

2. The Second Schedule to the Order is hereby amended as follows:—

Amendment of Second Schedule to the Order.

The expression

“Materials intended for use in rendering cement or concrete waterproof £15”

shall be inserted in its appropriate alphabetical place therein.

3. The Third Schedule to the Order is hereby amended by the insertion therein of the following as item 75:—

Amendment of Third Schedule to the Order.

“75. Motor cars imported by or for the use of the Governor from and after the 31st October, 1932.”

This Law came into operation on 25th August, 1933.

NO. 37 OF 1933.

A LAW TO AMEND THE CRIMINAL EVIDENCE AND PROCEDURE LAW, 1929.

A.D. 1933.
37 of 1933.

R. E. STUBBS,]

[25th September, 1933.

Governor.

BE it enacted:—

1. This Law may be cited as the Criminal Evidence and Procedure (Amendment) Law, 1933, and shall be read as one with the Criminal Evidence and Procedure Law, 1929, (hereinafter called “the Principal Law”), and the Principal Law and this Law may together be cited as the Criminal Evidence and Procedure Laws, 1929 and 1933.

Short title.
12 of 1929.

2. Section 3 of the Principal Law is hereby repealed and the following substituted therefor:—

Repeal of section 3 of Law 12 of 1929 and substitution of new section.

“Power to Police officers to examine persons having knowledge about an offence.

3.—(1) A Local Commandant of Police or any competent and trustworthy person having experience in criminal investigation whom the Governor has by writing under his hand authorized to hold inquiries into the commission of offences, may require any person whom he has reason to suppose to be acquainted with the facts or circumstances of any offence into which he is inquiring, to attend at such reasonable time and place as he may direct for the purpose of examining him in relation to such offence.

Statement may be reduced to writing.

(2) The Local Commandant of Police or other authorized person may reduce into writing any statement made by a person examined under this section.

Obligation to answer questions truly.

(3) The person so examined shall be bound to answer truly all questions put to him other than questions the answers to which would have a tendency to expose him to a criminal charge.

Penalty.

(4) Any person who without reasonable cause refuses to attend at such time and place as he may be directed or refuses to answer any question or answers any question untruly shall be guilty of a misdemeanour and shall, on conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding fifty pounds."

New sections 5A and 5B inserted in Law 12 of 1929.

3. The Principal Law is hereby amended by the insertion immediately after section 5 of the following sections:—

"Order to attend and produce documents.

5A.—(1) Whenever a Local Commandant of Police or any competent and trustworthy person having experience in criminal investigation whom the Governor has by writing under his hand authorized to hold inquiries into the commission of offences considers that the production of any document is necessary or desirable for the purpose of such inquiry, such Local Commandant or other authorized person may issue a written order to the person in whose possession or under whose control such document is believed to be, requiring him to produce it at any time and place stated in the order.

Where attendance unnecessary.

(2) Any person required by written order under this section only to produce a document shall be deemed to have complied with the order if he causes the document to be produced instead of attending personally to produce the same.

Saving.

(3) Nothing in this section shall apply to any document for the production of which a warrant or order of the Governor is required by this or any other Law.

Penalty.

(4) Any person who, without reasonable cause, refuses to produce any document when ordered to do so under this section shall be

guilty of a misdemeanour and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding fifty pounds.

Report of
Government
Analyst or
Government
Bacterio-
logist to be
evidence in
certain
cases.

" 5B. Whenever a preliminary inquiry on a charge brought against any person for an offence not triable summarily is being held before a Magisterial Court, any document purporting to be a report under the hand of the Government Analyst or the Government Bacteriologist upon any matter or thing relating to such offence and duly submitted to him by the Police for examination or analysis and report, shall be receivable in evidence when tendered by the prosecution and shall be evidence of all that is stated therein both at such preliminary inquiry and at the Assize Court if such person is committed for trial:

Provided—

- (a) that, notwithstanding anything in any enactment contained, the prosecution may, without notice to the accused, call the Government Analyst or the Government Bacteriologist who has signed such report, as the case may be, to give evidence at the trial of the offence before the Assize Court, and
- (b) that, at the request of the Assize Court or at a written request by or on behalf of the accused notified to the prosecution not less than seven days before the trial in the Assize Court, the prosecution shall call the Government Analyst or the Government Bacteriologist, as the case may be, to give evidence before the Assize Court."

4. The Principal Law is hereby amended by the insertion immediately after section 8 of the following sections:—

"Remand
in Police
custody.

8A. Where it shall appear that the inquiry into the commission of an offence for which a person has been arrested has not been completed or that for any other reasonable cause it is necessary or advisable to defer the examination or further examination of witnesses it shall be lawful for a Magisterial Court whether or not

New sections
8A, 8B and
8C inserted
in Law 12
of 1929.

R. & R. by
Law 18/34

it has jurisdiction to try the offence and notwithstanding anything in any other enactment contained from time to time to remand the accused in the custody of the Police for such time not exceeding eight clear days as the Court shall think fit.

Power of
Police to
release
arrested
person.

8B. Where it appears to the Police officer conducting an inquiry into an offence that there is not sufficient evidence or any reasonable ground of suspicion against a person who has been arrested in connection with such offence he may release him at any time without bringing him before or forwarding him to a Magisterial Court.

Disposal of
persons
arrested by
the Police.

8C.—(1) Where it appears to the Police officer conducting an inquiry into an offence that there is sufficient evidence or reasonable ground of suspicion against a person who has been arrested in connection with such offence the Police officer shall bring or forward the accused under custody as soon as reasonably may be to a Magisterial Court empowered to try him or commit him for trial provided that if the offence is triable summarily the Police officer may release the accused on his executing a bond with or without sureties for his appearance on the date specified therein before a Magisterial Court named in the bond being a Court empowered to take cognizance of such offence.

Estreating
bail bond.

(2) The Police officer in whose presence the bond is executed by the person under arrest shall deliver a copy thereof to such person, and if such person shall make default, the Magisterial Court named in the bond shall have power to enforce such bond in the manner provided in clause 136 of the Cyprus Courts of Justice Order, 1927."

Repeal of
section 14 of
Law 12 of
1929 and
substitution
of new
section.

5. Section 14 of the Principal Law is hereby repealed and the following substituted therefor:—

" Powers of
Supreme
Court on
hearing of
appeal.

14. The Supreme Court, after perusing the file of the proceedings and after hearing the Attorney-General or his representative and the appellant or such of them as shall attend at

the time fixed for the hearing of the appeal shall have full power to—

- (a) allow the appeal and quash the conviction, or
- (b) dismiss the appeal, or
- (c) notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred, or
- (d) increase, reduce or modify the sentence, or
- (e) hear further evidence, and reserve their judgment until such further evidence has been heard, or
- (f) order a new trial before the Court which passed sentence or before any other Court having jurisdiction in the matter, or
- (g) order further evidence to be taken, either generally or on some particular point, before the Court which passed sentence, or
- (h) call upon the Court which passed sentence to furnish any information the Supreme Court may think necessary beyond that which is furnished by the file of proceedings as to the grounds on which such Court has found the appellant guilty or passed sentence upon him, or
- (i) set aside the conviction and convict the appellant of any offence triable summarily of which he might have been convicted on the evidence which has been adduced, and sentence him accordingly, or
- (j) if they consider that the evidence which has been adduced justifies the filing of an information for any other offence not triable summarily, direct that an information be filed against the appellant for such other offence before the Assize Court at the next sitting thereof and upon such direction the trial of the appellant before the Assize Court shall

*Repealed
by Law
38/1935*

take place in the same manner as though he had been committed for trial for the offence by a Magisterial Court."

Repeal of section 15 of Law 12 of 1929 and substitution of new section.

6. Section 15 of the Principal Law is hereby repealed and the following substituted therefor:—

"Exercise of certain powers by Supreme Court under section 14.

15. In case of the exercise by the Supreme Court—

(a) of the power contained in paragraph (a) of section 14 hereof, the appellant shall be forthwith set at liberty, or, in the case of a fine, such fine, if already paid, shall be refunded to the appellant, or

(b) of the power contained in paragraph (f) or (g) of section 14 hereof, the Supreme Court may issue directions in respect to further proceedings in the matter as they may deem necessary, or

(c) of any powers contained in paragraph (e) or (f) or (g) or (h) or (j) of section 14 hereof, the Supreme Court may, in their discretion, order that the appellant be kept in custody or released on bail, or in the case of a fine, if such fine has not already been paid, may suspend execution of the sentence."

Repeal of section 16 of Law 12 of 1929 and substitution of new section.

7. Section 16 of the Principal Law is hereby repealed and the following substituted therefor:—

"Costs of witnesses.

16. The costs of all witnesses called on the part of the prosecution in any proceedings under this Law shall in the first instance be paid out of the Public Treasury, and in any such proceedings the Supreme Court may order that the costs of any witness either on the part of the prosecution or of the defence be paid out of the Public Treasury."

8(a) see Law 16/1934

This Law came into operation on 29th September, 1933.