

Amended - 826/55  
Revoked by 1212/5

741

No. 732.

THE EMERGENCY POWERS ORDERS IN COUNCIL,  
1939 AND 1952.

REGULATIONS MADE BY THE GOVERNOR UNDER SECTION 6.

JOHN HARDING,  
Governor.

In exercise of the powers conferred on me by section 6 of the Emergency Powers Orders in Council, 1939 and 1952, I, the Governor, do hereby make the following Regulations :—

1. These Regulations may be cited as the Emergency Powers (Collective Punishment) Regulations, 1955. Short title.

2.—(1) In these Regulations, unless the context otherwise requires— Interpretation.  
“ assessable inhabitant ” in relation to any area, means any male who lives in such area and who is, or appears to the Commissioner to be, not less than eighteen years of age ;

“ Commissioner ” means the Commissioner of a District ;

“ offence ” means an offence the commission of which is, in the opinion of the Commissioner, prejudicial to the internal security of the Colony or to the maintenance of public order in the Colony.

(2) The Interpretation Law shall apply to the interpretation of these Regulations and of any Order made or direction given thereunder, as it applies to the interpretation of a Law and, for the purposes of the said Law, these Regulations shall be deemed to be Laws. Cap. 1.  
30 of 1953  
19 of 1954  
30 of 1954  
42 of 1955.

3. If an offence has been committed or loss of, or damage to, property has occurred within any area of the Colony (hereinafter referred to as “ the said area ”) and the Commissioner has reason to believe that the inhabitants of the said area have— Collective punishment on any area.

(a) committed the offence or caused the loss or damage ; or

(b) connived at or in any way abetted the commission of the offence or the loss or damage ; or

(c) failed to take reasonable steps to prevent the commission of the offence ; or

(d) failed to render all the assistance in their power to discover the offender or offenders, or to effect his or their arrest ; or

(e) connived at the escape of, or harboured, any offender or person suspected of having taken part in the commission of the offence or implicated in the loss or damage ; or

(f) combined to suppress material evidence of the commission of the offence or of the occurrence of the loss or damage ; or

(g) by reason of the commission of a series of offences in the said area, been generally responsible for the commission of such offences,

it shall be lawful for the Commissioner, with the approval of the Governor, to take all or any of the following actions :—

(i) to order that a fine be levied collectively on the assessable inhabitants of the said area, or any part thereof ;

(ii) to order that all or any of the shops in the said area shall be closed until such order be revoked or shall open only during such times and under such conditions as may be specified in the order ;

(iii) to order the seizure of any movable or immovable property of any inhabitant of the said area ;

(iv) to order that all or any dwelling-houses in the said area be closed and kept closed and unavailable for human habitation for such period or periods as may be specified.

4. The whole, or, if compensation is awarded in pursuance of regulation 7 of these Regulations, any balance remaining thereafter, of any fine levied under regulation 3 of these Regulations shall be paid into a special account, kept by the Commissioner for that purpose, which shall be applied to such purposes in the District as the Governor may direct. Application of fines.

Enquiry  
before the  
making of  
an order.

5.—(1) No order shall be made under regulation 3 of these Regulations unless an enquiry into the facts and circumstances giving rise to such order has been held by the Commissioner.

(2) In holding enquiries under these Regulations the Commissioner shall satisfy himself that the inhabitants of the said area are given adequate opportunity of understanding the subject-matter of the enquiry and making representations thereon, and, subject thereto, such enquiry shall be conducted in such manner as the Commissioner thinks fit.

(3) A written report of any enquiry shall be submitted to the Governor as soon as possible after the completion thereof, and shall contain a certificate that the requirements of this regulation have been complied with.

Remission of  
fines, etc.

6. The Commissioner may at any time after an order under regulation 3 of these Regulations has been made, in his absolute discretion, remit the whole of any fine or any part thereof or may order that any amount which has been paid by any assessable inhabitant shall be repaid to him or may return to any inhabitant all or any of the property seized from any such inhabitant or may generally revoke or vary any order made by him under regulation 3 of these Regulations.

Compensa-  
tion.

7.—(1) It shall be lawful for the Commissioner to order that out of a fine levied in pursuance of Regulation 3 of these Regulations compensation shall be paid to any person who has suffered injury, or loss of, or damage to, his property unlawfully in the area in which the fine was levied.

(2) Application for compensation shall be made in writing by the person aggrieved or his representative within two months from the date upon which the fine has been levied.

(3) Where the injury, for which compensation is being sought, is a death, a dependant of the deceased may be deemed to be a person aggrieved.

(4) No application for compensation shall be granted if it appears that the applicant, or in the case of a death, the deceased, participated in the offence or offences in respect of which fines have been levied or was blame-worthy in connection with such offence or offences.

Apportion-  
ment of fine.

8. Any fine ordered to be paid in pursuance of these Regulations shall be apportioned among the assessable inhabitants of the said area by the Commissioner in such manner as he may think fit and in particular he may order that each assessable inhabitant shall pay any amount which the Commissioner shall specify.

Enforcement  
of payment  
of fine.

9.—(1) If any assessable inhabitant who is liable to pay a part of any fine fails to pay that part on demand by a police officer such police officer may seize so much of the immovable property of such assessable inhabitant or so much of movable property under the apparent control of such inhabitant, as appears reasonably sufficient when sold to pay such part.

(2) Any property so seized shall be retained in police custody for one week from the date of seizure and shall, if the assessable inhabitant pays the part due from him within that period, be thereupon returned to such inhabitant.

(3) The net proceeds of any property so seized and sold shall be applied first in the payment of the expenses incurred in respect of the seizure by the police and the payment of the fine. The balance, if any, remaining over shall be paid to the account kept by the Commissioner in accordance with the provisions of regulation 4 of these Regulations.

Seized  
property.

10. Any property the seizure of which has been ordered under regulation 3 of these Regulations shall be dealt with in such manner as the Governor may direct.

11. Any person who fails to comply with the provisions of any order made under these Regulations, or with the terms or conditions of any such order, shall be guilty of an offence and shall, without prejudice to any other action which may be taken for the enforcement of any such order under the provisions of these Regulations, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine. Penalties.

12. Nothing in these Regulations shall be deemed to exempt any person from any penalty, punishment or liability to which he would have been subject if these Regulations had not been made. Law not to affect individual liability to penalty.

13. Save as provided in regulation 6 of these Regulations, an order made by a Commissioner, under regulation 3 of these Regulations, shall be final and no appeal shall lie from any such order. Order to be final.

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Made at Nicosia, this 26th day of November, 1955.

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No. 733.

THE ASSEMBLIES, MEETINGS AND PROCESSIONS LAW.

CAP. 44.

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PROCLAMATION UNDER SECTION 8.

JOHN HARDING,  
*Governor.*

Whereas by section 8 of the Assemblies, Meetings and Processions Law it is provided that the Governor may by Proclamation prohibit generally the holding of any assembly (as defined in section 2 of the aforesaid Law) or may prohibit the holding of any assembly at any specified place or on any specified date or during any specified period, or within any specified hours :

And whereas I deem it desirable to prohibit generally the holding of any assembly (other than theatrical or cinematograph performances) within the Colony until further notice :

Now, therefore, in exercise of the powers vested in me by the said section 8 of the Assemblies, Meetings and Processions Law, I, the Governor, do by this Proclamation prohibit generally the holding of any assembly (other than theatrical or cinematograph performances) within the Colony as from the 27th November, 1955, until further notice.

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Given under my hand and the Public Seal of the Colony at Nicosia,  
this 26th day of November, 1955.

GOD SAVE THE QUEEN.