

No. 151.

THE SUPPLIES AND SERVICES (TRANSITIONAL POWERS)  
(CYPRUS) ORDER, 1946.

ORDER BY THE GOVERNOR UNDER DEFENCE REGULATION 55.

A. B. WRIGHT,

*Governor.*

In exercise of the powers vested in me under Defence Regulation 55 as set out in the First Schedule to the Supplies and Services (Transitional Powers) (Cyprus) Order, 1946, which continues in force in consequence of the Supplies and Services (Continuance) Order, 1950, I, the Governor, do hereby make the following Order :—

*Gazette:*  
*Suppl.*  
*No. 2A :*  
*9.12.1950*

1. This Order may be cited as the Supplies and Services (Motor Transport) (Operational Licensing) Order, 1951. Short title.

2.—(1) In this Order, unless the context otherwise requires—

*Interpretation.*

“ class ” includes description ;

“ fare ” includes any sum payable in respect of a season ticket or of a contract ticket for the conveyance of more than one person or for the hire of a whole vehicle ;

“ goods ” includes livestock, loads, baggage or burden of any description ;

“ Motor Law ” and “ Motor Regulations ” mean, respectively, the Motor Car Laws, 1921 to 1945, and the Motor Car Regulations, 1930 to 1946, and include any Law or regulations amending or substituted for the same ;

*9 of 1921*  
*36 of 1932*  
*47 of 1932*  
*13 of 1936*  
*24 of 1945*

“ motor vehicle ” includes a motor cycle and every description of vehicle propelled by means of mechanism contained within itself other than a vehicle constructed for use on specially prepared ways such as railways or tramways ;

“ passenger ” means any person conveyed in or on a motor vehicle, whether or not such person is being conveyed for hire or reward, but does not include the driver or conductor of the vehicle ;

“ proprietor ” in relation to a motor vehicle means the registered owner of the vehicle and includes the holder of an operational licence and every person who, either alone or in partnership, has possession or control of such vehicle, and, in relation to any motor vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person having possession of such vehicle under that agreement ;

“ road ” means any road, square, open place or space over which the public has access and any bridge or culvert over which a road passes and includes any parking place.

(2) For the purposes of this Order, a motor vehicle shall be deemed to be plying for hire or reward or to be carrying passengers or goods for hire or reward—

(a) if it is carrying passengers for any journey for separate payment made or consideration given by them, whether the payments are solely in respect of the journey or not or under a contract expressed or implied for the use of the vehicle as a whole ;

- (b) if it is carrying goods for any payment made or consideration given or under a contract expressed or implied for the use of the vehicle as a whole :

Provided that the following shall not be deemed to constitute carrying of goods for hire or reward, that is to say :—

- (i) the delivery or collection by a person of goods sold, used or let on hire in the course of a trade or business carried on by him or his employer ; and
- (ii) the delivery or collection by a person of goods which have been or are to be subjected to a process or treatment in the course of a trade or business carried on by him or his employer.

3.—(1) There shall be established a Road Motor Transport Board (in this Order referred to as “the Board”) to exercise such powers and perform such duties as are conferred or imposed upon it under this Order.

(2) The Board shall consist of not less than five persons as may be appointed from time to time by the Governor by notice in the *Gazette* under a Chairman as may be designated in the notice.

(3) All notices and all documents and communications from the Board shall be signed by the Chairman or by such other person as may be authorized by him in that behalf and communications to the Board shall be addressed to the Chairman.

(4) Four members of the Board shall form a quorum and, in case of equality of votes, the Chairman shall have a casting or second vote.

(5) The Board may make rules regulating the procedure with regard to the meetings or the manner of recording the decisions of the Board.

(6) The Board may, by notice in the *Gazette*, delegate any or all of its powers and duties under this Order to any person by name or by the name of a designated office either throughout the Colony or in respect of any area therein as may be specified in the notice.

(7) No act or proceeding of the Board shall be deemed to be invalid reason only of any vacancy in the Board.

4. Notwithstanding anything in any Law or public instrument contained and subject to the provisions of this Order, no person shall use or operate a motor vehicle on any road, except under a licence granted by the Board under this Order (in this Order referred to as “an operational licence”).

5.—(1) Subject to the provisions of sub-clause (2), a person who desires to obtain an operational licence shall make application therefor in such form as may be prescribed by the Board, accompanied by a certificate issued by such authority as may be prescribed by the Board, certifying that the motor vehicle in respect of which the application is made complies with the regulations, if any, made under any Law relating to motor vehicles in force for the time being and that it is safe and suitable in every respect for use and operation on the roads.

(2) The Board may make rules to be published in the *Gazette* with regard to the renewal, transfer or surrender of an operational licence and the issue of a duplicate licence in place of a licence lost, destroyed or defaced and the fees to be paid in respect thereof, not exceeding the fees payable in respect of the first or original licence.

6.—(1) An operational licence shall be one of the following classes :—

(a) a licence in respect of operations for hire or reward :—

(i) for the carriage of passengers and goods or of passengers only by a motor vehicle designed or constructed to carry more than six passengers and not operating in accordance with a time-table specified by the Board (to be called Licence “A”);

(ii) for the carriage of passengers and goods or of passengers only by a motor vehicle designed or constructed to carry more than six passengers and operating in accordance with a time-table specified by the Board (to be called Licence “B”);

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licences.

- (iii) for the carriage of goods only (to be called Licence "C");
- (iv) for the carriage of passengers only by a motor vehicle designed or constructed to carry not more than six passengers (to be called Licence "D");
- (v) for the use of a motor vehicle as a whole at an agreed rate for an agreed period (to be called Licence "E");
- (b) a licence in respect of operations otherwise than for hire or reward (to be called Licence "F"):

Provided that by a special endorsement of a Licence "B", the motor vehicle to which the licence relates may be used for the carriage of passengers on an excursion without keeping to the specified time-table.

(2) A licence for the carriage of passengers only shall entitle the holder to carry or convey in the motor vehicle the personal luggage of such passengers and any mail carried or conveyed at the request of the Postmaster-General as in this Order provided.

7. The Board may by notice in the *Gazette* declare any road (including places of departure and destination on any such road), as may be described in the notice, to be a controlled road and thereupon no person who is the holder of a Licence "A" shall, on such road, take up any passengers on the motor vehicle to which the licence relates. Controlled roads.

8. With a view to enabling a motor vehicle to be used temporarily, a short-term operational licence may be granted by the Board in respect of any motor vehicle of the aforementioned classes for any period not exceeding two months— Short-term operational licences.

- (i) pending the determination of an application for a full-term operational licence; or
- (ii) for the purposes of any seasonal business;
- (iii) for the purpose of executing any particular work or works for the conveyance of passengers for one or more particular occasions;
- (iv) for any other purpose of limited duration as to the Board may seem fit.

9. Operational licences, other than short-term licences (not exceeding a period of two months) shall be granted for such period as the Board may think fit. Duration of operational licences.

10. There shall be paid in respect of the several matters set out in the Schedule the several fees therein set out. Fees. Schedule.

11. In granting an operational licence, other than a Licence "F", the Board may attach conditions and limitations for securing that— Conditions of operational licences.

- (a) no fares shall be charged in excess of such maximum fares as may be specified in the licence;
- (b) the motor vehicle shall be operated in accordance with a specified time-table;
- (c) copies of the time-table and maximum fare-table shall be carried and be available for inspection, in the motor vehicle;
- (d) passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points;
- (e) the holder of the licence shall not unreasonably refuse to convey any passengers or carry any goods;
- (f) the holder shall perform all such reasonable services as the Postmaster-General may, from time to time, require with regard to the carriage or conveyance of mails in the motor vehicle of the holder on payment of such remuneration as may be agreed between the holder and the Postmaster-General or, in default of such agreement, as may be determined by a single arbitrator in pursuance of the provisions of the Arbitration Law, 1944:

Provided that the holder shall not refuse to carry or convey any mail on the ground that no remuneration has been paid, if the Postmaster-General informs the holder that the matter shall be referred to arbitration as hereinbefore provided.

Operational  
licences not  
transferable  
or  
assignable.

12. Operational licences shall not be transferable or assignable :

Provided that, in the event of the death, bankruptcy, absence from Cyprus or other incapacity of the holder of the licence, the Board may, by permit, authorize any other person to use the motor vehicle to which the licence relates for such time as the Board may deem fit and, in any such case, the permit-holder shall, for the purposes of this Law, during the continuance of the permit, be deemed to be the proprietor of the vehicle and be subject to the same liabilities as the proprietor thereof.

Power to the  
Board to  
refuse  
grant of  
operational  
licence.

13. The Board may, in its discretion, refuse to grant or renew an operational licence—

- (a) to any person who has been convicted of an offence under this Order and whose licence has been forfeited ;
- (b) in respect of a motor vehicle which is designed or constructed to carry not more than six passengers for hire or reward (Licence "D") and which would, otherwise, be entitled to obtain a licence, if, in the opinion of the Board, the number of vehicles so designed or constructed and already licensed and operating is adequate for the needs of the public :

Provided that any person aggrieved by the refusal of the Board to grant such a licence may, within ten days from the communication to him of such refusal, appeal to the Governor in Council, whose decision thereon shall be final and conclusive.

Variation in  
operational  
licences.

14. The Board may, on the application of the holder of the licence, at any time during its currency, make any variation in such licence, which the Board may consider reasonable including a variation to allow for the replacement of the motor vehicle.

Operational  
licence to be  
carried by  
person in  
charge of  
vehicle.

15. The operational licence, by virtue of which a motor vehicle is being used or operated, or a certified copy of such licence, shall, at all times, be carried by the person in charge of the vehicle.

Offences and  
penalties.

16.—(1) Any person who—

- (a) uses or operates any motor vehicle without an operational licence or uses or operates any such vehicle during any period of suspension of an operational licence as in this Order provided ;
- (b) contravenes or fails to observe any conditions or limitations attached to an operational licence ;
- (c) acts in contravention of or fails to comply with the provisions of clause 7, 12 or 15 of this Order,

is guilty of an offence under this Order and is liable to the penalties prescribed in Defence Regulation 94 as set out in the First Schedule to the Supplies and Services (Transitional Powers) (Cyprus) Order, 1946.

(2) Upon conviction of the holder of an operational licence for any offence under this Order, the Board may direct that the licence shall be forfeited and cancelled or that it shall be suspended for such period as the Board may direct and thereupon the licence shall be forfeited, cancelled or suspended, as the case may be.

Parties to  
offences  
and pre-  
sumptions.

17.—(1) For the purpose of any offence against this Order, the following persons shall be deemed to have taken part in, and to be guilty of, 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 persuades 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.

(2) Where any motor vehicle is used or is operated in such manner that its use or operation constitutes an offence against this Order or of any regulations made thereunder, the proprietor of such vehicle shall be deemed to be a party to the commission of such offence and may be charged and tried with actually committing the offence and may be punished accordingly, unless he establishes to the satisfaction of the court that the offence was committed without his knowledge and was not due to any act or omission on his part.

(3) In any proceedings for an offence under this Order or any regulations made thereunder, in so far as it may be necessary in order to establish the offence charged, it shall be presumed, until the contrary is proved—

- (a) that any conveyance of persons or goods in a motor vehicle was for hire or reward ;
- (b) that the passengers carried in a motor vehicle were being carried in consideration of separate fares ;
- (c) that the vehicle is not a licensed vehicle.

18. Notwithstanding anything contained in the Motor Law and Motor Regulations, no licence or permit shall be granted under such Law and Regulations, save upon the production of an operational licence issued under this Order in respect of such vehicle :

Provided that—

- (a) notwithstanding that an operational licence has been granted, a licence or permit under the Motor Law and Motor Regulations may be refused, if refusal is justified under such Law and Regulations but, when such licence is refused, the fee paid in respect of the operational licence shall be refunded ;
- (b) nothing in this section shall apply to any motor vehicle to which clause 20 relates.

Licence under Motor Law and Motor Regulations not to issue, except on production of operational licence.

19. Nothing in this Order or in any operational licence contained shall affect the operation of the Motor Law or Motor Regulations but such Law and Regulations shall be read in conjunction with this Order.

Motor Law and Motor Regulations to be observed.

20. Notwithstanding anything in this Order contained, no operational licence shall be required in respect of any motor vehicle—

- (a) the property of the Governor or the Government ;
- (b) the property of His Majesty's Naval, Military or Air Force Authorities ;
- (c) the property of a municipal corporation or any other local authority exercising functions in any place or area under any Law in force for the time being :

No operational licence required in certain cases.

Provided that such vehicle is constructed and used solely for watering the streets or for any other sanitary purpose or as an ambulance, a fire engine, a fire escape or otherwise for fire fighting or for such other purpose as the Board may approve for the purposes of this paragraph ;

- (d) which is used as a hearse or for towing a disabled vehicle ;



Exemption  
from Order,

Revocation  
of existing  
Orders,  
*Gazettes* :  
Suppl. No. 3 :  
9. 3.1944  
20.12.1945  
6. 2.1947  
29. 1.1948  
Commence-  
ment.

(e) which is a private passenger car designed or constructed to carry not more than six passengers ;

(f) of a class or type in respect of which the Board by notice in the *Gazette* directs that no operational licence shall be required.

21. Nothing in this Order shall apply to, or affect, any fares relating to taxis or mechanically propelled vehicles fixed by any Municipality by any bye-laws made on or after the 1st day of November, 1947.

22. The Defence (Charges for Carriage of Passengers and Goods by Motor Vehicles) Consolidation Orders, 1944 to 1948, and the Supplies and Services (Control of Motor Transport) Order, 1947, are hereby revoked without prejudice to anything done or left undone thereunder :

Provided that any permit issued under the Orders hereby revoked shall, during the unexpired period of its currency, be deemed to be an operational licence issued under this Order.

23. This Order shall come into operation on the 1st day of May, 1951.

#### SCHEDULE—(Clause 8).

##### FEES.

	£	s.	p.
1. Application for an operational licence .. .. .	—	10	0
2. Operational licence for passengers or passengers and goods and for every renewal .. .. .	2	0	0
3. Any operational licence other than a licence as in paragraph 2, and for every renewal .. .. .	1	0	0
4. Short-term operational licence (not to exceed a period of two months) :—			
(a) not exceeding seven days .. .. .	—	2	0
(b) over seven days .. .. .	—	5	0
5. Copy of any operational licence .. .. .	—	1	0

*Note.*—No fee shall be payable in respect of any application or request for the renewal of an operational licence made in accordance with the provisions of this Order :

Provided that nothing in this Note shall apply to any permit to which the proviso to clause 22 relates.

Made this 28th day of March, 1951. (M.P. 3/50.)

**No. 152.**

#### THE VILLAGES (ADMINISTRATION AND IMPROVEMENT) LAWS, 1950.

ORDER MADE UNDER SECTION 22 (a) (i).

*Authority to the Improvement Board of Kilani to contract a loan.*

J. FLETCHER-COOKE,  
*Colonial Secretary.*

In exercise of the powers vested in me by section 22 (a) (i) of the Villages (Administration and Improvement) Laws, 1950, I, the Colonial Secretary, do hereby order as follows :—

1. The Improvement Board of Kilani (hereinafter referred to as “ the Board ”) shall be at liberty to borrow from the Loan Commissioners (hereinafter referred to as “ the Lenders ”) a sum not exceeding two thousand and three hundred pounds (£2,300) at a rate of interest not exceeding four per centum (4%) per annum, subject to the following terms and conditions, that is to say :—

- (a) the sum borrowed shall be repayable by the Board to the Lenders in fifteen equal annual instalments (comprising sinking fund and interest) ;
- (b) the sum borrowed shall be utilized by the Board for the purchase of sites and the erection thereon of a perishable goods market, a meat market and public latrines.