



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1621 of 14th July 2011
LEGISLATION

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COURTS (CONSTITUTION AND JURISDICTION) (AMENDMENT) ORDINANCE 2011

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

G. E. STACEY
ADMINISTRATOR

12th July 2011.

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

1. Short title and commencement and interpretation

- (1) This Ordinance may be cited as the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2011.
- (2) This Ordinance comes into force on 22 August 2011.
- (3) In this Ordinance the “principal Ordinance” means the Courts (Constitution and Jurisdiction) Ordinance 2007(a).

2. Section 27 of principal Ordinance repealed and replaced

Section 27 of the principal Ordinance is repealed and replaced by the following sections—

“27. Exercising powers from outside Areas

- (1) Subject to the limitations prescribed by this section, any power exercisable by a Senior Judge as a result of this Ordinance may be exercised by that Senior Judge from outside the Areas.
- (2) In particular, a Senior Judge may, from outside the Areas,—
 - (a) consider any decision to be taken following any proceedings before the Court;
 - (b) make any decision following any proceedings before the Court;
 - (c) promulgate any decision following any proceedings before the Court;
 - (d) consider, make and promulgate any decision to be taken in respect of any application which lawfully may be made and considered without a hearing before the Court; or
 - (e) issue case management directions.

- (3) If (and only if) subsection (4) applies, a Senior Judge may, from outside the Areas—
 - (a) conduct a trial or hear an appeal arising from a determination made at a trial;
 - (b) hear and determine a civil proceeding or an appeal from such a proceeding;
 - (c) hear and determine a question of law reserved for the opinion of the Senior Judges’ Court under section 148 of the Criminal Procedure Ordinance^(b); or
 - (d) hear and determine a question arising or a case submitted under section 149 of the Criminal Procedure Ordinance.
- (4) This subsection applies if—
 - (a) no Senior Judge is available in the Areas;
 - (b) the Presiding 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 exists—
 - (i) in the opinion of the Presiding Judge the matter is 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.
- (5) A Senior Judge may exercise the powers in subsection (3) only by using a live link.
- (6) If a decision is taken outside of the Areas under subsection (2) following a trial, an appeal or any other civil or criminal proceeding held in open Court within the Areas, the decision may be promulgated by one of the means prescribed in subsection (8).
- (7) A decision made following any proceeding referred to in subsection (3) may be promulgated by one of the means prescribed in subsection (8).
- (8) The means prescribed by this subsection are—
 - (a) in writing;
 - (b) live link;
 - (c) by being read verbatim in open court, at the direction of the Presiding Judge, by—
 - (i) a Senior Judge;
 - (ii) the Resident Judge; or
 - (iii) an Associate Judge.

27A. Use of live link for witness evidence

- (1) The court may, in the interests of the efficient or effective administration of justice permit a witness in any civil or criminal proceedings to give evidence by live link.
- (2) The Presiding Judge may issue practice directions under section 28 relating to the use of live links.

27B. Meaning of “live link”

- (1) In sections 27 and 27A “live link” means a live television link or other arrangement whereby a person, while absent from the courtroom or other place where the proceedings are being held, is able to participate in those proceedings in the sight and the hearing of the persons referred to in subsection (2).

- (2) The persons are—
 - (a) the Judge or Judges (if more than 1);
 - (b) the parties to the proceedings (including all of the defendants in a criminal case), if those persons are present in the courtroom;
 - (c) the legal representatives acting in the proceedings; and
 - (d) any interpreter or other persons assisting the parties (in pursuance of a direction of the Court or otherwise).”.

3. Repeal

- (1) The Courts Ordinance 1960 is repealed(c).
- (2) The Courts (Constitution and Jurisdiction (Amendment) Ordinance 2007(d) is repealed.

Notes

(a) Ordinance 5/2007.

(b) Cap 155, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

(c) Ordinance 3/60.

(d) Ordinance 27/2007.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. This explanatory note relates to the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2011 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. This note should be read in conjunction with the Ordinance. It is not, and is 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.
3. The Ordinance inserts a new section 27A into the Courts (Constitution and Jurisdiction) Ordinance 2007 (the “principal Ordinance”). Section 27A reflects amendments made by the Republican Evidence (Amendment) Law 2010 (Law 122(I)/2010), providing a statutory basis for the Court to use live television links to hear the evidence of witnesses.
4. The opportunity has also been taken to consolidate in a more concise form amendments made to section 27.

(SBA/AG/2/CT/135)