

No. 476. THE MUNICIPAL CORPORATIONS LAW.
CAP. 252 AND LAWS 11 OF 1950, 31 OF 1951 AND 20 OF 1953.

RULES OF COURT MADE UNDER SECTION 47.

J. FLETCHER-COOKE,
Acting Governor.

Cap. 252.
11 of 1950
31 of 1951
20 of 1953.

In exercise of the powers vested in me by section 47 of the Municipal Corporations Law, I, the Acting Governor, with the advice and assistance of the Acting Chief Justice, do hereby make the following rules:—

1. These Rules may be cited as the Municipal Corporations (Election Petitions) Rules, 1953.

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

Gazettes :
Supplement
No. 3:
1.6.1938
to
3.9.1953.

“ Civil Procedure Rules ” means the Rules of Court, 1938 to (No. 4), 1938, as amended by any subsequent Rules ;

“ District Commissioner ” means the Commissioner of the administrative District wherein the election petitioned against was held ;

“ election petition ” means a petition in respect of an election to a Municipal Council ;

“ the Law ” means the Municipal Corporations Law, as amended by any subsequent Law.

Cap. 252.
11 of 1950
31 of 1951
20 of 1953.

3. The presentation of an election petition shall be made by leaving it at the office of the Chief Registrar, together with a copy thereof, which copy shall be certified by the Chief Registrar on payment of the necessary fees and the Chief Registrar shall, if required, give a receipt, which may be in the Form No. 1 in the Appendix hereto.

4. An election petition shall contain the following statements:—

(a) It shall state the right of the petitioner to petition under the Law.

(b) It shall state the holding and result of the election and shall briefly state the facts and grounds relied on to sustain the prayer of the petition.

5. The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively.

6. No costs shall be allowed of drawing up or copying any petition not substantially in compliance with these rules unless otherwise ordered by the Court or a Judge.

7. The petition shall conclude with a prayer, as for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, or that a return may be enforced (as the case may be), and shall be signed by the petitioner or all the petitioners (if more than one).

8. The form set out in Form No. 2 in the Appendix hereto, or one to the like effect, shall be sufficient.

9. Evidence need not be stated in the petition, but the Court or a Judge may order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial, and upon such terms as to costs and otherwise as may be ordered.

10. When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, fourteen days before the day appointed for trial, deliver to the Chief Registrar, and also at the address, if any, given

by the petitioner and respondent, as the case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote, and the Chief Registrar shall allow inspection and office copies of such list on payment of such fees as are provided by the Rules of Court relating to fees to all parties concerned; and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Court or Judge, upon such term as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

11. When the respondent in a petition under the Law complaining of an undue return and claiming the seat for some person, intends to give evidence to prove that the election of such person was undue, such respondent shall, fourteen days before the day appointed for trial, deliver to the Chief Registrar, and also at the address, if any, given by the petitioner, a list of the objections to the election upon which he intends to rely, and the Chief Registrar shall allow inspection and office copies of such list to all parties concerned on payment of such fees as provided by the Rules of Court relating to fees and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the Court or Judge, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

12. With the petition the petitioner shall leave at the office of the Chief Registrar a writing, signed by him or on his behalf, giving the name of some person entitled to practise as an advocate of the Supreme Court whom he has authorized to act as his agent, or stating that he acts for himself, as the case may be, and in either case giving an address within the town of Nicosia or elsewhere if so ordered by the Court or Judge at which notices addressed to him may be left, and if no such writing be left or address given, then notice of all notices and proceedings may be given by posting the same on the Notice Board of the Supreme Court and such posting shall be deemed to be good service.

13. The petitioner shall upon the presentation of the petition forthwith cause to be served a certified copy of the petition on the District Commissioner and shall therewith cause to be served a writing giving the name of the petitioner's advocate, if any, and of the address, if any, given as prescribed, and the District Commissioner shall forthwith publish those particulars along with the petition. Such publication shall be effected by posting the same in some conspicuous place or places within the Municipality concerned.

14. The costs of publication of this and any other matter required to be published by the District Commissioner shall be paid in advance by the petitioner or person moving in the matter, and shall form part of the general costs of the petition.

15. Within five days of the presentation of the petition the petitioner shall serve notice of the presentation on the respondent, together with a certified copy of the petition.

16. Such service on the respondent shall be effected in the same way as a writ of summons is required to be served by the Civil Procedure Rules. But the petitioner shall at the same time publish or cause to be published in such local newspaper as the Court or Judge may order a copy of the petition.

17. In case of evasion of service, the Court, or a Judge, may order substituted service in such manner and subject to such conditions as the Court or Judge may think fit, and such substituted service as ordered shall be deemed equivalent to personal service.

18. Within fifteen days of the service of the petition on the respondent, the respondent shall enter an appearance by filing with the Chief Registrar a writing stating that he appears to oppose the petition and at the same time

giving the name of some person entitled to practise as an advocate of the Supreme Court, whom he authorizes to act as his agent, or stating that he acts for himself, as the case may be, and in either case giving an address within the town of Nicosia, or elsewhere if a Judge shall so order, at which notices addressed to him may be left, and if no such appearance be entered or address given, then notice of all notices and proceedings may be given by posting the same on the Notice Board of the Supreme Court, and such posting shall be deemed to be good service on the respondent.

19. The respondent may at any time prior to the hearing of the petition apply to the Court or a Judge for an order on the petitioner to furnish security for costs, on such terms and conditions as to the Court or Judge shall seem fit.

20. Any recognizance entered into under the last preceding rule shall be in the form set out in Form No. 3 in the Appendix hereto.

21. The recognizance or recognizances shall be left at the office of the Chief Registrar by or on behalf of the petitioner in like manner as before prescribed for the leaving of the petition, forthwith, after being acknowledged.

22.—(1) A respondent who has entered an appearance to a petition and who wishes to defend the election or return shall, within fifteen days after the expiration of the time limited for appearance, file and deliver an answer to the petition.

(2) Every answer shall set out with sufficient particularity the facts relied upon but not the evidence by which they are to be proved.

23. The petitioner shall take out a summons for directions within ten days after the expiration of the time limited for the delivery of the answer to the petition, and the provisions of the Civil Procedure Rules relating to summonses for directions shall apply *mutatis mutandis*.

24. The time and place of the trial of an election petition shall be fixed by the Chief Justice and notice thereof shall be given in writing by the Chief Registrar by posting such notice on the Court Notice Board, sending one copy of such notice by registered post or otherwise to the address for service given by the petitioner, another to the address for service given by the respondent, if any, and a copy by registered post or otherwise to the District Commissioner fifteen days before the day appointed for the trial. The District Commissioner shall forthwith publish the same in manner provided in Rule 13 hereof.

25. The posting of notice of trial on the Court Notice Board shall be deemed and taken to be good notice, and such notice shall not be vitiated by any miscarriage of, or relating to, the copy or copies thereof to be sent as already directed.

26. The notice of trial may be in the form set out in Form No. 4 in the Appendix hereto.

27. A Judge may from time to time by order made upon the application of a party to the petition, or by notice, in such form as the Judge may direct, to be sent to the District Commissioner, postpone the beginning of the trial to such day as he may name, and such notice when received shall be forthwith made public by the District Commissioner.

28. Proceedings in an election petition shall be entitled as follows:—
In the Supreme Court of Cyprus.

In the matter of an Election Petition for the Municipal Council of
in the Administrative District of

Between
and

Petitioner,
Respondent.

29. The order of a Judge to compel the attendance of a person as a witness may be in the form set out in Form No. 5 in the Appendix hereto.

30. Notice of an application for leave to withdraw a petition shall be in writing and signed by the petitioner. It shall state the ground on which the application is intended to be supported. Such notice may be in the form set out in Form No. 6 in the Appendix hereto.

31. The notice of application for leave to withdraw shall be lodged with the Chief Registrar.

32. A copy of such notice of the intention of the petitioner to apply for leave to withdraw his petition shall be given by the petitioner to the respondent, and to the District Commissioner, who shall make it public in the Municipality to which it relates, and shall be forthwith published by the petitioner in the next issue of the *Gazette* and any other newspaper the Judge may order. Such notice may be in the form set out in Form No. 7 in the Appendix hereto.

33. Any person who might have been a petitioner in respect of the election to which the petition relates, may, within five days after such notice of application for leave to withdraw is published by the District Commissioner, give notice in writing, signed by him or on his behalf, to the Chief Registrar, of his intention to apply at the hearing to be substituted for the petitioner, but the want of such notice shall not defeat such application, if in fact made at the hearing.

34. Such application for leave to withdraw shall be taken by a Judge in Chambers or open Court, as to the Chief Justice shall seem right, and after such notice to interested persons, as the Chief Justice may order.

35. In the event of the death of a petitioner during the pendency of the petition, any person who might have been a petitioner in respect of the election to which the petition relates may apply to be substituted as petitioner as laid down in Rule 33 hereof.

36. The manner and time of the respondent's giving notice to the Court that he does not intend to oppose the petition, shall be by lodging notice thereof in writing with the Chief Registrar, signed by the respondent, six days before the day appointed for trial, exclusive of the day of the lodging of such notice.

37. Certified copies of such notice shall be forthwith served through the Court or otherwise on the petitioner and the District Commissioner, who shall cause the same to be published as hereinbefore provided. Service of such notice shall be effected at the expense of the respondent.

38. Subject to these rules the course of procedure on the hearing of an election petition shall, as far as may be, be the same as on the hearing of a civil action before a District Court.

39. Subject to any order of the Court or Judge to the contrary, the costs to be allowed on an election petition shall be the same as those provided in the Civil Procedure Rules for civil actions for over £2,000 in the District Court, and the Chief Registrar shall be the taxing master.

40. The Court fees to be taken in connection with an election petition shall, except where it is otherwise specially provided, be the same as in a civil action on the highest scale.

41. In the absence of any rule to the contrary under these Rules the provisions of the Civil Procedure Rules, with such alterations as may be necessary, shall apply.

APPENDIX.

ELECTION PETITIONS FORM No. 1.

Form No. 1.

(Rule 3.)

Received on the _____ day of _____, 19____, at the
Chief Registrar's Office, a petition touching the election of A
B _____, a member of the Municipal Council for
purporting to be signed by

(insert name of petitioner)

(Signed)

Chief Registrar.

ELECTION PETITIONS FORM No. 2.

Form No. 2.

(Rule 8.)

(Title as in Rule 28.)

1. Your petitioner A _____ is a person who
voted (or had a right to vote, as the case may be), at the above election (or
claims to have had a right to be returned at the above election, or was a
candidate at the above election); and your petitioner B _____
(here state in like manner the right of each petitioner.)

2. And your petitioners state that the election was holden on the day
of _____, 19____, when A B _____
C D _____ and E F _____
were candidates, and the District Commissioner has returned A B and C D
as being duly elected.

3. And your petitioners say that _____ (here state
the facts and grounds on which the petitioners rely).

Wherefore your petitioners pray that it might be determined that the
said A B was not duly elected or returned, and that the election was void
(or that the said E F was duly elected and ought to have been returned, or
as the case may be).

(Signed)

Petitioner.

ELECTION PETITIONS FORM No. 3.

Form No. 3.

(Rule 20.)

(Title as in Rule 28.)

Know all men by these presents that I A B _____
of _____, the petitioner in the above entitled election
petition as Principal and we C D _____ and E F _____
of _____ as sureties are hereby jointly and severally bound
unto X Y _____ of _____ the Respondent
in the aforesaid Petition, in the sum of £ _____ to be paid to the said
Respondent or his heirs and successors, for which payment we jointly and
severally bind ourselves by these presents.

Sealed with our seals

Principal.

Sureties.

Dated the _____ day of _____, 19____.

Whereas an election petition No. _____ has been presented to the Supreme Court of Cyprus wherein A B is the petitioner and X Y _____ is the Respondent ;

And whereas the Supreme Court has by order dated the _____ day of _____, 19____, ordered the said A B _____ to furnish good and sufficient security in the sum of £ _____ with sureties for the due prosecution of the said petition, and for the payment of costs of the said petition should the Court so order,

Now the condition of the above written bond is that if the said AB _____ as principal and the said CD _____ and EF _____ as sureties pay or cause to be paid to the said XY _____ or his heirs and successors all such sums of money as shall at any time be due to the said XY _____ by the said AB _____ as principal and the said C D _____ and EF _____ as sureties in the event of the petition being dismissed for non-prosecution by the said AB _____ or of the Supreme Court ordering the said AB _____ to pay the costs of the said petition, as the case may be, then the above written bond shall be void and of no effect, otherwise the above written bond shall remain in full force.

Signed, sealed and delivered by the above-named—

AB
CD
EF

in my presence this _____ day of _____ 19____.

Chief Registrar.

ELECTION PETITIONS FORM No. 4.

(Rule 26.)

(Title as in Rule 28.)

Form No. 4.

Take notice that the above petition (or petitions) will be tried at _____ on the _____ day of _____, 19____, and on such other subsequent days as may be needful.

Dated the _____ day of _____, 19____.

(Signed) By Order

Chief Registrar.

ELECTION PETITIONS FORM No. 5.

(Rule 29.)

(Title as in rule 28.)

Form No. 5.

To _____, of _____.

This is to command you to attend at this Court sitting at _____ on _____ day the _____ day of _____, 19____, at the hour of _____ in the _____ noon, and so from day to day until the petition has been tried or until otherwise released to give evidence on behalf of the _____.

The _____ day of _____, 19____.

(Signed)

Chief Registrar.

ELECTION PETITIONS FORM No. 6.

(Rule 30.)

Form No. 6.

(Title as in Rule 28.)

The petitioner proposes to apply to withdraw his petition upon the following grounds (*here state grounds*) and prays that a day may be appointed for hearing his application.

(Signed)

Petitioner.

ELECTION PETITIONS FORM No. 7.

(Rule 32.)

Form No. 7.

(Title as in Rule 28.)

Notice is hereby given that the above petitioner has on the day of _____, 19____, lodged at the Chief Registrar's Office, notice of an application to withdraw the petition, of which notice the following is a copy (*set it out*).

And take notice that, by the Municipal Corporations (Election Petitions) Rules, any person who might have been a petitioner in respect of the said election may, within five days after publication by the District Commissioner of this notice, give notice in writing to the Chief Registrar of his intention on the hearing to apply for leave to be substituted as a petitioner.

(Signed)

Petitioner.

Given under the hand and official seal of the Acting Governor and the hand of the Acting Chief Justice at Nicosia, this 12th day of September, 1953.

(M.P. 1422/53.)

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

No. 477.

THE WATER (DOMESTIC PURPOSES) VILLAGE SUPPLIES LAW.

CAP. 311 AND LAWS 28 OF 1951 AND 12 OF 1952.

NOTICE UNDER SECTION 3.

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

Dated this 11th day of September, 1953.

(M.P. 1458/53.)

W. F. M. CLEMENS,
Commissioner of Nicosia and Kyrenia.