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# CITIZENS OF THE REPUBLIC (JURISDICTION OF COURTS) ORDINANCE, 1960

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*This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.*

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Citizens of the Republic (Jurisdiction of Courts) Ordinance 1960	6/1960	16/08/1960
Citizens of the Republic (Jurisdiction of Courts) (Amendment) Ordinance 2022	15/2022	16/05/2022

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# CITIZENS OF THE REPUBLIC (JURISDICTION OF COURTS) ORDINANCE, 1960

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An Ordinance to provide for the Exercise of Jurisdiction by the Courts of the Republic of Cyprus and the Courts of the Sovereign Base Areas of Akrotiri and Dhekelia Respectively in Civil and Criminal Cases ~~Affecting Cypriots~~ (a).

## PART 1

### Preliminary

#### Short title

1. This Ordinance may be cited as the Citizens of the Republic (Jurisdiction of Courts) Ordinance 1960.

#### Interpretation

2. In this Ordinance, unless the context otherwise requires—

“civil proceedings”, “court”, “criminal proceedings”, “defendant”, have the same meaning as in the Courts Ordinance, 1960;

“appropriate authority of the Republic” means any such authority of the Republic as the Administrator may by notification in the Gazette declare to be an appropriate authority for the purposes of sub-section (2) of section 4;

“Cypriot” means any person declared or recognised to be a citizen of the Republic by or under any Act of the United Kingdom Parliament and any person who is a citizen of the Republic by or under any law of the Republic, and includes a person who is both a citizen of the Republic and a citizen of any other country;

“District Court of the Republic” and “Supreme Court of the Republic” have the same meaning as in the Courts of Justice Law, 1953, of the Republic.

*“non-United Kingdom personnel” means any person excluding contractors, United Kingdom personnel and their dependents as defined in Part I of Annex B to the Treaty of Establishment* (b).

## PART 2

### Criminal Proceedings

#### **Criminal proceedings affecting ~~Cypriots~~ non-United Kingdom Personnel**

3.—(1) Subject as hereinafter provided, the provisions of this Part of this Ordinance shall have effect in any case where ~~a Cypriot is~~ *non-United Kingdom personnel* are (c) charged with an offence to which this subsection applies, that is to say an offence against the law of the Areas which appears to have been committed solely against or in relation to ~~a Cypriot non-united~~

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(a) Deleted by Ordinance 15/2022 – came into force on 16 May 2022

(b) Definition inserted by Ordinance 15/2022 – came into force on 16 May 2022

(c) “a Cypriot is” deleted and new test inserted wherever it appears in Part 2 by Ordinance 15/2022 – came into force on 16 May 2022

*Kingdom personnel* (a) provided that a Court of the Republic has jurisdiction to try the offence or some other offence arising out of the facts alleged.

(2) In this Part of this Ordinance the expression “recognised criminal proceedings” means criminal proceedings in a Court of the Republic taken against a ~~Cypriot~~ *non-United Kingdom personnel* (b) pursuant to subsection (2) of section 4 and any appeal from any conviction, acquittal, sentence or order given or made in such proceedings.

#### **Right of ~~Cypriots~~ *non-United Kingdom personnel* to elect for trial in the Republic**

~~4.—(1) Where a Cypriot is *non-United Kingdom personnel* are charged with an offence to which subsection (1) of section 3 applies he shall be brought before the Court of the Areas and, unless the Legal Adviser has certified in writing under his hand that the offence with which such Cypriot is *non-United Kingdom personnel* are charged is one that affects security or public order in the Areas, he shall be invited to elect whether he wishes to be tried by a Court of the Republic or by the Court of the Areas. A certificate by the Legal Adviser under this subsection shall be final and shall not be challenged in any Court. (c)~~

*4.—(1) Where non-United Kingdom personnel are charged with an offence in the Areas to which section 3(1) applies (“the accused person”), they will be brought to a Court of the Areas.*

*(1A) Except where subsection (1B) applies, the accused person may elect whether they wish to be tried by a Court of the Republic or by a Court of the Areas.*

*(1B) The accused person must be tried in a Court of the Areas in circumstances where the Attorney-General and Legal Adviser certifies in writing that—*

- (a) the accused person is Cypriot and charged with an offence which appears to have been committed solely against or in relation to a Cypriot, and the offence affects security or public order in the Areas; or*
- (b) paragraph (a) does not apply, and the accused person is charged with an offence that affects the peace, good order, public order, security or good government of the Areas.*

*(1C) The issue of a certificate by the Attorney-General and Legal Adviser under subsection (1B) is an exempt activity for the purposes of section 8 of the Courts (Judicial Review) Ordinance 2004 (d).*

(2) In any case where the Legal Adviser has not certified ~~that the offence with which such Cypriot is charged is one that affects security or public order in the Areas~~ *the offence under subsection (1B) (e) if such ~~Cypriot~~ non-United Kingdom Personnel (f), in open court, either himself or through his advocate indicates that he wishes to be tried by a Court of the Republic, and the Court of the Areas is satisfied that the offence is one to which subsection (1) of section 3 applies, that Court shall order his remand in custody or on bail to await trial before a Court of the Republic and the Legal Adviser shall forward to the appropriate authority of the Republic a copy of the charge and other particulars and information relevant thereto.*

(3) An Order under subsection (2) for the remand of any ~~Cypriot~~ *non-United Kingdom Personnel* (g) in custody shall be authority for his lawful detention in police or prison custody in the Areas in order that he may be brought before a Court of the Republic in recognised criminal proceedings.

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- (a) “a Cypriot” deleted and new text inserted by Ordinance 15/2022 – came into force on 16 May 2022
  - (b) “a Cypriot” deleted and new text inserted by Ordinance 15/2022 – came into force on 16 May 2022
  - (c) Subsection (1) repealed and replaced by Ordinance 15/2022 – came into force on 16 May 2022
  - (d) Ordinance 10/2004, which has been amended in ways that are not relevant to this Ordinance
  - (e) Text deleted and new text inserted by Ordinance 15/2022 – came into force on 16 May 2022
  - (f) “Cypriot” deleted and new text inserted by Ordinance 15/2022 – came into force on 16 May 2022
  - (g) “Cypriot” deleted and new text inserted by Ordinance 15/2022 – came into force on 16 May 2022

(4) If the Legal Adviser has ~~certified under subsection (1) that the offence with which such a Cypriot is non-United Kingdom personnel are~~ (a) charged is one that affects security or public order in the Areas issued a certificate under subsection (1B) (b) or if such a ~~Cypriot non-United Kingdom personnel~~ (c) does not elect under the foregoing provisions of this section to be tried by a Court of the Republic, the Courts of the Areas shall order his remand in custody or on bail in order that he may be tried for the offence with which he is charged in the Court of the Areas.

#### **Summons or warrant issued by Courts of the Republic may be executed in the Areas**

5.—(1) Where a summons or warrant of arrest or other similar instrument has been issued by any Court of the Republic in any recognised criminal proceedings against a ~~Cypriot non-United Kingdom personnel~~ (d) such summons, warrant or other similar instrument shall be lawful authority within the Areas and under the law thereof for his prosecution in a Court of the Republic, and, in the case of a warrant of arrest or other similar instrument addressed to the Chief of Police of the Areas, for his arrest in the Areas for the purpose of such prosecution.

(2) Any ~~Cypriot non-United Kingdom personnel~~ (e) arrested in pursuance of subsection (1) may be brought before the Court of the Areas, and such Court may, upon production of such warrant or instrument, by order remand him in custody or on bail.

(3) An order subsection (2) for the remand of any ~~Cypriot non-United Kingdom personnel~~ (f) in custody shall be authority for his lawful detention in police or prison custody in order that he may be brought before a Court of the Republic in recognised criminal proceedings.

#### **Conviction, acquittal, etc. in Court of the Republic to have effect in the Areas**

6.—(1) Any conviction, acquittal, sentence or order of a Court of the Republic in respect of a ~~Cypriot non-United Kingdom personnel~~ (g) taking effect in recognised criminal proceedings shall be deemed for all purposes to be a conviction, acquittal, sentence or order of the Court of the Areas, and any person who is detained in custody in the Areas in pursuance of any such sentence or order, or pending the determination by a Court of the Republic of any such proceedings, shall be deemed to be in lawful custody.

(2) Notwithstanding the provisions of this section, no person convicted or sentenced by a Court of the Republic shall have any right of appeal under the law of the Areas.

#### **Arrangements for custody of persons arrested or imprisoned by Authorities of the Republic or the Areas**

7. The Administrator may make arrangements with the authorities of the Republic for the reception, detention and imprisonment in a place of custody in the Areas of ~~Cypriots non-United Kingdom personnel~~ (h) arrested, or ordered to be detained in custody or sentenced to imprisonment (by whatever name called) by any authority or Court in the Republic in recognised criminal proceedings, for the treatment of such persons while so arrested, detained or imprisoned, for their release or return to the authorities of the Republic, and for the manner in which they are to be, dealt with in the event of their unsoundness of mind or other illness while so detained or imprisoned.

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- (a) "such Cypriot is" deleted and new text inserted by Ordinance 15/2022 - came into force on 16 May 2022  
(b) Text deleted and new text inserted by Ordinance 15/2022 - came into force on 16 May 2022  
(c) "a Cypriot" deleted and new text inserted by Ordinance 15/2022 - came into force on 16 May 2022  
(d) "a Cypriot" deleted and new text inserted by Ordinance 15/2022 - came into force on 16 May 2022  
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(f) "Cypriot" deleted and new text inserted by Ordinance 15/2022 - came into force on 16 May 2022  
(g) "a Cypriot" deleted and new text inserted by Ordinance 15/2022 - came into force on 16 May 2022  
(h) "Cypriots" deleted and new text inserted by Ordinance 15/2022 - came into force on 16 May 2022

## **Trial of ~~Cypriots~~ *non-United Kingdom personnel* in the Areas if proceedings are not taken in the Republic**

8. In any case in which the Court of the Areas has ordered the remand of a ~~Cypriot~~ *non-United Kingdom personnel* (a) to await trial before a Court of the Republic pursuant to subsection (2) of section 4, if no criminal proceedings are instituted against him in such a Court within 28 days of the date on which a copy of the charge was forwarded by the Legal Adviser to the appropriate authority of the Republic under that subsection, or if he is not brought to trial before such a Court within three months of the said date, the provisions of this Part of this Ordinance shall cease to have effect in that case and the Court of the Areas may order his remand in custody or on bail in order that he may be tried in the Areas for the offence with which he was charged in the Areas.

## **PART 3**

### **Civil Proceedings**

#### **Recognition of civil proceedings of the Republic in the Areas**

9.—(1) Any civil proceedings to which this section applies shall be recognised within the Areas for the purposes of this Part of this Ordinance.

(2) The civil proceedings to which this section applies are:—

- (a) any action in a District Court of the Republic, or
- (b) any appeal in the Supreme Court of the Republic,

which the District Court or Supreme Court, as the case may be, shall have jurisdiction to hear and determine, and in which all the parties or persons affected are ~~Cypriots~~ *non-United Kingdom personnel* (b).

(3) Notwithstanding anything hereinbefore contained a person who is a defendant or a third party in any civil proceedings to which this section applies shall, at any time before judgement be entitled to apply to the Court of the Areas for a declaration that the proceedings are more suitable for hearing and determination in the Court of the Areas than in a Court of the Republic, and the Court of the Areas, if satisfied:—

- (i) that the applicant has not voluntarily submitted to the jurisdiction of any Court of the Republic in relation to the subject matter of such proceedings, or
- (ii) that it would be against the interests of the applicant for such proceedings to be heard and determined in a Court of the Republic, and that it would not be contrary to the interests of any other party or prospective party to such proceedings, or to the interests of justice, for such proceedings to be heard and determined in the Court of the Areas,

shall issue a declaration accordingly, and any proceedings to which such declaration relates in any Court of the Republic shall thereupon not be, or shall cease to be, civil proceedings which are recognised within the Areas for the purposes of this Part of this Ordinance.

#### **Effect of recognition**

10. In any civil proceedings which are recognised within the Areas for the purposes of this Part of this Ordinance any writ pleading, summons, notice or other instrument or document whatsoever made or issued, and any act, matter or thing done in or in any wise appertaining to such proceedings shall have legal effect, and any judgment or order, interlocutory or final, given or made in such proceedings may be lawfully enforced within the Areas in the same manner and to

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(a) “a Cypriot” deleted and new text inserted by Ordinance 15/2022 – came into force on 16 May 2022

(b) “Cypriots” deleted and new text inserted by Ordinance 15/2022 – came into force on 16 May 2022

the same extent as if such proceedings had been instituted, heard and determined in the Court of the Areas.

#### **Civil proceedings in Court of the Areas**

11. Notwithstanding anything contained in this or any other Ordinance, no civil proceedings shall be heard and determined by any Court of the Areas if the defendant, or where there are two or more defendants, all the defendants to these proceedings, satisfies or satisfy the Court of the Areas:—

- (a) that all the parties or prospective parties to the proceedings are ~~Cypriots~~ *non-United Kingdom personnel* (a); and
- (b) that he or they desire the proceedings to be heard and determined by a Court of the Republic and that such a Court had jurisdiction to hear and determine these proceedings.

#### **Power to make rules**

12. The power conferred upon the Administrator to make Rules of Court under section 63 of the Court Ordinance, 1960, for the better carrying of that Ordinance into effect shall be deemed to include power to make Rules of Court for carrying this Part of this Ordinance into effect.

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(a) “Cypriots” deleted and new text inserted by Ordinance 15/2022 – came into force on 16 May 2022