

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

Be it enacted by the Administrator of the Sovereign
Base Areas as follows:—

Part I

PRELIMINARY

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

Short
title.

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;

interpre-
tation.

“appropriate authority of the Republic” means any such
authority of the Republic as the Administrator may by noti-
fication 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.

Part II

CRIMINAL PROCEEDINGS

3. (1) Subject as hereinafter provided, the provisions of this
Part of this Ordinance shall have effect in any case where a
Cypriot is charged with an offence to which this sub-section
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 provided that a Court of the Republic
has jurisdiction to try the offence or some other offence
arising out of the facts alleged.

Criminal
proceedings
affecting
Cypriots.

(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 pursuant to sub-
section (2) of section 4 and any appeal from any conviction,

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acquittal, sentence or order given or made in such proceedings.

Right of
Cypriots to
elect for
trial in
the
Republic.

4. (1) Where a Cypriot is charged with an offence to which sub-section (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 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 sub-section shall be final and shall not be challenged in any court.

(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 if such Cypriot, 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 sub-section (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 sub-section (2) for the remand of any Cypriot 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.

(4) If the Legal Adviser has certified under sub-section (1) that the offence with which such a Cypriot is charged is one that affects security or public order in the Areas or if such a Cypriot 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 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 arrested in pursuance of sub-section (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.

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(3) An order sub-section (2) for the remand of any Cypriot 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.

5. (1) Any conviction, acquittal, sentence or order of a Court of the Republic in respect of a Cypriot 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.

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

(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 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.

8. In any case in which the Court of the Areas has ordered the remand of a Cypriot to await trial before a Court of the Republic pursuant to sub-section (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 sub-section, 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.

Trial of
Cypriots in
the Areas if
proceedings
are not
taken in the
Republic.

Part III

CIVIL PROCEEDINGS

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,

Recognition
of civil
proceedings
of the
Republic in
the Areas.

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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.

(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 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;
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.

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12. The power conferred upon the Administrator to make Rules of Court under section 63 of the Courts 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.

Power to
make rules.