



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1482 of 30th November 2007
LEGISLATION

ORDINANCE 27 OF 2007

COURTS (CONSTITUTION AND JURISDICTION) (AMENDMENT) ORDINANCE 2007

An Ordinance to amend the Courts (Constitution and Jurisdiction) Ordinance 2007.

P. D. DRAYCOTT

27th November 2007.

DEPUTY ADMINISTRATOR

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

1. Short title

This Ordinance may be cited as the Courts (Constitution and Jurisdiction)(Amendment) Ordinance 2007.

2. Interpretation

In this Ordinance the “principal Ordinance” means the Courts (Constitution and Jurisdiction) Ordinance 2007(a).

3. Amendments to the principal Ordinance

- (1) Section 27 (concerning the exercise of powers from outside the Areas) of the principal Ordinance is amended as follows.
- (2) The words “Subject to subsections (5) to (7)” are inserted before subsection (1).
- (3) After subsection (4) there is inserted—
 - “(5) A Senior Judges’ Court may conduct any trial, determine any civil proceeding or hear any appeal from a hearing, a determination at a trial or from a civil proceeding by live link where the conditions specified in subsection (6) are met.
 - (6) The conditions are that—
 - (a) no Senior Judge is available in the Areas;
 - (b) a Senior Judge considers that it is in the interests of the efficient or effective administration of justice for the trial, hearing or appeal to proceed by way of live link; and
 - (c) at least one of the following circumstances exist—

- (i) in the opinion of a Senior Judge the matter is otherwise so urgent that it will not await the arrival of a Senior Judge in the Areas;
or
 - (ii) all of the parties are legally represented and all of them agree to the trial, hearing or appeal being conducted by live link.
- (7) In this section “live link” means a live television link or other arrangement whereby a Judge, while absent from the courtroom or other place where the proceedings are being held is able to conduct those proceedings by sight and hearing with persons (including legal representatives acting in the proceedings) who are in that place.”.

4. Commencement

This Ordinance comes into force on the day it is published in the Gazette.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

Introduction

1. These explanatory notes relate to the Courts (Constitution and Jurisdiction)(Amendment) Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.

2. The notes should be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. This Ordinance amends the Courts (Constitution and Jurisdiction) Ordinance 2007.

4. The purpose of the amendments is to permit hearings, trials and appeals to the Senior Judges' Court by live link where there is no Senior Judge present in the Areas, a Senior Judge considers that it is in the interests of justice for a hearing trial or appeal to proceed by way of live link and at least one of the following circumstances exist:

- In the opinion of a Senior Judge the matter is otherwise so urgent that it will not await the arrival of a Senior Judge in the Areas; or
- all of the parties are legally represented and all of them agree to the trial, hearing or appeal being conducted by live link.

