

No. 256. THE BOMBARDMENT RANGE AREAS LAW, 1948.

THE BOMBARDMENT RANGE AREAS TRIBUNAL RULES, 1950.

In exercise of the powers vested in it by section 6 (2) (a) of the Bombardment Range Areas Law, 1948, the Tribunal, with the concurrence of the Governor, hereby makes the following rules :—

1. These rules may be cited as the Bombardment Range Areas Tribunal Rules, 1950. Short title.

2. In these rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, respectively, that is to say :— Interpretation.

“ the Law ” means the Bombardment Range Areas Law, 1948 ;

“ the Tribunal ” means the Tribunal constituted under the Law ;

“ the Registrar ” means the officer appointed by the Tribunal to carry out the duties of Registrar of the Tribunal under these rules ;

“ reference ” means proceedings for the determination of a dispute or claim which has been referred to the Tribunal under these rules ;

“ the Authority ” means the Authority which is concerned with the settlement of the dispute or claim which is the subject of a reference.

3.—(a) Claims for compensation under section 7 of the Law shall be made by notice in Form 1 of the Schedule to these rules. Notification and presentation of claims for compensation.

(b) Every such notice shall be signed by the claimant or by a person duly authorized by the claimant, on his behalf, and shall be delivered in duplicate to such person as the Authority concerned with the settlement of claims under the Law shall direct or, failing any such direction, to such Authority.

4.—(a) Where a dispute as to whether any compensation is payable under the Law, or as to the amount of any compensation so payable, has arisen and has not been settled by agreement, the person claiming compensation (hereinafter referred to as “ the Claimant ”) shall furnish the Authority with a statement (hereinafter referred to as “ the Statement of Claim ”) together with three copies thereof, setting out clearly all reasonable particulars of his claim, the facts relied upon by the Claimant in support thereof, and the amount of compensation claimed by him, and further, stating as fully as possible the grounds on which the amount, if any, offered to the Claimant by the Authority by way of compensation was not accepted.

(b) The Authority shall, after receipt of the Statement of Claim, notify the Tribunal of the claim in manner provided by this rule, and upon such notification the dispute shall be a dispute referred to the Tribunal for determination under the Law.

(c) Notification of the claim shall be given by filing with the Registrar an application in Form 2 in the Schedule to these rules (together with three copies thereof), signed by the party making the application (hereinafter referred to as “ the Applicant ”) or the Applicant’s agent.

(d) There shall be filed with the application (i) three copies of the notice of claim previously sent by the Claimant to the Authority in accordance with rule 3 of these rules, (ii) three copies of the Claimant’s Statement of Claim ; and (iii) a statement by the Authority (hereinafter referred to as “ the Statement of Defence ”), together with three copies thereof, containing the answer of the Authority to the claim and setting out clearly which of the particulars contained in the Claimant’s Statement of Claim are admitted and which are disputed ; the amount of compensation, if any, which is admitted by the Authority to be payable,

showing to what items in the Statement of Claim such compensation relates; the sum attributable to each item and how such sum is arrived at; and further, stating as fully as possible, the grounds relied upon by the Authority in support of the amount, if any, offered to the Claimant by way of compensation.

(e) When an application has been filed pursuant to paragraph (c) of this rule the Registrar shall send by post or otherwise notice thereof to the Claimant named in the application as the other party to the dispute, together with a copy of the application and of the Statement of Defence filed under paragraph (d) of this rule.

Address for service.

5. Every party to a reference shall furnish to the Registrar and to the other parties an address within the Colony to which communications relating to the reference may be sent to the party. In the case of the Applicant the address shall be stated in the application. Other parties shall furnish the address by post as soon as they receive notice of the application.

Particulars.

6. The Tribunal may, of its own motion or upon application by any party, order a further and better statement of the nature of any claim or answer to claim, or further and better particulars of any matter contained in any notice of claim, Statement of Claim, Statement of Defence or other written proceeding filed under these rules, upon such terms as to costs or otherwise as may be just. Three copies of any statement or particulars supplied pursuant to a request or order under this rule shall be filed with the Registrar and copies sent to the other parties to the reference.

Amendment.

7. The Tribunal may by order made at any stage of the reference allow any party to amend his notice of claim or any statement or other written proceeding filed under these rules, in such manner and on such terms as may be just.

Change of parties.

8.—(a) The Tribunal may at any state of the reference either with or without the application of any party, or on the application of a person seeking to be added as a party, and on such terms as may be just, order that any person having an interest in the reference whose presence before the Tribunal may be necessary in order to enable the Tribunal effectually and completely to determine any question raised in the reference be added as a party:

Provided that no person shall be added as a party except with his written consent thereto which shall be filed with the Registrar.

(b) Where such an order has been made the Tribunal may give such directions as to the filing of any further or amended notice of claim, statement, or other written proceeding and the service thereof and as to the subsequent course of the reference as the Tribunal may think proper.

(c) Notice of an order discharging or adding a party, under this rule, shall be sent to such party by the Registrar.

Date and place of hearing.

9.—(a) As soon as may be after the filing of the statement containing the answer of the Authority or of the Claimant, as the case may be, under rule 4, the Registrar shall communicate with the parties to the reference for the purpose of fixing an agreed date and place for hearing. If the parties fail to agree on a date and place satisfactory to the Tribunal, the Tribunal shall fix the date and place and the Registrar shall communicate the same to the parties.

(b) When any dispute or claim which has been referred to the Tribunal is settled by agreement between the parties the applicant shall give immediate notice thereof to the Registrar.

10.—(a) Any party may by notice in writing at any time not later than fourteen days before the hearing call upon any other party to admit any document specified in the notice, saving all just exceptions, and if the other party desires to challenge the authenticity of the document he shall within six days after receipt of such notice give notice that he does not admit the document and requires it to be proved at the hearing. Notice to admit documents.

(b) If such other party omits to give notice of non-admission within the time prescribed in paragraph (a) of this rule he shall be deemed to have admitted the document unless the Tribunal otherwise orders.

(c) Where a party gives notice of non-admission under paragraph (a) of this rule and the document is proved at the hearing, the costs of proving the document shall be paid by the party who has given notice of non-admission unless the Tribunal otherwise orders.

11.—(a) Any party may by notice in writing at any time not later than fourteen days before the hearing call on any other party to admit, for the purposes of the reference only, any specific fact or facts specified in the notice, and if the other party desires to dispute any fact so specified he shall within six days after receipt of such notice give notice that he does not admit the fact. Notice to admit facts.

(b) If such other party omits to give notice of non-admission within the time prescribed in paragraph (a) of this rule he shall be deemed to have admitted the fact unless the Tribunal otherwise orders.

(c) Where a party gives notice of non-admission under paragraph (a) of this rule and the fact is proved at the hearing, the costs of proving that fact shall be paid by the party who has given notice of non-admission unless the Tribunal otherwise orders.

(d) Any admission made in pursuance of a notice under paragraph (a) of this rule is to be deemed to be made only for the purposes of the particular reference and not as an admission to be used against the party or any other occasion or in favour of any person other than the party giving the notice.

(e) The Tribunal may at any time allow any party to amend or withdraw any admission made under this rule on such terms as may be just.

12. The Tribunal may at any stage of the reference order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing on such conditions as the Tribunal may think reasonable, or that any witness whose attendance at the hearing ought for some sufficient cause to be dispensed with, be examined on oath before a person to be nominated in the order : Evidence given by affidavit or before an examiner.

Provided that where it appears to the Tribunal that any party reasonably desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

13. The Tribunal may at any stage of the reference order that evidence of any particular fact or facts, to be specified in the order, shall be given at the hearing by statement on oath of information and belief, or by production of documents or entries in books, or by copies of documents or entries or otherwise as the Tribunal may direct. Proof of particular facts.

14. The Tribunal may if in any particular case it thinks it right so to do take into consideration any matter which it considers relevant to the subject of the inquiry before it, notwithstanding that the matter is not admissible in evidence under the law relating to evidence. Matter not admissible under the law of evidence.

15. The Tribunal may if in any particular case it thinks fit so to do order that no more than a specified number of expert witnesses may be called. Expert witnesses.

Orders to attend and give evidence and to produce documents.

16.—(a) An order directing any person to attend and give evidence or to produce documents shall be in Form 3 of the Schedule to these rules with such variations as circumstances may require.

(b) The party desiring such an order shall make application therefor by letter addressed to the Registrar and enclosing a draft of the order desired. Each draft shall contain the name of one witness only. If the order is made by the Tribunal the draft shall be dated and signed by the Registrar as the order of the Tribunal and returned by him to the party applying for the same.

(c) The party shall cause the order to be served on the witness personally a reasonable time before the hearing.

(d) There shall be paid or tendered to the witness at the time of service a sum reasonably sufficient to cover his expenses in travelling to and from the place of hearing.

Assessors.

17. Hearings with assessors shall take place in such manner and upon such terms as the Tribunal shall direct.

Report of expert.

18. An expert report pursuant to section 6 (2) (e) of the Law may be obtained by the Tribunal either before the hearing or in the course of the hearing and pending an adjournment thereof. A copy of the report shall be sent by the Registrar to each party to the reference before the hearing or the adjourned hearing, as the case may be.

Adjournments and separate hearings.

19. The Tribunal if it thinks it expedient in the interests of justice so to do may postpone or adjourn the hearing for such time and to such place and upon such terms, if any, as it thinks fit, or may order that different questions arising in the reference be heard at such different time or in such order or at such different places as the circumstances of the case may require.

Right of audience.

20. In any proceedings before the Tribunal any of the following persons may address the Tribunal, namely :—

(a) Any party to the reference ;

(b) Any advocate retained by or on behalf of any party ;

(c) Any other person allowed by leave of the Tribunal to appear instead of any party.

Award.

21. The decision of the Tribunal in the reference (in these rules referred to as "the award") shall be in writing and signed by the members of the Tribunal before whom the hearing took place. A copy of the award certified by the Registrar shall be sent by him to each of the parties to the reference.

Costs.

22. The award may direct to and by what party or parties the costs or any part of the costs of the reference shall be paid, and may either assess the sum to be paid or direct in what manner and by whom such sum is to be assessed.

Time.

23. The time appointed by these rules or fixed by any order for doing any act or taking any step in the reference may be enlarged by consent of the parties or may be enlarged or abridged by the Tribunal upon such terms, if any, as the justice of the case may require, and such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

Use of post.

24. Where by these rules any document is required to be filed or any communication is required to be made or any document transmitted by the Registrar or by any party the same may be done by sending the document or communication by registered post.

Non-compliance with rules.

25. Non-compliance with any of these rules shall not render any proceedings in the reference void unless the Tribunal shall so direct, but such proceeding may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the Tribunal shall think fit.

SCHEDULE.

FORM 1.

The Bombardment Range Areas Law, 1948.

NOTICE OF CLAIM FOR COMPENSATION.

1. Name of claimant.
Address.
Business or description.
 2. Situation and precise description of the property or rights damaged or injured.
 3. Value of property or rights at date damage or injury occurred.
 4. Date when damage or injury occurred.
 5. Particulars of claim showing in detail—
 - (a) the items of damage to the property and/or rights and injury to the person in respect of which compensation is claimed ;
 - (b) the amount claimed as equal to the cost of making good each of such items of damage.
- Dated the day of , 19 .
- Signature of claimant.
Name and address of advocate (if any).

FORM 2.

NOTIFICATION OF CLAIM FOR COMPENSATION.

In the matter of the Bombardment Range Areas Law, 1948,
and

In the matter of a dispute between

A.B. (*name, address and description of claimant*)

Claimant

and

C.D. (*name of Authority*)

Authority.

1. On the day of notice of claim for compensation under rule 3 was given to the Authority by the Claimant in respect of (*indicate the nature and subject matter of the claim sufficiently to enable it to be identified*).

2. A dispute has arisen between the above-mentioned parties as to whether compensation is payable under the Law in respect of the said claim or as to the amount of compensation so payable.

3. The said dispute has not been settled by agreement.

4. Application is hereby made by (*name of Authority*) for the determination of the dispute by the Tribunal pursuant to the provisions of the Law.

5. The following documents are attached in accordance with rule 4 (*d*) of the Bombardment Range Areas Tribunal Rules, 1950 :—

- (a) 3 copies of the Notice of Claim ;
- (b) 3 copies of the Statement of Claim ;
- (c) 3 copies of the Statement of Defence.

Dated the day of , 19 .

(Signed).....

Authority.

To the Registrar of the Tribunal.

Address to which communication relating to the reference may be sent to applicant :—

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FORM 3.

ORDER TO ATTEND AND GIVE EVIDENCE BEFORE THE TRIBUNAL AND TO PRODUCE DOCUMENTS.

In the matter of the Bombardment Range Areas Law, 1948, and

In the matter of a dispute between A.B. (name, address and description of claimant)

Claimant

and

C.D. (name of Authority)

Authority.

To

of

You are hereby commanded to attend the Tribunal at on the day of 19 , at the hour of in the noon, and so from day to day until the hearing of the above reference, to give evidence therein * (and also to bring with you and produce the documents hereunder specified). (Insert list of documents required to be produced.)

Dated the day of , 19

Registrar.

This Order was made on the application of

* Delete if inapplicable.

M. ZEKIA, President.

P. M. TSERIOTIS, Member.

A. RATIP, Member.

} The Tribunal.

(M.P. 708/48.)

No. 257. THE WATER (DOMESTIC PURPOSES) VILLAGE SUPPLIES LAW, 1948.

NOTICE UNDER SECTION 3.

In exercise of the powers vested in me by section 3 of the Water (Domestic Purposes) Village Supplies Law, 1948, I, Ivan Lloyd Phillips, Commissioner of Nicosia and Kyrenia Districts, do hereby declare that the village of Angolemi, in the District of Nicosia, shall be a village to which the provisions of the said Law shall apply.

Dated the 26th day of June, 1950.

I. LL. PHILLIPS,

Commissioner of Nicosia and Kyrenia.

(M.P. 807/48.)

No. 258. THE WATER (DOMESTIC PURPOSES) VILLAGE SUPPLIES LAW, 1948.

NOTICE UNDER SECTION 3.

In exercise of the powers vested in me by section 3 of the Water (Domestic Purposes) Village Supplies Law, 1948, I, Ivan Lloyd Phillips, Commissioner of Nicosia and Kyrenia Districts, do hereby declare that the villages of Agridhaki and Temblos, in the District of Kyrenia, shall be villages to which the provisions of the said Law shall apply.

Dated the 26th day of June, 1950.

I. LL. PHILLIPS,

Commissioner of Nicosia and Kyrenia.

(M.P. 807/48.)