



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 2985 OF 2ND APRIL, 1942.

SUBSIDIARY LEGISLATION.

No. 83. THE RULES OF COURT, 1942.

C. C. WOOLLEY,
Governor.

In exercise of the powers vested in the Governor by clause 217 of the Cyprus Courts of Justice Order, 1927, and of every other power enabling him in this behalf, and with the advice and assistance of the Chief Justice, His Excellency the Governor has been pleased to make and hereby makes the following rules:—

1. These rules may be cited as the Rules of Court, 1942, and shall be read as one with the Rules of Court, 1938 to (No. 4) 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 1942.

2. Part I of Appendix C to the principal Rules shall be replaced by the Part set out in the First Schedule hereto.

3. Items 1 to 8 (both inclusive) of Part II of Appendix C to the principal Rules shall be replaced by the corresponding items set out in the Second Schedule hereto.

FIRST SCHEDULE.

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

		£	s.	p.
1. Where the subject matter or the amount recovered does not exceed £2 in value—				
Preparing writ of summons and copies and necessary reply			6 0
Preparing defence			4 0
Preparing counter-claim, if any			2 0
Appearance at hearing:—				
If unopposed			5 0
If opposed			5 0
				10 0
Execution:—				
(a) On movables			2 0
(b) On immovables			5 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			10 0
Preparing defence			7 0
Preparing counter-claim, if any			4 0
Appearance at hearing:—				
If unopposed			7 0
If opposed			12 0
				18 0
Execution:—				
(a) On movables			2 0
(b) On immovables			7 0
				10 0
3. Where the subject matter or the amount recovered exceeds £5 but not £10 in value—				
Preparing writ of summons and necessary reply			12 0
Preparing defence			8 0
Preparing counter-claim, if any			5 0

	£	s.	p.
Appearance at hearing :—			
If unopposed			- 10 0
If opposed			- 15 0
			1 5 0
			- 2 0
Preparing affidavit			
Execution :—			
(a) On movables			- 3 0
(b) On immovables			- 9 0
			- 15 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			- 15 0
Preparing defence			- 10 0
Preparing counter-claim, if any			- 6 0
Appearance at hearing :—			
If unopposed			- 15 0
If opposed, for each day or part			1 15 0
			3 0 0
			- 3 0
Summons to witness—in all			- 2 0
Necessary letter			- 3 0
Examining witnesses—each			- 1 0
Attendance before Registrar			- 5 0
Notice to produce or any other notice or application			- 4 0
Preparing affidavit			- 8 0
Hearing of deferred judgment			
Execution :—			
(a) On movables			- 3 0
(b) On immovables			- 10 0
			1 5 0

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 £6.

5. In applications generally (interpleader or otherwise)—

For filing the application			- 6 0
On the hearing :—			
When the property affected does not exceed £2			- 8 0
When the property affected exceeds £2 but not £5			- 12 0
When the property affected exceeds £5 but not £10			- 15 0
			1 5 0
			1 0 0
When the property affected exceeds £10			1 15 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 against movables shall not be allowed more than once but in the case of execution against immovables the costs of a second or subsequent application shall be at the discretion of the Court.

No costs shall be allowed for interlocutory applications as between party and party. As between advocate and client a sum of 8s. 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 does not exceed £2 in value			- 15 0
Where the subject matter or the amount recovered exceeds £2 but not £5 in value			1 0 0
Where the subject matter or the amount recovered exceeds £5 but not £10 in value			1 15 0
Where the subject matter or the amount recovered exceeds £10 but not £25 in value			1 10 0
			2 10 0
			2 0 0
			3 0 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 does not exceed £2 in value			1 5 0
Where the subject matter or the amount recovered exceeds £2 but not £5 in value			2 0 0
Where the subject matter or the amount recovered exceeds £5 but not £10 in value			1 10 0
Where the subject matter or the amount recovered exceeds £10 but not £25 in value			2 10 0
			2 0 0
			3 0 0
			2 10 0
			4 0 0

SECOND SCHEDULE.

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

	does not exceed £50		exceeds £50 but not £100		exceeds £100 but not £200		exceeds £200	
	£	s. p.	£	s. p.	£	s. p.	£	s. p.
1. Instructions to sue or defend	from	10 0	from	15 0	from	1 5 0	from	1 10 0
	to	1 0 0	to	1 5 0	to	1 10 0	to	2 0 0
2. Preparing writ of summons :—								
(a) Where no statement of claim is filed, or the writ of summons is not specially endorsed ..		15 0		1 0 0		1 5 0		1 10 0
(b) Where the writ is filed with the statement of claim	from	15 0	from	1 0 0	from	1 5 0	from	2 0 0
	to	1 10 0	to	2 0 0	to	2 10 0	to	4 0 0
3. Entering appearance; entering appearance with statement of defence and counter-claim, if any ..	from	12 0	from	15 0	from	1 5 0	from	1 10 0
	to	1 0 0	to	1 10 0	to	2 0 0	to	3 10 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	from	15 0	from	1 0 0	from	1 5 0	from	1 10 0
	to	1 5 0	to	1 15 0	to	2 0 0	to	3 0 0
5. Preparing written statement of application when required by the Court or Judge and one copy	from	5 0	from	5 0	from	6 0	from	8 0
	to	8 0	to	10 0	to	12 0	to	1 0 0
6. Preparing notice to attend on hearing of application or action and one copy		2 0		2 0		2 0		2 0
7. Attending Court or Judge to make <i>ex parte</i> application, when no notice is required—								
In District Court	from	6 0	from	10 0	from	12 0	from	15 0
	to	10 0	to	1 0 0	to	1 5 0	to	1 10 0
In Supreme Court	from	10 0	from	10 0	from	15 0	from	1 0 0
	to	1 0 0	to	2 0 0	to	2 10 0	to	3 0 0
8. Applying by summons :—								
If unopposed (In District Court)		1 0 0		1 10 0		2 0 0		2 10 0
do. (In Supreme Court)		1 5 0		2 0 0		2 10 0		3 0 0
If opposed—per day or part thereof (In District Court)	from	1 0 0	from	1 10 0	from	1 15 0	from	2 0 0
	to	1 10 0	to	3 0 0	to	4 0 0	to	5 0 0
If opposed—per day or part thereof (In Supreme Court)	from	1 10 0	from	2 0 0	from	3 0 0	from	3 0 0
	to	3 0 0	to	4 0 0	to	6 0 0	to	8 0 0

Given under the hand and official seal of the Governor and the hand of the Chief Justice at Nicosia, this 7th day of March, 1942.

(M.P. 593/37/5.)

B. A. CREAN,
Chief Justice.

No. 84. THE DEFENCE REGULATIONS, 1940 TO (No. 2) 1942.

DELEGATION OF POWER UNDER PARAGRAPH (5) OF REGULATION 66.

C. C. WOOLLEY,
Governor.

I, the Governor, in exercise of the powers conferred by paragraph (5) of regulation 66 of the Defence Regulations, 1940 to (No. 2) 1942, do hereby depute the persons for the time being holding the office designated in the second column of the Schedule hereto to exercise and perform on my behalf the powers mentioned in the first column of the said Schedule which I am empowered to exercise and perform under the provisions of paragraphs (1), (2), (3) and (4) of regulation 66 of the Defence Regulations, 1940 to (No. 2) 1942.

SCHEDULE.

The power to requisition—	The Commissioner of each District.
(a) any cattle, sheep, goats and swine; ✓ (b) milk—cows, sheep and goats; and the power connected with such requisitioning conferred by paragraphs (1), (2), (3) and (4) of regulation 66 of the Defence Regulations, 1940 to (No. 2) 1942.	

Made at Nicosia, this 26th day of March, 1942.

(M.P. 890/41.)