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THE GRAMMAR  
SCHOOL

v.

REPUBLIC  
(REGISTRAR  
OF MOTOR  
VEHICLES)

[MALACHTOS. J.]

IN THE MATTER OF ARTICLE 146 OF THE  
CONSTITUTION

THE GRAMMAR SCHOOL,

*Applicant,*

*and*

THE REPUBLIC OF CYPRUS. THROUGH  
THE REGISTRAR OF MOTOR VEHICLES,

*Respondent.*

(Case No. 455/72).

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*Motor Vehicles—Licence fees—Exemptions—Vehicles used exclusively to transport gratuitously pupils to and from school—Vehicles in question used, therefore, “for educational purposes” within the provisions of paragraph 2 of the Motor Vehicles and Road Traffic (Exemptions) Order, 1959 as amended by the amending Order of March 16, 1966—With the result that they are exempted from the motor vehicle licence fees.*

*Statutes—Construction—Principles applicable—Wide construction—Beneficial construction—In order to give effect to the intention of the legislature.*

*Words and Phrases—“Vehicle used ..... for educational purposes” in the Motor Vehicles and Road Traffic (Exemptions) Order, 1959, paragraph 2, as amended by the amending order of March 16, 1966.*

This is a recourse made under Article 146 of the Constitution whereby the applicant seeks to challenge the validity of the decision of the respondent by which the application of the applicant for exemption of their three buses Nos. FM740, FM851 and FS176 from payment of motor vehicle licence fees was rejected on September 18, 1972. It was the case of the applicant that the said motor vehicles were being exclusively used to transport free of charge pupils to and from their school known as “Gregoriou Schools” and that, therefore, they are “vehicles used exclusively and free of charge for educational purposes” within the Motor Vehicles and Road Traffic (Exemptions) Order 1959, as

amended by the Order dated March 16, 1966 (see *post* in the judgment). It was contended by the respondent that the words "educational purposes" must be construed to mean "teaching purposes" and that, consequently, the buses in question are not within the ambit of the exemption.

The learned Judge of the Supreme Court agreeing with the submission made by counsel for the applicant gave a wide interpretation to the said words "for educational purposes"; and annulling the refusal complained of :-

- Held, (1). In interpreting the words "educational purposes" the intention of the legislature must be given effect to. In my opinion the words in question have to be given a wide interpretation; consequently, they include any vehicle used exclusively and gratuitously in the advancement and promotion of education as those of the applicant.
- (2) "Where the usual meaning of the words falls short of the object of the legislature, a more extensive meaning may be attributed to them if they are fairly susceptible of it. They will not, of course, supply omissions but where the courts are faced with a choice between a wide meaning which carries out what appears to have been the object of the legislature more fully, and a narrow meaning which carries it out less fully or not at all, they will often choose the former". (*See Maxwell on Interpretation of Statutes*, 12th edition at page 92). (*See also Barlow v. Ross* [1890] 24 Q.B.D. 381, at p. 389, per Lord Esher M.R.).
- (3) In the present case, having in mind the above principles I am of the opinion that the intention of the legislature was to cover cases of transport of pupils to and from schools if such transport, free of charge, is in connection with their schooling.

*Sub judice decision annulled.*

Cases referred to :

*Barlow v. Ross* [1890] 24 Q.B.D. 381, at p. 389, per Lord Esher, M.R.;

*Becke v. Smith* [1836] 2 M. and W. 191, at p. 195, per Parke, B.

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### Recourse.

Recourse against the decision of the respondent whereby applicant's application for exemption of payment of motor vehicle licence fees for its vehicles under Registration No. FM740, FM851 and FS176 was rejected.

*A. Panayiotou*, for the applicant.

*Cl. Antoniadis*, Counsel of the Republic,  
for the respondent.

*Cur. adv. vult.*

The following judgment was delivered by :-

MALACHTOS, J. : The applicant in this recourse is a private school of secondary education, with a junior department, under the name of "The Grammar School of Nicosia" commonly known as "Gregoriou Schools" registered as such under section 8 of the Private Schools Law, of 1971.

On the 4th February, 1970, the applicant applied to the Minister of Interior for a licence to import and register in its name a number of brand new buses for the transport of pupils studying in the said school.

By letter dated 9th November, 1970, *exhibit 1*, the Ministry of Interior approved the said application and, as a result, the applicant imported and registered in its name three buses under Registration Nos. FM 740, FM 851 and FS 176. The registration of the said buses was effected in accordance with section 2 of the Motor Vehicles and Road Traffic Law, Cap. 332, as amended by Law 8/64, and the relative regulations made thereunder, as private motor vehicles of over 6 seats.

On 8th May, 1972, the applicant applied to the respondent, the Registrar of Motor Vehicles, for exemption of the above vehicles as regards payment of fees for motor vehicle licences. The application was based on the *Motor Vehicles and Road Traffic (Exemptions) Order 1959* as amended by Order of the Council of Ministers dated 16th March, 1966. The original Order reads as follows :

"In exercise of the powers vested in him by subsection (2) of section 3 of the Motor Vehicles and

Road Traffic Laws, 1954 to 1959, His Excellency the Governor, with the advice of the Executive Council, has been pleased to order as follows:-

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1. This Order may be cited as the Motor Vehicles and Road Traffic (Exemptions) Order, 1959.

2. Motor vehicles and motor cycles owned by the following are hereby exempted from the fees set out in Part I of the Schedule to the Motor Vehicles and Road Traffic Laws, 1954 to 1959 —

- (i) Her Majesty,
- (ii) Any municipal corporation,
- (iii) Any board of an improvement area,
- (iv) Army Scripture Readers Association,
- (v) Army Kinema Corporation,
- (vi) Army Welfare Services,
- (vii) Church of England Institutes,
- (viii) Church of Scotland Huts,
- (ix) Council of Voluntary Welfare Works,
- (x) Combined Services Entertainment Unit,
- (xi) Forces' Help Society,
- (xii) Hibbert House,
- (xiii) Mission to Mediterranean Garrisons,
- (xiv) Navy, Army and Air Forces Institutes,
- (xv) RAF Cinema Units,
- (xvi) Sailors, Soldiers, Airmen, Families Association,
- (xvii) Soldiers Home, Famagusta,
- (xviii) TOC "H",
- (xix) Young Men's Christian Association,
- (xx) Young Women's Christian Association.

3. Motor tractors used solely for agricultural purposes are hereby exempted from the fees set

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out in Part I of the Schedule to the Motor Vehicles and Road Traffic Laws, 1954 to 1959.”

The Order of the 16th March, 1966, reads as follows :

1. The present Order will be referred to as the Motor Vehicles and Road Traffic (Exemptions) (Amendment) Order of 1966 and shall be read together with the Motor Vehicles and Road Traffic (Exemptions) Order of 1959 (hereinafter referred to as “the Original Order”).

2. The Original Order shall be read, interpreted and applied as if the following item were included in section 2 and in the proper alphabetical sequence :

“The administrative Organ of a school of elementary and secondary education in relation to a vehicle used exclusively and free of charge for educational purposes.”

By letter dated 18th September, 1972, signed by the Deputy Registrar of Motor Vehicles, *exhibit 2*, the applicant was informed that its application of the 8th May, 1972, for exemption from fees as regards Motor Vehicles under Registration Nos. FM 740, FM851 and FS 176, was not approved.

On the 29th November, 1972, the applicant filed the present recourse claiming a declaration of the Court that the Act and/or Decision of the respondent dated 18th September, 1972, by which the application of the applicant for exemption of payment of motor vehicle licence fees for its vehicles under Registration Nos. FM 740, FM 851 and FS 176, was rejected, is null and void and of no legal effect whatsoever.

On the 10th May, 1973, when this recourse came on for hearing, counsel for applicant argued his case on only the first ground of law relied upon and withdrew the other four grounds, including the one that the decision of the respondent was not duly reasoned.

The first ground of law on which the application is based reads as follows :

“The Act and/or Decision of the respondent contravenes the Motor Vehicles and Road Traffic (Exemptions) (Amendment) Order of 1966 in rela-

tion to exemption of school vehicles from payment of motor vehicle licence fees."

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It is not in dispute that the school buildings in question are situated in a suburb of Nicosia and the vehicles in question are used to transport free of charge pupils to and from the said school.

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The only question, therefore, that falls for consideration is whether such use of the said vehicles is for "educational purposes" as provided by the Motor Vehicles and Road Traffic (Exemptions) (Amendment) Order of 1966.

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The fundamental principle in the construction of a statute is that the words must be given their literal meaning. If the language is clear and explicit the Court must give effect to it. In *Becke v. Smith* [1836] 2 M. & W. 191 at page 195 Parke, B. had this to say: "It is a very useful rule in the construction of a statute, to adhere to the ordinary meaning of the words used, and to the grammatical construction unless that is at variance with the intention of the legislature, to be collected from the statute itself, or leads to any manifest absurdity or repugnance, in which case the language may be varied or modified, so as to avoid any such inconvenience but no further."

In interpreting the words "educational purposes" the intention of the legislature must be taken into consideration and be given effect to. If the said words are to be given a narrow meaning, in the way counsel for the respondent submitted, then only those vehicles used free of charge for teaching purposes only, if any, would be exempted. If, on the other hand, the said words are to be given a wide interpretation, will certainly include any vehicle used gratuitously in the advancement and promotion of education. In *Maxwell on Interpretation of Statutes*, 12th edition, at page 92, it is stated: "Nevertheless, even where the usual meaning of the words falls short of the object of the legislature, a more extended meaning may be attributed to them, if they are fairly susceptible of it. They will not, of course, supply omissions but where they are faced with a choice between a wide meaning which carries out what appears to have been the object of the legislature more fully, and a narrow

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meaning which carries it out less fully or not at all, they will often choose the former". Beneficial construction is a tendency, rather than a rule. In the case of *Barlow v. Ross* [1890] 24 Q.B.D. 381, Lord Esher, M.R., at page 389 had this to say: "But it is a familiar rule of construction that, although the Court are *prima facie* bound to read the words of an Act according to their ordinary meaning in the language, if there are other circumstances which shew that the words must have been used by the legislature in a sense larger than the ordinary meaning, the Court is bound to read them in that sense."

In the present case, having in mind the above principles, I am of the opinion that the intention of the legislative authority was to cover cases of transport of pupils to and from schools if such transport was in connection with their education. Such intention appears clearly from the fact that the use of vehicles is in connection with their circulation as the order itself deals with the exemption from payment of fees regarding motor vehicle licences. Furthermore, a condition is imposed, in cases like the one in hand, that in order that the administrative organ of a school would be entitled to exemption from payment of fees the use of such vehicles should be free of charge. The words "educational purposes", therefore, appearing in the said Order should be given a wide meaning so as to include transport of pupils to and from schools provided, of course, that the conditions set out therein are satisfied.

In the result the Court declares that the decision of the respondent dated 18th September, 1972, rejecting the application of the applicant for exemption of payment of motor vehicle licence fees for its vehicles under Registration Nos. FM 740, FM 851 and FS 176, is null and void and of no legal effect whatsoever.

Taking into consideration all the circumstances of this case I make no order as to costs.

*Sub judice decision annulled.  
No order as to costs.*