

**CASES**  
DECIDED BY  
**THE SUPREME COURT OF CYPRUS**

IN ITS ORIGINAL JURISDICTION AND ON APPEAL  
FROM THE ASSIZE COURTS AND DISTRICT COURTS  
AND  
CASES DECIDED BY THE DISTRICT COURTS  
IN WHICH THERE WAS NO APPEAL

1971  
Febr. 5  
—  
IN RE A.B.

[JOSEPHIDES, J.]

IN THE MATTER OF THE COURTS OF JUSTICE LAW, 1960  
AND THE FUGITIVE OFFENDERS ACT, 1881,

*and*

IN THE MATTER OF THE APPLICATION OF THE  
ATTORNEY-GENERAL OF THE REPUBLIC FOR THE  
ENDORSEMENT OF A WARRANT FOR THE  
APPREHENSION OF A.B.

(No. 1/71).

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*Fugitive Offenders—Warrant of arrest issued in the United Kingdom by a stipendiary Magistrate—Application by the Attorney-General for its endorsement for the apprehension of A.B.—Considerations applicable—(English) Fugitive Offenders Act 1881—Applicable in Cyprus by virtue of section 29 (1) (e) of the Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960)—Although said English Act has been repealed and replaced in the U.K. by the Fugitive Offenders Act, 1967—Cf. our Extradition of Fugitive Offenders Law, 1970 (Law No. 97 of 1970) not yet put into operation (see section 22).*

*Extradition—See supra.*

This is an application by the Attorney-General of the Republic for the endorsement of a warrant of arrest in the United Kingdom, commanding the apprehension of A.B. The facts of the case appear in the judgment of the Court, granting the application.

1971  
Febr. 5  
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Cases referred to:

*In re Keith Cyril Marquis Amy* (1969) 2 C.L.R. 146.

**Application.**

Application by the Attorney-General of the Republic for the endorsement of a warrant of arrest, issued in the United Kingdom by a Stipendiary Magistrate, commanding the apprehension of one A.B. a British Subject.

*A. Frangos*, Senior Counsel of the Republic, for the Applicant.

No other appearance.

The following judgment was delivered by:-

JOSEPHIDES, J.: This is an application by the Attorney-General of the Republic for the endorsement of a warrant of arrest issued in the United Kingdom by a Stipendiary Magistrate for the city of..... and dated ..... 1970, commanding the apprehension of one A.B., a British Subject, who is accused that on divers days between the .....1969, and the.....1970, in..... and elsewhere, conspired with others unlawfully to procure and supply a dangerous drug, namely, cannabis, without being authorised, in contravention of section 13(a) of the Dangerous Drugs Act, 1965 and Regulation 2 of the Dangerous Drugs (No. 2) Regulations, 1964; that on the.....1970 in..... was in possession of a dangerous drug, namely, cannabis, without lawful authority; and that, being the occupier of... .. did on divers days between the..... permit those premises to be used for the purpose of dealing in cannabis.

The present application is based on sections 2, 3 and 26 of the English Fugitive Offenders Act, 1881. This Act, although repealed and replaced in the United Kingdom under the provisions of the Fugitive Offenders Act, 1967, is still applicable in Cyprus under the provisions of section 29 (1) (c) of the Cyprus Courts of Justice Law, 1960. It is true that on the 31st December, 1970, a law was published in the Official Gazette of the Republic, namely, the Extradition of Fugitive Offenders Law, No. 97 of 1970, but that law has not yet been put into operation (see section 22). Consequently, we still

have to apply the provisions of the English Fugitive Offenders Act, 1881.

1971  
Febr. 5  
—  
IN RE A.B.

I had occasion to consider in the past the question of reciprocity between Cyprus and the United Kingdom and I need not now deal with that question (see the case of *Keith Cyril Marquis Amy* (1969) 2 C.L.R. 146).

The next question is that I have to be satisfied that the warrant was issued by "some person having lawful authority to issue the same", as required under the provisions of section 3 of the Act. On this point I have the affidavit of Mr. William Roland Mills who is the First Secretary in the British High Commission in the Republic of Cyprus. On this affidavit and having regard to the provisions of the Magistrates Courts Act, 1952, section 1, I am satisfied that John Frederick Milward, Esquire, a Stipendiary Magistrate and Justice of the Peace in the city of ..... is a person who had lawful authority to issue such warrant.

The following documents have been produced before the Court in support of the Application:-

- (a) the aforesaid warrant of arrest;
- (b) the sworn depositions of the witnesses; and
- (c) copies of the *exhibits* produced before the Magistrate.

One of the depositions produced is that of Mr. Trevor Reid Pogson, a Barrister-at-Law and a Legal Assistant in the Department of the Director of Public Prosecutions in London, who states that he is well acquainted with the criminal law of the United Kingdom. In his deposition he gives reasons for stating that offences contrary to section 13 (a) of the Dangerous Drugs Act, 1965 and Regulation 2 of the Dangerous Drugs (No.2) Regulations, 1964, come within the terms of section 9 of the Fugitive Offenders Act, 1881. Having considered those reasons I am satisfied that the offences with which the said A.B. is charged come within the terms of that section.

In the result I am satisfied that the said warrant may be endorsed under the provisions of the Fugitive Offenders Act, 1881, and I direct that the said warrant be endorsed as follows:

"I, the undersigned, Judge of the Supreme Court of the

1971  
Febr. 5  
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IN RE A.B.

Republic of Cyprus, being satisfied that this warrant may be endorsed under section 3 of the Fugitive Offenders Act, 1881, and section 29 (1) of the Courts of Justice Law, 1960, hereby authorise any police constable or member of the Police Force of Cyprus to execute this warrant in the Republic of Cyprus by bringing before a Judge of a District Court in Cyprus the said A.B.”.

*Application granted.*