

1979 June 15

[STAVRINIDES, L. LOIZOU AND HADJIANASTASSIOU, JJ.]

FILIOS SYCOPETRITIS,

*Appellant,*

v.

THE POLICE,

*Respondents.*

(Criminal Appeal No. 3720).

5 *Road Traffic—Parking—Parking meters—Fixing places for parking  
and for installation of parking meters by “public notification”  
under bye-law 172(1) of the Limassol Municipal Bye-laws, 1953  
(as amended)—Whether non-publication of “public notification”  
in an English and Turkish newspaper, as provided by bye-law  
171(1), relevant in the case of a Greek motorist.*

10 The appellant was convicted of “failing to comply with a  
traffic sign placed by the Municipal Council of Limassol”, con-  
trary to bye-laws 172(1), 182(h) and 185 of the Limassol Muni-  
cipal Bye-Laws, 1953, as amended by the Limassol Municipal  
(Amendment) bye-Laws, 1972. The conviction was based on  
the fact that the appellant had left his car at a place which, by  
virtue of a “public notification” under bye-law 172(1)\*, had been  
15 fixed by the Municipal Authority as one where vehicles could be  
parked on payment into a parking meter of a charge of fifty mils  
and that he had not made any payment for the parking.

20 “Public notification” is defined by bye-law 171(1) as meaning  
a “notification signed by the Mayor or Deputy Mayor and  
posted in at least one conspicuous place and published in one  
English, one Greek and one Turkish newspaper issued in Cy-  
prus”.

Upon appeal against conviction counsel for the appellant  
contended that the “public notification” under which the parking

\* Quoted at p. 177 *post*.

meters were installed in Limassol was not “a good and valid notification” because of the proved fact that it was published neither in an English nor in a Turkish newspaper.

*Held*, dismissing the appeal, that the requirement of a “public notification” as defined by bye-law 171(1) of the 1953 Bye-Laws is not relevant in the case of a Greek motorist; that the fact that the motorist here, who was a Greek, might have been a Turk or a Briton is neither here nor there; and that, accordingly, the appeal must be dismissed (*Sharples v. Blackmore* (1973) R.T.R. 249 followed). 5  
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*Appeal dismissed.*

Cases referred to:

*Sharples v. Blackmore* [1973] R.T.R. 249.

**Appeal against conviction.**

Appeal against conviction by Filios Sycopetritis, who was convicted on the 22nd March, 1976, at the District Court of Limassol (Criminal Case No. 17265/75) on one count of the offence of failing to comply with a traffic sign contrary to bye-laws 172(1), 182(h) and 185 of the Limassol Municipal Bye-Laws, 1953–1974 and section 126 of the Municipal Corporation Law Cap. 240 and was sentenced by Korfiotis, D.J. to pay £ 3.—fine. 15  
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*P. Cacoyiannis*, for the appellant.

*N. Charalambous*, Counsel of the Republic, for the respondents. 25

*Cur. adv. vult.*

STAVRINIDES J. read the following judgment of the Court. The appellant was convicted of “failing to comply with a traffic sign placed by the municipal council of Limassol”, such non-compliance being alleged to be “contrary to bye-laws 172(1), 182(h) and 185” of the Limassol Municipal Bye-laws, 1953, as amended by the Limassol Municipal (Amendment) Bye-laws, 1972. 30

The conviction was based on the fact that the appellant had left his car at a place which had been appointed by the municipal authority as one where vehicles could be parked on payment into a parking meter of a charge of fifty mils and that he had not made any payment for the parking. He is now appealing against 35

his conviction on the ground that “the public notification under which the parking meters were installed in Limassol was not a good and valid notification as required by bye-law 171(1)..... and bye-law 172(1) of the Limassol Municipal Bye-laws, 1953, 5 as amended by the Limassol Municipal (Amendment) Bye-laws, 1972”.

Bye-law 171(1) so far as relevant is as follows:

10 “ ‘Public notification’ means a notification signed by the Mayor or Deputy Mayor and posted in at least one conspicuous place and published in one English, one Greek and one Turkish newspaper issued in Cyprus”; and

bye-law 172(1) (amended as above stated) reads:

15 “ The Council may, from time to time, with the prior concurrence of the Commissioner of Police, by public notification, fix places or a place in any street at which motor cars and carts shall stand or be parked when not actually in motion and to install at such places parking meters for the purpose of regulating the parking of motor cars and carts and when any such place or places 20 are so fixed the Council may from time to time fix such charges as they may think fit for the use of such parking place or places.”

The argument that the notification was not “a good and valid notification” was based on the proved fact that it was published 25 neither in an English nor in a Turkish newspaper. Thus the question is as to the effect of such an omission. In support of the argument that the omission was fatal to the validity of the notification in question Mr. Cacoyannis for the appellant referred to a passage from p. 29 of Maxwell on the Interpretation 30 of Statutes (12th Edn.), which reads:

35 “Where, by the use of clear and unequivocal language capable of only one meaning, anything is enacted by the legislature, it must be enforced however harsh or absurd or contrary to common sense the result may be. The interpretation of a statute is not to be collected from any notions which may be entertained by the Court as to what is just and expedient: words are not to be construed, contrary to their meaning, as embracing or excluding cases merely because no good reason appears why they should

not be embraced or excluded. The duty of the Court is to expound the law as it stands, and to 'leave the remedy (if one be resolved upon) to others'."

The validity of that proposition is not in dispute, and the question raised by Mr. Haralambous for the respondent is as to the effect of bye-law 172(1): he maintains that non-compliance with the requirement of publication in an English and a Turkish newspaper did not have the effect of preventing that provision from taking effect. In this connection he cited *Sharples v. Blackmore*, [1973] R.T.R. 249. The facts of that case appear in the judgment of May, J., with which the other members of the bench agreed. The learned Judge said:

" The facts of the matter are in very short compass, and for the purposes of this case are as follows: the sign restricting the speed on the relevant road was in all respects in compliance with the provisions of the Traffic Signs (Speed Limits) Regulations and General Directions, 1969 (S.I. 1969 No. 1487), limiting the speed on the road to 30 miles an hour save that the back of the sign was painted black, whereas by para. 9(2) of the General Directions in Part III of that instrument the back ought to have been grey instead of black.

It is contended on behalf of the defendant that, because that traffic sign did not comply strictly with that requirement in para. 9(2), the road was improperly restricted and consequently the conviction was bad. Reference is made to s. 75(3) of the Road Traffic Regulation Act, 1967, which provides:

' Where no system of street lighting furnished by means of lamps placed not more than 200 yards apart is provided on a road but a limit of speed is to be observed on the road, a person shall not be convicted of driving a motor vehicle on the road at a speed exceeding the limit unless the limit is indicated by means of such traffic signs as are mentioned in sub-s. (1) above.'

Subsection (1) of s. 75 provides:

' It shall be the duty of the competent authority—(a) erect and maintain the prescribed traffic signs in such positions as may be requisite in order to give effect to

5           general or other directions given by the appropriate Minister for the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether any, and if so what, limit of speed is to be observed on any road.....'

10           In my judgment the requirements in sub-ss.(1) and (3) of s. 75 go to the indication to be given by a sign and require that indication to be in accordance with the Regulations to which I have already referred. A part of the sign, in this case in particular the back, which no driver sees until he has passed it, and then only if he turns round, does not in my judgment alter the position or make the road otherwise a restricted road into a de-restricted road. In my opinion the provisions in s. 75 of the Act of 1967 are directed solely to the indication, to the guidance to be given to drivers by the front of the prescribed sign, and the fact that the back may not precisely comply in colour with the direction in para. 9(2) at the end of the instrument is neither here nor there. I do not in any way seek to detract from the authorities which lay down that, where signs are erected and are in place on a road giving guidance or giving directions to drivers, they must in the respects in which they give that guidance or give those directions comply strictly with the requirements of the Regulations. To my mind it matters not that the back of the sign, which gives neither direction nor guidance to the motorist, does not strictly so comply.

25           For those reasons in my opinion this appeal should be dismissed."

30           We think there is an analogy between that case and this. The requirement of a "public notification" as defined by bye-law 171(1) of the 1953 bye-laws is no more relevant in the case of a Greek motorist than was the requirement regarding the traffic sign in the *Sharples* case, and the fact that the motorist here, who was a Greek, might have been a Turk or a Briton is neither here nor there.

35           For the above reasons the appeal is dismissed.

*Appeal dismissed.*