



SUPPLEMENT No. 2
T O
THE SOVEREIGN BASE AREAS GAZETTE
No. 735 of 7th April, 1986.
L E G I S L A T I O N

ORDINANCE 1 OF 1986.

AN ORDINANCE

TO AMEND THE LAND ACQUISITION ORDINANCE.

K.W. HAYR,
ADMINISTRATOR.

21st March, 1986.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. This Ordinance may be cited as the Land Acquisition (Amendment) Ordinance, 1986 and shall be read as one with the Land Acquisition Ordinance, as amended from time to time (hereinafter referred to as “the principal Ordinance”).

Short title.

Cap. 226 (Laws of Cyprus) and Ordinances 12 of 1963 and 9 of 1964.

2. Section 12A of the principal Ordinance is hereby amended by deleting subsection (5) thereof and substituting therefor the following new subsection:—

Section 12A of the principal Ordinance amended.

- “(5) (a) The payable compensation shall not be subjected to any tax, duty or any other deduction ;
- (b) In making any payment under this Section the Acquiring Authority shall make deductions from the amount payable of any tax, rate, duty, fee or other similar charge due prior the acquisition and in respect of the property acquired and shall pay the amount so deducted to the authority to whom such tax, rate, duty, fee or other similar charge is due.”.

21st March, 1986.
(106/1)

D.K.A. REYNOLDS,
Chief Officer.

ORDINANCE 2 OF 1986

AN ORDINANCE

TO AMEND THE CIVIL WRONGS ORDINANCE.

K.W. HAYR,
ADMINISTRATOR.

27th March, 1986.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title.

Cap. 148 (Laws of Cyprus) and Ordinances 2 of 1974 and 11 of 1978.

Section 57 of the principal Ordinance amended.

New Section 57A added to the principal Ordinance.

1. This Ordinance may be cited as the Civil Wrongs (Amendment) Ordinance, 1986 and shall be read as one with the Civil Wrongs Ordinance, as amended from time to time (hereinafter referred to as "the principal Ordinance").

2. Section 57 of the principal Ordinance is hereby amended—

- (a) by deleting the words "brought for the benefit of the dependants of that person" appearing in the seventh and eighth lines of subsection (4) thereof; and
- (b) by deleting the definition of "dependant" appearing in subsection (7) thereof.

3. The principal Ordinance is hereby amended by inserting at the end of Section 57 thereof the following new Section to be numbered 57A:—

"No right to compensation in respect of loss of expectation of life.

57A.—(1) In an action brought for compensation for bodily injury—

- (a) no compensation is recoverable in respect of any loss of expectation of life of the injured person, but
- (b) if the expectation of life of the injured person has been shortened as a result of bodily injury, the Court, shall, in assessing the compensation recoverable for pain and suffering, take into consideration any suffering caused or likely to be caused by the knowledge of the injured person that his expectation of life has been shortened.

(2) The compensation for loss of expectation of life referred to in paragraph (a) of subsection (1) shall not include compensation for the loss of income."

4. The principal Ordinance is hereby amended by repealing Section 58 thereof and substituting therefor the following new Section :—

Section 58 of the principal Ordinance repealed and replaced.

“Right of action in respect of act causing death.

58.—(1) Where the death of any person is caused by any civil wrong and such person would, if death had not ensued, have been entitled to bring an action and recover compensation in respect of such civil wrong, the person who would have been responsible for such civil wrong, if death had not ensued, shall, notwithstanding the death, be liable to pay compensation.

(2) Subject to the provision of subsection (3) of this Section the action shall be brought for the benefit of the dependants of the deceased.

(3) For the purposes of this Section “dependant” means, notwithstanding age, the following persons—

- (a) the wife or husband of the deceased ;
- (b) any parent, grandparent or other direct ancestor of the deceased ;
- (c) any person whom the deceased treated as his parent ;
- (d) any child or other descendant of the deceased ;
- (e) any person (not being a child of the deceased) whom the deceased, in relation to any marriage to which the deceased was at any time a party, was treated as a child of the family in relation to that marriage ; and
- (f) any person who is the brother, sister, uncle or aunt of the deceased or is the child of any of them.

(4) For the ascertainment of any relationship for the purposes of subsection (3) of this Section—

Cap. 274 (Laws of Cyprus).

- (a) any person adopted under the Adoption Ordinance or under any legislation of the Republic relating to adoption shall be deemed to be the child of the adopter and not the child of any other person ;
- (b) any relationship by marriage shall be deemed to be blood relationship, any half-blood relationship full-blood relationship and the step-child of any person to be his child ; and
- (c) an illegitimate child shall be deemed to be legitimate child of the mother and of his presumed father.

(5) For the purposes of subsection (3) of this Section “child” includes a child *en ventre sa mère*.

(6) Any reference in this Section to bodily injury includes any sickness and any weakening of the physical or mental condition of the person concerned.

(7) An action under this Section may consist of or include a claim for compensation for bereavement.

(8) A claim for compensation for bereavement shall be only for the benefit—

- (a) of the wife or husband of the deceased ;
- (b) where the deceased had not attained the age of eighteen, and was never married—
 - (i) of his parents, if he was a legitimate child ; and
 - (ii) of his mother, if he was an illegitimate child.

(9) The amount to be awarded as compensation for bereavement shall be £3,000.

(10) Where there is a claim for compensation for bereavement for the benefit of both the parents of the deceased, the amount awarded, shall be divided equally between them (subject to any deduction made in respect of any costs not recovered from the defendant).

(11) The action shall be brought by and in the name of the executor or administrator of the deceased.

(12) Where—

- (a) there is no executor or administrator of the deceased ; or
- (b) no action was brought within twelve months of the death of the deceased by and in the name of the executor or administrator of the deceased,

the action may be brought by and in the name of all or any of the persons for whose benefit the action could have been brought by the executor or administrator.

(13) No more than one action shall be brought in respect of the same death.

(14) The plaintiff in any action to which this Section refers shall give to the defendant or his advocate full particulars of the persons for whom and on whose behalf the action is brought and of the nature of the claim in respect of which the payment of compensation is sought.

(15) In any action such compensation may be awarded, other than compensation for bereavement, which corresponds to the loss which resulted from the death, to the dependants respectively, and,

subject to any deduction made in respect of any costs not recovered from the defendant, any amount recovered, other than compensation for bereavement, shall be divided between the dependants in such shares as the Court may direct.

(16) In an action under this Section, a new marriage of a widow or the prospects of contracting a new marriage shall not be taken into account in the assessment of the compensation payable to the widow in respect of the death of her husband.

(17) Where the dependants paid funeral expenses in relation to the death of the deceased, compensation may be awarded in respect of such expenses.

(18) Money paid into Court for the satisfaction of actionable claims may be paid as one amount without determination of the share of any person.

(19) Benefits which have accrued or shall or may accrue to any person by inheritance or otherwise owing to the death of the deceased shall not, in any action, be taken into account in the assessment of compensation for his death.

(20) The action shall be brought within two years of the death of the deceased person.”.

5. The principal Ordinance is hereby amended by inserting immediately after Section 58, the following new Section to be numbered 58A :—

New Section
58A added to
the principal
Ordinance.

“Interest on
compensation.

58A. In any proceedings before the Court for the recovery of compensation for bodily injury or death due to a civil wrong, the Court, shall, unless it is satisfied that there are special reasons to the contrary, award interest at the rate of six per centum per annum on the whole or part of the awarded compensation for the whole or part of the period between the date of the cause of action and the date of delivery of the judgment, as it may deem appropriate.”.

27th March, 1986.

(128/4B)

J. P. COLSTON,
Acting Chief Officer.

AN ORDINANCE

**TO AMEND THE ADMINISTRATION OF ESTATES
ORDINANCE.**

K.W. HAYR,

27th March, 1986.

ADMINISTRATOR.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title.

1. This Ordinance may be cited as the Administration of Estates (Amendment) Ordinance, 1986 and shall be read as one with the Administration of Estates Ordinance (hereinafter referred to as "the principal Ordinance").

Cap. 189 (Laws of Cyprus).

Section 34 of the principal Ordinance amended.

2. Section 34 of the principal Ordinance is hereby amended as follows:—

(a) by inserting immediately after subsection (1) the following new subsection to be numbered (1A):—

"(1A) The right of a person to claim damages for bereavement under Section 58 of the Civil Wrongs Ordinance, shall not survive for the benefit of his estate on his death."; and

Cap. 148 (Laws of Cyprus) and Ordinances 2 of 1974 and 11 of 1978.

(b) by deleting paragraph (a) of subsection (2) thereof and substituting therefor the following new paragraph:—

"(a) shall not include—

(i) exemplary damages;

(ii) damages for loss of income in relation to any period after his death."

27th March, 1986.

J. P. COLSTON,
Acting Chief Officer.

(104/11/2)