

No. 476. THE MUNICIPAL CORPORATIONS LAW.
CAP. 252 AND LAWS 11 OF 1950, 31 OF 1951 AND 20 OF 1953.

RULES OF COURT MADE UNDER SECTION 47.

J. FLETCHER-COOKE,
Acting Governor.

Cap. 252.
11 of 1950
31 of 1951
20 of 1953.

In exercise of the powers vested in me by section 47 of the Municipal Corporations Law, I, the Acting Governor, with the advice and assistance of the Acting Chief Justice, do hereby make the following rules:—

1. These Rules may be cited as the Municipal Corporations (Election Petitions) Rules, 1953.

2. In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Gazettes :
Supplement
No. 3:
1.6.1938
to
3.9.1953.

“ Civil Procedure Rules ” means the Rules of Court, 1938 to (No. 4), 1938, as amended by any subsequent Rules ;

“ District Commissioner ” means the Commissioner of the administrative District wherein the election petitioned against was held ;

“ election petition ” means a petition in respect of an election to a Municipal Council ;

“ the Law ” means the Municipal Corporations Law, as amended by any subsequent Law.

Cap. 252.
11 of 1950
31 of 1951
20 of 1953.

3. The presentation of an election petition shall be made by leaving it at the office of the Chief Registrar, together with a copy thereof, which copy shall be certified by the Chief Registrar on payment of the necessary fees and the Chief Registrar shall, if required, give a receipt, which may be in the Form No. 1 in the Appendix hereto.

4. An election petition shall contain the following statements:—

(a) It shall state the right of the petitioner to petition under the Law.

(b) It shall state the holding and result of the election and shall briefly state the facts and grounds relied on to sustain the prayer of the petition.

5. The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively.

6. No costs shall be allowed of drawing up or copying any petition not substantially in compliance with these rules unless otherwise ordered by the Court or a Judge.

7. The petition shall conclude with a prayer, as for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, or that a return may be enforced (as the case may be), and shall be signed by the petitioner or all the petitioners (if more than one).

8. The form set out in Form No. 2 in the Appendix hereto, or one to the like effect, shall be sufficient.

9. Evidence need not be stated in the petition, but the Court or a Judge may order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial, and upon such terms as to costs and otherwise as may be ordered.

10. When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, fourteen days before the day appointed for trial, deliver to the Chief Registrar, and also at the address, if any, given

by the petitioner and respondent, as the case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote, and the Chief Registrar shall allow inspection and office copies of such list on payment of such fees as are provided by the Rules of Court relating to fees to all parties concerned; and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Court or Judge, upon such term as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

11. When the respondent in a petition under the Law complaining of an undue return and claiming the seat for some person, intends to give evidence to prove that the election of such person was undue, such respondent shall, fourteen days before the day appointed for trial, deliver to the Chief Registrar, and also at the address, if any, given by the petitioner, a list of the objections to the election upon which he intends to rely, and the Chief Registrar shall allow inspection and office copies of such list to all parties concerned on payment of such fees as provided by the Rules of Court relating to fees and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the Court or Judge, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

12. With the petition the petitioner shall leave at the office of the Chief Registrar a writing, signed by him or on his behalf, giving the name of some person entitled to practise as an advocate of the Supreme Court whom he has authorized to act as his agent, or stating that he acts for himself, as the case may be, and in either case giving an address within the town of Nicosia or elsewhere if so ordered by the Court or Judge at which notices addressed to him may be left, and if no such writing be left or address given, then notice of all notices and proceedings may be given by posting the same on the Notice Board of the Supreme Court and such posting shall be deemed to be good service.

13. The petitioner shall upon the presentation of the petition forthwith cause to be served a certified copy of the petition on the District Commissioner and shall therewith cause to be served a writing giving the name of the petitioner's advocate, if any, and of the address, if any, given as prescribed, and the District Commissioner shall forthwith publish those particulars along with the petition. Such publication shall be effected by posting the same in some conspicuous place or places within the Municipality concerned.

14. The costs of publication of this and any other matter required to be published by the District Commissioner shall be paid in advance by the petitioner or person moving in the matter, and shall form part of the general costs of the petition.

15. Within five days of the presentation of the petition the petitioner shall serve notice of the presentation on the respondent, together with a certified copy of the petition.

16. Such service on the respondent shall be effected in the same way as a writ of summons is required to be served by the Civil Procedure Rules. But the petitioner shall at the same time publish or cause to be published in such local newspaper as the Court or Judge may order a copy of the petition.

17. In case of evasion of service, the Court, or a Judge, may order substituted service in such manner and subject to such conditions as the Court or Judge may think fit, and such substituted service as ordered shall be deemed equivalent to personal service.

18. Within fifteen days of the service of the petition on the respondent, the respondent shall enter an appearance by filing with the Chief Registrar a writing stating that he appears to oppose the petition and at the same time

giving the name of some person entitled to practise as an advocate of the Supreme Court, whom he authorizes to act as his agent, or stating that he acts for himself, as the case may be, and in either case giving an address within the town of Nicosia, or elsewhere if a Judge shall so order, at which notices addressed to him may be left, and if no such appearance be entered or address given, then notice of all notices and proceedings may be given by posting the same on the Notice Board of the Supreme Court, and such posting shall be deemed to be good service on the respondent.

19. The respondent may at any time prior to the hearing of the petition apply to the Court or a Judge for an order on the petitioner to furnish security for costs, on such terms and conditions as to the Court or Judge shall seem fit.

20. Any recognizance entered into under the last preceding rule shall be in the form set out in Form No. 3 in the Appendix hereto.

21. The recognizance or recognizances shall be left at the office of the Chief Registrar by or on behalf of the petitioner in like manner as before prescribed for the leaving of the petition, forthwith, after being acknowledged.

22.—(1) A respondent who has entered an appearance to a petition and who wishes to defend the election or return shall, within fifteen days after the expiration of the time limited for appearance, file and deliver an answer to the petition.

(2) Every answer shall set out with sufficient particularity the facts relied upon but not the evidence by which they are to be proved.

23. The petitioner shall take out a summons for directions within ten days after the expiration of the time limited for the delivery of the answer to the petition, and the provisions of the Civil Procedure Rules relating to summonses for directions shall apply *mutatis mutandis*.

24. The time and place of the trial of an election petition shall be fixed by the Chief Justice and notice thereof shall be given in writing by the Chief Registrar by posting such notice on the Court Notice Board, sending one copy of such notice by registered post or otherwise to the address for service given by the petitioner, another to the address for service given by the respondent, if any, and a copy by registered post or otherwise to the District Commissioner fifteen days before the day appointed for the trial. The District Commissioner shall forthwith publish the same in manner provided in Rule 13 hereof.

25. The posting of notice of trial on the Court Notice Board shall be deemed and taken to be good notice, and such notice shall not be vitiated by any miscarriage of, or relating to, the copy or copies thereof to be sent as already directed.

26. The notice of trial may be in the form set out in Form No. 4 in the Appendix hereto.

27. A Judge may from time to time by order made upon the application of a party to the petition, or by notice, in such form as the Judge may direct, to be sent to the District Commissioner, postpone the beginning of the trial to such day as he may name, and such notice when received shall be forthwith made public by the District Commissioner.

28. Proceedings in an election petition shall be entitled as follows:—
In the Supreme Court of Cyprus.

In the matter of an Election Petition for the Municipal Council of
in the Administrative District of

Between
and

Petitioner,
Respondent.