



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3225 OF 4TH FEBRUARY, 1946.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 1 of 1946.

**A LAW TO AUTHORIZE AND PROVIDE FOR THE OUTLAWRY
OF CRIMINALS IN CERTAIN CASES.**

R. E. TURNBULL,]

[4th February, 1946.

Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering
the Government and Commander-in-Chief of the
Colony of Cyprus as follows :—

1. This Law may be cited as the Outlaws' Proclamation Short title.
Law, 1946.

(1)

Interpreta-
tion.

2. In this Law, unless the context otherwise requires—
“immovable property” with reference to an outlaw includes all immovable property which an outlaw would be entitled to have registered in his name at any time during which a Proclamation remains in force, whether he is so registered or not;

“movable property” with reference to an outlaw includes all debts due to the outlaw;

“outlaw” means a person declared to be an outlaw under the provisions of this Law;

“Proclamation” means a proclamation issued under section 4 of this Law.

Power to
declare
certain
persons
outlaws.

3.—(1) Whenever it is proved to the satisfaction of a President of a District Court or a District Judge that any person who has been charged with the offence of murder, attempted murder or manslaughter or for whose apprehension a warrant of arrest in respect of such offence has been issued, whether before or after the coming into operation of this Law, is at large and is evading arrest, it shall be lawful for such President or Judge, unless it is proved that such person is not in Cyprus, to declare such person to be an outlaw and to issue a certificate in that behalf under his hand.

(2) A certificate issued under the provisions of subsection (1) shall be forwarded forthwith to the Governor.

Power of
Governor
to issue
Proclama-
tion
calling upon
outlaw to
surrender.

4. Upon the receipt of any certificate issued under the provisions of section 3 of this Law, it shall be lawful for the Governor to issue a Proclamation stating that the person named in such certificate has been declared to be an outlaw and requiring him to surrender himself into the custody of the Police at such place and within such time as may be specified in the Proclamation and that, if he fails to so surrender himself, a portion of his movable and immovable property, as in this Law provided, may be forfeited and every such Proclamation shall continue in force until it is revoked or until the outlaw surrenders himself or is arrested or until he is proved to have died.

Publication
of Proclama-
tion.

5. Every Proclamation shall be published in the *Gazette* and shall take effect as from the date of such publication; it shall also be read aloud at some public place within the town or village where the outlaw ordinarily resided at the time of the commission of the offence in respect of which he has been charged or in respect of which the warrant has been issued and a copy thereof shall be posted up in some conspicuous place within such town or village.

6. From and after the latest date specified in a Proclamation, on which the outlaw is required to surrender himself, any person may, without warrant, arrest the outlaw, the subject of such Proclamation, and in effecting his arrest may use any necessary force extending to the causing of bodily injury or death.

Arrest of outlaw and immunity from consequences if wounding or death of outlaw ensues.

7. No sale, gift, mortgage or transfer of any movable or immovable property of an outlaw made subsequently to the date on which he was charged or to the date of the warrant issued for his arrest, and no charge or incumbrance whatsoever on any such property made, accruing or incurred after any such date shall be valid unless the outlaw surrenders himself in compliance with the Proclamation.

Sale, etc., of property by outlaw invalid if made subsequent to date of warrant of arrest.

8.—(1) If, at the expiration of the time specified in the Proclamation, the outlaw named therein has not surrendered himself in compliance therewith, it shall be lawful for the Governor to issue an order (hereinafter in this Law referred to as the "order of attachment") attaching the movable and immovable property of the outlaw.

Attachment of property on failure of outlaw to comply with Proclamation.

(2) Every order of attachment shall be published in the *Gazette* and, upon such publication, such order shall be and shall operate as a charge on all the movable and immovable property of the outlaw named in the order and all persons shall be deemed to have had notice of the same.

9. At any time after the publication of the order of attachment, the property of the outlaw named in the order may be seized or taken possession of by any person authorized by the Governor in that behalf or the Governor may appoint a receiver to collect and take all movable property of the outlaw and all rents and profits of all immovable property of the outlaw and to keep them pending disposal thereof in accordance with the provisions of this Law.

Seizure of property of outlaw.

10. From and after the publication of the order of attachment and whilst such order remains in force, no payment to the outlaw or to any person on his behalf shall operate as a valid discharge of any debt due to the outlaw; but any debtor shall pay, upon demand, the amount of such debt to the Commissioner of the District within which such debtor resides, or to any person authorized by the Governor to receive the same and any payment of a debt made by a debtor under the provisions of this section shall operate as a discharge of such debt to the outlaw.

Debts due to outlaw.

Recovery of
debt due to
outlaw.

11. The amount of any debt due to an outlaw attached under the provisions of this Law may be recovered in an action brought in the name of the Attorney-General against the person from whom such debt is due.

Sale of
outlaw's
property.

12. A portion of the property of an outlaw as set out in section 13 of this Law, to be ascertained as therein provided, may be sold by the order of the Governor and the proceeds thereof disposed of as provided by section 14 of this Law.

Portion to
be sold, how
determined,
and
provision
respecting
debts due by
outlaw.

13.—(1) The portion of the outlaw's property which may be sold under the provisions of this Law shall be determined in the manner following, that is to say:—

- (a) all the property of the outlaw (whether the same shall have been attached or not) shall be valued by a person appointed by the Governor for that purpose;
- (b) from the total estimated value of such property, there shall be set aside an amount as shall be sufficient for the payment of such of the just debts of the outlaw as are owing to creditors who have, before the day on which the outlaw is required by the Proclamation to surrender himself, handed to the Commissioner of the District within which they reside a written statement of the nature and amount of their claims;
- (c) so much of the property as represents approximately the value of one-half of the difference between the estimated value of the entire property and the amount of such of the just debts of the outlaw, as in paragraph (b) hereof provided, or, if there are no such debts, one-half of the entire property of the outlaw, may be sold.

(2) In any case in which there is reason to believe that an unfounded or fraudulent claim is made against the outlaw by any person, the Governor may, after making such enquiry as to him shall seem fit, decide that the debt claimed is a just debt, or that the claim is unfounded or fraudulent and, for the purposes of this Law, the decision of the Governor in that behalf shall be final and conclusive.

Disposal of
property
sold.

14.—(1) The Governor may direct that, out of the proceeds of the sale of an outlaw's property, there shall be granted such sum as to the Governor may seem fit—

- (a) to any person or persons who have been injured by any act of the outlaw, in respect of which he may have been proclaimed an outlaw, or to the family or families of such person or persons;

(b) to any person or persons who have been injured by any act of the outlaw subsequent to the issue of the Proclamation, or to the family or families of such person or persons ;

(c) to the family of the outlaw :

Provided that no grant shall be made until the expiration of four months from the date of such sale :

Provided further that if the portion of the outlaw's property set aside for the payment of his debts is found to be insufficient for that purpose, then the proceeds of sale shall, together with any property of the outlaw remaining unsold and not otherwise charged for the payment of any debt, remain for the period of four months as aforesaid liable to attachment by the order of a competent Court for the outlaw's debts so remaining unsatisfied.

(2) Subject to any direction given by the Governor as in sub-section (1) provided, the proceeds of the sale of an outlaw's property shall be forfeited :

Provided always that, if the outlaw surrenders himself, or is arrested within thirty days of the date of publication of the order of attachment, all property attached shall be restored to him, or if any such property has been sold, the proceeds thereof shall be handed to him, deducting therefrom all costs and charges incurred in connection with the attachment of the property and the sale thereof.

15. If it is shown to the satisfaction of a President of a District Court or a District Judge that there is reasonable cause to believe that any person has rendered or is rendering assistance to any outlaw calculated to enable the outlaw to evade arrest, it shall be lawful for such President or Judge to issue a warrant to arrest such person and to bring him forthwith before the Court.

Arrest of persons assisting outlaw.

16.—(1) When any person arrested under the provisions of section 15 of this Law is brought before the Court, the Court shall, unless such person proves that he rendered such assistance under reasonable fear of death or injury to himself or to his family, order such person to be detained in such place and during such period as may to the Governor seem fit and during such detention such person shall be deemed to be in lawful custody :

Detention of persons arrested under section 15.

Provided that any person arrested or detained under the provisions of this section shall be set at liberty when the outlaw shall have been arrested or proved to have left Cyprus or to be dead.

(2) For the purpose of enabling any person arrested under the provisions of section 15 of this Law to prove that he has acted under the reasonable fear of death or of injury to himself or to his family, the Court shall direct that a summons be issued for the attendance of any witness whom such person desires to examine.

(3) It shall be lawful for the Governor to make such order as to him may seem fit for regulating the safe custody, conduct and sustenance of any person detained under this section.

Duration.

17. This Law shall remain in force until the third day of February, 1947.

4th February, 1946.

H. G. RICHARDS,
Acting Colonial Secretary.