in right of its Government in the Colony ; or
- (b) that at any particular time any land, premises, ship, aircraft, vehicle, equipment or supplies was or was not, or were or were not, used for the purposes of the said forces may issue a certificate certifying that to be the fact ; and any such certificate shall, for the purposes of this section, be conclusive as to the fact which it certifies.

(3) A certificate of the Admiralty or a Secretary of State—

- (a) that a person was or was not on any particular occasion on duty as a member of the armed forces of the Crown in right of its Government in the United Kingdom ; or
- (b) that at any particular time any land, premises, ship, aircraft, vehicle, equipment or supplies was or was not, or were or were not, used for the purposes of the said forces shall, for the purposes of this section, be conclusive as to the fact which it certifies.