



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 2694 OF 23RD DECEMBER, 1938. SUBSIDIARY LEGISLATION.

No. 260. THE RULES OF COURT (No. 4), 1938.

H. R. PALMER,
Governor.

His Excellency the Governor, with the advice and assistance of the Chief Justice, in exercise of the powers vested in him by the Civil Procedure Law, 1885, the Mandamus Law, 1890, the Dealings between Merchants and Farmers Law, 1919, the Civil Procedure (Amendment) Law, 1926, the Partnership Law, 1928, the Civil Wrongs Laws, 1932 and 1934, the Cyprus Courts of Justice Orders and Laws, 1927 to (No. 2) 1935, read together with the Courts of Justice Law, 1935, and of every other power enabling him in this behalf, hereby makes the following rules:—

1. These Rules may be cited as the Rules of Court (No. 4), 1938, and shall be read as one with the Rules of Court, 1938 to (No. 3), 1938, (hereinafter referred to as the "principal rules"), and the principal rules and these rules may together be cited as the Rules of Court, 1938 to (No. 4), 1938.

*Supplement
No. 3 to
Gazettes:
1.6.38
24.6.38
26.8.38*

2. The definition of the phrase "writ of summons" at the end of Order 1, Rule 3, of the principal rules, shall be deleted.

3. The last two sentences of Order 2, Rule 3, of the principal rules, beginning with the words "The writ" and ending with the words "his advocate", shall be replaced by the following: "The writ shall be indorsed with a statement of the nature of the claim made, or of the relief or remedy required in the action, but it shall not be essential to set forth in such indorsement the precise ground of complaint, or the precise remedy or relief to which the plaintiff considers himself entitled. The writ shall be signed by the plaintiff or his advocate at the foot of such statement."

4. The words "statement of claim" in line 2 of Order 2, Rule 4, of the principal rules, shall be replaced by the word "indorsement".

5. The words "statement of claim" in line 1 of Order 2, Rule 5, of the principal rules, shall be replaced by the word "indorsement".

6. In Order 2, Rule 7, of the principal rules—

(i) the words "(whether it is or is not specially indorsed)" in line 1 shall be deleted;

(ii) the words "statement of claim" in line 2 shall be replaced by the word "indorsement";

(iii) the word "four" in line 5 shall be replaced by the word "ten"; and

(iv) there shall be added at the end of the Rule the words "unless he shows that he overcharged *bona fide*", the full stop being transposed to the end of the words hereby added,

7. The words " statement of claim shall contain " in line 2 of Order 2, Rule 8, of the principal rules, shall be replaced by the words " writ of summons shall be indorsed with ".

8. The words " statement of claim " in line 1 of Order 2, Rule 9, of the principal rules, shall be replaced by the words " indorsement on the writ ".

9. The words " statement of claim " in line 2 of Order 2, Rule 10, of the principal rules, shall be replaced by the words " indorsement on the writ ".

10. The words " statement of claim " in line 3 of Order 2, Rule 13, of the principal rules, shall be replaced by the words " indorsement on the writ ".

11. The words " attested by a judge, registrar, certifying officer, or mukhtar " in lines 3 and 4 of Order 2, Rule 14, of the principal rules, shall be replaced by the words " attested, where the plaintiff is illiterate, by a registrar, certifying officer, or two competent witnesses not being advocates' clerks." ; and the following proviso shall be added at the end thereof :

" Provided that, with the leave of a Judge, upon good cause shown, which shall be recorded in the minutes, a writ may be sealed by the registrar without its being accompanied by a retainer in writing as aforesaid ; but such retainer shall be filed later within such time as the Judge may think fit to allow."

12. The words " If such statement is not signed in the presence of a registrar, the signature of the guardian must be certified by a certifying officer." in lines 4, 5 and 6 of Order 2, Rule 15, of the principal rules, shall be replaced by the words " Such statement, where the guardian is illiterate, shall be attested by a registrar, certifying officer, or two competent witnesses not being advocates' clerks."

13. The word " three " in line 3 of Order 5, Rule 2 (2), of the principal rules, shall be replaced by the word " seven ".

14. The word " ten " in line 2 of Order 10, Rule 2 (2), of the principal rules, shall be replaced by the word " fifteen ".

15. The word " eight " in line 2 of Order 10, Rule 4 (1), of the principal rules, shall be replaced by the word " fifteen ".

16. The word " seven " in lines 5, 9 and 14 of Order 12, Rule 7, of the principal rules, shall be replaced by the word " fifteen ".

17. The following shall take the place of Order 16, Rule 2, of the principal rules :—

" 2. A defendant shall enter his appearance to a writ of summons by delivering to the registrar of the registry mentioned in Rule 1 of this Order a memorandum in writing in conformity to the provisions of Rule 3 thereof, and by delivering at the plaintiff's address for service, on the same day as he delivers the memorandum to the registrar, a duplicate of the memorandum dated, signed and sealed by the registrar."

18. The words " nor shall the documents accompanying it " in line 2 of Order 16, Rule 3 (2), of the principal rules, shall be deleted.

19. The following shall take the place of Order 16, Rule 4, of the principal rules :—

" 4. Upon receipt of the memorandum the registrar shall file the same, and date, sign, and seal the duplicate thereof."

20. The words "accompanied by the duplicate of the statement of defence, both" in lines 1 and 2 of Order 16, Rule 5, of the principal rules, shall be deleted.

21. In Order 16, Rule 10, of the principal rules, the words "statement of defence" in line 3 shall be replaced by the word "memorandum", and the words "whose signature to the consent shall have been witnessed by a Court officer or certified by a certifying officer" shall be replaced by the words "attested, where the guardian is illiterate, by a registrar, certifying officer, or two competent witnesses not being advocates' clerks."

22. The following shall take the place of Order 16, Rule 11, of the principal rules:—

"11. Where an advocate enters appearance on behalf of a defendant who lives in Cyprus and is sued upon a claim relating to more than £25, the memorandum shall not be received by the registrar, nor shall the duplicate thereof be dated, signed and sealed by him, unless the memorandum delivered to the registrar is accompanied by a retainer in writing in Form 12A attested, where the defendant is illiterate, by a registrar, certifying officer, or two competent witnesses not being advocates' clerks. Provided that, with the leave of a Judge, upon good cause shown, which shall be recorded in the minutes, the memorandum may be received by the registrar and the duplicate thereof be dated, signed and sealed by him, without the memorandum being accompanied by a retainer in writing as aforesaid; but such retainer shall be filed later within such time as the Judge may think fit to allow.

These provisions shall also apply to an appearance entered by an advocate on behalf of a third party under Order 10, the form of retainer being varied to suit the circumstances of the case."

23. The following shall take the place of Order 17, Rule 11, of the principal rules:—

"11. In all actions for which no other provision is specially made by the rules of this Order, in case the party served with the writ does not appear within the time limited for appearance, upon proof of service and, if the writ is not specially indorsed under Order 2, Rule 6, upon the filing of a statement of claim, the plaintiff may apply *ex parte* for judgment."

24. The following shall take the place of Order 19, Rule 2, of the principal rules:—

"2. The plaintiff shall, subject to the provisions of Order 20, and at such time and in such manner as therein prescribed, deliver to the defendant a statement of his claim, and of the relief or remedy to which he claims to be entitled. The defendant shall, subject to the provisions of Order 21, and at such time and in such manner as therein prescribed, deliver to the plaintiff his defence or counter-claim (if any). And the plaintiff shall, subject to the provisions of Order 21, and at such time and in such manner as therein prescribed, deliver his reply (if any) to the defence, and his own defence to the counter-claim. Such statements shall be as brief as the nature of the case will admit."

25. The words beginning with "Saving" and ending with "indorsed" in lines 1 and 2 of Order 19, Rule 10, of the principal rules, shall be deleted.

26. The word "specially" at the end of line 1 of Order 19, Rule 11, of the principal rules, shall be replaced by the word "specifically",

27. The following shall take the place of Order 20, Rule 1, of the principal rules :—

“ 1. Where the writ is specially indorsed under Order 2, Rule 6, no further statement of claim shall be delivered, unless the Court or a Judge shall otherwise order. In other cases the plaintiff shall, subject to Order 17, Rule 11, as to filing a statement of claim when there is no appearance, file and deliver a statement of claim within ten days after appearance, unless the time is enlarged by the Court or a Judge.”

28. The following shall be inserted in Order 20 of the principal rules as Rule 1A :—

“ 1A. Whenever a statement of claim is delivered the plaintiff may therein alter, modify, or extend his claim without any amendment of the indorsement of the writ.”

29. The following shall take the place of Order 21, Rule 1, of the principal rules :—

“ 1.—(1) Where a defendant has entered an appearance, he shall deliver his defence within fourteen days from the time limited for appearance or from the delivery of the statement of claim, whichever shall be the later, unless such time is extended by the Court or a Judge, or, in actions in which the writ of summons has been specially indorsed with a statement of claim under Order 2, Rule 6, the plaintiff in the meantime serves a summons for judgment under Order 18.

(2) Where leave has been given to a defendant to defend under Order 18, he shall deliver his defence (if any) within such time as shall be limited by the order giving him leave to defend : or if no time is thereby limited, then within eight days after the order.”

30. The following shall be inserted in Order 21 of the principal rules as Rule 7A :—

“ 7A. Where any defendant seeks to rely upon any grounds as supporting a right of counter-claim, he shall, in his defence, state specifically that he does so by way of counter-claim.”

31. The word “ four ” in line 4 of Order 22, Rule 3 (1), of the principal rules, shall be replaced by the word “ ten ”.

32. The word “ seven ” in line 5 of Order 23, Rule 2, of the principal rules, shall be replaced by the word “ fifteen ”.

33. The word “ four ” in line 5 of Order 24, Rule 4, of the principal rules, shall be replaced by the word “ eight ”.

34. The following shall take the place of Order 24, Rule 7, of the principal rules :—

“ 7. Any admission made in pursuance of any notice to admit documents or facts may be signed by the party's advocate : but if signed by the party himself, it shall be signed before a registrar, who shall certify the party's signature ; and the advocate's signature, or the registrar's certificate, shall be sufficient evidence of such admission. Either a duplicate or an office copy of the admission shall be filed.”

35. The word “ seven ” in lines 3 and 5 of Order 25, Rule 2, of the principal rules, shall be replaced by the word “ fifteen ”.

36. The following shall be inserted before Rule 1 of Order 26 of the principal rules as Rules A, B, C, D, E, F, G and H of that Order :—

“ A. If the plaintiff, being bound to deliver a statement of claim, does not deliver the same within the time allowed for that purpose, the defendant may, at the expiration of that time, apply by summons to the Court to dismiss the action with costs, for want of prosecution ; and on the hearing of such application the Court may, if no statement of claim shall have been delivered, order the action to be dismissed accordingly, or may make such other order on such terms as the Court shall think just.

B. If the plaintiff's claim be only for a debt or liquidated demand, and the defendant does not, within the time allowed for that purpose, deliver a defence, the plaintiff may, at the expiration of such time, apply for judgment for the amount claimed, with costs.

C. When in any such action as in the last preceding rule mentioned there are several defendants, if one of them make default as mentioned in the last preceding rule, the plaintiff may apply for judgment against the defendant so making default, and issue execution upon such judgment without prejudice to his right to proceed with his action against the other defendants.

D. If the plaintiff's claim be for pecuniary damages only, or for detention of goods with or without a claim for pecuniary damages, and the defendant, or all the defendants, if more than one, make default as mentioned in rule B, the plaintiff may apply *ex parte* to the Court or a Judge for judgment against the defendant or defendants, and the Court or Judge may ascertain the value of the goods or the amount of the damages in any way in which the Court or Judge may think fit and give judgment accordingly.

E. When in any such action as in rule D mentioned there are several defendants, if one or more of them make default as mentioned in rule B, the plaintiff may apply *ex parte* to the Court or Judge for interlocutory judgment against the defendant or defendants so making default, and proceed with his action against the others. And in such case, the value and amount of damages against the defendant making default shall be assessed at the same time with the trial of the action or issues therein against the other defendants, unless the Court or a Judge shall otherwise direct.

F. If the plaintiff's claim be for a debt or liquidated demand, and also for pecuniary damages only, or for detention of goods with or without a claim for pecuniary damages, and any defendant make default as mentioned in rule B, the plaintiff may apply for judgment for the debt or liquidated demand, and proceed as mentioned in rule D or E of this Order, as the case may require, in regard to the value of the goods and/or the damages.

G. In an action for the recovery of immovable property, if the defendant makes default as mentioned in rule B, the plaintiff may apply for judgment for recovery of the property, with his costs.

H. Where the plaintiff has a claim for arrears of rent, or damages for breach of contract or wrong or injury to the property claimed upon a writ for the recovery of immovable property, if the defendant makes default as mentioned in rule B, or, if there be more than one defendant, some or one of the defendants make such default, the plaintiff may apply for judgment against the defaulting defendant or defendants for the property and liquidated sum claimed for arrears of rent, and proceed as mentioned in rules D and E as to such other claim.”

37. The following shall be inserted in Order 26 of the principal rules as Rule 1A :—

“ 1A. In all other actions than those mentioned in the preceding rules of this Order, if the defendant makes default in delivering a defence, the plaintiff may apply by summons for judgment, and such judgment shall be given as the Court or a Judge shall consider the plaintiff to be entitled to.”

38. The word “ four ” in line 2 of Order 26, Rule 2, of the principal rules, shall be replaced by the word “ ten ”.

39. In Order 28, Rule 8, of the principal rules, the word “ two ” in line 1 shall be replaced by the word “ five ”, and the word “ four ” in line 4 shall be replaced by the word “ ten ”.

40. The words “ within seven days after appearance ” in lines 1 and 2 of Order 30, Rule 1 (b), of the principal rules, shall be replaced by the words “ within ten days from the time when the pleadings shall be deemed to be closed ”.

41. The words “ within fourteen days from the entry of the defendant’s appearance ” in lines 2 and 3 of Order 30, Rule 7, of the principal rules, shall be replaced by the words “ within fourteen days from the time when the pleadings shall be deemed to be closed ”.

42. The word “ eight ” in line 5 of Order 32, Rule 1, of the principal rules, shall be replaced by the word “ ten ”.

43. The word “ seven ” in line 3 of Order 33, Rule 5, of the principal rules, shall be replaced by the word “ fifteen ”.

44. The word “ seven ” in line 9 of Order 35, Rule 29 (2), of the principal rules, shall be replaced by the word “ fifteen ”.

45. In Order 48, Rule 8 (1), of the principal rules—

(i) the following shall be inserted after sub-division (a) as sub-division (aa) :

“ (aa) under Order 2, Rule 14, for leave to seal a writ without its being accompanied by a retainer in writing ; ”.

(ii) the following shall be inserted after sub-division (r) as sub-division (rr) :

“ (rr) under Order 16, Rule 11, for leave to receive a memorandum without its being accompanied by a retainer in writing ; ”.

(iii) the words “ or 9 ” in line 1 of sub-division (s) shall be replaced by the words “ 9, or 11 ”.

(iv) the words “ Rule 3 ” in line 1 of sub-division (y) shall be replaced by the words “ Rules B, C, D, E, F, G, H and 3 ”.

46. In Order 48, Rule 9, of the principal rules—

(i) the following shall be inserted after sub-division (n) as sub-division (nn) :

“ (nn) under Order 26, Rules A and 1A, for judgment in default of pleadings ”.

(ii) the following shall be inserted after sub-division (s) as sub-division (ss) :

“ (ss) under Order 57, Rule 3, for an order for amendment, delivery or filing of pleadings during any other part of the last seven days of the period mentioned in Order 61, Rule 2 (a) ; ”.

47. The words "without the consent of the parties before him or the leave of a Judge" in lines 4 and 5 of Order 49, Rule 15, of the principal rules, shall be replaced by the words "except for good reason to be recorded in his notes and communicated to the parties present".

48. The final words "and the costs thereof shall be borne by the applicant" in Order 51, Rule 4, of the principal rules, shall be deleted.

49. The following shall be added to Order 57 of the principal rules as Rules 3 and 4:—

"3. Summonses may be issued and pleadings may be amended, delivered, or filed during the last seven days of the period mentioned in Order 61, Rule 2 (a), but pleadings shall not be amended, delivered or filed during any other part of that period, unless by order of the Court or a Judge to be obtained by summons.

4. Save where the Court or a Judge otherwise orders, the time of the period mentioned in Order 61, Rule 2 (a), shall not be reckoned in the computation of the times appointed or allowed by these rules for amending, delivering, or filing any pleading, except to the extent of the last seven days of that period."

50. The words "or summon witnesses" in line 4 of Order 59, Rule 2, of the principal rules, shall be deleted.

51. The final sentence of Order 59, Rule 4, of the principal rules, beginning with the words "In regard" and ending with the words "in force", shall be replaced by the following: "In regard to anything done or any proceeding taken in accordance with the rules previously in force (whether before the coming into force of these Rules, or after, pursuant to Order 1, Rule 2), advocates' fees shall be governed by the rules previously in force."

52. The word "seven" in line 4 of Order 65, Rule 2 (2), of the principal rules, shall be replaced by the word "fifteen".

53. The word "four" in line 1 of Order 65, Rule 6, of the principal rules, shall be replaced by the word "ten".

54.—(1) Forms Nos. 1, 2, 3, 4, 5, 6, 9, 10, 11, 12 and 12A, in Appendix B to the principal rules shall be replaced respectively by the forms in Appendix A to these present rules.

(2) The following words shall be added at the end of Forms No. 18 and No. 20 in Appendix B to the principal rules: "*N.B.*—If the admission is signed by the party himself, it shall be signed before a Registrar, who shall certify the party's signature."

(3) The word "six" in line 9 of Form No. 19 in Appendix B to the principal rules shall be replaced by the word "eight".

(4) The word "is" shall be inserted after the word "application" in line 4 of Form No. 48 in Appendix B to the principal rules.

(5) The word "seven" in line 18 of Form No. 53 in Appendix B to the principal rules shall be replaced by the word "fifteen".

55. Parts I and II of Appendix C to the principal rules shall be replaced respectively by Parts I and II of Appendix B to these present rules.

APPENDIX A.

FORMS.

No. 1.—WRIT OF SUMMONS (*O. 2, r.1*).

In the District Court of _____ No. _____ of 19 ____ .
 Between A. B., Plaintiff,
 and
 C. D., Defendant.

To C. D. of (*a*) _____, (*b*) _____ .

This is to command you that within ten days after the service of this writ you enter an appearance in an action against you by A. B. of (*a*) _____, (*c*) _____ .

The Plaintiff's claim in the action is set out in the indorsement overleaf.

The Plaintiff's address for service is (*d*) _____ .

And take notice that in default of your entering an appearance in the manner specified below, the Plaintiff may proceed in the action and judgment may be given in your absence.

Filed and sealed on the (*e*) _____ day
 of _____, 19 ____ . (Signed)

(*f*) Advocate for Plaintiff.

Registrar.

N.B.—An appearance may be entered either personally or by advocate by delivering to the Registrar at (*g*) _____ a memorandum of appearance, and on the same day by delivering at the Plaintiff's address for service a duplicate of such memorandum dated, signed and sealed by the Registrar.

(*a*) Give full address, including street and number of premises, if any.

(*b*) State Defendant's occupation, if known.

(*c*) State Plaintiff's occupation.

(*d*) Give the full name, occupation, and address of a person within the municipal limits of the town or village in which is situated the Registry in which the action is filed, with whom documents intended for Plaintiff may be left.

(*e*) The date should be filled in by the Registrar.

(*f*) Strike out the words "Advocate for" if suing in person.

(*g*) State the town or village in which is situated the Registry described in (*d*) above.

N.B.—In drawing up a writ regard should be had to the provisions of Order 2 and the provisions governing indorsements of claim.

Note for Defendant.—A Defendant sued upon a claim exceeding £25 who wishes to employ an advocate should bear in mind that, except with the leave of the Judge, an advocate cannot enter appearance for him unless he has a retainer in writing in Form 12A given to him by the Defendant.

Indorsement of Claim.

The Plaintiff's claim is

(Signed)

(*a*) Advocate for Plaintiff.

(*a*) Strike out the words "Advocate for" if suing in person.

No. 2.—SPECIALLY INDORSED WRIT (O. 2, r. 6).

In the District Court of _____ No. _____ of 19 ____
 Between A. B., _____ Plaintiff.
 _____ and
 C. D., _____ Defendant.
 To C. D. of (a) _____, (b) _____.

This is to command you that within ten days after the service of this writ you enter an appearance in an action against you by A. B. of (a) _____, (c) _____.

The Plaintiff's claim in the action is set out in the statement of claim overleaf.

The Plaintiff's address for service is (d) _____.

And take notice that, in default of your entering an appearance in the manner specified below, the Plaintiff may proceed in the action and judgment may be given in your absence.

Filed and sealed on the (e) _____ day
 of _____, 19 ____ (Signed)
 (f) Advocate for Plaintiff.

Registrar.

N.B.—(1) An appearance may be entered either personally or by advocate by delivering to the Registrar at (g) _____ a memorandum of appearance, and on the same day by delivering at the Plaintiff's address for service a duplicate of such memorandum dated, signed and sealed by the Registrar.

(2) If the Defendant fails to deliver a defence within fourteen days after the last day of the time limited for his appearance, he may have judgment entered against him without notice, unless he has in the meantime been served with a summons for judgment.

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- (a) Give full address, including street and number of premises, if any.
 (b) State Defendant's occupation, if known.
 (c) State Plaintiff's occupation.
 (d) Give the full name, occupation, and address of a person within the municipal limits of the town or village in which is situated the Registry in which the action is filed, with whom documents intended for Plaintiff may be left.
 (e) The date should be filled in by the Registrar.
 (f) Strike out the words "Advocate for" if suing in person.
 (g) State the town or village in which is situated the Registry described in (d) above.

N.B.—In drawing up a writ regard should be had to the provisions of Order 2 and the provisions governing statements of claim.

Note for Defendant.—A Defendant sued upon a claim exceeding £25 who wishes to employ an advocate should bear in mind that, except with the leave of the Judge, an advocate cannot enter appearance for him unless he has a retainer in writing in Form 12A given to him by the Defendant.

Statement of Claim.

The Plaintiff's claim is

Particulars :—

(Signed)

(a) Advocate for Plaintiff.

(a) Strike out the words "Advocate for" if suing in person.

No. 3.—INDORSEMENT FOR COSTS (O. 2, r. 7).

(If the claim is for a debt or liquidated demand only, the following words should be added immediately following the indorsement of the writ.)

And the sum of £ _____ for costs, and also, in case the Plaintiff obtains an order for substituted service, the further sum of £ _____.
If the amount claimed is paid to the Plaintiff or his advocate within ten days from the service hereof, further proceedings will be stayed.

(Signed)

No. 4.—FORM OF RETAINER GIVEN BY PLAINTIFF (O. 2, r. 14).

I, (a) _____ of (b) _____ hereby authorize (c) _____
of (d) _____ to take legal proceedings on my behalf against (e) _____
of (f) _____ and (e) _____ of (f) _____ for the recovery
of (g) _____

(h) I have not made any express agreement with the said advocate in regard to his remuneration, but will pay him according to the scales in the Rules of Court.

or

(h) I have made the following express agreement with the said advocate in regard to his remuneration: *(Set out the terms of remuneration agreed upon).*

(Signed) (i)

N.B.—Where the client giving the retainer is illiterate the following attestation must be made:—

“ I certify that the contents of this retainer were read out by me to the above-named (j) _____ and agreed to by him and that he thereupon affixed his mark thereto in my presence.”

(Signed)

Registrar, Certifying Officer or two competent witnesses not being advocates' clerks (as the case may be).

(a) State name, and (b) place of abode.

(c) State name, and (d) business address of advocate retained.

(e) State names of intended Defendant or Defendants and (f) his or their addresses.

(g) State subject matter of intended action.

(h) Strike out whichever is not applicable. The client or, where he is illiterate, the witness or witnesses should initial the statement in regard to remuneration which is left as forming part of the retainer.

(i) Signature of client executing the retainer.

(j) Insert name of client giving the retainer.

Note.—The retainer should be stamped as an agreement if it contains any express agreement in regard to the advocate's remuneration.

No. 5.—AFFIDAVIT OF SERVICE (O. 5, r. 2).

I, _____, a process-server, make oath and say that I served an office copy of the writ of summons in Action No. _____ of the _____ Registry, at (a) _____ on the _____ day of _____, 19____, by leaving the same in the presence of _____ with the Defendant (b) _____ (c) _____ of _____, for the Defendant _____ whom I did not find at his house or at his usual place of employment, the said _____, being a (d) _____ of the said Defendant.

A duplicate of the document(s) served is attached hereto as an exhibit and is marked "A"

or

This affidavit is endorsed on a duplicate of the document served. Signed and sworn before me
at _____ on the _____ day (Signed)
of _____ 19____.
Registrar.

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- (a) Town or village where service effected.
(b) Strike out the words "the Defendant," if inapplicable.
(c) Strike out to the end, if inapplicable.
(d) State his relationship to the Defendant for whom the writ is left.
Note.—The affidavit of service should be sworn within seven days after service.

No. 6.—NOTICE OF WRIT FOR SERVICE ON NON-BRITISH DEFENDANT OUTSIDE BRITISH DOMINIONS (O. 6, r. 6).

In the District Court of _____ No. _____ of 19____.
Between _____ A. B., _____ Plaintiff,
_____ and _____
C. D., _____ Defendant.

To C. D. of (a) _____, (b) _____
Take notice that A. B. of _____, (c) _____ has
commenced an action against you in the District Court of _____
in Cyprus, by writ of that Court dated the _____ day of _____, 19____.

The Plaintiff's claim in the action is as follows:

And you are required within (d) _____ days after the receipt of this notice to defend the said action by entering an appearance in the manner specified below.

And take notice that in default of your so entering an appearance, the said A. B. may proceed in the action and judgment may be given in your absence.

Sealed with the seal of _____ (Signed)
the above-named Court. _____ Advocate for Plaintiff.
Registrar.

N.B.—An appearance may be entered either personally or by advocate by delivering to the Registrar at (e) _____ a memorandum of appearance, and on the same day by delivering at the Plaintiff's address for service (which is _____) a duplicate of the memorandum dated, signed and sealed by the Registrar.

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- (a) State Defendant's address.
(b) State Defendant's occupation, if known.
(c) State Plaintiff's occupation.
(d) Insert here the number of days limited by the order of the Court.
(e) Give the name of the Registry in which the action was filed.

Affidavit of Service (f).

This notice was served by me at _____ on the Defendant C. D.
 on the _____ day of _____, 19____, by delivering a true copy
 thereof to him in the presence of _____ of _____.

(Signature and Address of Server.)

(f) This affidavit should be endorsed on an office copy of the notice of the writ served.

No. 9.—THIRD-PARTY NOTICE (O. 10, r. 2).

In the District Court of _____ No. _____ of 19____.
 Between _____ A. B., _____ Plaintiff,
 _____ and _____
 C. D., _____ Defendant.

Third-Party Notice.

Issued pursuant to order dated the _____ day of _____ 19____,
 of which a copy is attached hereto.

To. E. F. of (a) _____, (b) _____.

Take notice that this action has been brought by the Plaintiff against the Defendant: the Plaintiff's claim appears in the copy of the writ of summons delivered herewith.

The Defendant claims against you [*here state concisely the nature of the claim against the third party as for instance to be indemnified against the Plaintiff's claim and the costs of this action or contribution to the extent of (one-half) of the Plaintiff's claim or the following relief or remedy, namely _____ on the grounds that (state concisely the grounds of the claim against the third party).*]

And take notice that if you wish to dispute the Plaintiff's claim against the Defendant, or the Defendant's claim against you, you must cause an appearance to be entered for you in the manner specified below within fifteen days after the service of this notice upon you.

In default of your entering such appearance, you will be deemed to admit the Plaintiff's claim against the Defendant and the Defendant's claim against you and your liability to (indemnify the Defendant or to contribute to the extent claimed or to _____ stating the relief or remedy sought) and the validity of any judgment that may be given in the action and you will be bound by such judgment and such judgment may be enforced against you pursuant to the Rules of Court, 1938, Order 10.

Dated the _____ day of _____, 19____.

(Signed)

Advocate for Defendant.

N.B.—An appearance may be entered either personally or by advocate by delivering to the Registrar at (c) _____ a memorandum of appearance, and on the same day by delivering at the Plaintiff's and Defendant's addresses for service, namely _____ and _____ respectively, a duplicate of the memorandum dated, signed and sealed by the Registrar.

(a) State address of third party, including street and number of premises, if any.

(b) State occupation, if known.

(c) State name of Registry in which is filed the action in which the third-party notice is being issued.

No. 10.—THIRD-PARTY NOTICE WHEN QUESTION OR ISSUE TO BE
DETERMINED (O. 10, r. 2).

In the District Court of _____ No. _____ of 19 ____
Between A. B., Plaintiff,
and
C. D., Defendant.

Third-Party Notice.

Issued pursuant to order dated the _____ day of _____, 19 ____
of which a copy is attached hereto.
To E. F. of (a) _____, (b) _____.

Take notice that this action has been brought by the Plaintiff against
the Defendant: the Plaintiff's claim appears in the copy of the writ
of summons delivered herewith.

The Defendant claims that the following question or issue, viz.:
(*here state concisely the question or issue to be determined*) should be
determined not only as between the Plaintiff and the Defendant but as
between the Plaintiff and the Defendant and yourself.

And take notice that if you wish to be heard on the said question
or issue or to dispute the Defendant's liability to the Plaintiff or your
liability to the Defendant you must cause an appearance to be entered
for you in the manner specified below within fifteen days after service of
this notice.

In default of your so doing you will be deemed to admit the validity
of and will be bound by any decision or judgment arrived at or given in
this action on the said question or issue and to admit any consequent
liability of yourself and judgment may be given against you and enforced
pursuant to the Rules of Court, 1938, Order 10.

Dated the _____ day of _____, 19 ____.

(Signed)

Advocate for Defendant.

N.B.—An appearance may be entered either personally or by advocate
by delivering to the Registrar at (c) _____ a memorandum of
appearance, and on the same day by delivering at the Plaintiff's and the
Defendant's addresses for service, namely _____ and _____
respectively, a duplicate of the memorandum dated, signed and sealed
by the Registrar.

(a) State address of third party, including street and number of premises, if any.

(b) State occupation, if known.

(c) State name of Registry in which is filed the action in which the third-
party notice is being issued.

No. 11.—ENDORSEMENT ON ORDER TO CARRY ON PROCEEDINGS
(O. 12, r. 5).

(Title of Action).

To (name of person added as Defendant by the order to continue the proceedings).

Take notice that from the time of the service of the within order upon you, you will be bound by the proceedings in the above action.

You may within ten days of the service of the within order upon you enter an appearance in the said action in the manner specified below; and in default of your so doing, the Plaintiff may proceed in the said action and judgment may be given in your absence.

(Signed)

Advocate for Plaintiff.

N.B.—An appearance may be entered either personally or by advocate by delivering to the Registrar at (a) a memorandum of appearance, and on the same day by delivering at the Plaintiff's address for service, namely , a duplicate of the memorandum dated, signed and sealed by the Registrar.

(a) Give the name of the town or village in the Registry of which the action is filed.

No. 12.—MEMORANDUM OF APPEARANCE (O. 16, r. 3).

In the District Court of No. of 19
Between A. B., Plaintiff,
and
C. D., Defendant.

The undermentioned Defendant enters an appearance in the above action.

He defends in person (a) ; or

The name of his advocate is

His address for service is (b)

Name of Defendant (c)

C. D. of

(Signed)

(d) Advocate for (d) Defendant.

I certify that the above memorandum was delivered to me to-day, the day of , 19 .

[L. S.]

Registrar.

(a) Strike out whichever of these alternatives is inapplicable.

(b) Give the full name, occupation and address of a person within the municipal limits of the town or village in which is situated the Registry in which the action is filed.

(c) Or Defendants if appearing by the same advocate in the same action at the same time: see O. 16, r. 6. In such a case the necessary changes for the plural should be made in the form.

(d) (d) Strike out the words between if inapplicable.

No. 12A.—FORM OF RETAINER GIVEN BY DEFENDANT (O. 16, r. 11).

I, (a) of (b) hereby authorize (c)
of (d) to defend me in Action No. instituted in the
Registry of (e), of the District Court of (f).

(g) I have not made any express agreement with the said advocate in regard to his remuneration, but will pay him according to the scales in the Rules of Court.

or

(g) I have made the following express agreement with the said advocate in regard to his remuneration. (*Set out the terms of remuneration agreed upon.*)

(Signed) (h)

N.B.—Where the client giving the retainer is illiterate the following attestation must be made:—

“ I certify that the contents of this retainer were read out by me to the above-named (i) and agreed to by him and that he thereupon affixed his mark thereto in my presence.”

(Signed)

Registrar, Certifying Officer, or two competent witnesses not being advocates' clerks
(as the case may be).

(a) State name, and (b) place of abode.

(c) State name, and (d) business address of advocate retained.

(e) Give the name of the Registry in which the action was instituted.

(f) Give the name of the District Court.

(g) Strike out whichever is not applicable. The client or, where he is illiterate, the witness or witnesses should initial the statement in regard to remuneration which is left as forming part of the retainer.

(h) Signature of client executing the retainer.

(i) Insert name of client giving the retainer

Note.—The retainer should be stamped as an agreement if it contains any express agreement in regard to the advocate's remuneration.

APPENDIX B.

ADVOCATES' FEES AND OTHER ALLOWANCES.

PART I.—ADVOCATES' FEES IN ACTIONS WITH CLAIMS RELATING TO NOT MORE THAN £25.

1. Where the subject matter or the amount recovered does not exceed £2 in value—		£	s.	p.
Preparing writ of summons and copies and necessary reply		-	5	0
Preparing defence		-	3	0
Preparing counter-claim, if any		-	2	0
Appearance at hearing :—				
If unopposed		-	3	0
If opposed		-	3	0
				{from
				{to
				-
				5
				0
Execution :—				
(a) On movables		-	1	0
(b) On immovables		-	3	0
2. Where the subject matter or the amount recovered exceeds £2 but not £5 in value—				
Preparing writ of summons and copies and necessary reply		-	6	0
Preparing defence		-	5	0
Preparing counter-claim, if any		-	3	0
Appearance at hearing :—				
If unopposed		-	5	0
If opposed		-	8	0
				{from
				{to
				-
				12
				0
Execution :—				
(a) On movables		-	2	0
(b) On immovables		-	3	0
				{from
				{to
				-
				8
				0
3. Where the subject matter or the amount recovered exceeds £5 but not £10 in value—				
Preparing writ of summons and necessary reply ..		-	7	0
Preparing defence		-	6	0
Preparing counter-claim, if any		-	4	0
Appearance at hearing :—				
If unopposed		-	7	0
If opposed		-	10	0
				{from
				{to
				1
				0
				0
Preparing affidavit		-	2	0
Execution :—				
(a) On movables		-	3	0
(b) On immovables		-	4	0
				{from
				{to
				-
				9
				0
4. Where the subject matter or the amount recovered exceeds £10 but not £25 in value—				
Preparing writ of summons, copies and reply, if necessary		-	10	0
Preparing defence		-	8	0
Preparing counter-claim, if any		-	4	0
Appearance at hearing :—				
If unopposed		-	12	0
If opposed for each day or part		-	1	0
				{from
				{to
				2
				10
				0
Summons to witness—in all		-	1	0
Necessary letter		-	2	0
Examining witnesses—each		-	2	0

	£	s.	p.
Attendance before Registrar	-	1	0
Notice to produce or any other notice or application ..	-	5	0
Preparing affidavit	-	2	0
Hearing of deferred judgment	-	5	0
Execution :—			
(a) On movables	-	3	0
(b) On immovables			
	{ from	-	5
	{ to	-	15

Provided that where the subject matter or the amount recovered does not exceed £15 the total fees down to and including judgment shall in no case exceed £4.

5. In applications generally (interpleader or otherwise)—

For filing the application - 4 0

On the hearing :—

When the property affected does not exceed £2 .. - 5 0

When the property affected exceeds £2 but not £5 .. - 7 0

When the property affected exceeds £5 but not £10 { from - 8 0

{ to - 15 0

When the property affected exceeds £10 .. { from - 10 0

{ to 1 0 0

6. In determining the scale applicable as between party and party the criterion shall be the amount awarded by the judgment in the case of a successful plaintiff, and in that of a successful defendant the value of the subject matter of the claim. In the case of a successful plaintiff the amount of advocates' fees allowed down to judgment shall not exceed the amount awarded thereby. If the action (or appeal) is settled when it comes on for hearing, the Court may allow fees as for hearing. As between party and party costs of execution of any one kind shall not be allowed more than once.

No costs shall be allowed for interlocutory applications as between party and party. As between advocate and client a sum of 5s. may be allowed where the Court is of opinion that the application was in the client's interests.

7.—(i) In appeals before the President of a District Court the following fees may be allowed :—

Where the subject matter or the amount recovered { from - 10 0
does not exceed £2 in value { to 1 0 0

Where the subject matter or the amount recovered { from - 15 0
exceeds £2 but not £5 in value { to 1 10 0

Where the subject matter or the amount recovered { from 1 0 0
exceeds £5 but not £10 in value { to 2 0 0

Where the subject matter or the amount recovered { from 1 5 0
exceeds £10 but not £25 in value { to 2 10 0

(ii) In appeals before the Supreme Court from decisions of the President of a District Court the following fees may be allowed :—

Where the subject matter or the amount recovered { from 1 0 0
does not exceed £2 in value { to 1 10 0

Where the subject matter or the amount recovered { from 1 5 0
exceeds £2 but not £5 in value { to 2 0 0

Where the subject matter or the amount recovered { from 1 10 0
exceeds £5 but not £10 in value { to 2 10 0

Where the subject matter or the amount recovered { from 1 15 0
exceeds £10 but not £25 in value { to 3 0 0

PART II.—ADVOCATES' FEES IN ACTIONS WITH CLAIMS RELATING TO MORE THAN £25.

Where the sum recovered or the subject matter of the claim—

does not exceed £50 but not £100 exceeds £50 but not £200 exceeds £100 exceeds £200

	£	s.	p.	£	s.	p.	£	s.	p.	£	s.	p.
1. Instructions to sue or defend	6	0		10	0		1	0	0	1	0	0
2. Preparing writ of summons :—												
(a) Where no statement of claim is filed, or the writ of summons is not specially endorsed	8	0		12	0		15	0		1	0	0
(b) Where the writ is filed with the statement of claim	10	0		12	0		0	15	0	1	10	0
3. Entering appearance; entering appearance with statement of defence and counter-claim, if any	1	0	0	1	15	0	1	15	0	3	0	0
4. Preparing and delivering statement of claim and reply to defence or counter-claim, if any, where item 2 (b) above does not apply	6	0		10	0		15	0		1	0	0
5. Preparing written statement of application when required by the Court or Judge and one copy	3	0		3	0		3	0		4	0	
6. Preparing notice to attend on hearing of application or action and one copy	4	0		6	0		8	0		10	0	
7. Attending Court or Judge to make <i>ex parte</i> application, when no notice is required :—												
In District Court	6	0		10	0		12	0		0	15	0
In Supreme Court	10	0		10	0		15	0		1	10	0
8. Applying by summons :—												
If unopposed (In District Court)	1	0	0	2	0	0	2	10	0	3	0	0
do. (In Supreme Court)	15	0		15	0		2	0	0	1	15	0
	1	0	0	1	10	0	2	0	0	2	10	0

Where the sum recovered on the subject matter of the claim—
 does not exceed £50 exceeds £50 but not £100 exceeds £100
 exceeds £50 but not £100 but not £200 exceeds £200

	£	s.	p.	£	s.	p.	£	s.	p.
from	-	10	0	1	0	0	1	10	0
to	1	10	0	3	10	0	4	0	0
from	-	5	0	-	10	0	-	15	0
to	1	0	0	1	10	0	2	0	0
from	2	0	0	3	0	0	4	0	0
to									

- 25. Attending arbitration not exceeding 3 hours
 do. do. For each additional hour
- 26. For perusing papers for appeal where the advocate did not appear in the trial Court
- 27. For attending the Court with a view to appearance at the hearing, where the hearing is adjourned for want of time; the minimum fee for appearance may be allowed, unless the Court otherwise directs.
- 28. If the action (or appeal) is settled when it comes on for hearing, the Court may allow fees as for hearing.
- 29. In proceedings for mandamus or upon originating summonses or other proceedings not provided for above, the Court shall specify the scale to be applied.
- 30. In determining the scale applicable the following shall be the criteria:—
 - (a) from commencement of action down to and including appearance or to obtaining judgment in default of appearance—the claim on the writ of summonses;
 - (b) after appearance and down to judgment—the amount or value actually in dispute between the parties as disclosed upon the pleadings;
 - (c) after judgment in respect of proceedings for execution—the amount for which execution is sought; and
 - (d) in respect of appeals—the amount or value of the subject matter involved in the appeal.

Given under the hand and official seal of the Governor and the hand of the Chief Justice at Nicosia, this 22nd day of December, 1938.

B. A. CREAN,
 Chief Justice.

(M.P. 593/37/3.)