

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION  
CYPRUS TRANSPORT CO. LTD. AND ANOTHER (No. 2),

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CYPRUS  
TRANSPORT  
CO. LTD.  
AND ANOTHER  
(No. 2)

and

Applicants,

v.

THE REPUBLIC OF CYPRUS, THROUGH  
1. THE MINISTER OF COMMUNICATIONS AND WORKS,  
2. THE PERMITS AUTHORITY,

REPUBLIC  
(MINISTER OF  
COMMUNICATIONS  
AND WORKS  
AND ANOTHER)

Respondents.

(Case No. 320/69).

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*Practice—Application by counsel appearing on behalf of a client who is not in any way a party to the proceedings and who has not submitted (through his appearance) to the jurisdiction of the Court to file a written statement—Refused—Counsel is entitled to watch the proceedings on behalf of his client (the British Ministry of Defence)—And if, at a later stage he applies to be heard as an amicus curiae, then the Court will decide on this application.*

*Recourse under Article 146 of the Constitution—Practice—Person (or body) who is not in any way a party to the proceedings and who has not submitted to the jurisdiction of the Court through his appearance, not entitled to file any written statement—See, also, hereabove.*

The facts sufficiently appear in the Ruling of the Court.

**Application.**

Application by counsel appearing on behalf of a client who is not a party to the proceedings and who has not submitted through his appearance to the jurisdiction of the Court to file a written statement at the commencement of the hearing of a recourse against the refusal of Respondent 2 to issue road service licences to the Applicants.

- A. Triantafyllides and M. Christophides for the Applicants.  
K. Talarides, Senior Counsel of the Republic, for Respondent 1.

1969  
Nov. 27  
—  
CYPRUS  
TRANSPORT  
CO. LTD.  
AND ANOTHER  
(No. 2)  
v.  
REPUBLIC  
(MINISTER OF  
COMMUNICATIONS  
AND WORKS  
AND ANOTHER)

*Chr. Demetriades* and *A. Neocleous*, for Respondent 2.

*L. Clerides* and *P. Laoutas*, for the Interested Party  
(Lefkaritis Bros. Ltd.)

*Sir P. Cacoyannis*, watching the proceedings on behalf  
of the British Ministry of Defence.

*Cur. adv. vult.*

The following ruling was delivered by:—

TRIANTAFYLIDIS, J.:— At the very commencement of these proceedings, and at the stage when the Court was taking the appearances of counsel for the parties, Sir P. Cacoyannis appeared on behalf of the British Ministry of Defence, without the Ministry being a party to these proceedings and without such Ministry submitting—through his appearance—to the jurisdiction of this Court.

He has, also, made it quite clear that he is not applying to take part in these proceedings as an Interested Party.

He has sought, however, the leave of the Court to file a written statement (which has been marked as *exhibit 'A'* for identification) so as to assist the Court by bringing thereby to its knowledge certain aspects of this case.

Counsel for the Applicants did not object to the filing of the statement.

Counsel for Respondent 1 left the matter to the Court, as he took the view that, in any case, Respondent 1 should never have been joined as a party to these proceedings.

Counsel for Respondent 2 and counsel for the Interested Party have objected to the filing of the statement.

At this stage, I am leaving entirely open the question as to whether or not the British Ministry of Defence could have been allowed, if it had applied for the purpose, to take part in these proceedings as an Interested Party.

In the absence of such an application, and without the Ministry being, at all, a party to the proceedings, I cannot see my way to permitting the filing of the statement in question. If I were to do so I would, in effect, be allowing myself to take

cognizance of extraneous matters, which have not been brought before me in the ordinary course of the proceedings by a party thereto.

Such statement shall not, therefore, be filed so as to form part of the Court record in this case.

Sir P. Cacoyannis is entitled to watch the proceedings on behalf of the British Ministry of Defence, and if, at a later stage, he applies to be heard as an amicus curiae, then I shall decide on this application subject to what other counsel may have to say.

Of course, there is nothing to prevent the British Ministry of Defence from making available to any one of the parties—by way of evidence to be called before this Court—any of the information set out in the aforesaid statement.

*Order accordingly.*

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