



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 4161 OF 22ND JULY, 1958.
SUBSIDIARY LEGISLATION.

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No. 482.

THE EMERGENCY POWERS ORDERS IN COUNCIL, 1939 AND 1956.

REGULATIONS MADE BY THE GOVERNOR UNDER SECTION 6.

HUGH FOOT,
Governor.

In exercise of the powers conferred on me by section 6 of the Emergency Powers Orders in Council, 1939 and 1956, 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. 3) Regulations, 1958, and shall be read as one with the Emergency Powers (Public Safety and Order) Regulations, 1955 to (No. 2) 1958 (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. 3) 1958.

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2. The principal Regulations are hereby amended by inserting therein, immediately after Regulation 5, the following new regulation, to be numbered "6" :—

Insertion of
new
Regulation 6
in the
principal
Regulations.

"Detention Orders. 6.—(1) If the Governor is satisfied that any person—

(a) is or has been concerned in acts prejudicial to public safety or public order or in the preparation or instigation of such acts ;

(b) is or has been a member of or is or has been active in the furtherance of the objects of an organisation which is subject to foreign influence or control ;

(c) is an undesirable alien,

and that, by reason thereof, it is necessary to exercise control over him, the Governor may make an Order against such person, directing that he be detained in such place as may be specified in the Order and in accordance with instructions issued by him.

(2) Any person detained in pursuance of this Regulation shall be deemed to be in lawful custody and the provisions of any Law in force for the time being relating to any person in lawful custody for any criminal or other offence shall apply to a person detained under this Regulation as they apply to a person in lawful custody for any criminal or other offence.

(3) At any time after an Order has been made against any person under this Regulation, the Governor may direct that the operation of the Order be suspended subject to such conditions and restrictions as the Governor may think fit, and the Governor may revoke any such direction if he is satisfied that the person against whom the Order was made has failed to observe any condition or restriction so imposed or that the operation of the Order can no longer remain suspended without detriment to public safety or to public order.

If any person fails to comply with a condition attached or restriction imposed to a direction given by the Governor under this paragraph of this Regulation, that person shall, whether or not the direction is revoked in consequence of the failure, be guilty of an offence against this Regulation.

(4)—(a) For the purposes of this Regulation, there shall be one or more advisory committees consisting of persons appointed by the Governor ; and any person aggrieved by the making of an Order against him or by the suspension of the operation of such an Order may make his objection to such a committee.

(b) Any meeting of an advisory committee held to consider any such objection as aforesaid shall be presided over by a chairman nominated by the Governor and it shall be the duty of the chairman to inform the objector of the grounds on which the Order had been made against him and to furnish him with such particulars as are, in the opinion of the chairman, sufficient to enable the objector to present his case. The chairman shall report to the Governor the findings of the advisory committee on every such objection.

(c) It shall be the duty of the Governor to secure that any person against whom an Order is made under this Regulation shall be afforded the earliest practicable opportunity of making to the Governor representations in writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to such an advisory committee as aforesaid.”.

Insertion
of new
Regulation
22 in the
principal
Regulations.

3. The principal Regulations are hereby amended by inserting therein in its proper place in the numerical sequence the following new regulation to be numbered “ 22 ” :—

“Appointment and powers of Telegraph Censors.

22.—(1) The Governor may, by warrant under his hand, appoint one or more Telegraph Censors and subject to any special directions by the Governor a Telegraph Censor shall have the following powers :—

- (a) control of the transmission of any telegram by any Telegraph Authority or Company ;
- (b) power to examine every telegram sent or received from any place within or without the Colony and all other powers relating to any telegram ;
- (c) power to stop, eliminate any portion of, delay or alter any telegram ;
- (d) power to destroy any telegram.

(2) For the purposes of this Regulation 'telegram' includes any telephonic message or communication.

(3) This Regulation shall not apply to any telegram sent or received by or on behalf of the Governor or of Her Majesty's Naval, Military or Air Forces."

4. The principal Regulations are hereby amended by inserting therein in its proper place in the numerical sequence the following new regulation to be numbered "29".

Insertion of new regulation 29 in the principal Regulations.

"Control of telephone communications.

29.—(1) The Governor may, if he has reason to believe it necessary in the interests of public order and safety, by Order, either generally or in the case of any particular persons, prohibit any telephonic communication by trunk call except with such permission or on such conditions as may be specified in the Order.

(2) Any permission given under paragraph (1) of this Regulation may contain such terms and conditions as the Governor may think fit to impose.

(3) If any person affected by such Order fails to comply therewith or with any condition contained therein or with any conditions subject to which permission thereunder has been granted, or does anything whereby a trunk call is effected or may be effected contrary to any such Order or to any condition contained therein or to any conditions subject to which permission thereunder has been granted, he shall be guilty of an offence against this Regulation.

(4) Nothing in this Regulation contained shall apply to any trunk call proposed to be made through any Government telephone apparatus."

5. Regulation 34 of the principal Regulations is hereby amended :—

Amendment of Regulation 34 of the principal Regulations.

(a) by deleting the word "Governor", occurring in the second line of paragraph (1) thereof, and substituting therefor the words "Commissioner of the District"; and

(b) by the revocation of paragraph (2) thereof.

6. The principal Regulations are hereby amended by inserting therein immediately after regulation 59, the following new regulation to be numbered "60" :—

Insertion of new regulation 60 in the principal Regulations.

"Squatters.

60.—(1) Any person who shall, without lawful authority or lawful excuse, enter and occupy any premises shall be guilty of an offence against this Regulation.

(2) Where any person is convicted of an offence against this Regulation the Court may order such person and his dependants to vacate the premises forthwith or in such time as may be specified in the order and to remove therefrom all property belonging to himself and any such dependants.

(3) If any person fails to comply with an order made under paragraph (2) of this Regulation the Court may by order, direct the police officer in charge of the police division in which the premises are situated to eject such person, together with his dependants, from such premises and such police officer shall forthwith comply with such order.

(4) The provisions of this Regulation shall be in addition to and not in derogation of the Rent (Control) Laws, 1954 and 1955."

13 of 1954
58 of 1955.

Substitution of regulation 65 of the principal Regulations.

7. Regulation 65 of the principal Regulations is hereby revoked and the following regulation, to be numbered "65", substituted therefor:—

"Prohibition of the carrying and flying of flags.

65.—(1) The Commissioner of the District may, by Order, prohibit, within such area of the District as may be specified in the Order, the carrying, display or flying in any place or on any building within such area, any flag, banner, streamer, pennant or other similar emblem or thing:

Provided that any such Order shall not apply to flags, banners, streamers or pennants which—

(i) are flown—

(a) by Her Majesty's Naval, Military or Air Forces; or

(b) by any duly accredited Consul or Consular Agent; or

(c) on any ship, boat or aircraft in accordance with the provisions of any Act of the Imperial Parliament or of any Cyprus Law or of any rule or regulation made respectively thereunder; or

(d) on any ship, boat or aircraft in accordance with the requirements of the International Code of Signals or as house flags or signal flags or quarantine flags; or

(e) on any foreign ship, boat or aircraft in order to indicate the nationality of such ship, boat or aircraft; or

(f) on any ship, boat or aircraft of the Naval or Air Forces of any foreign State; or

(ii) are authorised by the Governor to be flown.

(2) If any flag, banner, streamer, pennant or other similar emblem or thing to which this Regulation applies shall be displayed or flown in any place or on any building in contravention of the provisions of paragraph (1) of this Regulation, the owner or occupier or any person having control of such place or building shall be deemed to have suffered or permitted such flag, banner, streamer to be so displayed or flown in such a place or upon such building and, subject to the provisions of paragraphs (3) and (4), may be charged, tried, convicted and punished accordingly.

(3) Where a person is charged with an offence under this Regulation in respect of the display or flying of a flag, banner, streamer, pennant or other similar emblem or thing in any place or upon any building, he shall be entitled upon complaint duly made by him and on giving to the prosecution not less than three days notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for the hearing of the charge, and if, after the commission of the offence has been proved, the first named person proves that the offence was due to the act of default of the other person, that other person may be convicted of the offence, and, if the first named person further proves that he has used all due diligence to secure that this Regulation is complied with, he shall be acquitted of the offence.

(4) Where a person charged under this Regulation seeks to avail himself of the provisions of paragraph (3) the prosecution, as well as the other person whom he seeks to charge

with the offence, shall have the right to cross-examine him if he gives evidence and any witnesses called by him in support of his complaint and to call rebutting evidence.

(5) Any police officer or any member of Her Majesty's Naval, Military or Air Forces may remove any flag or other article or—

(i) may orally or by notice in writing direct the owner, occupier or any person having control of any place or building in or upon which a flag or other article to which this Regulation applies, is displayed or flown, to remove such flag or other article, and if such owner, occupier or person upon being so directed fails so to do, any police officer or any member of Her Majesty's Naval, Military or Air Forces may remove the said flag or other article and the same shall be forfeited ;

(ii) may direct any person carrying any flag or other article to which this Regulation applies, to give such flag or other article as aforesaid to him and if such person fails to do so any police officer or any member of Her Majesty's Naval, Military or Air Forces may use such force as may be necessary to take such flag or other article from such person.

(6) Any notice in writing given under sub-paragraph (i) of paragraph (5) of this Regulation shall be served personally upon the owner, occupier, or person having control of the place or building.

(7) Any person who—

(a) contravenes the provisions of paragraph (1) of this Regulation ; or

(b) fails to comply with or disobeys any direction given under paragraph (5) of this Regulation,

shall be guilty of an offence against this Regulation and shall be liable upon conviction to a fine not exceeding one hundred pounds, and for any offence in respect of the display or flying of a flag, banner, streamer, pennant or other similar emblem or thing in any place or on any building to a further fine of fifty pounds in respect of each day during which the offence is proved to have continued after the service upon such person of a direction in writing as in paragraph (5) of this Regulation.”.

8. Any public instrument, direction or authorisation made under any Regulation amended, substituted or revoked by these Regulations in force immediately before the date of the coming into operation of these Regulations shall, notwithstanding any change in the authority by which such public instrument, direction or authorisation may be made, be deemed to have been made under the corresponding provisions of the principal Regulations as amended by these Regulations by each such authority so as to have the same effect throughout the Colony as if these Regulations had not been made and shall remain in force until the same shall be varied or revoked in accordance with the provisions of the principal Regulations as amended by these Regulations.

Interpretation.