

under Notification No. 407 in Supplement No. 3 to the *Gazette* of the 19th December, 1946, and as subsequently amended by Notifications Nos. 37 and 194 in Supplement No. 3 to the *Gazettes* of the 4th February, 1953, and the 25th March, 1954, respectively, shall be altered accordingly.

## SCHEDULE.

Survey Reference			Locality	Extent			Description
Sheet	Plan	Plot		Don.	Ev.	S. ft.	
LIV	50	377 part	Kardhana	—	—	912	The area coloured red on the Government Survey Plan Serial No. 1666.

Given at Nicosia, this 20th day of November, 1956.

## No. 1151.

## THE COMPENSATION ASSESSMENT TRIBUNAL LAW, 1955.

## RULES OF COURT MADE UNDER SECTIONS 7 AND 10.

JOHN HARDING,  
*Governor.*

43 of 1955

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:—

## PRELIMINARY.

Citation.

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

Interpretation.

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:—

43 of 1955

“the Law” means the Compensation Assessment Tribunal Law, 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.

Cap. 1.

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

## PART I.—REFERENCES.

3.—(1) 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.

Appendix A.

(2) Where any reference is by way of appeal from an authority having statutory powers to determine compensation, there shall be sent to the registrar with the notice of reference a copy of the decision, assessment or notice of the determining authority.

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), together with a notice substantially in accordance with Form 2 in Appendix A, and shall inform all the parties of the number of the reference. The name of the Tribunal, the names of the parties and the number of the reference, together with the year in which it is instituted, shall thereafter constitute the title of the proceedings.

Entry of reference:

5.—(1) Within 10 days from the date of service on the claimant or the Acquiring Authority, as the case may be, of the registrar's notice in Form 2, the party concerned shall give to the registrar a written notice stating:—

Notice of address, etc.

- (a) an address at which documents may be served upon him; and
- (b) whether he proposes to call an expert witness to give evidence in support of any valuation.

(2) The address for service mentioned in paragraph (1) of this Rule shall be the full address of a person within the municipal limits of the main town of the District in which the land concerned is situated.

6.—(1) The claimant shall, within 28 days from the service on him of the registrar's notice in Form 2, give to the registrar and to the Acquiring Authority, at their address for service, a written statement (together with three copies thereof in the case of the registrar) showing the amount claimed by him as compensation with full particulars in support thereof.

Statement of claim, valuation and plan.

(2) The Acquiring Authority shall, within 28 days from the service on it of the registrar's notice in Form 2, give to the registrar and to the claimant, at his address for service, a written statement (together with three copies thereof in the case of the registrar) showing the valuation of the land which is the subject of the proceedings with full particulars in support thereof.

(3) The Acquiring Authority shall in all cases send to the registrar four copies of the plan of the land which is the subject of the proceedings, within 28 days after the filing of the notice of reference, together with sufficient copies of such plan for service upon each of the other parties, unless in the meantime the Acquiring Authority is required by the registrar to send such plan to him under the provisions of Rule 19 (3).

7.—(1) Subject to any directions which may be given by the President, the registrar may, at any time after receiving a notice of reference, require a party to furnish a statement setting out further and better particulars of the grounds of reference, appeal or application, or of any valuation of property which is the subject of the reference, and any facts and contentions relevant thereto.

Power to require further particulars.

(2) The party concerned shall within such time as may be prescribed by the registrar, not being less than 14 days after the date of the requirement, send the statement to the registrar (together with three copies thereof) and shall send identical copies to all other parties.

Power to  
require  
particulars  
of deter-  
mination.

8. The President or the Tribunal may at any time request the Director of Lands and Surveys or any other determining authority to give a statement of the reasons for his or its decision, determination or assessment, and to furnish any other particulars thereof which appear to be requisite for the decision of the application, appeal or reference before the Tribunal, and thereupon the Director of Lands and Surveys or other determining authority shall furnish the statement of reasons or particulars to the registrar (together with three copies thereof) and shall send identical copies to all interested parties within 14 days after the date of such request, or within such extended time as may be allowed by the President or the Tribunal.

#### PART II.—PROCEDURE.

Interlo-  
cutory  
applications.

9.—(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.

(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.

Consoli-  
dation of  
references.

10.—(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 9, 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) When two or more references are pending before the Tribunal whether by the same or different claimants against the same Acquiring Authority, and the subjects of such reference involve a common question of law or fact of such importance in proportion to the rest of the matters involved in such references as to render it desirable that the references should be consolidated, the President or the Tribunal may, on the application of any interested party, or of his or its own motion, make an order that the references shall be heard together.

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

11.—(1) Where two or more persons are interested in respect of the same land, the President may, if it appears to him that the contentions put forward by any two or more claimants are substantially the same, direct that one of those claimants shall alone be entitled to appear at the hearing of the reference, and may require the claimants concerned, within such period as he may allow, to select, or, failing their selection within the period allowed, may himself select, one of their number to represent them jointly in the conduct of the reference :

More than one interested persons.

Provided that any claimant who claims that he would be prejudiced by such a direction may, within the period allowed by the President, apply to the President for leave to appear separately at the hearing of the reference, and the President may, thereupon, in his discretion, either adhere to or revise his direction, or give such other direction as to the appearance, and order of appearance, of the claimants at the hearing of the reference as he may think just in the circumstances.

(2) The registrar shall forthwith send notice of any direction given by the President under this Rule to all the claimants and the Acquiring Authority.

12.—(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.

Sittings of Tribunal.

(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 9 for an alteration of the place or date of the hearing.

13.—(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.

Procedure at hearing.

(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.

14. If, on an appeal or application against a determination or assessment, the appellant or applicant does not appear at the time and place appointed for the hearing the President or the Tribunal may dismiss the appeal or application, and if any other party to the proceedings or any party to a reference does not appear at such time and place as aforesaid the President or the Tribunal may hear and determine the appeal, application or reference in his absence and may make such order as to costs as he or it thinks fit.

Default of appearance.

15. On the hearing of an appeal or application against a determination or assessment the appellant or applicant shall not be entitled to rely upon any grounds not stated in his notice of reference or statement of case or application unless the President or the Tribunal thinks it just in all the circumstances, and on such terms as to costs or adjournment or otherwise as he or it may think fit, to allow such additional grounds to be put forward as may appear to the President or the Tribunal to be material.

Appellant limited to grounds of appeal.

16.—(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.

Evidence.

(2) The provisions of paragraphs (2), (3), (4), (5) and (6) of Rule 9 shall apply to an application to the President for leave to give evidence by affidavit.

Tribunal to sit in public.  
Right of audience.

17. The Tribunal shall sit in public.

18. 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.

Expert witnesses.

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

(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 9 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 7 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.

View of land.

20. 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.

Disclosure of documents.

21. 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.

Failure to supply documents.

22. 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.