



SUPPLEMENT No. 3
TO
THE CYPRUS GAZETTE No. 3897 OF 14TH DECEMBER, 1955.
SUBSIDIARY LEGISLATION.

No. 777.

**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 (Public Safety and Order) (Amendment No. 2) Regulations, 1955, and shall be read as one with the Emergency Powers (Public Safety and Order) Regulations, 1955 to (No. 1) 1955 (hereinafter referred to as "the principal Regulations"), and the principal Regulations and these Regulations may together be cited as the Emergency Powers (Public Safety and Order) Regulations, 1955 to (No. 2) 1955.

Short title.
Gazettes :
Supplement
No. 3 :
26.11.1955.
8.12.1955.

2. The principal Regulations are hereby amended by the insertion therein, immediately after Regulation 66, of the following new Regulations :—

"Power to take possession of the property of an unlawful association.

Cap. 13
27 of 1949
12 of 1951
28 of 1952
4 of 1953
45 of 1953
28 of 1954
20 of 1955.

66A.—(1) Upon the making of an Order by the Governor in Council, under paragraph (d) of section 60 of the Criminal Code, declaring any body of persons, incorporated or unincorporated, or any organization to be proscribed within the Colony (hereinafter in these Regulations referred to as "an unlawful association"), the Governor may direct the Commissioner of Police or any other person he may deem fit (hereinafter referred to as "the authorized person") to take possession of any property, movable or immovable, belonging to an unlawful association, whether such property was acquired before or after the making of the said Order by the Governor in Council, and the authorized person may thereupon take possession of such property and evict therefrom any person found therein, and shall forthwith make a report of the taking of possession to the Governor :

Insertion of new Regulations 66A, 66B and 66C in the principal Regulations.

Provided that where such place contains any apartment occupied by women or children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(2) Any property whereof possession is taken under paragraph (1) of this Regulation shall be deemed to remain in the possession of Government until the Governor otherwise directs.

(3) The authorized person, on taking possession of movable property, shall make a list thereof in the presence of two witnesses and if, in the opinion of the authorized person, the articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed subject to the provisions hereafter contained in this Regulation, to order such articles to be forfeited to Her Majesty.

(4) All other articles specified in the list shall be delivered to the person whom he considers to be entitled to possession thereof, or, if no such person is found, shall be disposed of in such manner as the authorized person may direct.

(5) The authorized person shall publish in such manner as he may deem fit a notice specifying the articles which it is proposed to forfeit and calling upon any person claiming that any article is not liable to forfeiture to submit in writing within fifteen days any representation he desires to make against the forfeiture of the article.

(6) Where any such representation is accepted by the authorized person, he shall deal with the article concerned in accordance with the provisions of paragraph (4).

(7) If the article seized is livestock or is of a perishable nature, the authorized person may, if he thinks it expedient, order the immediate sale thereof, and the proceeds of the sale shall be disposed of in the manner herein provided for the disposal of other articles.

(8) Any person aggrieved by any decision of an authorized person under these Regulations as to the ownership of any property may, within fourteen days from the date of such decision being notified to him, appeal to the Governor whose decision thereon shall be final and conclusive.

(9) Any person who enters or remains upon any property which has been taken possession of under these Regulations without the permission of the authorized person shall be deemed to commit an offence under section 274 of the Criminal Code.

(10) The Governor may give such general or special directions as he may deem requisite regulating the relinquishment by Government of possession of any property taken under this Regulation.

66B.—(1) Where the Governor is satisfied, after such inquiry as he may think fit, that any monies, securities or credits have been used, are being used or are intended to be used for the purposes of an unlawful association, the Governor may, by order in writing, declare such monies, securities or credits to be forfeited to Her Majesty.

(2) A copy of an order under paragraph (1) may be served on the person having custody of the monies, securities or credits,

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and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the Governor :

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Governor may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Governor has reason to believe that any person has custody of any monies, securities or credits which have been used, are being used or are intended to be used for the purposes of an unlawful association, the Governor may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Governor. A copy of such order shall be served upon the person to whom it is directed.

(4) The Governor may, upon representations made to him by any person having any interest in the monies, securities or credits forfeited under this Regulation, vary, suspend or revoke any order made under this Regulation and may remit all or any part of such monies, securities or credits to any person whom he considers is the lawful owner thereof.

(5) Where any person liable under this Regulation to pay or deliver any monies, securities or credits to the order of the Government refuses or fails to comply with any direction of the Government in this behalf, the Governor may recover from such person, as arrears of tax or as a fine, the amount of such monies or the market value of such securities.

(6) In this Regulation 'security' includes a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money ; and the market value of any security means the value as fixed by any officer or person deputed by the Governor in this behalf.

Jurisdiction
barred.

66c. A certificate under the hand of the Administrative Secretary certifying that property has been taken possession of or monies or credits have been declared to be forfeited to Her Majesty under these Regulations shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and save as provided in Regulations 66A and 66B no proceeding shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under the said Regulations or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under these Regulations."

Made at Nicosia, this 13th day of December, 1955.