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A LAW TO PROVIDE FOR THE CONSTITUTION OF THE COURTS AND FOR OTHER PURPOSES RELATING TO THE ADMINISTRATION OF JUSTICE.

A. B. WRIGHT,] Governor.

[11th November, 1953.

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

PART I.

PRELIMINARY.

1. This Law may be cited as the Courts of Justice Law, Short title, 1953.

Interpreta-
tion.

2. In this Law, unless the context otherwise requires—
“action” means a civil proceeding commenced by writ or in such other manner as may be prescribed by Rules of Court;

“cause” includes any action or other original proceeding between a plaintiff and a defendant;

“cause of action” in actions founded on contract does not necessarily mean the whole cause of action; but a cause of action shall be deemed to have arisen within the jurisdiction if the contract was made therein, though the breach may have occurred elsewhere, and also if the breach occurred within the jurisdiction, though the contract may have been made elsewhere;

“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;

“defendant” includes any person served with any writ of summons or process, or served with notice of, or entitled to attend any, proceedings;

“matrimonial cause” means any action for divorce, nullity of marriage, judicial separation, jactitation of marriage or restitution of conjugal rights;

“matter” includes every proceeding in Court not in a cause;

“plaintiff” includes every person asking any relief (other than a defendant asking relief by way of counterclaim) against any other person by any form of proceeding, whether the proceeding is by action, petition, motion, summons or otherwise;

“Rules of Court” includes forms.

PART II.

COURTS, JUDGES AND OFFICERS.

Courts.

3. There shall be established the following Courts for the administration of civil and criminal law in the Colony—

(a) the Supreme Court;

(b) Assize Courts;

(c) a District Court for each district.

4.—(1) The Supreme Court shall consist of the Chief Justice, who shall be the President of the Court, and two or more Puisne Judges. Constitution of Supreme Court.

(2) The disposition and distribution of the duties of the Puisne Judges shall be regulated by the Chief Justice.

5. An Assize Court shall consist of the Chief Justice or such one of the Puisne Judges as the Chief Justice may direct, who shall be the President of the Assize Court, and either— Constitution of Assize Courts.

(a) a President of a District Court and a District Judge nominated by the Chief Justice ; or

(b) two District Judges nominated by the Chief Justice.

6.—(1) Subject to the provisions of sub-sections (2) and (3), a District Court shall consist of the President of the District Court and such District Judges and Magistrates as the Chief Justice may, from time to time, direct. Constitution of District Courts.

(2) The Governor may appoint one or more Additional Presidents of District Courts and any Additional President so appointed shall exercise jurisdiction in any District Court to which he may be assigned from time to time by the Chief Justice and shall be a member of that Court while so assigned.

(3) The jurisdiction of an Additional President shall be exercised concurrently with that of the President of the District Court to which he shall be assigned and all the provisions of this Law which apply to the President of a District Court, except the provisions of sections 32, 66 and sub-section (4) of section 76 shall apply also to an Additional President :

Provided that the duties of an Additional President in any District Court shall be regulated by the President of that Court.

7.—(1) Judges of the Supreme Court shall be appointed by the Governor by Letters Patent under the Public Seal of the Colony in accordance with such instructions as he may receive from Her Majesty, and shall hold office during Her Majesty's pleasure. Appointment of Judges of Supreme Court.

(2) Upon the death, resignation, retirement or incapacity of any Judge of the Supreme Court or in the case of his suspension by the Governor from office, it shall be lawful for the Governor to appoint another fit and proper person to fill such office until Her Majesty's pleasure be known ; and in case of the temporary illness or absence of any Judge of the Supreme Court it shall be lawful for the Governor in his discretion to appoint a fit and proper person to fill the office of such Judge, until he shall resume the duties thereof.

Pending the making of any appointment under this sub-section, the business of the Court shall devolve upon, and be transacted, as far as practicable, by the remaining or continuing Judges :

Provided that any person appointed to act as a Judge of the Supreme Court under this sub-section may, notwithstanding that the period of his appointment has expired, sit for the purpose of completing the hearing of a case partly heard by him or of giving judgment in relation to any proceedings heard before him.

(3) No person shall be appointed to be a Judge of the Supreme Court unless—

- (a) he is qualified to practise as an advocate in a Court in England, Scotland, Northern Ireland or some other part of Her Majesty's dominions having unlimited jurisdiction in civil or criminal matters; and
- (b) he has been qualified for not less than five years to practise as an advocate or solicitor in such a Court.

Appointment
of acting
Judge, etc.,
for special
purpose.

8. Whenever it is, for any cause, undesirable that any Judge of the Supreme Court or President of a District Court should take part in the hearing of any proceeding, the Governor may appoint another fit and proper person to be an acting Judge of the Supreme Court or an acting President of a District Court, as the case may be, for the purpose of hearing such proceeding and every such person so appointed shall, while so acting, have all the powers of a Judge of the Supreme Court or a President of a District Court respectively.

Appointment
of members
of District
Courts.

9.—(1) Every President of a District Court, District Judge and Magistrate shall be appointed by an instrument in writing under the hand of the Governor and shall hold his office during Her Majesty's pleasure, subject to any conditions contained in any regulations made by or under the authority of Her Majesty for Her Majesty's Colonial Service.

(2) The Governor may, by an instrument in writing under his hand, appoint any fit and proper person—

- (a) to act as President of a District Court, District Judge or Magistrate, as the case may be, for such time as may be specified in the instrument of appointment ;
- (b) to hear and determine any proceeding, specified in the instrument of appointment, instituted or pending before any District Court ;

and every such person so appointed shall, while so acting, or during the hearing and determination of the proceeding specified in the instrument of appointment, as the case may be, have all the powers of a President of a District Court, District Judge or Magistrate, respectively.

10.—(1) Every Judge of the Supreme Court and every member of a District Court shall, before entering on the execution of the duties of his office, take and subscribe the oath of allegiance and the judicial oath in the forms prescribed in the First Schedule.

Oath of allegiance and judicial oath.

First Schedule.

(2) The oaths mentioned in sub-section (1) shall in the case of a Judge of the Supreme Court be taken and subscribed before the Governor, and in the case of a member of a District Court be taken and subscribed before the Chief Justice.

11. Every Court established under this Law shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of any member thereof.

Courts duly constituted in spite of vacancies.

12.—(1) The Governor shall appoint a person to be Chief Registrar of the Supreme Court who shall perform such duties as he may be required or empowered to perform under any Law or Rules of Court in force for the time being.

Appointment of Chief Registrar.

(2) The Chief Registrar shall be the Sheriff and shall discharge his duties in that capacity under the direction of the Chief Justice subject to any Law or Rules of Court in force for the time being.

13.—(1) The Governor may appoint such number of persons as may be necessary to act as Registrars, Assistant Registrars, process-servers and bailiffs for the performance of such duties as they may be required or empowered to perform under any Law or Rules of Court in force for the time being.

Appointment of Registrars, etc.

(2) Every person appointed to act as Registrar shall be the deputy Sheriff in the District to which he is appointed and shall discharge his duties as such under the direction of the Sheriff.

14. Subject to any Rules of Court or to any orders made thereunder by any Court, the Registrar in each Court shall issue all summonses, warrants, precepts and writs of execution, and shall register all orders and judgments, and shall keep a record of all proceedings of the Court, and shall have the custody and keep an account of all fees and fines payable or paid into Court, and of all moneys paid into or out of Court, and shall enter an account of all such fees, fines and moneys as and when received, in a book belonging to the Court, to be kept by him for that purpose, and shall from time to time, at such times as shall be required by the regulations of the Accountant-General, or as may be directed by the Court, submit his accounts to be audited and settled by the Principal Auditor, and shall, subject to any such regulations or directions, pay into the Department of the Accountant-General the amount of fines and fees in his custody.

Duties of Registrar.