

No. 6 OF 1953.

A LAW TO AMEND THE CRIMINAL PROCEDURE LAW.

CAP. 14.

A. B. WRIGHT,]
Governor.

[24th February, 1953.

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows:—

1. This Law may be cited as the Criminal Procedure Short title.
(Amendment) Law, 1953, and shall be read as one with the
Criminal Procedure Law (hereinafter referred to as "the Cap. 14.
principal Law").

Repeal of section 4 of the principal Law and substitution of new section.

2. Section 4 of the principal Law is hereby repealed and the following section substituted therefor:—

“Investigating officers.

4.—(1) Any police officer may investigate into the commission of any offence.

(2) The Governor may authorize any person, by name or by his office, who appears to him to be competent for the purpose, to investigate into the commission of any offence.

(3) Any police officer or any person authorized under sub-section (2) investigating into the commission of any offence is hereafter in this Law referred to as ‘investigating officer’.

Repeal of section 5 of the principal Law and substitution of new section.

3. Section 5 of the principal Law is hereby repealed and the following section substituted therefor:—

“Investigation of offences.

5.—(1) Every investigating officer may require any person, whom he has reason to suppose to be acquainted with the facts or circumstances of the offence which he is investigating, to attend at such time and place as such officer may reasonably direct for the purpose of examining him and taking a statement from him in relation to such offence.

(2) The investigating officer may reduce into writing any statement made by the person examined and such statement shall then be read over to such person who shall thereupon sign the same or, if he is illiterate, affix his mark thereto and, if such person refuses to do so, the investigating officer shall make at the foot of the statement a note of the refusal stating also the reason thereof, if ascertained, and the statement shall then be signed by the investigating officer.

(3) Any such statement if proved to have been made voluntarily shall be admissible in evidence in any criminal proceedings against the person making the statement.

(4) Any person who, without reasonable cause, refuses to attend at such time and place as he may be directed, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both.”

4. Section 8 of the principal Law is hereby amended as follows :—

Amendment
of section 8
of the
principal
Law.

(a) by the substitution in sub-section (5) for the words “sub-section (3)” (line 1) of the words “sub-section (2)”;

(b) by the insertion therein, immediately after sub-section (5), of the following sub-section (6) (the existing sub-section (6) being renumbered as sub-section (7)) :—

“(6) Where a statement or any part thereof is made under this section in answer to a question and such statement is reduced to writing, the question as well as the answer shall be recorded.”.

5. Section 25 of the principal Law is hereby amended as follows :—

Amendment
of section
25 of the
principal
Law.

(a) by the insertion in sub-paragraph (i) of paragraph (b), immediately after the word “therein” at the end thereof, of the following :—

“or that any instrument with which any such offence has recently been committed anywhere may be found therein”;

(b) by the insertion therein of the following sub-section, the first part thereof being numbered as sub-section (1) :—

“(2) Anything which is found during a search carried out under sub-section (1) of this section and which might be seized had the search been carried out under a search warrant may be seized and dealt with in the same manner as if it were a thing seized during a search under a search warrant and the provisions of section 31 of this Law shall apply, *mutatis mutandis*, to any such thing.”.

6. The first proviso to sub-section (1) of section 44 of the principal Law is hereby amended by the deletion therefrom of the first three lines and the substitution therefor of the following :—

Amendment
of section
44 of the
principal
Law.

“Provided that a Judge or, in such classes of offences as the President of the District Court may by general order direct, a Registrar, may, by special direction in the summons, dispense with the personal attendance of the accused, and—”

Amendment of the principal Law by the insertion of new section 62A.

7. The principal Law is hereby amended by the insertion therein, immediately after section 62, of the following section :—

“Assignment of advocate by Court.

62A.—(1) The Court, before which an accused is to be tried upon a charge or information or on the hearing of an appeal from a judgment of an Assize Court, may assign an advocate to defend the accused or the appellant, as the case may be, if the gravity, difficulty or other circumstances of the case make it desirable in the interests of justice; and the Court shall assign an advocate to defend any undefended person to be tried for an offence punishable with death.

(2) An advocate assigned by the Court shall receive out of the public funds of the Colony such honorarium as the Court, subject to the general direction of the Chief Justice, may allow.”.

Amendment of the principal Law by the insertion of new section 103A.

8. The principal Law is hereby amended by the insertion therein, immediately after section 103, of the following section :—

“Committal for trial without a preliminary enquiry.

103A. Notwithstanding anything in this Law contained, an Assize Court may by an order and without any preliminary enquiry commit for trial any person for giving false evidence in any proceedings before it and such person may be committed for trial and tried at the same sitting of such Court.”.

Repeal of section 117 of the principal Law and substitution of new section.

9. Section 117 of the principal Law is hereby repealed and the following section substituted therefor :—

“Interrogation of person as to his means.

117.—(1) Any Court by which any penalty is ordered to be paid may interrogate the person against whom it is made as to his means of payment, and such person may be so interrogated either at the time when the order is made or at any subsequent time before the penalty is paid.

(2) For the purpose of enabling an inquiry to be made under this section, a Court may issue such process to compel the appearance of the person to be interrogated as it may issue to compel the attendance of a witness.”.

Amendment of section 118 of the principal Law.

10. Sub-section (1) of section 118 of the principal Law is hereby amended by the deletion therefrom of the word “shall” (appearing in lines 2 and 5) and the substitution therefor of the word “may”.

11. Section 131 of the principal Law is hereby repealed and the following section substituted therefor:—

Repeal of section 131 of the principal Law and substitution of new section.

“Appeal from District Court against conviction.

131.—(1) Any person convicted by a District Court and sentenced to any term of imprisonment or to a fine exceeding ten pounds may, subject to the provisions of sections 132 and 133 of this Law, appeal to the Supreme Court—

(a) against his conviction as of right on any ground which involves a question of law alone;

(b) with the leave of a Judge of the Supreme Court against his conviction or sentence.

(2) Where a person, entitled to appeal as of right on a point of law as in paragraph (a) of sub-section (1) of this section provided, desires to appeal to the Supreme Court he shall give notice of appeal by causing the same to be delivered to the Registrar of the District Court in which the appellant had been sentenced, within ten days of the date upon which sentence was pronounced.

(3) Where a person desires to appeal as in paragraph (b) of sub-section (1) of this section provided, he shall apply for leave to appeal by causing the application to be delivered to the Registrar of the District Court in which the applicant had been sentenced, within ten days of the date upon which sentence was pronounced.

(4) The provisions of sub-section (4) of section 130 of this Law shall apply, *mutatis mutandis*, to notices of appeal and applications for leave to appeal under this section.”

12. The principal Law is hereby amended by the insertion therein, immediately after section 131, of the following section:—

Amendment of the principal Law by the insertion of new section 131A.

“Extension of time of notice of appeal, etc.

131A. Except in the case of a conviction involving sentence of death, the time within which notice of appeal or application for leave to appeal may be given may, on good cause shown, be extended at any time by the Supreme Court.”

13. Section 136 of the principal Law is hereby amended as follows:—

Amendment of section 136 of the principal Law.

(a) by the insertion in sub-section (2) after the words “receipt of” (line 1) of the words “a notice of appeal or”;

(b) by the substitution in paragraph (g) of sub-section (3) for the words “the application for leave to appeal” (line 2) of the words “the notice of appeal or the application for leave to appeal, as the case may be.”

Amendment
of section
137 of the
principal
Law.

14. Section 137 of the principal Law is hereby amended as follows:—

(a) by the deletion therefrom of sub-section (2) and the substitution therefor of the following sub-section:—

“(2) The Judge of the Supreme Court, after perusing the file of proceedings, may—

(a) refuse leave to appeal;

(b) fix a date for the applicant or his advocate to appear before him and show cause why leave to appeal should be granted. The Judge of the Supreme Court, on the date so fixed, shall hear the applicant or his advocate *ex parte* and shall either refuse or grant leave to appeal;

(c) grant leave to appeal on all or any of the grounds set out in the application for leave to appeal as may be specified in such leave or on the ground that a substantial miscarriage of justice has occurred, even though such miscarriage of justice is not set out as a ground of appeal in the application for leave to appeal:

Provided that, if leave to appeal is granted on the ground that substantial miscarriage of justice has occurred and such ground is not specified in the grounds of appeal, the Judge granting leave shall specify the reasons on which such ground is founded.”;

(b) by the deletion therefrom of sub-section (4) and the renumbering of sub-section (5) as sub-section (4).

Amendment
of section
138 of the
principal
Law.

15. Sub-section (1) of section 138 of the principal Law is hereby amended by the insertion therein after the words “the delivery” (line 2) of the words “or the receipt.”.

Amendment
of section
152 of the
principal
Law.

16. Paragraph (b) of section 152 of the principal Law is hereby repealed and the following paragraph substituted therefor:—

“(b) if he is of opinion that the case may suitably be dealt with summarily under the powers possessed by a Court of summary jurisdiction, direct that such case be tried and determined by any such Court, notwithstanding that such offence could not otherwise be triable by such Court.”.

17. Section 154 of the principal Law is hereby amended by the deletion therefrom of sub-section (3).

Amendment
of section 154
of the
principal
Law.

J. FLETCHER-COOKE,

24th February, 1953. Colonial Secretary.

No. 7 of 1953.

A LAW TO MAKE PROVISION FOR THE CONTROL OF GRAIN,
THE REGULATION OF ITS PRICE, IMPORTATION AND LOCAL
CONSUMPTION AND OF MATTERS CONNECTED THEREWITH.

A. B. WRIGHT,] [25th February, 1953.
Governor.

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows:—

1. This Law may be cited as the Grain Control Law, 1953. Short title.