

- 8 of 1910 this provision have been material under the Trade Marks Registration Law, 1910, or at common law, in ascertaining the rights of that person or any successor in title of his, or any rights claimed adversely to that person or any successor in title of his by any other person, in relation to any trade mark registered in that person's name, or any mark or get-up which he had used, before the time of the importation of the goods.
- 12 of 1892 5. For the purposes of any prosecution for an offence against the Merchandise Marks Law, 1892, in relation to any goods, neither the application to the goods of any mark nor the getting up of the goods in any way shall be treated as a false application thereto of a mark, or as an application thereto of a false trade description, if the person charged proves that the goods were essential imports and that that mark or get-up was, or was identical or nearly identical with, a mark or get-up applied overseas to the goods.
- 12 of 1892 6. For the purposes of any prosecution for an offence under the Merchandise Marks Law, 1892, in relation to the forging of a trade mark or to a forged trade mark, the making of a mark shall not be treated as a forging of that trade mark if the person charged proves either that it was a mark applied overseas to essential imports or that it was identical or nearly identical with a mark applied overseas to essential imports and that the purpose of making it was for application to those imports.
- 12 of 1892 7. Section thirteen of the Merchandise Marks Law, 1892, shall not have effect in relation to essential imports.
- 12 of 1892 8. For the purposes of proceedings for breach of a warranty deemed by virtue of section fourteen of the Merchandise Marks Law, 1892, to have been given in relation to any goods to which a trade mark or mark or trade description had been applied, it shall be a defence for the person sued to prove that the goods were essential imports and that that mark or description was, or was identical or nearly identical with, a mark or get-up applied overseas to the goods.
9. A certificate issued by a competent authority to the effect that any goods are or were essential imports, or that a mark or get-up was applied overseas to any goods, shall be conclusive for the purposes of these regulations.

Made at Nicosia, this 14th day of April, 1942.

(M.P. 1573/39.)

R. 42/167
No. 112. J

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940.

REGULATIONS MADE BY THE GOVERNOR.

C. C. WOOLLEY,
Governor.

I, the Governor, in exercise of the powers conferred by the Emergency Powers (Defence) Acts, 1939 and 1940, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940, do hereby make the following regulations:—

Gazettes :
Supplement
No. 3 :

3. 6.1940
7. 8.1940
23. 8.1940
9.10.1940
11.12.1940
29. 1.1941
30. 5.1941
18. 6.1941
23.10.1941
6.11.1941
15.12.1941
5. 2.1942
26. 2.1942
2. 4.1942

Insertion of
new regula-
tion 95A.

1. These regulations may be cited as the Defence (Amendment No. 4) Regulations, 1942, and shall be read as one with the Defence Regulations, 1940 to (No. 3) 1942 (hereinafter referred to as "the principal Regulations"), and the principal Regulations and these regulations may together be cited as the Defence Regulations, 1940 to (No. 4) 1942.

2. The following regulation shall be inserted in the principal Regulations immediately after regulation 95:—

"Special
tribunals.

95A.—(1) Notwithstanding anything in these regulations contained but without prejudice to the operation thereof the Governor may, if he sees fit, by order, establish in the Colony or in such part or area thereof as may be specified in the order, special tribunals which shall be composed and have jurisdiction as hereinafter provided.

(2) Every such tribunal shall be composed of such Puisne Judge, President of a District Court or District Judge as the Chief Justice may direct.

(3) Every such tribunal shall have jurisdiction to try summarily all offences against these regulations and power to impose any punishment which could be otherwise imposed by an Assize Court, President of a District Court or a District Judge, including sentence of death in respect of any offence against these regulations punishable with death.

(4) Every such tribunal shall have all the powers of an Assize Court with regard to any matter concerned with the trial of a criminal case (including power to administer oaths, summoning of witnesses and issuing process of Court).

(5) The proceedings of every such tribunal shall conform, as nearly as may be, with the practice and procedure observed by an Assize Court.

(6) The judgment of every such tribunal shall be final and conclusive and no appeal shall lie therefrom.

Provided that where any person has been sentenced to suffer death such person may appeal to the Supreme Court.

(7) For the purposes of paragraph (6) of this regulation the Supreme Court shall consist of not less than two Judges of the Supreme Court or one Judge of the Supreme Court and one President of a District Court or a District Judge, as the Chief Justice may direct, and the Supreme Court so constituted shall have all the powers of the Supreme Court constituted under the Courts of Justice Laws, 1935 to 1940."

Made at Nicosia, this 14th day of April, 1942.

(M.P. 10/42.)

No. 113.

THE DEFENCE (CONTROL OF SALE PRICES OF SCHEDULED ARTICLES)
CONSOLIDATION ORDERS, 1940 AND 1941.

NOTICE NO. 64 UNDER CLAUSE 13.

A.—The Schedule is hereby amended by the addition to Part 1 of the following condition:—

42/128
"Condition: Where sales of wheat are made by the Government the purchaser shall surrender to the Government on each occasion a number of empty bags in good condition equivalent to the number of bags purchased by him."

B.—The Schedule is hereby amended by the addition to Part 3 of the following condition:—

h.w. 42/128
"Condition: Where sales of flour are made by the Government the purchaser shall surrender to the Government on each occasion a number of empty flour bags in good condition equivalent to the number of bags purchased by him."

C.—The Schedule is hereby amended by the deletion therefrom of Part 25 and the substitution therefor of the following Part:—

"PART 25.—IMPORTED SULPHUR.

| (1) | (2) | (3) | (4) |
|------------------|-------------------------------|---------------------------------------|--------------------------------|
| | Price at Limassol town | Price at all other towns or villages. | Price for any lesser quantity. |
| Imported Sulphur | 33s. per bag of 50 kilograms. | 34s. per bag of 50 kilograms. | 8 piastres per oke. |

Limitation: No person who has in his possession or under his control more than one bag of sulphur of approximately 39 okes shall refuse to sell by wholesale."

D.—The Schedule is hereby amended by the addition thereto of the following part:—

"PART 45.—EGGS SOLD BY THE DEPARTMENT OF AGRICULTURE FOR HATCHING:

| | |
|---|-----------------------------|
| Eggs sold by the Department of Agriculture for hatching | Price. 2 piastres each." |
|---|-----------------------------|

B. J. SURRIDGE,
Controller of Supplies,
Competent Authority.