

CYPRUS

**LIMITATION (ENEMIES AND WAR
PRISONERS)**

CHAPTER 14 OF THE LAWS

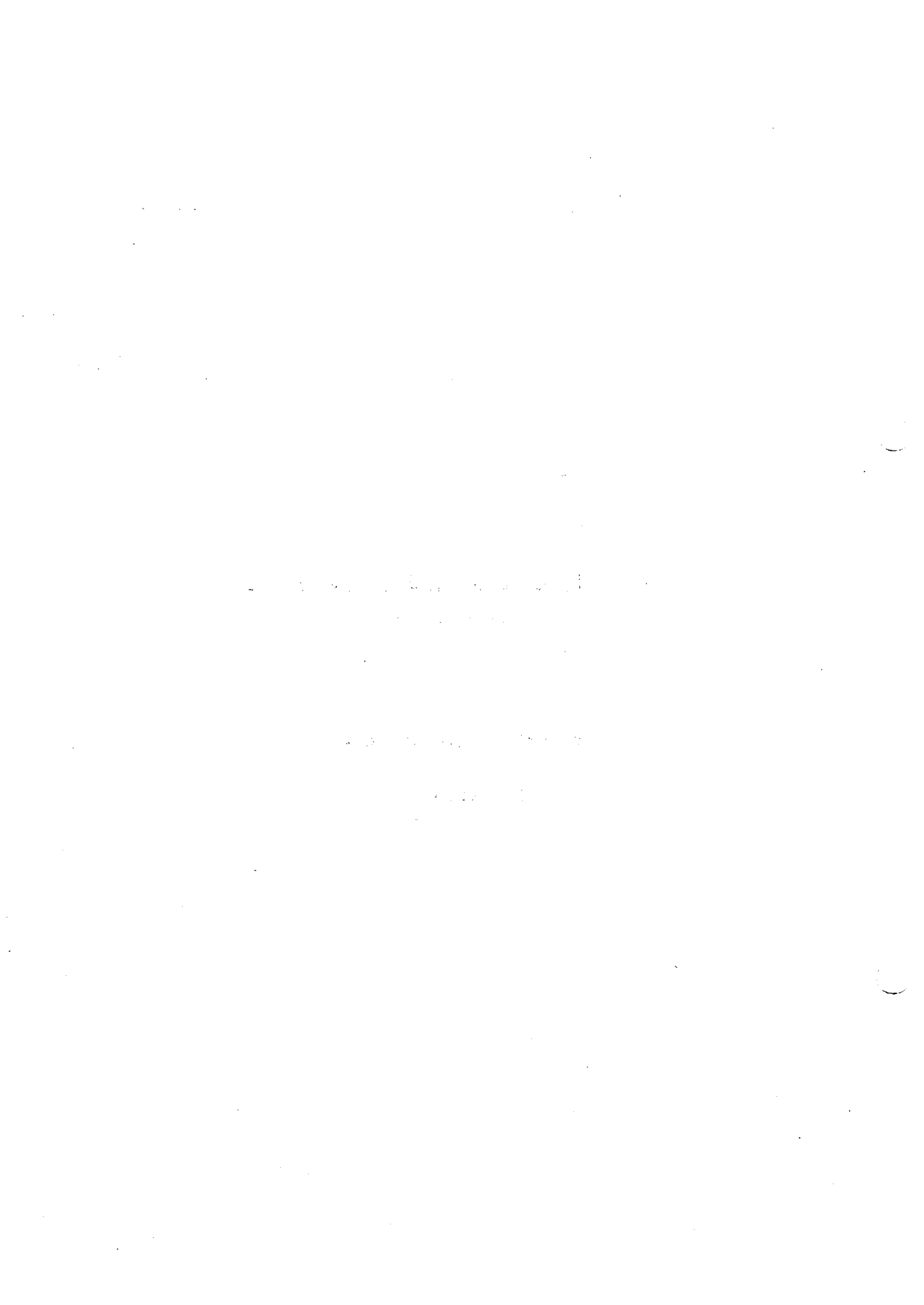
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1959



CHAPTER 14.

LIMITATION (ENEMIES AND WAR PRISONERS).

ARRANGEMENT OF SECTIONS.

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A LAW TO PROVIDE FOR SUSPENDING THE OPERATION OF CERTAIN PROVISIONS REGARDING LIMITATION OF ACTIONS IN RELATION TO PROCEEDINGS AFFECTING PERSONS WHO HAVE BEEN ENEMIES OR HAVE BEEN DETAINED IN ENEMY TERRITORY.

[3rd September, 1939.] 1949 Cap. 20.

1. This Law may be cited as the Limitation (Enemies and War Prisoners) Law. Short title.

2. (1) In this Law— Interpretation.

“action” means civil proceedings before any Court or tribunal, and includes arbitration proceedings ;

“enemy” means any person who is, or is deemed to be, an enemy for any of the purposes of the Trading with the Enemy Law, except that in ascertaining whether a person is such an enemy the expression “enemy territory” in section 4 of the said Law shall have the meaning assigned to that expression by this section ; Cap. 99.

“enemy territory” means any area which is enemy territory as defined by subsection (1) of section 2 of the Trading with the Enemy Law and also any area in relation to which the provisions of the said Law apply by virtue of an Order made by the Governor directing such area to be treated for the purposes of the said Law as enemy territory ; Cap. 99.

“statute of limitation” means any Law in force in the Colony at the date of the coming into operation of this Law under which a period is prescribed as the

period within which any action to which such Law relates is required to be brought.

Cap. 99. (2) References in this Law to any person who would have been a necessary party to an action shall be construed as including references to any person who would have been such a necessary party but for the provisions of section 10 of the Trading with the Enemy Law, or any order made thereunder.

(3) References in this Law to the period during which any person was detained in enemy territory shall be construed as including references to any period immediately following the period of such detention during which that person remained in enemy territory.

Cap. 99. (4) Subsection (2) of section 2 of the Trading with the Enemy Law (which provides that a certificate of the Governor shall, for the purposes of proceedings under or arising out of the said Law, be conclusive evidence of certain matters affecting the definition of " enemy territory ") shall apply for the purposes of any action to which this Law relates.

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3. (1) It at any time before the expiration of the period prescribed by any statute of limitation for the bringing of any action any person who would have been a necessary party to that action if it had then been brought was an enemy or was detained in enemy territory, the said period shall be deemed not to have run while the said person was an enemy or was so detained, and shall in no case expire before the end of twelve months from the date when he ceased to be an enemy or to be so detained, or from the date of the enactment of this Law,* whichever is the later :

Provided that, where any person was only an enemy as respects a business carried on in enemy territory, this section shall only apply, so far as that person is concerned, to actions arising in the course of that business.

(2) If it is proved in any action that any person was resident or carried on business or was detained in enemy territory at any time, he shall for the purposes of this Law be presumed to have continued to be resident or to carry on business or to be detained, as the case may be, in that territory until it ceased to be enemy territory, unless it is

* This Law was published in the Gazette of 13th February, 1947.

proved that he ceased to be resident or to carry on business or to be detained in that territory at an earlier date.

(3) If two or more periods have occurred in which any person would have been such a necessary party as aforesaid was an enemy or was detained in enemy territory, those periods shall be treated for the purposes of this Law as one continuous such period beginning with the beginning of the first period and ending with the end of the last period.

4. This Law shall apply to proceedings to which the Crown, or Her Majesty's Government or any department thereof, or the Government of Cyprus or any department thereof, is a party.

Application
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ment.

