



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 3769 OF 8TH JULY, 1954.

SUBSIDIARY LEGISLATION.

No. 426. ✓

THE COURTS OF JUSTICE LAW, 1953 (*Section 78*)

AND

THE RENT (CONTROL) LAW, 1954 (*Section 25*).

RULES OF COURT.

R. P. ARMITAGE,
Governor.

In exercise of the powers vested in me by section 78 of the Courts of Justice Law, 1953, and sub-section (3) of section 25 of the Rent (Control) Law, 1954, I, the Governor, with the advice and assistance of the Chief Justice, do hereby make the following Rules:—

PART I.—PRELIMINARY.

1. These Rules may be cited as the Rent (Control) Rules of Court, 1954.

2. In these Rules, unless the context otherwise requires—

“Board” means the Rent Assessment Board established under the Rent (Control) Law, 1954;

“Civil Procedure Rules” means the Rules of Court, 1938 to (No. 1), 1954, as amended by any subsequent Rules;

“District Court” means the District Court of the District within which the premises affected by an order made by the Board are situate;

“the Law” means the Rent (Control) Law, 1954, as amended by any subsequent Law;

“Registrar” includes an Assistant Registrar and, in the case of a registry established in a place other than the principal town of a District, the clerk in charge of such registry.

13 of 1954

Gazettes:

Suppl. No. 3:

1.6.1938

to
20.5.1954

13 of 1954

PART II.—ENFORCEMENT OF ORDERS OF BOARD.

3. When any person, in whose favour an order of the Board has been made, is desirous of executing such order or enforcing obedience thereto, he shall apply to the President of the Board for a certificate true copy of such order and file the same with the Registrar of the District Court, accompanied with an application to the District Court in writing, stating the nature of the order or direction sought.

4. Every application to the Court as aforesaid shall be signed by the applicant or his advocate, and when filed shall be entered by the Registrar in a special book, in which the particulars appearing in Form No. 1 in Appendix A shall be recorded. Applications shall be numbered consecutively in each year, according to the order in which they are filed, thus: Rent (Control) Application No. of 19 . Any subsequent application in the same matter and all proceedings, writs or orders relating thereto shall be marked with the same number.

5. On an application as aforesaid, the District Court may issue the same writs and orders as though the order of the Board had been actually given by the District Court; and may stay execution in the same manner as it may stay execution of its own order, and shall have all such powers in relation to the execution or enforcement of the order as are given to it by the Courts of Justice Law and the Civil Procedure Law, and any rules made thereunder.

40 of 1953
Cap. 7
24 of 1954

PART III.—SPECIAL CASE STATED.

6. When a Board reserves any questions of law for the consideration of the Supreme Court, the President of the Board shall draw up a special case divided into paragraphs numbered consecutively and setting out concisely the facts on which the law is to be applied and the question or questions of law to be determined. A case stated shall be in form No. 2 in Appendix A, or to the like effect.

7. The case stated shall be signed by the President of the Board and sent by him to the Chief Registrar of the Supreme Court, accompanied with four typewritten copies thereof, within fifteen days from the day on which the Board decided to refer the question or questions of law to the Supreme Court.

8. The Chief Registrar shall serve on each party a copy of the case stated, and shall give the parties not less than seven days' notice of the date on which such case has been set down for argument before the Supreme Court.

9. After the question or questions of law reserved for the consideration of the Supreme Court have been determined, the Chief Registrar shall remit the case to the President of the Board concerned with a memorandum of the opinion of the Supreme Court thereon.

10. The Supreme Court may remit a case stated to the President of the Board for re-statement or further statement.

11. The times prescribed in this Part may be abridged or enlarged by a Judge of the Supreme Court, and any document affected may be marked by the Chief Registrar accordingly.

12. The advocate fees to be allowed on the hearing of a case stated before the Supreme Court shall be regulated in the manner provided for in subsection (4) of section 18 of the Law in respect of proceedings before the District Court. The costs of the hearing shall be in the discretion of the Supreme Court.

PART IV.—COURT FEES.

13. The Court fees to be taken in respect of any proceeding, order, writ or other matter under these Rules shall be the same as in civil proceedings relating to claims of more than £25, as set out in Appendix A to the Court Fees Order and Rules, 1953 to 1954, or in any subsequent amendment thereof. Such fees shall be paid in stamps and disposed of in the same manner as provided in the aforesaid Court Fees Order and Rules.

Gazettes :
Suppl. No. 3.
5.11.1953
20.5.1954

PART V.—PRACTICE AND PROCEDURE.

14. Save where other provision is made in the Law and these Rules, the practice and procedure to be followed in the District Courts and the Supreme Court in any proceeding or matter under the Law or these Rules shall be the same, as nearly as may be, as that laid down in the Civil Procedure Rules in force for the time being.

APPENDIX A.

Form No. 1.—Application Book (Rule 4).

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|------------------------------------|-------------------------------------|
| (1) No. of application. | (2) Date filed. |
| (3) Name and address of applicant. | (4) Name and address of respondent. |
| (5) Rent Assessment Board of..... | (6) Order of Board, briefly. |
| (7) Nature of remedy sought. | (8) Order of Court. |
| (9) Remarks. | |

Form No. 2.—Case Stated (Rule 6).

In the Supreme Court.

STATEMENT OF SPECIAL CASE

by

X.Y., President of the Rent Assessment Board of
 in proceedings No. _____ pending before the said Board between
 A.B., *Applicant*,
 and
 C.D., *Respondent*.

1. The applicant's claim in the above-mentioned proceedings was as follows:—(*set out claim*).

2.—(a) It was contended on the part of the applicant that—(*set out contentions*).

(b) In support of these contentions the attention of the Board was directed to—(*set out authorities cited on behalf of the applicant*).

3.—(a) On behalf of the respondent it was contended that—(*set out contentions*).

(b) In support of these contentions the attention of the Board was directed to:

(*set out authorities cited on behalf of the respondent*).

4. The facts on which the law is to be applied are:

(*state concisely such facts and refer to such documents as may be necessary to enable the Supreme Court to determine the question or questions of law raised thereby*.)

5. The question/questions of law upon which the opinion of the Supreme Court is desired is/are:

Dated the _____ day of _____, 19 _____.

(Signed)

*President of the Rent Assessment Board
 of*

Given under the hand and official seal of the Governor and the hand of the Chief Justice at Nicosia, this 26th day of June, 1954.

ERIC HALLINAN,
 Chief Justice.