

**AN ORDINANCE (16th August, 1960)**

**TO PROVIDE FOR THE CONSTITUTION OF COURTS AND  
FOR OTHER PURPOSES RELATING TO THE ADMINISTRATION  
OF JUSTICE IN THE SOVEREIGN BASE AREAS OF AKROTIRI  
AND DHEKELIA**

Be it enacted by the Administrator of the Sovereign Base Areas as follows:—

1. This Ordinance may be cited as the Courts Ordinance, 1960.
2. In this Ordinance, 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 Senior Judge’s Court or the Judge’s Court, or any member thereof, as the case may be, 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 for relief (other than a defendant asking relief by way of counter-claim) against any other person by any form of proceeding, whether the proceeding is by action, petition, motion, summons or otherwise;
  - “proceeding” means a judicial proceeding;
  - “Rules of Court” includes forms.

Short  
title.  
Interpre-  
tation.

**Part I**

**COURTS, JUDGES AND OFFICERS**

3. There shall be established Courts of Justice for the administration of civil and criminal law in the Areas as follows:—

Courts of  
Justice.

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- (a) the Senior Judge's Court;
- (b) the Judge's Court.

Constitution  
of Senior  
Judge's Court.

4. (1) The Senior Judge's Court shall consist of a Senior Judge and two deputy Senior Judges.

(2) The disposition and distribution of the duties of the Court shall be regulated by the Senior Judge.

(3) References in any Ordinance to a Senior Judge shall be construed, save where the context otherwise requires, as including a reference to a Deputy Senior Judge.

(4) Notwithstanding the provisions of sub-section (1), any member of the Court when sitting alone shall be empowered to exercise all the jurisdiction of the Senior Judge's Court, but where:—

- (a) two senior judges are sitting and differ in opinion as to whether an appeal should be allowed, the judgement of the Court below shall stand:

Provided that the appeal shall be reheard by a Senior Judge's Court consisting of three Judges on the application of any party to the appeal;

- (b) two Senior Judges are sitting on an application in pursuance of paragraph (d) of section 19 and differ in opinion the application shall at the request of any party to the application, be reheard by a Senior Judge's Court consisting of three Judges; and

- (c) three senior judges are sitting the judgement of the Court shall be by majority.

(5) Where more than one member of the Court is sitting, the Senior Judge or, in his absence, the Deputy Senior Judge who is senior by date of appointment, shall be the presiding judge.

Constitution  
of Judge's  
Court.

5. (1) A Judge's Court shall consist of one or more Judges.

(2) The number of judges sitting in the Judge's Court shall normally be one, who shall have power to exercise the full jurisdiction of the Court, provided that a Senior Judge or, in his absence from the Areas, the Judge senior in office by date of his appointment as a Judge, may direct that any specified case shall be tried by three judges.

(3) Where three judges are sitting under the provisions of sub-section (2), the Judge senior in office by date of his appointment as a judge in the Areas, shall be the presiding judge of the Court, and the decision of the Court shall be by majority.

Appointment  
of Senior  
Judge.

6. The Senior Judge shall be appointed by the Administrator by Letters Patent under the public seal of the Areas in accordance with such instructions as he may receive from Her Majesty through a Secretary of State and shall hold office during Her Majesty's Pleasure.

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7. A Judge shall be appointed by an instrument in writing under the hand of the Administrator, and shall hold office during Her Majesty's Pleasure, subject to any regulations applicable to his service under the authority of Her Majesty made by a Secretary of State.

Appointment of Judge.

8. No person shall be appointed to be a Senior Judge or a Judge unless:—

Qualifications of Judges.

(a) he is qualified to practise as a barrister-at-Law, advocate, or solicitor, or in an equivalent professional capacity, in a Court in a part of Her Majesty's Dominions, or in the Republic of Ireland, and

(b) has been so qualified for not less than ten years.

9. The Administrator may by an instrument in writing under his hand appoint any fit and proper person being a person qualified for appointment under section 8:—

Appointment of Acting Judges.

(a) to act as Senior Judge or Judge for such time as may be specified in the instrument of appointment; or

(b) to hear and determine any proceeding, specified in the instrument of appointment, in the Senior Judge's Court or the Judge's Court, as the case may be, and every 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 Senior Judge, or Judge, according to his appointment.

10. Every Senior Judge and Judge shall, before entering on the execution of the duties of his office, take and subscribe before the Administrator the oath of allegiance and judicial oath in the forms prescribed in the Schedule.

Oath of allegiance and judicial oath.

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

Courts duly constituted in spite of vacancies.

12. (1) The Administrator shall appoint a person to be Registrar of both the Senior Judge's Court and the Judge's Court who shall perform such duties as he may be required or empowered to perform under any Ordinance or Rules of Court in force for the time being.

Appointment of Registrar.

(2) The Registrar shall be the Sheriff of each Court and shall discharge his duties in that capacity under the direction of the Senior Judge or Judge, as the case may be.

13. Subject to any Rules of Court and to any orders made thereunder by either Court, the Registrar shall issue all summonses, warrants, precepts and writs of execution in each Court, and shall register all orders and judgements, and shall keep a record of all proceedings of the Senior Judge's

Duties of Registrar.

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Court and the Judge's Court, and shall have the custody and keep an account of all fees and fines payable or paid into each Court, and of all moneys paid into or out of each Court, and shall enter an account of all such fees, fines and moneys as and when received, in a book belonging to each 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 Fiscal Officer, or as may be directed by each Court, submit his accounts to be audited, and shall, subject to any such regulations or directions, pay into the Revenue the amount of fines and fees in his custody.

Registrar to  
be Taxing  
Master.

**14.** Subject to any Rules of Court or any order made thereunder by either Court, the Registrar shall be Taxing Master for each Court and shall tax all bills of costs in accordance with the scale of fees for the time being in force, subject to review of such taxation by the Court:

Provided that the Court may direct in any case that taxation of costs shall take place before the Court itself in the first instance.

Duties of  
Sheriff.

**15.** The duty of the Sheriff is by himself or his officers to receive in the Areas, writs and processes of the Courts; and to execute the same and make returns thereto:

Provided that the Sheriff shall not be liable to be sued for any act or omission of any messenger, bailiff, or other person in the execution of any writ or process which shall have been done or may have occurred either through disobedience or neglect of the orders or instructions given by the Sheriff, or which may have been done or occurred without his authority.

Messengers  
to be  
bailiffs  
and officers  
of Courts.

**16.** The duty of every messenger shall be to attend the Courts and to act as bailiff and officer of the Courts and serve and execute any writ or process issued out of either Court, whether delivered to him by the Court direct or by the Sheriff and to obey all directions of the Court for preserving order and decorum in the Court.

Neglect of  
duty by  
officer of  
Courts.

**17.** If an officer of the Courts employed to execute an order wilfully or by neglect loses the opportunity of executing it then, on complaint of the person aggrieved and proof of the fact alleged, the Court which made the order may, if it thinks fit, order the officer to pay the damage sustained by the person complaining, or part thereof, and the order shall be enforced as an order directing payment of money.

Misconduct  
of officer.

**18.** If any officer of the Courts is charged with extortion under pretence of the process or authority of a Court or with not duly paying over money levied or with any other misconduct the Court in question, if it thinks fit, may (without prejudice to any other liability or punishment to which the

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officer would, apart from this provision, be liable) inquire into the charge in a summary manner, and may for that purpose summon and enforce the attendance of all necessary persons as in an action, and may make such order for the repayment of any money extorted or for the payment over of any money levied, and for the payment of such damages and costs as the Court thinks just, and the Court may also, if it thinks fit, impose on the officer such fine not exceeding fifty pounds for each offence, as the Court thinks just.

Part II

JURISDICTION AND LAW

19. The Senior Judge's Court shall have exclusive original jurisdiction:—

Original  
Jurisdiction  
of Senior  
Judge's Court.

- (a) as a Court of Admiralty under any Act of the United Kingdom applicable to Admiralty jurisdiction in the Areas;
- (b) subject to the provisions of section 27, to exercise such jurisdiction and powers in matrimonial causes as are exercisable in England by the High Court of Justice;
- (c) to hear and determine such other matters as the Court may be empowered to hear and determine in the first instance under any Ordinance in force for the time being;
- (d) to issue prerogative orders and exercise, in all matters where the proceedings of a quasi judicial tribunal or of a ministerial authority are called in question, the powers exercisable in England by the High Court of Justice;

Provided that if and for so long as there is no Senior Judge present in the Areas or if for any other reason there is no Senior Judge who is able to act, any Judge present in the Areas shall have jurisdiction to issue a writ of habeas corpus as if such Judge were a Senior Judge acting under the provisions of paragraph (d) of this section, and every order of any such Judge issuing or refusing to issue such a writ shall not be challengeable in any way until a Senior Judge arrives in the Areas or assumes duty when the Senior Judge may on application by an interested party, including the Legal Adviser, set aside the order of the Judge and substitute any other order in exercise of his power under that paragraph.

20. The Senior Judge's Court shall have jurisdiction:—

- (a) to hear and determine appeals in accordance with the provisions of any Ordinance or Rules of Court relating to civil appeals for the time being, from any decision of the Judge's Court exercising civil jurisdiction;

Appellate  
Jurisdiction  
of Senior  
Judge's Court

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- (b) to hear and determine such other matters as the Court may be empowered to hear and determine by way of appeal under any Ordinance in force for the time being.

Criminal  
Jurisdiction  
of Judge's  
Court.

**21. (1)** Subject to the provisions of any other Ordinance, the Judge's Court shall have jurisdiction to try all offences committed within the Areas.

(2) The Judge's Court may, in addition to or in substitution for any punishment, adjudge any person convicted before it to make compensation not exceeding five hundred pounds to any person injured by his offence.

(3) The Judge's Court shall make such enquiry concerning all persons in custody within the Areas as to ensure that no person is detained except in accordance with law, and that the administration of criminal justice is not unduly delayed; for this purpose the Judge's Court may make such order as it deems fit for the release of any person from custody with or without bail.

**22.** The Judge's Court shall, subject to the provisions of sections 19 and 27 and of any other Ordinance, have original jurisdiction to hear and determine any action where:—

- (a) the cause of action has arisen wholly or in part within the Areas;
- (b) the defendant or any of the defendants, at the time of the institution of the action, resides or carries on business within the Areas;
- (c) the cause of action relates to immovable property within the Areas.

**23.** Any power of the Senior Judge's Court

- (a) to give judgement or a ruling in any such proceeding in which:—
  - (i) either party fails to appear at the time fixed for the appearance of the defendant or respondent before the Court; or
  - (ii) either party fails to deliver any pleading or take any step within the time appointed by the Rules of Court relating to civil procedure for the time being.
- (b) to make any orders in any action not disposing of the action on its merits, may, notwithstanding anything in any other Ordinance contained, be exercised by a Judge of the Judge's Court.

Judge may  
give judgement  
and make  
orders of  
Senior Judge's  
Court in  
certain cases.

**24.** Every decision of the Judge's Court exercising civil jurisdiction shall be subject to appeal to the Senior Judge's Court.

Appeal from  
Judge's Court  
in civil  
matters.

**25. (1)** Each Court in the exercise of its civil or criminal jurisdiction shall apply:— Laws to be applied.

- (a) the Ordinances of the Areas;
- (b) the common Law of England and the doctrines of equity, save in so far as other provision has been or shall be made by any Ordinance of the Areas,
- (c) the Statutes of the Imperial Parliament, and Orders of Her Majesty in Council, applicable either to Her Majesty's Overseas Territories generally or to the Areas save in so far as the same may validly be modified or other provision made by any Ordinance of the Areas.

(2) The Senior Judge's Court in exercise of the jurisdiction conferred by paragraph (b) of section 19 shall apply the law relating to matrimonial causes for the time being administered by the High Court of Justice in England.

**26.** The civil jurisdiction by this or any other Ordinance conferred upon any Court established by this Ordinance, shall be exercised in accordance with the procedure prescribed by any Ordinance in force for the time being or Rules of Court made under any Ordinance in force for the time being and in default thereof shall, so far as circumstances permit, be exercised in accordance with the practice and procedure observed in England by the High Court of Justice. Practice and procedure.

**27.** Nothing in this Ordinance contained:—

(a) shall confer upon any Court by this Ordinance established any jurisdiction to hear and determine:—

No jurisdiction as to status or inheritance in Greek Orthodox and Turkish family matters.

(i) any matrimonial cause where:—

(aa) either party is a member of the Greek Orthodox Church and the marriage has been celebrated in accordance with the rites of the Greek Orthodox Church; or

(bb) either party is of the Moslem faith and the marriage has been contracted in accordance with the Moslem Sacred Law before the 28th day of May, 1951, or has, after that date, been solemnised in accordance with the Turkish Family (Marriage and Divorce) Law, 1951, of the Colony, or any Law of the Republic replacing the same;

(ii) any matters which under any Law in force in the Republic for the time being are within the jurisdiction of the Turkish Family Courts;

(iii) any other matter which under the Law of the Colony immediately prior to the coming into force of this Ordinance, is cognisable by an

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ecclesiastical tribunal of the religious community to which the parties belong;

- (b) shall be construed as abrogating any jurisdiction which an ecclesiastical tribunal of the Greek Orthodox Church possesses in respect of matrimonial causes to which a member of the Greek Orthodox Church is a party;
- (c) shall be construed as abrogating any principles of law in force in the Colony immediately before the coming into force of this Ordinance whereby matters of marriage and family status are governed by the law of the religious community to which the party belongs.

Part III

POWERS OF THE COURTS

**28.** Every Court in the exercise of its civil jurisdiction shall, in every cause or matter grant, either absolutely or on such terms and conditions as the Court thinks just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any legal or equitable claim properly brought forward by them in the cause or matter, so that, as far as possible, all matters in controversy between the parties may be completely and finally determined, and all multiplicity of legal proceedings concerning any of those matters avoided.

**29. (1)** Subject to any Rules of Court every Court, in the exercise of its civil jurisdiction may, by order, grant an injunction (interlocutory, perpetual or mandatory) or appoint a receiver in all cases in which it appears to the Court just or convenient so to do, notwithstanding that no compensation or other relief is claimed or granted together therewith;

Provided that an interlocutory injunction shall not be granted unless the Court is satisfied that there is a serious question to be tried at the hearing, that there is a probability that the plaintiff is entitled to relief and that unless an interlocutory injunction is granted it may be difficult or impossible to do justice at a later stage.

(2) Any interlocutory order made under sub-section (1) may be made under such terms and conditions as the Court thinks just, and the Court may at any time, on reasonable cause shown, discharge or vary any such Order.

(3) If it appears to the Court that any interlocutory order made under sub-section (1) was applied for on insufficient grounds, or if the plaintiff's action fails, or judgement is given against him by default or otherwise, and it appears to the Court that there was no probable ground for his bringing the action, the Court may, if it thinks fit, on the application of the defendant, order the plaintiff to pay to the defendant

Determination of matter completely and finally.

Mandamus, injunctions and receivers.

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such amount as appears to the Court to be a reasonable compensation to the defendant for the expense and injury occasioned to him by the execution of the order.

Payment of compensation under this sub-section shall be a bar to any action for damages in respect of anything done in pursuance of the order; and any such action, if begun, shall be stayed by the Court in such manner and on such terms as the Court thinks just.

30. Where any person neglects or refuses to comply with a judgement or order directing him to execute a transfer, contract or other document, or to indorse any negotiable instrument, the Court may, on such terms and conditions, if any, as may be just, order that the transfer, contract or other document shall be executed or that the negotiable instrument shall be indorsed by such person as the Court may nominate for that purpose, and a transfer, contract, document or instrument so executed or indorsed shall operate and be for all purposes available as if it had been executed or indorsed by the person originally directed to execute or indorse it.

Execution of instruments by order of Court.

31. (1) Subject to Rules of Court, the Court may refer to an official or special referee for inquiry or report any question arising in any civil proceedings.

Reference for report.

(2) The report of an official or special referee may be adopted wholly or partially by the Court, and, to the extent to which it is so adopted, shall be entered as a judgment of the Court.

32. (1) In any civil proceedings:—

Reference for trial.

- (a) if all the parties interested who are not under disability consent; or
- (b) if the cause or matter requires any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Court conveniently be made before or conducted by the Court through its other ordinary officers; or
- (c) if the question in dispute consists wholly or in part of matters of account,

the Court may at any time order the whole cause or matter, or any question or issue of fact arising therein, to be tried before a special referee or arbitrator respectively agreed on by the parties, or before an official referee or officer of the Court.

(2) Where a special referee or arbitrator has been guilty of misconduct in the proceedings the Court may remove him and the Court further may set aside any award made in any such proceedings or procured improperly in any other way.

33. (1) In all cases of reference to an official or special referee or arbitrator, the official or special referee or

Powers and remuneration

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of referees  
and  
arbitrators.

arbitrator shall be deemed to be an officer of the Court, and subject to Rules of Court shall have such authority, and conduct the reference in such manner, as the Court may direct.

(2) The report or award of an official or special referee or arbitrator on any reference shall be filed in Court and the Court, on the application of the parties or of its own motion, may direct that such report or award be set aside or entered as a judgement of the Court.

(3) The remuneration to be paid to a special referee or arbitrator to whom any matter is referred under an order of the Court shall be determined by the Court.

Statement  
of case  
pending  
arbitration.

**34.** A referee or arbitrator may at any stage of the proceedings under a reference, and shall, if so directed by the Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference.

Power of  
Court to  
impose terms  
as to costs, etc.

**35.** An order made under section 32 relating to inquiries and and trial by referees may be made on such terms as to costs or otherwise as the Court thinks fit.

Power of  
Court to make  
declaratory  
judgements.

**36.** Every Court in the exercise of its civil jurisdiction shall have power to make binding declarations of right whether any consequential relief is or could be claimed or not.

Enforcing  
obedience  
to orders.

**37.** Every Court shall have power to enforce obedience to any order issued by it, directing any act to be done or prohibiting the doing of any act, by fine or imprisonment or sequestration of goods, and such powers shall be exercised subject to any Rules of Court.

Power to  
award costs.

**38.** The costs of, and incident to, all civil proceedings in any Court shall, unless otherwise provided by any Ordinance or Public Instrument in force for the time being be in the discretion of the Court and the Court shall have full power to determine by whom, and to what extent such costs are to be paid.

Vexatious  
legal  
proceedings

**39.** (1) If, on the application made by the Legal Adviser under this section, the Senior Judge's Court is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings in either Court, whether against the same person or against different persons, the Court may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall without the leave of the Senior Judge or a Judge be instituted by him in a Court of the Sovereign Base Areas and that any legal proceedings instituted by him in those Courts before the making of the order shall not be continued by him without such leave and such leave shall not be given unless the Senior Judge or Judge is satisfied that the proceedings are not an abuse of the process of the Court and that there is prima facie ground for the proceedings.

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(2) If the person against whom an order is sought under this section is unable on account of poverty to retain Counsel, the Senior Judge's Court shall assign Counsel to him.

(3) A copy of any order made under this section shall be published in the Gazette.

40. (1) Subject to the provisions of section 41 any person who:—

Contempt  
of Court

- (a) within the premises in which any proceeding is taking place, or within the precincts of the same, shows disrespect, in speech or manner, for or with reference to a proceeding or any person before whom a proceeding is taking place; or
- (b) causes an obstruction or disturbance in the course of a proceeding; or
- (c) while a proceeding is pending or undetermined, publishes any writing, makes any speech or does any act misrepresenting the proceeding, or tending to prejudice the fair trial of the proceeding or of interrupting or delaying the course of justice, or calculated to lower the authority of any person before whom the proceeding is taking place; or
- (d) publishes a report of the evidence taken in any proceeding at which, under this Ordinance or any other Ordinance for the time being in force, only the parties and their advocates or other representatives, if any, and the officers of the Court are permitted to be present; or
- (e) publishes any writing or makes any speech containing scandalous matter or does any scandalous act respecting a Court which has adjudicated in any proceeding and relating to that proceeding; or
- (f) attempts wrongfully to interfere with or influence a witness in a proceeding, either before or after he has given evidence in connection with such evidence; or
- (g) dismisses a servant because he has given evidence on behalf of a certain party to a proceeding; or
- (h) retakes possession of land from any person who has recently obtained possession by an order of the Court; or
- (i) commits any other act of intentional disrespect to any proceeding, or to any person before whom a proceeding is taking place,

is guilty of an offence, and is liable to imprisonment for six months or to a fine not exceeding one hundred pounds.

(2) When any offence against paragraphs (a), (b), (c) or (i) of sub-section (1) is committed in view of the Court.

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the Court may cause the offender to be detained in custody, and at any time before the rising of the Court on the same day may take cognisance of the offence and sentence the offender to a fine of twenty-five pounds or in default of payment to imprisonment for one month.

**41.** (1) A person shall not be guilty of contempt of court on the ground that he has published any matter calculated to interfere with the course of justice in connection with any proceedings pending or imminent at the time of publication if at that time (having taken all reasonable care) he did not know and had no reason to suspect that the proceedings were pending, or that such proceedings were imminent, as the case may be.

(2) A person shall not be guilty of contempt of court on the ground that he has distributed a publication containing such matter as is mentioned in subsection (1) of this section if at the time of distribution (having taken all reasonable care) he did not know that it contained any such matter as aforesaid and had no reason to suspect that it was likely to do so.

(3) The proof of any fact tending to establish a defence afforded by this section to any person in proceedings for contempt of court shall lie upon that person.

**42.** Without prejudice to the generality of section 40 of this Ordinance the Senior Judge's Court shall have jurisdiction to exercise all the powers exercisable in England by Her Majesty's High Court of Justice to punish for contempt of court, whether such contempt is a contempt of that Court or of any other Court in the Areas.

**43.** Every Court shall, for the purpose of compelling payment of any costs and any charges and expenses of witnesses in any civil proceeding and of any other charges and expenses and of any fees forfeitures and money penalties, have power to issue the same process as may be issued to compel payment of a judgement debt.

**44.** All fees, forfeitures and money penalties levied under this Ordinance shall be carried to the public account unless where it is otherwise specially provided by the order under which any such forfeiture or money penalty is established or provided.

**45.** The judgement of every Court shall, subject to any direction contained therein to the contrary and notwithstanding that the same shall have been made in default of pleading or of appearance of any party, be binding on all parties to the action immediately on the making thereof and notwithstanding any appeal against the same, but the Court by which such judgement is given, or any Court having jurisdiction to hear such judgement on appeal, may at any time, if it shall so think fit, and whether an order for execution shall have been issued or not. direct that execution of such

Innocent  
Publication  
and  
Distribution.

Further powers  
of Senior  
Judge's Court  
to punish for  
contempt.

Compelling  
payment of  
fees and  
other moneys.

Disposal of  
fees and  
other moneys.

Judgement  
to be  
binding  
without  
communication.

judgement be suspended for such time and subject to terms or otherwise as to such Court may seem just.

Part IV  
WITNESSES AND EVIDENCE

46. In every civil proceeding before either Court and at any stage thereof, the Court, either of its own motion or on the application of any party, may summon any person within the Areas to attend to give evidence or to produce any document in his possession, and may examine such person as a witness or expert, and require him to produce any document in his possession or power, subject to all just exceptions.

Power to  
summon  
witnesses.

47. If the person summoned, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly and does not excuse his failure to the satisfaction of the Court he may, independently of any other liability, be proceeded against by warrant to compel his attendance and may be ordered to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and shall be liable also to imprisonment not exceeding two months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

Witness  
failing to  
attend.

48. (1) In Civil proceedings any person called upon to give evidence in any Court shall, before being examined, be required to take such oath as is customarily administered to persons of his creed or faith on testifying upon oath before a Court of Justice. Such oath may be administered by the Judge, Registrar, or Clerk, or by any person requested by the judge to administer such oath.

Witnesses  
to be sworn  
or make  
declaration  
or to testify

(2) If any witness shall object to take an oath or shall be objected to as incompetent to take an oath, or if the Court shall be of opinion that the taking of an oath will have no binding effect on his conscience, he shall be required to make the following promise and declaration:—

"I solemnly promise and declare that the evidence given by me to the Court shall be the truth, the whole truth, and nothing but the truth."

(3) On any occasion in any civil proceeding the Court may, if it thinks just and expedient (for reasons to be recorded in the minutes of the proceeding), take without oath or promise and declaration in lieu thereof, the evidence of any person who, by reason of immature age, ought not in the opinion of the Court to be admitted to give evidence upon oath, the fact of the evidence having been so taken without oath being also recorded in the minutes of the proceedings.

49. In civil proceedings if any person, whether appearing in obedience to a summons or brought up under a warrant, being required to give evidence refuses to take an oath or

Witness  
refusing to  
be examined.

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make a promise and declaration in lieu thereof or refuses to answer any question lawfully put to him or to produce any document in his possession and does not excuse his refusal to the satisfaction of the Court, he may, independently of any other liability, be ordered to pay all costs which may have been occasioned by reason of his refusal and shall be liable to be committed to prison under the warrant of the Court there to remain for not more than one month, unless he in the meantime consents to answer duly, and he shall also be liable to a fine not exceeding twenty pounds.

Court may call on persons in Court to give evidence.

**50.** Any person present in the Court, whether a party or not in the proceeding, may be compelled by the Court to give evidence and produce any document in his possession or in his power in the same manner and subject to the same rules as if he had been summoned to attend and give evidence or to produce such document and may be liable for any costs and may be punished for any refusal to obey the order of the Court as if he had been so summoned.

Summoning prisoner as witness.

**51.** (1) It shall be lawful for either Court to issue a warrant for bringing up any person confined as a prisoner, under any sentence or order of commitment for trial or otherwise or under civil process, to be examined as a witness in any civil proceeding pending in either Court:

Provided that such warrant shall not be granted as of course nor unless the Court shall have probable ground for believing that the evidence of the prisoner is likely to prove material.

(2) The gaoler or person in whose custody such prisoner may be shall forthwith obey such warrant by bringing the prisoner to Court in his custody, or by delivering him to an officer of the Court as the warrant may order; and, if the prisoner shall under the term of the warrant be delivered to any officer of the Court, the gaoler shall not be liable for the escape of such prisoner.

Witness to attend though expenses not paid.

**52.** It shall not be lawful in any civil proceeding for any person to refuse to attend as a witness, or to give evidence when so required by process of the Court, on the ground that his expenses have not been paid or provided for.

Inspection of property.

**53.** In any civil proceeding, it shall be lawful for the Court, on the application of either party or on its own motion, to make such order for the inspection by the Court, the parties or witnesses of any movable or immovable property, the inspection of which may be material to the proper determination of the question in dispute, and to give such directions respecting such inspection as to the Court may seem fit.

**Part V**

**ACTIONS BY OR AGAINST THE ADMINISTRATION**

**54.** Actions by the Administration against any private person shall, except as by any Ordinance otherwise provided, be brought in the name of the Legal Adviser, and actions by any private person against the Administration shall, except as by any Ordinance otherwise provided, be brought against the Legal Adviser as defendant. Such actions shall, subject to any Rules of Court, be carried on in the same manner in every respect as suits between private parties.

Actions by or against the Administration.

**55. (1)** No claim of any kind whatsoever, and whether by way of original claim, counter-claim, set-off, or otherwise, against the Administration, shall be entertained in either Court unless it be a claim of the same nature as claims which might, immediately before the coming into force of the Crown Proceedings Act, 1947, have been preferred in England against the Crown.

Claims against the Administration.

**(2)** No claim which may otherwise lawfully be made against the Administration shall be entertained in either Court unless the claimant shall have obtained the written consent of the Administrator authorizing such claimant to bring an action in such form and subject to such qualifications as the Administrator in respect of such claim may direct, in manner hereinafter provided.

**(3)** Every claim which may otherwise lawfully be made against the Administration shall be preferred before the Judge's Court in any action instituted by the claimant as plaintiff against the Legal Adviser as defendant.

**(4)** In any such action, an appeal shall lie from the decision of the Judge's Court to the Senior Judge's Court.

**(5)** In any such action and in any such appeal, the Administration shall be entitled to claim all or any prerogative rights, limitation of liability, and exemption from rules of procedure which could have been claimed by the Crown in England immediately before the coming into force of the Crown Proceedings Act, 1947.

**(6)** No person representing the Administration in any action shall be called upon to give security for costs, or that he will abide by the decision of the Court or other security.

**Part VI**

**MISCELLANEOUS**

**56.** The sittings of every court may be held at any place in the Areas as shall be deemed expedient to the Court.

Place of sittings of Courts Sittings ordinarily to be public.

**57.** The sittings of every Court shall ordinarily be public, but the Court may, for a reason to be entered by it in the minutes, hear any proceeding in the presence only of the parties with their advocates or other representatives, if any, and the officers of the Court.

Ordinance. 3.

Notes of evidence.

**58.** (1) In all civil proceedings the Court shall take down in writing the notes of evidence, or if the Court so directs, such evidence may be taken down in shorthand:

Provided that the whole or any part of the evidence may, if the Court thinks fit, be taken down in the form of questions and answers.

(2) No person shall be entitled as of right to inspection or a copy of the Judge's notes save as may be provided for by any Rules of Court.

Minutes of proceedings.

**59.** (1) In all civil proceedings before any Court, minutes of the proceedings shall be drawn up and shall be signed by the Senior Judge or the Judge before whom the proceedings are taken. These minutes with the notes of evidence, taken at the hearing of the action, shall be preserved as records of the Court.

(2) The said minutes and notes of evidence, or a copy thereof, purporting to be signed and certified as a true copy by the Registrar, shall at all times, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

Books of record and language.

**60.** Each Court shall keep such books as may be prescribed by Rules of Court or, in default of any such Rules, as may be directed by the Senior Judge or the Judge, as the case may be, for recording the orders and sentences and such other proceedings of the Court as may be directed to be entered therein. All matters to be recorded in the books so to be kept shall be therein recorded in English.

SEALS

Seals.

**61.** (1) The Senior Judge's Court and the Judge's Court shall have and use as occasion requires a seal bearing such style and device as may be approved from time to time by the Administrator, who may direct that a single seal shall be in use for both Courts.

(2) Each Court shall have as many duplicates of the seal of the Court as may be required.

(3) Each Court shall direct in whose custody every duplicate of the seal of the Court shall be kept.

(4) Where a single seal is in use for both Courts, it shall bear the style Her Majesty's Court of the Sovereign Base Areas of Akrotiri and Dhekelia, or any other form of wording to like effect.

Writs etc. to be sealed.

**62.** All writs, orders and other instruments issued by any Court shall be sealed with the seal of the Court which issues the same.

Power to make Rules.

**63.** The Administrator may make Rules (in this Ordinance referred to as "Rules of Court") to be published in the Gazette for the better carrying of this Ordinance into effect, and in particular for all or any of the following matters:—

- (a) for regulating the sittings of the Courts;
- (b) for regulating the pleading, practice and procedure of either of the Courts, and for prescribing the forms to be used in connection therewith;
- (c) generally for regulating any matters relating to the practice and procedure of Courts and Judges respectively; or to the duties of the officers of Courts, or to the costs of proceedings therein to be allowed to parties to actions or other proceedings or to be allowed to the advocates and others lawfully representing any party to an action or other proceeding;
- (d) for prescribing the fees to be taken in respect of any matter or proceedings in any Court or by any officer of any Court.

Provided that until other provision is made under the provisions of this Ordinance any Rules of Court and any list of fees in force in the Colony on the day prior to the coming into operation of this Ordinance under whatsoever enactment made shall, with such adaptations as are necessary to enforce such rules and list in accordance with the provisions of this Ordinance, be in force in the Areas, as if such Rules and lists had been made under the provisions of this Ordinance.

Ordinance. 3.

SCHEDULE  
OATH OF ALLEGIANCE

I \_\_\_\_\_, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law, so help me God.

JUDICIAL OATH

I \_\_\_\_\_, do swear that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the office of \_\_\_\_\_ and will do right to all manner of people after the law of the \_\_\_\_\_ without fear or favour, affection or ill will, so help me God.