



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 539 of 23rd October, 1979.
LEGISLATION

ORDINANCE 10 OF 1979.

AN ORDINANCE

TO PROVIDE FOR SUSPENDING THE OPERATION
OF CERTAIN PROVISIONS REGARDING LIMITATION OF
ACTIONS IN CONSEQUENCE OF SIMILAR LEGISLATION
IN FORCE IN THE REPUBLIC OF CYPRUS.

W. R. TAYLOR,
ADMINISTRATOR

19th October, 1979.

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 Limitation of Actions (Suspension) Ordinance, 1979. Short title.

2. In this Ordinance — Interpretation.

“action” means civil proceedings before the Judge’s Court and includes arbitration proceedings;

“period of limitation” means any period prescribed by any provision of a legislative nature in force at the date of the coming into operation of this Ordinance within which period any action to which such provision relates is required to be brought;

“period of suspension” means the period commencing on the date of the coming into force of this Ordinance, and ending on such date as the Administrator may, by Order to be published in the Gazette appoint:

Provided that the date so appointed shall be a date not being less than three months after the date of publication of the Order in the Gazette.

Period of limitation to be suspended subject to the provisions of this Ordinance.

3. Subject to the provisions of this Ordinance any period of limitation is to be treated as being suspended during the period of suspension.

Suspension not applicable to certain actions for damages.

4. Suspension under the provisions of this Ordinance shall not apply to actions for damages for personal injury or loss of life or damage to property because of any road, industrial, maritime or any other accident (including fire), filed after 1st January, 1977.

19th October, 1979.

(128/25)

P. G. ADAMS,

Chief Officer.

ORDINANCE 11 OF 1979.

AN ORDINANCE

TO AMEND THE CRIMINAL PROCEDURE ORDINANCE.

W. R. TAYLOR,

19th October, 1979.

ADMINISTRATOR

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 Criminal Procedure (Amendment) Ordinance, 1979 and shall be read as one with the Criminal Procedure Ordinance, as amended from time to time (hereinafter referred to as “the principal Ordinance”).

Short title.
Cap. 155 (Laws
of Cyprus).
Ordinances
4/60, 19/63,
1/66, 2/72,
2/73, 10/75
and 4/78.

2. The principal Ordinance is hereby amended by repealing Section 43 thereof and substituting therefor the following new Section :—

Section 43 of
the principal
Ordinance
repealed and
replaced.

“Filing
of charge.

43.—(1) Every charge shall be presented to a Registrar and shall thereupon be filed and presented to a Judge.

(2) Nothing in this Section shall preclude any person who appears before any Court to answer any charge which has been preferred against him raising any objection to the charge which he would have been able to raise had this Section not been enacted.”

3. Section 45 of the principal Ordinance is hereby amended by deleting paragraph (b) of the first proviso to subsection (1) thereof and substituting therefor the following new paragraph :—

Section 45 of
the principal
Ordinance
amended.

“(b) permit him, if he desires to plead guilty, to send in such plea duly signed or signified in any manner which the Judge considers to be evidence of a genuine plea by such accused together with the summonses in respect of which the plea is made, and, if so directed by the Judge, either generally or specially, witnessed by any person whom the Judge regards as responsible and impartial, in which case such plea shall be treated as a plea of guilty for the purposes of the proceedings :”.

New Section 107A added to the principal Ordinance.

4. The principal Ordinance is hereby amended by inserting immediately after Section 107 thereof the following new Section to be numbered 107A :—

“Special provisions in relation to notice of trial and summaries of evidence.

107A. Notwithstanding the provisions of paragraph (b) of Section 107 of this Ordinance, the Judge’s Court may at any stage with the consent of the accused or his advocate :—

- (a) reduce the period of fourteen days prescribed in the said paragraph ; and
- (b) if satisfied that the accused or his advocate have had adequate access to the statements of witnesses contained in the list of persons referred to in the said paragraph, dispense with the furnishing of summaries of the evidence of such witnesses or any of them either generally or subject to such conditions which the Court thinks fit as being necessary to ensure that the accused has a fair trial, and in such case the summaries so dispensed with, shall be regarded as having been served for the purposes of the said paragraph (b) of Section 107 and Section 111 of this Ordinance :

Provided that where the Judge’s Court has made an Order under the provisions of paragraph (b) of this Section, the Court may at any time before the hearing of the evidence of any witness the summary of whose evidence has been dispensed with, order that such summary shall be served within such time as the Court may direct.”.

Section 157 of the principal Ordinance amended.

5. Section 157 of the principal Ordinance (as amended by Ordinance 4 of 1960) is hereby amended by deleting subsections (2) and (3) thereof and substituting therefor the following two new subsections :—

“(2) Where notice of appeal has been given or where the convicted person has applied for leave to appeal, any Senior Judge, or, if satisfied that there would be such delay in obtaining a decision from a Senior Judge as would, in the circumstances of the case, subject the applicant to unreasonable hardship, any Judge, may grant bail to a convicted person on such terms as he may see fit including the execution of a bail bond.

(3) In exercise of this power under the provisions of subsection (2) of this Section, the Senior Judge or Judge considering the application shall bear in mind the period which is likely to elapse before the appeal can be heard and may take into account any other factor which seems to him to be just in the circumstances of the case.”.

6. The principal Ordinance is hereby amended by repealing Section 177 thereof and substituting therefor the following new Section 177 :—

Section 177
of the principal
Ordinance
repealed and
replaced.

“Senior
Judge,
Senior
Judge’s
Court or
Judge’s
Court may
exercise
certain
powers while
absent from
the Areas.

177.—(1) Without prejudice to any other provisions of this or any other Ordinance the powers exercisable by any Senior Judge or Judge, the Senior Judge’s Court or the Judge’s Court under any provision of this Ordinance, other than the power to conduct trials or hear appeals but including the consideration or promulgation of any decision whatsoever or the consideration of any application which can lawfully be made in writing, may be exercised by any Senior Judge or Judge, the Senior Judge’s Court or the Judge’s Court notwithstanding the absence of the Senior Judge or all or any of the members of the Senior Judge’s Court or Judge’s Court from the Areas at the time when the decision is arrived at or considered and any such decision may be promulgated or confirmed in writing :

Provided that where a decision of either Court is given under the provisions of this Section following a trial or an appeal or any other criminal proceedings held in open Court, the decision shall be read in open Court by such Senior Judge, Judge or Registrar as the presiding Senior Judge or Judge of the Court (as the case may be), may direct.

(2) Where the decision of either Court is read under the provisions of subsection (1) of this Section by a Senior Judge or Judge (whether such Senior Judge or Judge was a member of the Court entertaining the proceedings or not) such Senior Judge or Judge may hear argument, take evidence and adjudicate upon any of the following matters as if he had entertained the proceedings if a decision in relation to any such matter has not been contained in the decision, which such Senior Judge or Judge has read :—

- (a) the time within which or the instalments by which, fines are to be paid ;
- (b) costs ;
- (c) forfeiture, restitution or disposal of property ;
- (d) fees of advocates appearing for parties who have been granted legal aid ;

- (e) expenses and allowances of witnesses ;
- (f) allocation or extension of legal aid for the purposes of making representation in relation to the above matters ;
- (g) with the consent of all interested parties, any other ancillary matter within the power of the Court, in respect of which a decision has not been given by the Court, which is not inconsistent with such decision or prejudicial to the interests of any person who has been an accused person in the proceedings or in other proceedings to which such proceedings relate ;
- (h) with the consent of the Court (which may be given in any manner the Court thinks fit) the making of any minor correction in the decision not affecting the substance thereof and not prejudicial to an accused person as described in paragraph (g) of this subsection.”.

19th October, 1979.
(128/27)

P. G. ADAMS,
Chief Officer.
