



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 4188 OF 10TH NOVEMBER, 1958.
SUBSIDIARY LEGISLATION.

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No. 932. THE EMERGENCY POWERS ORDERS IN COUNCIL,
1939 AND 1956.

REGULATIONS MADE UNDER SECTION 6.

HUGH FOOT,
Governor.

In exercise of the powers conferred upon me by section 6 of the Emergency Powers Orders in Council, 1939 and 1956, I, the Governor, hereby make the following Regulations :—

1. These Regulations may be cited as the Emergency Powers (Criminal Trials) (Special Court) Regulations, 1958. Short title.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 - “competent authority” means the Attorney-General or the Solicitor-General ;
 - “emergency procedure case” means any case certified as a proper case for trial under these Regulations in accordance with Regulation 4 of these Regulations ;
 - “Registrar” means the Registrar of the Special Court ;
 - “Special Court Laws” means the Special Court Laws, 1955 to 1957, or any Law amending or replacing the same ; 55 of 1954
13 of 1955
2 of 1956
33 of 1956
27 of 1957.
 - “specified offence” means any offence which is a specified offence for the purposes of the Special Court Laws.

Ordinary procedure to apply subject to variations effected by Regulations. Cap. 14. 6 of 1953 39 of 1954 55 of 1954 27 of 1955 28 of 1956.

Certain offences to be tried under these Regulations.

No preliminary inquiry in emergency procedure cases.

Record, etc., to be forwarded.

Fixing date of trial.

Supply to the defence of summary of evidence of prosecution witnesses.

3. The provisions of these Regulations shall have effect notwithstanding anything to the contrary contained in the Criminal Procedure Law, the Special Court Laws or any other Law for the time being in force in the Colony, but, except in so far as the same may be varied by or inconsistent with these Regulations or any other Regulations made under the Emergency Powers Orders in Council, 1939 and 1956, the ordinary practice and procedure of the courts shall apply to emergency procedure cases tried under these Regulations.

4. Where a person is charged with a specified offence in a Special Court established under the Special Court Laws and a competent authority certifies in writing that the case is a proper one for trial under these Regulations, such case shall be tried and disposed of in accordance with the provisions of Regulations 5 to 8 of these Regulations.

5.—(1) No such preliminary inquiry as is referred to in the Criminal Procedure Law shall be held in respect of an emergency procedure case, but the Justice of the Special Court before whom the accused person is brought shall, upon production of the certificate referred to in Regulation 4 of these Regulations, and whether or not such preliminary inquiry has already been commenced, forthwith commit the accused for trial by a Judge of the Special Court upon such charge or charges as may be designated by a competent authority.

(2) Where an accused person has been committed for trial under the provisions of paragraph (1) of this Regulation the committing Justice shall ask him whether he intends to call witnesses at the trial, and, if so, whether he desires to give their names and addresses so that they may be summoned. The Justice shall thereupon record the names and addresses of any such witnesses whom he may mention.

(3) Bail shall not be granted to an accused person committed for trial under this Regulation unless—

(a) such person is under the age or apparent age of sixteen years, or is a woman, or is sick or infirm; and

(b) the offence of which such person is accused is not punishable with death or imprisonment for life.

(4) Notwithstanding anything in paragraph (1) of this Regulation a competent authority or a Crown Counsel may, in any emergency procedure cases, at any time before trial, alter or redraw the charge or charges against the accused or frame an additional charge or additional charges against him.

6. Upon committal of the accused person for trial in an emergency procedure case the record of the proceedings (including in any case where a preliminary inquiry has been commenced, any depositions taken and any exhibits produced) shall be forwarded to the Registrar to be dealt with and used, so far as may be, in accordance with the ordinary practice and procedure of the courts.

7. When an emergency procedure case has been committed for trial as aforesaid, the Registrar shall thereupon fix a date for the trial of such case.

8.—(1) In every emergency procedure case the prosecution shall, not less than fourteen clear days before the date fixed for the trial of the case, furnish to the accused person or his advocate, if any, and to the Registrar, a list of the persons whom it is intended to call as witnesses for the prosecution at the trial and a summary of the evidence of each witness it is intended to adduce at the trial.

(2) A person whose name and a summary of whose evidence has not been furnished to the defence in accordance with paragraph (1) of this Regulation shall not be called by the prosecution to give evidence at the trial unless such person is—

- (a) a co-accused who has already been acquitted or convicted ;
- (b) a witness whose evidence is of a formal nature ;
- (c) a witness of whose evidence the prosecution became aware between the date on which the names of witnesses and summaries of evidence were supplied under paragraph (1) of this Regulation and the date of the trial and in respect of whom a notice in writing has been served on the defence containing the name of the witness intended to be called and the substance of the evidence intended to be given ; or
- (d) a witness of whose evidence the prosecutor became aware on the day on which the witness is called.

9. The provisions of these Regulations shall apply in respect of offences alleged to have been committed after the date of the commencement of these Regulations. Application
of Regu-
lations.

Made at Nicosia this 10th day of November, 1958.