



**SUPPLEMENT No. 3**  
TO  
**THE CYPRUS GAZETTE No. 3919 OF 9TH FEBRUARY, 1956.**  
**SUBSIDIARY LEGISLATION.**

*Revoked - New Refs*

No. 88.  
THE COMPENSATION ASSESSMENT TRIBUNAL LAW, 1955.

*a. 56/311.*

RULES OF COURT MADE UNDER SECTIONS 7 AND 10.

*made - G.N. 4005*

JOHN HARDING,  
*Governor.*

*29.11.56 p. 1.*

In exercise of the powers vested in me by sections 7 and 10 of the Compensation Assessment Tribunal Law, 1955, I, the Governor, with the advice and assistance of the Chief Justice, do hereby make the following Rules:—

43 of 1955

PRELIMINARY.

1. These Rules may be cited as the "Compensation Assessment Tribunal Rules, 1956". Citation.

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

"the Law" means the Compensation Assessment Tribunal Law, 1955; 43 of 1955

"the President" means the President of the Compensation Assessment Tribunal, or the member appointed under the provisions of the Law to act for the time being as deputy for the President;

"Tribunal" means the President and the members of the Compensation Assessment Tribunal selected to deal with a case under the provisions of section 5 of the Law;

"the registrar" and "the office" mean respectively the registrar and the office for the time being of the Compensation Assessment Tribunal;

(2) The Interpretation Law shall apply to the interpretation of these Rules as it applies to the interpretation of a Law. Cap. 1.

PART I.—REFERENCES.

3. Proceedings for the determination of any question or dispute by the Compensation Assessment Tribunal may be instituted by any party who requires to have the question or dispute determined by sending to the registrar a notice of reference substantially in accordance with Form 1 in Appendix A, together with sufficient copies thereof for service upon each of the other parties to the proceedings. Notice of reference.

4. Upon receiving a notice of reference, the registrar shall enter particulars thereof in the Register of References, and shall forthwith send a copy of the notice to each of the parties to the proceedings (other than the party or parties by whom the notice of reference is signed) and shall inform all the parties of the number of the reference, which shall thereafter constitute the title of the proceedings. Appendix A.

5. Upon receiving a notice of reference, the registrar shall enter particulars thereof in the Register of References, and shall forthwith send a copy of the notice to each of the parties to the proceedings (other than the party or parties by whom the notice of reference is signed) and shall inform all the parties of the number of the reference, which shall thereafter constitute the title of the proceedings. Entry of reference.

PART II.—PROCEDURE.

5.—(1) Except where these Rules otherwise provide, any application for directions of an interlocutory nature in connection with any proceedings shall be made to the President or a member of the Compensation Assessment Tribunal nominated by him. Interlocutory applications.

(2) The application shall be made in writing and shall state the title of the proceedings and the grounds upon which the application is made.

(3) If the application is made with the consent of all parties, it shall be accompanied by consents signed by or on behalf of the parties.

(4) If the application is not made with the consent of all parties, then, before it is made, a copy thereof shall be served upon each party and the application shall state that this has been done.

(5) Any party who objects to the application may, within 7 days after receiving a copy thereof, send written notice of objection to the President and to the applicant, and before making any order on the application the President or the nominated member of the Tribunal shall consider any objections which he may have received and, if so required by any party, shall give all parties an opportunity of appearing before him.

(6) In dealing with any application under this Rule, the President or the nominated member of the Tribunal shall have regard to the convenience of the parties and the desirability of limiting so far as practicable the costs of the proceedings and shall communicate his decision in writing to each party thereto.

(7) Any party aggrieved by a decision of a member nominated by the President on an application under this Rule may appeal to the President by giving notice in writing to the registrar and to every other party within four days after receiving notice of the decision, or within such further time as may be allowed by the President, but such an appeal shall not act as a stay of proceedings unless so ordered by the President.

Consolidation of references.

6.—(1) Where more than one notice of reference has been given in respect of the same land, an application to the President, in accordance with the provisions of Rule 5, for an order that the references shall be heard together may be made by the authority liable for the payment of compensation.

(2) Where any such notices of reference have been given as are referred to in the last foregoing paragraph, the President or the Tribunal may, without any application in that behalf, make an order that the appeals or references shall be heard together.

(3) An order for consolidation may be made with respect to some only of the matters to which the notices of reference relate.

Sittings of Tribunal.

7.—(1) The Tribunal shall, subject to any directions given by the Chief Justice either generally or with regard to any particular reference, sit at such places as the President may from time to time determine.

(2) The registrar shall send to each party to proceedings before the Tribunal a notice informing him of the place and date of the hearing, which shall not be earlier than 14 days after the date on which the notice is sent.

(3) Any party to whom such notice has been sent may apply to the President in accordance with the provisions of Rule 5 for an alteration of the place or date of the hearing.

Procedure at hearing.

8.—(1) At the hearing the party claiming compensation shall begin and the other parties shall be heard in such order as the Tribunal may determine.

(2) Subject to the provisions of these Rules and to any direction given by the President, the procedure at the hearing of any proceedings shall be such as the Tribunal may direct.

Evidence.

9.—(1) Evidence before a Tribunal may be given orally or, if the parties to the proceedings consent or the President or the Tribunal so orders, by affidavit, but the Tribunal may at any stage of the proceedings make an order requiring the personal attendance of any deponent for examination and cross-examination.

(2) The provisions of paragraphs (2), (3), (4), (5) and (6) of Rule 5 shall apply to an application to the President for leave to give evidence by affidavit.

Tribunal to sit in public.

10. The Tribunal shall sit in public.

11. In any proceedings before the Tribunal any party may appear and be heard either in person, or by advocate, or by a representative appointed in writing and approved by the Tribunal. Right of audience.

12.—(1) Not more than one expert witness on either side shall be heard unless otherwise ordered. Expert witnesses.

(2) An application for leave to call more than one expert witness may be made to the President in accordance with the provisions of Rule 5 or may be made to the Tribunal at the hearing.

(3) Where more than one party intends to call an expert witness, each such party shall, within 28 days after being so requested by the registrar, send to the registrar a copy of each of the following documents relating to the evidence to be given by his expert witness, together with sufficient copies of the documents for service upon each of the other such parties, that is to say:—

(i) every plan and valuation of the land which is the subject of the proceedings (including particulars and computations in support of such valuation) which it is proposed to put in evidence ;

(ii) a statement of any prices, costs, or other particulars, and any plans, relating to a property or properties other than the said land which are proposed to be given in evidence in support of any such valuation, or a statement that no such prices, costs, particulars, or plans will be relied upon.

(4) The registrar shall, within seven days after receiving all the documents required to be supplied by the parties under the last foregoing paragraph, send to each party copies of the documents supplied by the other party.

(5) If an application for leave to call more than one expert witness is made at the hearing and is granted by the Tribunal, or if at the hearing any party seeks to rely upon any plans, valuations, or particulars which appear to the Tribunal not to have been sent to the registrar in accordance with the foregoing provisions of this Rule, the Tribunal, shall, unless it is satisfied that no prejudice to any other party will arise, adjourn the hearing on such terms as to costs or otherwise as it thinks fit.

13. The Tribunal may, and shall at the reasonable request of any party to the proceedings, enter on and inspect the land which is the subject of proceedings before the Tribunal and, so far as may be practicable, any comparable land to which the attention of the Tribunal may be directed. The Tribunal shall give notice to the parties of its intention to inspect any land and the parties and their expert witnesses shall be entitled to attend the inspection. View of land.

14. Any party to any proceedings shall furnish to the registrar on his request any document or other information which the Tribunal may require and which it is in his power to furnish and shall afford to all other parties to the proceedings an opportunity to inspect such documents (or copies of such documents) and to take copies thereof: Provided that nothing in this Rule shall be deemed to require the furnishing of any information which it would be contrary to the public interest to disclose. Disclosure of documents.

15. If it appears to the Tribunal that any party to proceedings before the Tribunal has failed to send a copy of any document required under these Rules to be sent to any other party or to the registrar, the Tribunal may direct that a copy of the document shall be sent as may be necessary and that the further hearing of the proceedings be adjourned, and may in any such case require the party at fault to pay any additional costs occasioned thereby. Failure to supply documents.

16. The registrar shall have power to administer oaths and take affirmations for the purpose of affidavits used in proceedings before the Tribunal. Administration of oaths.

17.—(1) The President may, on the application of any party to any proceedings, order any point of law which appears to be in issue in the proceedings to be disposed of at a preliminary hearing before the Tribunal or a member or members of the Tribunal selected by the President for that purpose. If, in the opinion of the Tribunal or such member or members, Preliminary point of law.

the decision on the point of law substantially disposes of the proceedings he or they may order that the argument shall be treated as the hearing of the case or may make such other order as may seem just.

(2) The provisions of paragraphs (2), (3), (4), (5) and (6) of Rule 5 shall apply to an application under this Rule.

Decision of  
Tribunal.

18.—(1) The decision of the Tribunal on a reference or application shall be given in writing, together with a brief statement of the Tribunal's reasons for its decision.

(2) Where an amount awarded or value determined by the Tribunal is dependent upon the decision of the Tribunal on a question of law which is in dispute in the proceedings, the Tribunal shall ascertain, and shall state in its decision, the alternative amount or value (if any) which it would have awarded or determined if it had decided otherwise on the question of law.

(3) The registrar shall send copies of the decision to every party who has appeared before the Tribunal.

(4) If any directions are given by the Supreme Court for the amendment of any decision of the Tribunal on which a case has been stated for the opinion of the Supreme Court, the amendment shall be made by the Tribunal accordingly and the registrar shall send copies of the amended decision to all persons to whom copies of the original decision were sent.

Interest on  
awards.

19. The Tribunal may, if it thinks fit, direct that any sum awarded by the Tribunal shall carry interest from the date of the award at the rate of 4 per centum per annum.

Consent  
orders.

20. Where the parties to any proceedings have agreed upon the terms of any order to be made by the Tribunal, particulars of the terms, signed by all the parties or by their advocates or agents, shall be sent to the registrar and an order may be made by the Tribunal in accordance with such terms in the absence of the parties, unless the Tribunal for any special reason requires their attendance.

Costs.

21.—(1) The costs of and incidental to any proceedings shall be in the discretion of the Tribunal.

(2) If the Tribunal directs that the costs of a party to the proceedings shall be paid by any other party thereto, the Tribunal may settle the amount of the costs by fixing a lump sum, or it may direct that the costs shall be taxed by the registrar on one of the scales of costs prescribed in Appendix B.

Appendix B.

(3) Any party dissatisfied with a taxation of costs by the registrar may, within 10 days of the taxation, serve on any other party interested therein and on the registrar objection in writing specifying the items objected to and the grounds of objection and asking for the taxation to be reviewed by the President in respect of such items.

(4) Upon such application the President may make such order as he thinks just, including an order as to the payment of the costs of the review, but the taxation of the registrar shall be final in respect of all matters to which objection shall not have been taken.

Fees payable  
on exagge-  
rated claim.

22. Where the amount awarded by the Tribunal in any case is less than two-thirds of the amount of compensation claimed, the claimant shall pay into Court, in addition to the fees of Court payable under Appendix C, a sum equivalent to the remuneration payable to the members of the Tribunal other than the President, as determined by the Chief Justice with the approval of the Governor.

Withdrawal  
of reference,  
etc.

23. A reference or application may be withdrawn by sending to the registrar a written notice of withdrawal signed by all parties to the proceedings or by their advocates or agents.

Extension of  
time.

24. The time appointed by or under these Rules for doing any act or taking any steps in connection with any proceedings may be extended, on an application to the President in accordance with the provisions of Rule 5 upon such terms (if any) as the justice of the case may require, and such extension may be ordered although the application is not made until after the expiration of the time appointed.

## PART III.—CASE STATED.

25. Any person who is aggrieved by a decision of the Tribunal as being erroneous in point of law may, within four weeks of the date of the decision, by notice in writing addressed to the registrar require the Tribunal to state a case setting forth the facts on which the decision was based and the decision of the Tribunal thereon. Application for case stated.
26. The Tribunal shall, as soon as may be, state and sign the case and shall cause it to be sent by registered post to the person aggrieved. Statement of case.
27. The person aggrieved shall, within 14 days after receiving the case, lodge it (in triplicate) with the Chief Registrar of the Supreme Court, together with a notice (in triplicate) stating the grounds on which the decision of the Tribunal is alleged to be erroneous in point of law. The case shall be entered by the Chief Registrar in a register to be kept for that purpose. Lodging of case.
28. The aforesaid notice shall be served by the person aggrieved upon the registrar of the Tribunal and, together with a copy of the case, upon every party to the proceedings before the Tribunal within 14 days after receiving the case. Service of case.
29. The person aggrieved shall, when lodging the case with the Chief Registrar, furnish an address for service in Nicosia. Address for service.
30. The person aggrieved shall give the other party not less than 14 days' notice of the date fixed for the hearing of the case before the Supreme Court. Notice of hearing.
31. Where, on its own motion, the Tribunal reserves for the opinion of the Supreme Court a question of law in the form of a case stated, the registrar of the Tribunal shall, as soon thereafter as possible, transmit the case to the Chief Registrar, together with four typewritten copies thereof. The Chief Registrar shall serve on each party a copy of the case, and shall give the parties not less than 14 days' notice of the date fixed for the hearing of such case before the Supreme Court. Question of law reserved by Tribunal.
32. On the hearing of the case the Supreme Court may, if it thinks fit, amend the case or order it to be sent back to the Tribunal for amendment and shall have power to draw inferences of fact from the facts set forth in the case. Powers of Supreme Court.
33. The Chief Registrar of the Supreme Court shall notify the registrar of the Tribunal of the decision of the Supreme Court on the case and of any directions given by the Court thereon. Decision of Supreme Court.
34. The ordinary practice of the Supreme Court in civil appeals shall, so far as it is applicable and is not inconsistent with the provisions of this Part of the Rules, apply to a case stated by the Tribunal. Practice.

## PART IV.—GENERAL.

- 35.—(1) Any notice or other document required or authorised to be served on any person for the purpose of these Rules shall be deemed to have been duly served if sent by pre-paid registered post to that person at his ordinary address or to his address for service specified in any notice given under these Rules. Any notice or other document required or authorised to be sent to the registrar shall be sent to him at the office. Service of notices.
- (2) Any application or communication to be made to the President or to any member of the Tribunal in respect of any case shall be addressed to the registrar at the office.
36. Any party to any proceedings may at any time by notice in writing to the registrar and to all other parties to those proceedings change his address for service under these Rules. Change of address.
37. If any person to whom any notice or other document is required to be sent for the purpose of these Rules cannot be found, or has died and has no personal representative, or is out of Cyprus, or if for any other reason service upon such person cannot be readily effected in accordance with these Rules, the President or the Tribunal may dispense with service upon such Substituted service.