

No. 65.

THE EMERGENCY LAWS (TRANSITIONAL PROVISIONS)  
(COLONIES, ETC.) ORDER IN COUNCIL, 1946.

ORDER MADE BY THE ACTING GOVERNOR.

R. E. TURNBULL,  
*Acting Governor.*

I, the Acting Governor, in exercise of the powers conferred on the Governor by the Emergency Laws (Transitional Provisions) (Colonies, etc.) Order in Council, 1946, do hereby make the following order:—

*Gazette:  
Supplement  
NO. 2A:  
23.2.1946.*

1. This Order may be cited as the Emergency Laws (Transitional Provisions) (Cyprus) Order, 1946.

*Short title.*

2. In this Order—

*Definitions.*

“the Acts” means the Emergency Powers (Defence) Acts, 1939 and 1940, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939, the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1942;

“Defence Regulations” means any regulations made by the Governor under the Acts.

3. The Defence Regulations in the Schedule hereto, the full text whereof, as adapted for the purposes of this Order, is set out in such Schedule, shall, notwithstanding the expiry of the Acts, continue in force until the thirty-first day of December, 1947.

4. This Order shall come into operation on the 24th day of February, 1946.

SCHEDULE.

*Text of Defence Regulations.*

2.—(1) For the purpose of these regulations, unless the context otherwise requires—

*Interpretation.*

“aircraft” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 and 1936;

“ammunition” means ammunition for any firearm as defined in the Firearms Laws, 1933 to 1942, and includes grenades, bombs and other like missiles, whether capable of use with such a firearm or not;

*31 of 1933  
to  
19 of 1942*

“essential services” means such services as may for the time being be declared by Order of the Governor to be of public utility or essential to the life of the community;

“explosive” has the same meaning as “explosive substance” in the Explosive Substances Law, 1939;

*20 of 1939.*

“land” includes—

(a) land covered with water;

(b) buildings, houses and other erections, or parts thereof;

(c) standing trees or timber or growing crops or grass;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;

“ship” and “vessel” have respectively the same meanings as in the Merchant Shipping Act, 1894, but shall not include a ship or vessel belonging to His Majesty;

(2) The Interpretation Law, 1935, shall apply to the interpretation of these regulations, and of any orders or rules made thereunder, as it applies to the interpretation of a law, and these regulations and such orders and rules as aforesaid shall, for the purposes of the said Law, be deemed to be laws.

*26 of 1935.*

*Exempted  
from  
Section 26 of  
the  
Interpretation  
Law,  
1935,  
in  
accordance  
with  
the  
Order  
in  
Council  
of  
the  
24th  
day  
of  
February,  
1946.*

(3) Any reference in any document to these regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these regulations or to that regulation, as amended by any subsequent regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council 1939, the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1942.

28 of 1937.

(4) The Public Bodies and Public Offices (Appointments) Law, 1937, shall not apply to any appointments or nominations made for the purposes of any of these regulations.

Competent Authority.

3.—(1) The Competent Authority shall be the person appointed by the Governor in writing for the purposes of all or any of the regulations in which such expression occurs, and any person so appointed is in these regulations referred to as the Competent Authority.

(2) Where the holder of a designated office has been appointed to be the Competent Authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

Authorized officer.

4. An "authorized officer" means any officer of police, and also for the purposes of regulations 40 and 88, a person holding a commission in any of His Majesty's Forces.

Causing disaffection.

27.—(1) No person shall—

(a) endeavour to seduce from their duty persons engaged in His Majesty's service, or in the performance of essential services or to induce any person to do or omit to do anything in breach of his duty as a person so engaged, or

(b) with intent to contravene, or to aid, abet, counsel or procure a contravention of, sub-paragraph (a) of this paragraph, have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

(2) A prosecution for an offence against this regulation shall not be instituted except with the consent of the Attorney-General.

Control of places of public resort and entertainment.

33.—(1) The Competent Authority may, by order require any establishment situated within any town, village or area specified in the order to be closed and remain closed, except during such hours and for such purposes as may be specified in the order.

(2) If the provisions of any order made under paragraph (1) of this regulation are contravened by any person in any establishment the manager or the person in charge thereof shall be deemed to have also contravened the provisions of such order unless he proves to the satisfaction of the Court that he took all reasonable means and precautions to prevent such contravention.

(3) Any order made under paragraph (1) of this regulation may, in addition to any other penalty provided by these regulations, make provision for the cancellation of any licence issued under any Law relating to the sale of intoxicating liquor by retail to any person for any establishment upon the conviction by any Court of the manager or the person in charge of the establishment for a contravention of such order.

(4) In this regulation—

“establishment” means any bar in any hotel, any cabaret, cinematograph theatre, club, coffee-shop, confectioner’s shop, restaurant, theatre and any other place or premises of public resort or entertainment whatsoever.

38. The Governor may make provision by order for securing that, subject to any exemptions for which provision may be made by the order,—

- (a) no person shall, on coming by sea or by air from a place outside the Colony, disembark in the Colony from any vessel or aircraft elsewhere than at a place specified in the order ;
- (b) no person shall, for the purpose of proceeding by sea or by air to a destination outside the Colony, embark in the Colony on any vessel or aircraft elsewhere than at a place so specified ;
- (c) no person shall proceed from the Colony to a destination outside it, except under the authority of a written permit granted by such authority or person as may be specified in the order.

Entering  
and leaving  
the Colony.

40.—(1) If, as respects any premises, place or area, it appears to the Governor to be necessary or expedient, in the interests of defence or the protection of the public, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorized persons, he may by order declare such premises, place or area to be a protected place for the purposes of these regulations ; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made by the order, be in such premises, place or area without the permission of such authority or person as may be specified in the order.

Protected  
places.

Any premises, place or area in relation to which an order made under this regulation is in force are hereafter in these regulations referred to as “a protected place”.

(2) Where, in pursuance of this regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Governor or by the authority or person granting the permission ; and an authorized officer, or any person authorized in that behalf by the occupier of the protected place, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this regulation, or, while in such a place, fails to comply with any direction given under this regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorized officer or any person authorized in that behalf by the occupier of the protected place.

42. Without prejudice to any other of these regulations the Governor may, as respects—

Controlled  
areas.

- (a) any protected place, or
- (b) any place in relation to which it appears to the Governor to be necessary to take special precautions owing to the presence in that place of members of His Majesty’s Forces or munitions of war,

make such rules regulating the conduct of persons in the said place or area as he thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of

members of His Majesty's Forces therein, or for facilitating the enforcement therein of these regulations ; and a rule made in relation to any place by virtue of (b) as above may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the rule.

Handling and conveyance of ammunition, etc., in ports.

59.—(1) No restriction imposed by any law in relation to any port in the Colony shall apply to the shipping, unshipping, handling, storage or conveyance of ammunition, explosives or inflammable substances in the service of His Majesty or under instructions given by the Governor, but the Governor may by order make such provision as appears to him to be required in the interests of safety for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances as aforesaid in any such area.

(2) Any reference in this regulation to shipping or to unshipping shall be construed as including a reference to putting on board seaplanes or to unloading from seaplanes, as the case may be.

Power to do work on land.

62.—(1) Any member of His Majesty's Forces acting in the course of his duty as such, and any person authorized by the Competent Authority to act under this regulation, may, for any purpose connected with the demolition and clearance of property damaged by war operations, do any work on any land or place anything in, on or over any land.

(2) The Competent Authority, if it appears to that authority to be necessary or expedient so to do for any purpose connected with the demolition and clearance of property damaged by war operations, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person (other than a servant of His Majesty or police constable acting in the course of his duty as such) shall, except with permission granted by or on behalf of the Competent Authority, remove, alter or tamper with any work done, or thing placed, in, on or over any land in pursuance of this regulation.

(4) For the purpose of this regulation, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land, the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in pursuance of this regulation.

Retaining possession of land.

63.—(1) The Competent Authority, if it appears to that authority to be necessary or expedient so to do for the purposes of the public service or for any purpose for which any land was taken or used in the exercise of the emergency powers, may retain possession of such land, and may give such directions as appear to the Competent Authority to be necessary or expedient in connection with the retention of possession of the land.

(2) While any land is in the possession of the Competent Authority by virtue of this regulation, the land may, notwithstanding any restriction imposed on the use thereof (whether by any law or other instrument or otherwise), be used by, or under the authority of, the Competent Authority for such purpose, and in such manner, as that authority thinks expedient for any of the purposes set out in paragraph (1) of this regulation ; and the Competent Authority, so far as appears to him to be

necessary or expedient in connection with the retention of possession or use of the land in pursuance of this paragraph,—

- (a) may do, or authorize persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest, and
- (b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(3) The owner or occupier of any land shall, if requested by or on behalf of the Competent Authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land (being information which may reasonably be demanded of him in connection with the execution of this regulation) as may be so specified.

(4) In this regulation—

“emergency powers” means emergency powers for the purposes of the Compensation (Defence) Law, 1940, exercised whilst the 24 of 1940. Acts were in force.

64. Without prejudice to any other of these regulations, the Governor may by order authorize, subject to any restrictions and conditions imposed by the order, the use of any land specified therein for military purposes, for air force purposes or for any of the purposes of His Majesty's Navy, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the Governor to be necessary or expedient for the purposes thereof, provide—

Use of land  
for purposes  
of H. M.  
Forces.

- (a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order, and
- (b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in such land or otherwise.

65. Any member of His Majesty's Forces acting in the course of his duty as such, and any person authorized by the Competent Authority to act under this regulation,—

Entry and  
inspection  
of land.

- (a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by regulations 62, 63 and 64,
- (b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land, and
- (c) may, for any of the purposes of regulations 62, 63 and 64, pass (with or without animals or vehicles) over any land.

85. If any person—

- (a) in answer to any request made in pursuance of any of these regulations, or any order made under any of these regulations, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or

False  
statements.

(b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of these regulations to make, he shall be guilty of an offence.

- Obstruction. 86. No person shall obstruct any servant of His Majesty, a police constable acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these regulations, or otherwise discharging any lawful functions in connection with these regulations.
- Restrictions on disclosing information. 87. No person who obtains any information by virtue of these regulations shall, otherwise than in connection with the execution of these regulations or of an order or rule made under these regulations, disclose that information except with permission granted by the Governor.
- Licences, permits, etc. 88. Any licence, permit or permission granted for the purposes of any of these regulations may be revoked at any time by the authority or person empowered to grant it.
- Fees for licences, etc. 89. There may be charged in respect of the grant, renewal or issue of any licence, permit or other document for the purposes of any of these regulations, or any order made under any of these regulations such fee, not exceeding five pounds, as the Governor may by order determine.
- Parties to offences. 92. For the purposes of any offence against these regulations each of the following persons shall be deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged and tried with actually committing the offence and may be punished accordingly, that is to say:—
- (a) every person who actually does the act or makes the omission which constitutes the offence;
  - (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
  - (c) every person who procures, aids or abets another person in committing the offence;
  - (d) every person who solicits or incites or endeavours to persuade another person to commit the offence;
  - (e) every person who does any act preparatory to the commission of the offence;
  - (f) every person who attempts to commit the offence.
- Offences by corporations. 93. Where a person convicted of an offence against any of these regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.
- Offences and penalties. 94. Subject to any special provisions contained in these regulations, any person who—
- (a) contravenes or fails to comply with any of these regulations or any order or rule made under any of these regulations or any direction given or requirement imposed under any of these regulations or under any order or rule made under any of these regulations or who does any act which is declared to be an offence under any of these regulations; or

(b) knowingly misleads, or otherwise interferes with or impedes any officer or other person exercising any powers or performing any duties conferred or imposed on him by or under any of these regulations,  
shall be guilty of an offence against these regulations and shall be tried by the President of a District Court or a District Judge and on conviction shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

95. Proceedings in respect of an offence alleged to have been committed by a person against any of these regulations may be taken before the District Court of the place where the offence has been committed or where that person is for the time being. Legal proceedings.

97. Where any work is done in the exercise of powers conferred by any of these regulations, then, if and so far as the work was work which, apart from the provisions of these regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown. Recovery of expenses.

98. A provision made in, or a direction or determination made or given in pursuance of, any of these regulations or any order under these regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under a law; and any such body corporate to whom any functions are entrusted under or by virtue of these regulations shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from these regulations, is imposed by any law or other instrument determining the functions of that body. Entrusting of functions to statutory bodies.

100. Without prejudice to any special provisions contained in these regulations, a notice to be served on any person for the purposes of any of these regulations may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business. Service of notices.

101. If any person shall, by obeying any order or requisition made under these regulations, be prevented from fulfilling any contract, such person shall not be deemed to have thereby committed a breach of contract, but such contract shall be deemed to be suspended by such order or requisition so far as its fulfilment is thereby rendered impossible. Effect of Orders, etc., on Contracts.

102. Any power conferred by any of these regulations to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules. Revocation and variation of orders, etc.

Sub-section (2) of section 11 of Law 26 of 1935 to apply to revocation of previous regulations.

105.—(1) Sub-section (2) of section 11 of the Interpretation Law, 1935, (which relates to the effect of repeals) shall apply with respect to revocation by these regulations of any provisions of any previous regulations as it applies to the repeal by any law passed after the commencement of that law or any other enactment.

(2) Any order, rules or appointment made, permit granted, warrant issued or directions or authority given, by virtue of any provisions of any regulation revoked by these regulations which is in force at the date of the coming into operation of these regulations shall continue in force and have effect as if made, granted, issued or given by virtue of these regulations; but if or in so far as any such order, rule, appointment, permit, warrant, directions or authority is inconsistent with the provisions of these regulations it shall be revoked as soon as may be after the coming into operation of these regulations.

(3) Any reference to any regulation revoked by these regulations contained in any Law or public instrument or in any order or document issued or made thereunder shall, unless the contrary intention appears, be construed as a reference to the corresponding regulation of these regulations whether the revoked regulation has been re-introduced in these regulations with or without modification.

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Made at Nicosia, this 23rd day of February, 1946.