

No. 456.
 THE COURTS OF JUSTICE (SUPPLEMENTARY
 PROVISIONS) LAW.

CAP. 12.

RULES OF COURT MADE UNDER SECTION 37.

A. B. WRIGHT,
Governor.

In exercise of the powers vested in me by section 37 of the Courts of Justice (Supplementary Provisions) Law, and of every other power enabling me in this behalf, I, the Governor, with the advice and assistance of the Acting Chief Justice, do hereby make the following Rules of Court:—

1. These rules may be cited as the (Exchange Control) Rules of Court, 1953.

2. If an action is brought by or on behalf of a person resident outside the scheduled territories, as defined by the Exchange Control Law, 1952, the indorsement on the writ of summons shall so state and shall state the residence of such person.

3. Wherever the plaintiff's claim is for a debt or liquidated demand only, and the plaintiff or one of two or more co-plaintiffs is resident outside the scheduled territories, as defined by the Exchange Control Law, 1952, or is acting by order or on behalf of a person so resident, or if the defendant is making the payment by order, or on behalf of a person so resident, the indorsement, besides stating the nature of the claim, shall state the amount claimed for debt, or in respect of such demand, and for costs respectively, and shall further state that the defendant can pay the amount claimed and costs into Court within ten days after service, or in the case of a writ not for service in Cyprus within the time allowed for appearance, and that upon such payment further proceedings will be stayed: Provided that where the defendant pays the amount into Court under this rule he shall give notice of such payment in to the plaintiff or his advocate. The defendant may, notwithstanding such payment, have the costs taxed, and if more than one-sixth shall be disallowed, the plaintiff's advocate shall pay the costs of taxation unless he shows that he overcharged bona fide.

4. In any cause or matter any party may apply for payment out of Court of any money paid into Court pursuant to the Exchange Control Law, 1952, or under any order of the Court made thereunder. The application shall be made by summons in the cause or matter, whatever the amount involved, and shall be served upon all parties interested, and if any person in whose favour an order for payment is sought to be made is resident outside the scheduled territories, as defined by the said Law, or will receive payment by order or on behalf of a person so resident, the summons shall so state, and shall state if the permission of the Financial Secretary authorizing the proposed payment has been given unconditionally or on conditions which have been complied with. The permission of the Financial Secretary in writing shall in such case be attached to the petition or summons.

5.—(1) Where any person is directed by any judgment, order or award, to pay any money to or for the credit of any person who is resident outside the scheduled territories, as defined by the Exchange Control Law, 1952, he shall, unless the permission of the Financial Secretary under the said Law has been given unconditionally, or upon conditions which have been complied with, pay the amount thereof into Court.

(2) Payment into Court under the preceding paragraph shall, to the extent of the payment, be a good discharge to the person making the payment, and thereupon no steps may be taken to enforce the judgment, order, or award to the extent of the amount paid in,

(3) Notice of any payment into Court under this rule shall be given to the plaintiff or his advocate, and to any other persons specified in the judgment, order, or award.

6. Subject to the provisions of paragraph 7 of these rules any party who is resident, or who is acting by order or on behalf of a person who is resident outside the scheduled territories as defined by the Exchange Control Law, 1952, and who is seeking to issue a writ of execution for the sale of movable property or other process of execution to enforce a judgment, shall cause to be indorsed on the application for the writ a certificate stating that the Financial Secretary's permission under the said Law has been given unconditionally or on conditions which have been complied with. Where a certificate as aforesaid is given, the permission of the Financial Secretary in writing shall be produced to the proper officer at the time of issuing execution.

7. Notwithstanding the provisions of the preceding paragraph, a party seeking to issue execution who has not given the certificate prescribed by that paragraph may issue a writ of execution for the sale of movable property or other process directing the deputy sheriff to pay the proceeds of the execution into Court. Notice of any such payment into Court shall be given by the deputy sheriff to the plaintiff, or his advocate and to any other persons specified in the judgment, order, or award.

8.—(1) No order absolute shall be made ordering the garnishee to pay any sum to or for the credit of a judgment creditor resident outside the scheduled territories, as defined by the Exchange Control Law, 1952, unless there is produced by the said judgment creditor a certificate that the Financial Secretary's permission under the said Law has been given unconditionally or upon conditions which have been complied with.

(2) If it appears to the Court or a Judge that payment by the garnishee to the judgment creditor will contravene the provisions of the said Law, the garnishee may be ordered to pay the amount due together with the costs of the garnishee proceedings into Court, subject to the deduction of his costs if the Court shall so order.

9. Where an action is brought to recover, or a defendant in his defence seeks by way of counterclaim to recover specific property other than land, and the party from whom such recovery is sought does not dispute the title of the party seeking to recover the same, but claims to retain the property by virtue of a lien or otherwise as security for any sum of money the Court or a Judge may, at any time after such last-mentioned claim appears from the pleadings, or, if there be no pleadings, by affidavit or otherwise to the satisfaction of such Court or Judge, order that the party claiming to recover the property be at liberty to pay into Court, to abide the event of the action, the amount of money in respect of which the lien or security is claimed, and such further sum (if any) for interest and costs as such Court or Judge may direct, and that, upon such payment into Court being made, the property claimed be given up to the party claiming it, but subject in relation to certificates of title and coupons and other documents as defined by the Exchange Control Law, 1952, to the provisions of that Law.

10. Where it appears to the Court or a Judge that the judgment creditor is resident outside the scheduled territories, as defined by the Exchange Control Law, 1952, or is acting by order or on behalf of a person so resident and that the permission of the Financial Secretary under the said Law has not been given unconditionally or upon conditions that have been complied with, any order for the appointment of a receiver by way of equitable execution shall direct that the receiver shall pay into Court to the credit of the cause or matter in which he is appointed any balance due from him after deduction of his proper salary or allowance.

11. Save in so far as the Exchange Control Law, 1952, or these rules otherwise provide, all applications, notices, writs and other matters arising out of the application of these rules shall be governed by the Rules of Court,

1938 to 1953, relating to civil actions. In particular, the provisions of Order 22 of the aforesaid rules and the forms therein prescribed shall apply, *mutatis mutandis*, to all payments into and out of Court under these rules.

Given under the hand and official seal of the Governor and the hand of the Acting Chief Justice at Troodos, this 15th day of September, 1953.

G. C. GRIFFITH-WILLIAMS,
Acting Chief Justice.

No. 457. THE EXCHANGE CONTROL LAW, 1952.

ORDER MADE BY THE FINANCIAL SECRETARY UNDER SECTION 2 (1).

In exercise of the powers vested in me by section 2 (1) of the Exchange Control Law, 1952 (hereinafter referred to as "the Law"), I, the Financial Secretary, hereby order as follows:—

1. This Order may be cited as the Exchange Control (Authorised Dealers) Order, 1953.
2. The persons specified in the Schedule hereto are hereby authorised to act for the purposes of the Law as authorised dealers in relation to gold and foreign currency.

SCHEDULE.

The Ottoman Bank.
Barclays Bank (Dominion, Colonial and Overseas).
The Ionian Bank Limited.
The Bank of Cyprus Limited.
The Popular Bank of Limassol Limited.
National Bank of Greece and Athens.
The Turkish Bank of Nicosia Limited.

Made this 16th day of September, 1953.

(M.P. 1100/51/M.)

A. F. BATES,
Financial Secretary.

EXPLANATORY NOTE.

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order lists the banks authorised to deal in gold and foreign currency.

No. 458. THE EXCHANGE CONTROL LAW, 1952.

ORDER MADE BY THE FINANCIAL SECRETARY UNDER SECTION 2 (1).

In exercise of the powers vested in me by section 2 (1) of the Exchange Control Law, 1952 (hereinafter referred to as "the Law"), I, the Financial Secretary, hereby order as follows:—

1. This Order may be cited as the Exchange Control (Authorised Depositories) Order, 1953.
2. The persons specified in the Schedule hereto are hereby authorised to act as authorised depositories for the purposes of Part III of the Law.