

1983 August 10

[A. LOIZOU, J.]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

THE GROUP OF FIVE BUS TOUR LTD. AND OTHERS,
Applicants,

v.

THE REPUBLIC OF CYPRUS, THROUGH
THE MINISTRY OF COMMUNICATIONS &
WORKS AND OTHERS,

Respondents.

(Case No. 81/82).

5 *Legitimate interest—Article 146.2 of the Constitution—Express or implied acceptance of act or decision of the administration deprives acceptor of a legitimate interest to make a recourse for its annulment—Whether implied acceptance of decision after challenging it by means of a recourse deprives acceptor of legitimate interest.*

10 *Motor Vehicle—Registration—Vehicle unsafe for use—Cancellation of registration—Regulation 8(2)(b)(ii) of the Motor Vehicles and Road Traffic Regulations, 1973—Reference to paragraph (iii) of the above regulation a clerical error not affecting validity of sub judice decision—No violation of Article 23.1 of the Constitution or the rules of good administration and of the principles of natural justice.*

15 *Good administration—Rules of—Cancellation of registration of motor vehicle under regulation 8(2)(b)(ii) of the Motor Vehicles and Road Traffic Regulations 1973—After examining their condition and finding them to be unsafe for use—No violation of the rules of good administration.*

20 *Constitutional Law—Right to property under Article 23.1 of the Constitution—Cancellation of registration of motor vehicle under regulation 8(2)(b)(ii) of the Motor Vehicles and Road Traffic Regulations 1973—Article 23.1 not contravened.*

Administrative acts or decisions—Revocation—Cancellation of registration of motor vehicle under regulation 8(2)(b)(ii) of the Motor Vehicles and Road Traffic Regulations, 1973—Does not constitute a revocation of the registration.

Natural justice—Rules of—Cancellation of registration of motor vehicle under regulation 8(2)(b)(ii) of the Motor Vehicles and Road Traffic Regulations 1973 —A purely administrative matter—No comparable duty on respondent to comply with rules of natural justice. 5

The applicants imported into Cyprus certain omnibuses 10 which were fitted with a left-hand drive; after effecting locally the necessary changes they converted them into right-hand drive and following the prescribed inspection they registered them. After a fatal traffic accident the respondents decided that vehicles such as those of the applicants should be called for re-inspection 15 in order to ascertain their road worthiness. For this purpose a committee consisting of three members was set up which after inspecting applicants' vehicles decided* that they were unsafe for use in the condition they were because, inter alia, the locally effected change of the steering system in order to be acceptable 20 must be made in accordance with the technical specifications of the manufacturers of the vehicle. By letters** dated 3.12.81 the applicants were informed that the Registrar of Motor Vehicles, by virtue of the powers given to him by regulation 8(2)(b)(iii)*** of the Motor Vehicles and Road Traffic Regulations cancelled 25 the registrations of the motor vehicles in question. On the application of applicant 1 one of its buses was inspected because, as claimed by them, certain improvements were brought about to its steering system but again the Committee found that it could not be considered as safe for use. Following applications by 30 applicants 1 and 2 which were made in March 1982 for the replacement of two of their buses covered by the above decision of 3.12.81, the applications were approved and the buses in question were replaced by other buses. As against the decision communicated to applicants on 3.12.81 the latter filed the present 35 recourse for a declaration that the said decision is null and void and of no effect whatsoever.

* The findings of the Committee are quoted at pp. 799–800 post.

** The letter is quoted at pp. 801–802 post.

*** Regulation 8 is quoted at pp. 806–807 post.

The respondents raised the preliminary objection that applicants 1 have no legitimate interest because in the case of one of their buses they have sought a new decision after effecting certain repairs to such vehicle and that the subject decision has lost its executory character; and because in the case of applicants 1 and 2 with their applications and steps taken for replacement without reservation of their rights and which applications were granted by the appropriate Authority, lost their legitimate interest.

10 Counsel for the applicants mainly contended.

- 15 (a) That the respondents acted in excess and or abuse of power and or unlawfully as paragraph (iii) of Regulation 8(2)(b) did not give power to them to cancel the registration of the motor vehicle of the applicants not having permanently removed same from the Republic.
- 20 (b) That the respondents acted in violation of Article 23.1 of the Constitution which safeguards the right of ownership of property, both movable and immovable, as the subject acts, or decisions, deprived the applicants of their right to be the owners, to possess, to enjoy and to dispose their buses or their property without just compensation being paid in advance.
- 25 (c) That the subject decisions constitutes a violation of the rules of good administration as the respondents caused the applicants to suffer the expense of the changes on the buses, which were inspected found suitable and safe for circulation, registered as such and after the buses were operating for about two years they decided to cancel their registration.
- 30 (d) That the subject decisions constitute a revocation of the registration of the said buses which could not be made except in certain exceptional circumstances, namely that the revoked act was unlawful or if the law gives such authority for revocation and that in any event when the act to be revoked has created results which will cause damage to the citizen, the act cannot be revoked.
- 35 (e) That there has been a violation of the principles of natural justice.

Held, (I) on the preliminary objection.

(1) That a person who expressly or impliedly accepts an act or decision of the administration is deprived because of such acceptance, of a legitimate interest entitling him to make a recourse for the annulment of such act or decision; that since no express reservation appears or is claimed to have been made by applicants when in respect of one of their buses they attempted to comply with the conditions set out in the sub judge decision, their conduct in the circumstances, has deprived them of a legitimate interest to file a recourse in respect of the cancellation of the registration of the said bus because they freely accepted the decision and acted upon it and by their conduct indeed signified an unreserved acceptance; and that, therefore, the recourse of the applicants in so far as that bus is concerned has to be dismissed.

(2) That with regard to the recourse concerning the buses which were replaced, since the application was made after the filing of the recourse challenging the sub judge decision, the pendency of the recourse excludes on the face of it an inference that by conduct the applicants, owners of the said two vehicles, accepted the subject administrative act and thus lost their legitimate interest in the matter; that moreover it is by itself obvious and one can for certain conclude that the two applicants by the cancellation of the registration of their motor-buses suffered in the interval that elapsed, damage recoverable under Article 146.6 of the Constitution, and therefore the assumption of jurisdiction by this Court is justified as the recourse is aimed to restore such rights of the applicant as are recognizable under the Law; and that if anything, their application to replace the two vehicles could be considered as an effort to mitigate their losses in case the act that caused them is declared by this Court to have been contrary to law and consequently null and void.

Held, (II) on the merits of the recourse:

(1) That the reference to paragraph (iii) of regulation 8(2)(b) is a clerical error and as such it could not affect the validity of the subject decision which was taken as it appears from the handwritten record on the basis of regulation 8(2)(ii) which provides for the cancellation of the registration of a vehicle if the Registrar is satisfied that "the vehicle has been rendered permanently unserviceable"; accordingly contention (a) should fail.

5 (2) That the right to property is not a right in abstracto but subject to civil law rights of property and the word property in Article 23.1 of the Constitution has to be understood and interpreted in this sense; that the vehicles in question were imported and sought to be registered and operated under the provisions of the Motor Vehicles and Road Traffic Law and the Regulations made thereunder, which regulate matters relating to transport and they impose restrictions for the public safety and for the protection of the rights of others; accordingly
10 contention (b) should fail.

15 (3) That there has been no violation of the rules of good administration because the circumstances of the cancellation of the registration of the said vehicles show that same was made after a proper examination of their condition which was found to be unsafe for use on the roads at the time of such examination and if anything, the respondents were duty-bound to invoke the said Regulation in the public interest and for the safety of the public, both passengers thereon and the other road users; accordingly
20 contention (c) should fail.

20 (4) That there is no merit in the contention that the sub judge decision constitutes a revocation of the registration of the buses because regulation 8(b)(ii) clearly authorises the cancellation of the registration of a vehicle in the circumstances provided thereby; accordingly contention (d) must fail.

25 (5) That there has been no violation of the principles of natural justice because no comparable duty to comply with these principles is cast upon administrative bodies with regard to purely administrative matters; accordingly contention (e) should fail.

30 *Application dismissed.*

Cases referred to:

- Karapatakis v. Republic* (1982) 3 C.L.R. 88 at p.-93;
Tomboli v. Cyprus Telecommunications Authority (1982) 3 C.L.R. 149;
 35 *Ioannou and Others v. Republic* (1983) 3 C.L.R. 150 at pp. 154-155;
Myrianthis v. Republic (1977) 3 C.L.R. 165;
Zambakides v. Republic (1982) 3 C.L.R. 1017;

Pikis v. Republic (1967) 3 C.L.R. 362;
Spyrou and Others (No.1.) v. Republic (1967) 3 C.L.R. 478;
In re Ali Ratip, 3 R.S.C.C. 102;
Evlogimenos and Others v. Republic, 2 R.S.C.C. 139 at p. 142;
Lanitis Bros v. The Police, 3 R.S.C.C. 10; 5
Kontemeniotis v. C.B.C. (1982) 3 C.L.R. 1027;
Republic v. Georghiades (1972) 3 C.L.R. 594.

Recourse.

Recourse against the decision of the respondents whereby the registration of six of the applicant's buses was cancelled. 10

L. Papaphilippou, for the applicants.

A. Papasavvas, Senior Counsel of the republic, for the respondents.

Cur. adv. vult.

A. LOIZOU¹ J. read the following judgment. By the present 15
 recourse the applicants seek a declaration of the Court that the
 decisions and/or acts of the respondents by which the registration
 of motor omnibuses LB 724, LJ 617, LZ 647, LZ 646, MB 355
 and MB 356 were cancelled, are null and void and of no effect
 whatsoever. 20

Applicants 1, are the registered owners of motor omnibuses
 LZ 646, LZ 647 and LJ 617, of Mercedes make, which were
 imported into Cyprus fitted with a left-hand drive and when
 the necessary changes were locally effected and were converted
 into right-hand drive, they went through the prescribed inspection, 25
 and they were registered the first two on the 20th December,
 1980 and the third on the 20th May, 1980.

Applicant 2 is the registered owner of motor omnibus LB
 724, a Mercedes, which was likewise imported with a left-hand
 drive and when the necessary changes were locally effected 30
 and turned into a right-hand drive vehicle, it was inspected
 and registered on the 17th March, 1980.

Applicant 3 is the registered owner of motor omnibuses MB
 355 and MB 356, which were also imported with a left-hand
 drive and when the necessary changes were effected and turned 35
 into a right-hand drive, were inspected and registered on the
 29th January, 1981.

After a fatal traffic accident occurred at Moniatis, the Chief of Police wrote to the Director-General of the Ministry of Communications & Works a letter dated the 24th August, 1981, (Appendix 1 attached to the Opposition) and referred to the situation regarding used or second-hand buses and lorries which, as he put it, with the passage of time became unsuitable and their circulation on the roads constituted a danger to public safety. He then referred to a meeting of top officials at which it was decided that such second-hand vehicles should be called for re-inspection in order to ascertain their road worthiness. For the purpose a Committee consisting of Messrs. Akkelides and Kapsalis, of the Department of the Electrical and Mechanical Services, of the Public Works Department and the Senior Inspector of Motor Vehicles, Mr. Polycarpou was set up in order to pursue the whole matter.

A number of such vehicles was inspected and the conclusions of the Committee set up for such inspection appear in two documents. The first one is dated 6th November, 1981 (Appendix 2) and another document dated 27th November, 1981 (Appendix 3), which is addressed to the Director of the Department of Inland Transport and which reads as follows:-

“1. *Buses under registration Nos. LB 724 and LJ 617:*

These buses present the following weaknesses:

- (a) Their steering system was changed from left to right locally and according to the judgment of the technicians who made this change. In the opinion of the Committee in order that a change of steering system be considered safe it must,
 - (i) the vehicle must be constructed in such a way that a change can be made and this should be confirmed by the manufacturers, and
 - (ii) in case the vehicle is constructed in order to accept a change of its steering system, then the change should be made on the basis of technical specifications of the manufacturers and with the use of spare parts which are offered by the manufacturers for this purpose.

The Committee believes that as it has been effected,

the change cannot be considered safe and under difficult conditions of driving it is likely for the whole system to present problems or even be put out of action with the result the buses to remain substantially under no control.

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(b) The braking system has been moved from left to right and again without the use of the indispensable spare parts which are offered by the manufacturers for this purpose. The change has been made locally and after several tubes of the system were cut and welded in several parts and in this case, the Committee believes that the change is not safe and there is the possibility of problems appearing to the whole system with the result the bus to remain without brakes.

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(c) The rear part of the beams of the frame of the bus has become rusty to an extent of more than 60% and it is unsuitable for use.

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(d) The frame of the floor has become rusty in certain points to a degree that make it unsafe for further use.

2. *Buses under registration No. LZ 647 and LZ 646:* 20

For these buses apply paras. (a), (b) and (d) referred to in para. 1 above.

3. *Bus under registration No. MB 356:*

For this bus paras. (a) and (b) referred to in para 1, above apply.

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On the basis of what has been said hereinabove, the Committee believes that the said buses are unsafe for use in the condition that they are now.

(Sgd) Andreas Akkelides (Sgd) Stelios Kapsalis
(Sgd) Simos Kokkinis". 30

On this document there is a record in ink marked, urgent, which is addressed to a certain Mr. Rouvis and which reads:

“Εξηγηθείται με τόν κ. Κοκκινίδη και έτοιμάστε διάταγμα πρòς τούς Ιδιοκτῆτες τών πέντε όχημάτων που βρέθηκαν άκατάλληλα. Υπάρχει και έκτο όχημα με δύο μόνο προβλήματα. 35

‘Η διαταγή θα βασισθεί στη νομοθεσία, Κανονισμούς 8(α) (β) και (ii).

‘Υπογραφή (Δυσανάγνωστη)’.

In English it reads:

5 (“Confer with Mr Kokkinides and prepare an order to the owners of the five vehicles which have been found unsuitable. There is a sixth one with only two problems.

The order will be based on the Legislation, Regulations 8(a) (b) and (ii).

10 Signature (undecipherable)’).

In compliance to it the subject decisions were communicated to the applicants as they appear in their respective files. They are claimed by the respondents to have been taken in the public interest as being necessary actions for the protection of the public.

In respect of motor vehicle LB 724 the communication of the decision is contained in a letter dated the 3rd December 1981, (Appendix 4) addressed to applicant 2. It reads:

“*Motor-bus under registration No. LB 724.*

20 I wish to inform you that the Registrar of Motor Vehicles by virtue of the powers given to him by Regulation 8(2) (b)(iii) of the Motor Vehicles and Road Traffic Regulations, cancels the registration of your aforesaid motor-bus for the following reasons:-

25 (a) that the locally effected change of the left-hand steering system to a right-hand one, in order to be acceptable, it must be made in accordance with the technical specifications of the manufacturers of the vehicle (a certificate must be produced or a confirmation of
30 the manufacturers which will specify how such change can be made) and with the use of spare parts which are offered by the manufacturers for that purpose. It is possible under difficult conditions of driving the whole system to present problems or even to be out
35 of action with the consequence of the bus remaining substantially without control.

(b) By analogy the same apply in respect of the locally

made transfer from left to right of the braking system of the vehicle.

- (c) The rear part of the beams of the frame has become rusty to a degree beyond 60%, a fact which renders it unsuitable for use. 5
- (d) The frame of the floor has become rusty in certain points to a degree that the vehicle becomes unsafe for further use.

2. In order that it will be possible to revoke this decision of the Registrar regarding the unsuitability of your vehicle, you must carry out the repairs of the aforesaid defects, technical anomalies, omissions, etc., which repairs will be consonant to the specifications of the manufacturers as they will appear in a confirmation or a certification from them regarding the manner in which these repairs and changes must be made". 10 15

An identical communication was addressed to the owners of vehicle LJ 617 (Appendix 6). For buses LZ 647 and LZ 646, the subject decisions and the communication, (Appendix 7), were based only on the contents of paragraphs (a) (b) and (d) of exhibit 4, whereas in respect of buses MB 356 and MB 355 the decision and its communication (Appendix 5), refer only to paragraphs (a) and (b) of the same appendix. 20

On the application of applicants No. 1, motor-bus LZ 647 was inspected by the same Committee on the basis of improvements made to it, as claimed by the applicant Company, and it was ascertained that the following parts of the steering system were replaced:- 25

- (a) Their steering arm-rod which leads from the direction box to the wheels. 30
- (b) The steering arm-rod which connects the steering arm-rod with the wheels, and
- (c) The big track-rod connecting the front wheels.

The report of the said Committee is contained in document dated 3rd February 1982 (Appendix 8) addressed to the Director of the Department of Inland Transport, in which after referring 35

to their aforesaid findings they point out that in spite of the fact that the said changes have brought about some improvement to the steering system, yet, the conditions set by the Committee and by which they were asking for an assurance from the manufacturers of the buses that there could be made a change of the steering system and brakes from left to right and that the change should be made on the basis of specifications from the manufacturers, were not satisfied and it was stated that having in mind this, the Committee maintained its view about the said motor-bus to the effect that it could not be considered as safe for use.

Following this, a letter dated 19th February 1982 (Appendix 9), was addressed to applicants No. 1 informing them that the basic conditions set by the Committee were not satisfied in spite of the improvements brought about to the bus.

On the 8th March 1982, an application was submitted to respondent 3 by applicant 2 for the replacement of motor bus LB 724 a 41 seater, with another one, a 53 seater. That application was approved on the 9th March 1982 as it appears in exhibit 1, blues 9 and 10. On the 9th March 1983 an application by applicants 1 was also made for the replacement of motor-bus LZ 646 with a new one of Japanese make. The application was approved on the 9th March 1982 and this appears in exhibit 3 blues 9-10.

On the 13th February 1982, the present recourse was filed challenging the decisions communicated to the applicants as per Appendices 4, 5, 6 and 7 to which reference has already been made.

An objection has been raised on behalf of the respondents that the applicants, owners of motor-buses LZ 647, LZ 646 and LB 724, have no legitimate interest in respect of those buses in that in the case of motor-bus LZ 647, applicants No. 1, have sought a new decision after effecting certain repairs to the said vehicle and that the subject decision has lost its executory character and that with regard to motor-buses LB 724 and LZ 646, the applicants with their applications and steps taken without reservation of their rights and which applications were granted by the appropriate Authority, lost their legitimate interest. In support of the aforesaid propositions I have been

referred to the Case Law of the Council of State (1929–1959) at pp. 241 and 242 and to Spyliotopoulos Handbook of Administrative Law (1977) pp. 454–455.

The question of legitimate interest has come under judicial consideration by this Court in a number of cases. I find, however, more appropriate to refer to the case of *Ekaterini Karapataki v. The Republic* (1982) 3 C.L.R. p. 88, where at p. 93, Pikis J., summed up the position as follows:

“Where the decision challenged ceases to have effect, as in this case by the transfer of the applicant to the Ministry of the Interior, to sustain the recourse it must be made to appear, like the case of revocation of an administrative act, that the applicant suffered, in the interval that elapsed, damage recoverable under Article 146.6 of the Constitution. (See inter alia, ‘Application for Annulment’ by Th. Tsatsos, 3rd ed., p. 370, *Kyriakides v. The Republic*, 1 R.S.C.C. p. 66 at p. 74, *Christodoulides v. The Republic* (1978) 3 C.L.R. 187, at p. 197, and *Hapeshis v. The Republic* (1979) 3 C.L.R. 550). The assumption of jurisdiction is justified only where it is aimed to acknowledge or restore such rights of the applicant as are cognizable under the law. Only when such rights of the applicant are at stake, can a litigant validly invoke the jurisdiction of the Court for the nullification of the act complained of”.

The Full Bench of this Court also dealt with the question of legitimate interest in *Tomboli v. Cyprus Telecommunications Authority* (1982) 3 C.L.R. p. 149, where it was held that a free and unreserved acceptance of an administrative act or decision deprives the acceptor of a legitimate interest entitling him to make an administrative recourse against such act or decision, emanating from words, a conduct from which it can safely be inferred that it was the necessary intention to assent to such a decision.

In *Ioannou and others v. The Republic* (1983) 3 C.L.R. p. 150 at pp. 154–155 Triantafyllides, P., dealt with the question of the reservation of the rights and referred to the case of *Myrianthis v. The Republic* (1977) 3 C.L.R. 165 and the authorities therein cited and summed up the position to the effect that the person who expressly or impliedly accepts an act or decision of the

administration is deprived, because of such acceptance, of a legitimate interest entitling to make a recourse for the annulment of such act or decision.

I may as well refer to the case of *Zambakides v. The Republic* 5 (1982) 3 C.L.R. p. 1017 where the same principles are also expounded and followed. The question that arises therefore for determination as far as motor-bus LZ 647 is concerned is whether applicants No. 1 have lost their legitimate interest in respect of that vehicle in view of the repairs effected to it 10 and the application made, seeking a new decision before filing the present recourse.

No express reservation appears or is claimed to have been made by applicants No. 1, when they attempted to comply with the conditions set out in the subject decision. Their 15 conduct, in the circumstances, has deprived them of a legitimate interest to file a recourse under Article 146 of the Constitution in respect of the cancellation of the registration of the said motor vehicle as much as they freely accepted the decision and acted upon it and by their conduct indeed signified an unreserved 20 acceptance. That being so, the recourse of the applicants in so far as motor-bus LZ 647 is concerned has to be dismissed. It could also be dismissed, though this is not necessary for determination in this case, on the ground that the first decision of the respondents, challenged by the present recourse, could 25 be said to have merged into the subsequent one communicated by the application on the 19th February, 1982 (Appendix 9).

As to the preliminary objection, however, with regard to the other two motor-buses, namely LZ 646 and LB 724 is concerned, different considerations apply inasmuch as the application to 30 replace the two vehicles which was, as already seen, granted by the respondents, was made after the present recourse challenging the subject decisions was made and in the circumstances the pendency of the recourse excludes on the face of it an inference that by conduct the applicants, owners of the 35 said two vehicles, accepted the subject administrative act and thus lost their legitimate interest in the matter. Moreover it is by itself obvious and one can for certain conclude that the two applicants by the cancellation of the registration of their motor-buses suffered in the interval that elapsed, damage

recoverable under Article 146.6 of the Constitution, and therefore the assumption of jurisdiction by this Court is justified as the recourse is aimed to restore such rights of the applicant as are cognizable under the Law. If anything, their application to replace the two vehicles could be considered as an effort to mitigate their losses in case the act that caused them is declared by this Court to have been contrary to law and consequently null and void. 5

Having come to this conclusion I shall proceed now to examine the recourse on the merits, but in doing so I shall cover also an examination of the recourse on the substance regarding motor-bus LZ 647 in case I am found to have been wrong in dismissing the application in respect of it on the ground of lack of legitimate interest. 10

The regulation relied upon on behalf of the respondents in justifying the subject decision is regulation 8 of the Motor Vehicles And Road Traffic Regulations, 1973, and in so far as relevant it reads: 15

“8-(1) The registration of motor vehicle shall remain in force until it is cancelled under the provisions of this Regulation. 20

(2) The registration of a motor vehicle shall be cancelled by the Registrar—

(a) upon the written application of the owner of the motor vehicle: 25

Provided that, where the motor vehicle is in possession of a hire-purchaser, and such hire-purchaser applies for registration of such vehicle in his name, cancellation of the previous registration shall require the written consent of the person having the absolute ownership of the vehicle in whose name such vehicle is registered. 30

(b) if the Registrar is satisfied that—

(i) the vehicle has been destroyed; or

(ii) the vehicle has been rendered permanently unserviceable; or 35

(iii) the vehicle has been permanently removed from the Republic; or

(iv) with the exception of the case of officers of the Republic stationed for service abroad and of the case of vehicles used by the United Nations Force in Cyprus, the licence of the vehicle has not been renewed for three consecutive years.

(3) the Registrar is not bound to give notice of such cancellation”.

Although the subject decision was as shown on Appendix 3 based on regulation 8(2)(b)(ii) in the communication of same to the applicants, reference was made to paragraph (iii) thereof. In view of this a long argument has been advanced on behalf of the applicants to the effect that the respondents acted in excess and or abuse of power and or unlawfully as the said paragraph did not give power to the respondents to cancel the registration of the motor-vehicle of the applicants not having permanently removed same from the Republic.

It is obvious that the reference to paragraph (iii) of regulation 8(2)(b) is a clerical error and as such it could not affect the validity of the subject decision which was taken as it appears from the hand written record on Appendix (3) on the basis of regulation 8(2)(b)(ii) which provides for the cancellation of the registration of a vehicle if the Registrar is satisfied that “the vehicle has been rendered permanently unserviceable”. Unquestionably that has been the case in respect of the cancellation of the registration of these vehicles. This emerges from the relevant material in the files already referred to and the very fact of the examination of their condition by the Committee of Mechanical Experts and there can be no misconception about it.

In any event—though this is not supported by the facts of the case and the text of the sub judice decision—there is ample authority to support the proposition that even if an act or decision cannot be validly based on the reasons of law actually given in support thereof, but it is nevertheless valid in law for some other reason, such act or decision should be judicially upheld. (*Pikis v. The Republic* (1967) 3 C.L.R. 362 and *Spyrou and others (No. 1) v. The Republic* (1973) 3 C.L.R. p. 478. This ground therefore fails.

The second and third grounds relied upon on behalf of the

applicants are that the respondents acted in violation of Article 23.1 of the Constitution which safeguards the right of ownership of property, both movable and immovable, as the subject acts, or decisions, deprived the applicants of their right to be the owners, to possess, to enjoy and to dispose their buses or their property without just compensation being paid in advance. I find no merit in this argument as these vehicles were imported and sought to be registered and operated under the provisions of the Motor Vehicles and Road Traffic Law and the Regulations made thereunder, that regulate matters relating to transport and they impose restrictions for the public safety and for the protection of the rights of others. Moreover as held in the case of *In Re Ali Ratip*, 3 R.S.C.C. 102, by reference to the case of *Evlogimenos and 2 others v. The Republic*, 2 R.S.C.C. 139 at p. 142 "..... the right to property is not a right in abstracto but subject to Civil Law rights in property and the word property in paragraph 1 of Article 23 has to be understood and interpreted in this sense". (See also *Lanitis Bros v. The Police*, 3 R.S.C.C. p. 10).

The fourth ground is that "the subject decisions constitute a violation of the rules of good administration as the respondents caused the applicants to suffer the expense of the changes on the buses, which were inspected found suitable and safe for circulation, registered as such and after the buses were operating for about two years they decided to cancel their registration.

The circumstances of the cancellation of the registration of the said vehicles show that same was made after a proper examination of their condition which was found to be unsafe for use on the roads at the time of such examination and if anything, the respondents were duty-bound to invoke the said Regulation in the public interest and for the safety of the public, both passengers thereon and the other road users.

The fifth ground is that the subject decisions constitute a revocation of the registration of the said buses which could not be made except in certain exceptional circumstances, namely that the revoked act was unlawful or if the law gives such authority for revocation and that in any event when the act to be revoked has created results which will cause damage to the citizen, the act cannot be revoked. I find no merit in this

ground as the regulation in question, clearly authorises the cancellation of the registration of a vehicle in the circumstances provided thereby and I need not go any further and refer to any authorities in order to say that in any event it could be
5 done in the public interest.

By the sixth, eighth and ninth grounds the applicants claim that the respondents acted under a misconception of fact, that in reaching the subject decisions they acted in abuse of power as they were motivated by reasons other than those stated, that
10 they were unduly influenced by the fatal accident of the 13th March 1981 at Moniatis and that the subject decisions are not duly reasoned. I can briefly dispose of all these three
15 grounds by saying that none is valid as there has been neither misconception of fact nor abuse of power and if anything the decision is duly reasoned. The facts of the case as set out in the relevant documents and summed up earlier in this judgment bear out this conclusion. What the fatal accident in question
20 did was to make the respondents examine the safety of the buses in question and ascertain their condition in the public interest and in the interest of the safety of the public, and in any event it should not be ignored that the findings of the experts of the respondents, as the condition of the buses in question have in no way been contradicted.

Finally the complaint of the applicant that there has been
25 a violation of the principle of natural justice cannot stand.

In the case of *Kontemeniotis v. C.B.C.* (1982) 3 C.L.R. 1027, Piki J., dealt at length with the Rules of Natural Justice by reference to the Case Law of this Court and English authorities on the subject and pointed out that no comparable duty is
30 cast upon administrative bodies with regard to purely administrative matters. On this subject, reference also may be made to the case of the *Republic v. Lefkos Georgiades* (1972) 3 C.L.R. 594 where the relevant principles were discussed at some length.

35 For all the above reasons this recourse is dismissed but in the circumstances there will be no order as to costs.

Recourse dismissed. No order as to costs.