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**COURTS (CONSTITUTION AND JURISDICTION)  
(AMENDMENT) ORDINANCE 2016**

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An Ordinance to amend the Courts (Constitution and Jurisdiction) Ordinance 2007

**M. Wigston  
ADMINISTRATOR**

*04 March 2016*

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

**Short title**

1. This Ordinance may be cited as the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2016.

**Commencement**

2. This Ordinance comes into force on 1 May 2016.

**Amendment of the Courts (Constitution and Jurisdiction) Ordinance 2007**

3. The Courts (Constitution and Jurisdiction) Ordinance 2007(a) is amended as follows.

**Amendment of section 27**

4. In section 27(b) (Senior Judges may exercise functions from outside the Areas), for subsection (7) substitute—

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(a) Ordinance 5/2007.

(b) Section 27 was substituted by Ordinance 2/2014.

“(7) Subsection (5) does not apply to proceedings under any of the following provisions of the Criminal Procedure Ordinance 2016<sup>(a)</sup>—

- (a) section 31 (arrested person’s appeal against remand in police custody);
- (b) section 32 (prosecution appeal against release of arrested person);
- (c) section 140 (appeal against acquittal: Senior Judge may issue arrest warrant, etc);
- (d) section 141 (Senior Judge may grant or refuse permission to appeal);
- (e) section 151 (statement of case by Judge for opinion of Senior Judges’ Court);
- (f) section 152 (grant of bail);
- (g) section 154 (application for bail by defendant who appeals to Senior Judges’ Court).”.

**Amendment of section 29**

5. In section 29 (civil jurisdiction of Resident Judge’s Court), after subsection (2) insert—

“(2A) Where the court makes a compensation order under subsection (2), in any civil proceedings for damages in respect of the injury for which the award was made which are brought by the person in favour of whom such order is made, the damages are to be assessed without regard to the order but the claimant may only recover the amount equal to the aggregate of the following—

- (a) any amount by which the damages exceed the compensation; and
- (b) a sum equal to any portion of the compensation which he fails to recover.”.

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(a) Ordinance 9/2016.

## **EXPLANATORY NOTE**

*(This note is not part of the Ordinance)*

1. This explanatory note relates to the Courts (Constitution and Jurisdiction) (Amendment) Ordinance 2016 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. The Ordinance amends the Courts (Constitution and Jurisdiction) Ordinance 2007. It replaces section 27(7) to list the functions of the Senior Judges’ Court under the Criminal Procedure Ordinance 2016 which can be heard by a Senior Judge by live link without having to meet the criteria in section 27(5).
3. It also inserts a new section 29(2A) which sets out how damages in civil proceedings are to be calculated where a court has already made a compensation order in criminal proceedings in respect of the same injury.