



RULES OF COURT
ORDERS OF HER MAJESTY IN COUNCIL
AND OTHER PUBLIC INSTRUMENTS
AFFECTING COURTS AND TRIBUNALS

IN FORCE ON
THE 31ST DAY OF DECEMBER, 1953

REVISED EDITION
PREPARED UNDER THE AUTHORITY OF
THE REVISED EDITION (SUBSIDIARY LEGISLATION)
LAW, 1954

BY
J. P. JOSEPHIDES,
*of the Middle Temple, Barrister-at-Law,
District Judge*

UNDER THE SUPERVISION OF
SIR ERIC HALLINAN, KT.
Chief Justice

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1955

COURT FEES ORDER.

ORDER MADE UNDER SECTION 38 OF THE COURTS
OF JUSTICE (SUPPLEMENTARY PROVISIONS) LAW,
CAP. 12.

53 Vol. II,
599.

1. This Order may be cited as the Court Fees Order*.

2.—(1) In matters regulated by the Civil Procedure Rules, or any rules made in amendment thereof or substituted therefor, the fees set out in the second column of Appendix A to this Order in respect of the items set out in the first column of the said Appendix shall be taken in the several Courts and the Supreme Court and in any office which is connected with any of those Courts and by any officer attached to any of those Courts except so far as there is some special provision in this Order, or some special statutory provision to the contrary.

(2) In matters not regulated by such Rules of Court, the directions in Appendix A hereto prescribing the fees to be taken and the disposal of such fees shall, so far as circumstances admit, be applicable to such proceedings, unless it is otherwise specially provided.

(3) The special directions in Appendices B to G hereto as to the fees to be taken and all matters connected with the same, shall be followed in regard to the proceedings therein mentioned.

3. All fees of Court shall be taken by means of stamps.

4. The stamps to be used in the taking of the fees of Court aforesaid shall be adhesive revenue stamps of the Colony.

5. The document to be stamped shall be the document indicated in the third column of Appendices A to F hereto.

6. No proceeding, in respect whereof a fee of Court is payable, shall be had or taken unless or until a stamp or stamps denoting the amount of such fee shall have been applied and disposed of in the manner hereinbefore mentioned, or shall have been furnished to the Registrar of the Court to be so applied and disposed of; except only in the case where the Court has power to authorize the having or taking of such proceedings without payment of a fee, and the leave of the Court in that behalf has been obtained.

7. Every stamp denoting a fee of Court shall be cancelled by an officer of the Court at the time when the document to which such stamp is affixed is received by him or, if no document bearing a stamp be required to be presented to an officer of the Court, then at the time when the stamp denoting the fee of Court is affixed by such officer.

8. No fees shall be charged on any proceedings instituted by the direction of the Supreme Court in the exercise of its disciplinary powers unless the Court otherwise orders.

* This Order came into operation on the 16th November, 1953.

9. No fees prescribed to be taken by any Court shall be taken where the party chargeable therewith shall produce and file with such Court a statement signed by or on behalf of the Attorney-General, the Commissioner of the District, or the Head of a Department that he sues or defends, as the case may be, as representing the Government, and stating the Law under which he is entitled to sue or defend.

10. Any summons whether to a person to appear and answer to a charge or to attend and give evidence or produce any document in a criminal case, when issued by the direction of the Court or on the application of any official in the employment of the Government, applying in his official capacity, shall be issued without payment of any fee. And, where it shall appear to a Court to which application is made for the issue of any such summons as aforesaid or for the issue of a copy of any depositions that the applicant has a genuine and *bona fide* cause and that he has not sufficient means to pay the prescribed fees, any such summons or copy of such depositions may be issued by the direction of the Court or any member thereof without payment of any fee. In all other cases the prescribed fee shall be paid.

11. Where a member of a Court shall direct the issue of any summons in a criminal case without payment of a fee, he shall deliver to the person applying for the issue of such summons a certificate or statement in writing signed by such member, and stating—

- (a) the names of the complainant and accused,
- (b) the nature of the offence complained of,
- (c) that the summons is to be issued without payment of fee, and
- (d) the date when it was signed.

12. Any such certificate or statement may direct the issue of any number of summonses; but the name of every person on whom any summons is intended to be served shall be stated therein; and no summons shall be issued without payment of the prescribed fee unless it be a summons addressed to some person named in any such certificate or statement, or unless it be issued by direction of the Court or on the application of some official in the employment of the Government made by him in his official capacity.

13. On presentation of any such certificate or statement as aforesaid to the Registrar, the summonses thereby directed to be issued without payment of fee shall be issued accordingly.

14. No summons or writ shall be detached from its counterfoil except for the purpose of being issued, and after the stamps have been affixed to the counterfoil and cancelled. Spoiled forms shall not be detached.

15. All applications for office copies of any document recorded in the Court or for certifying any copy as a true copy shall be made

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on a counterfoil form obtainable from the Chief Registrar of the Supreme Court or the Registrar of a District Court and signed by the applicant or his advocate.

16. All fees for office copies and for certifying any copy to be a true copy shall be taken in stamps to be affixed to the counterfoil of the application.

17. A Judge or Court, for the purpose of facilitating the application of any rules as to fees, may construe any enactment with such verbal alterations not affecting the substance as may be necessary and proper to adapt the same to the matter before the Court.

18. The fees to be taken under this Order shall, in the first instance, be assessed by the Registrar, unless the Court or Judge shall otherwise direct.

APPENDIX A.
[Rule 2 (1).]

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
1. On sealing any writ of summons in an action :—	£ s. p.	The filed copy.
(a) where the amount claimed or the value of the matter in dispute exceeds £25 but does not exceed £50 ..	- 15 0	
(b) where the amount claimed or the value of the matter in dispute exceeds £50 but does not exceed £100 ..	1 0 0	
(c) where the amount claimed or the value of the matter in dispute exceeds £100 but does not exceed £200 ..	1 10 0	
(d) where the amount claimed or the value of the matter in dispute exceeds £200 but does not exceed £500 ..	2 0 0	
(e) where the amount claimed or the value of the matter in dispute exceeds £500 ..	3 0 0	
2. On filing a petition in a matrimonial cause	1 0 0	The petition.
3. Other fees in a matrimonial cause	Same as in a civil action exceeding £25.	

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
4. On filing an election petition . .	£ 2 0 0	The petition.
5. On filing a petition in any other cause or matter	1 0 0	The petition.
6. On filing an originating summons or application for which no special fee is provided	- 10 0	The summons or application.
7. On filing an interlocutory application or taking out a summons in a pending cause or matter where the amount claimed or the value of the matter in dispute exceeds £25	- 3 0	The application or summons.
8. On entering an appearance . .	- 2 0	The memorandum.
9. On sealing any summons to any person to attend as a witness in any cause or matter where the amount claimed or the value of the matter in dispute exceeds £25	- 1 4½	The counterfoil.
10. On entering a judgment or any order for which no special fee is provided	- 7 4½	The judgment or order book.
11. On entering a judgment or any order of the Supreme Court . .	- 10 0	The judgment or order book.
12. On filing notice of appeal to the President, District Court, from any decision of a Magistrate . .	- 10 0	The notice.
13. On filing notice of appeal to the Supreme Court	1 0 0	The notice.
14. On entering an order for leave to appeal to the Privy Council . .	4 0 0	The order book.
15. On application to tax any bill of costs :—		
(a) for every £1 or part thereof claimed to be taxed	- - 4½	The taxing book.
(b) on filing notice of review of taxation	- 7 4½	The notice.
16.* On sealing any writ of execution :—		The counterfoil.
(a) to recover any sum not exceeding £25 (where the claim was originally over £25)	- 3 0	
(b) to recover any sum exceeding £25 but not exceeding £50	- 7 4½	
(c) to recover any sum exceeding £50 but not exceeding £100	- 15 0	

* Item 16 was amended and new items 16A and 16B were inserted after the 31st December, 1953: See *Gazette* of 20th May, 1954, Volume II, page 273.

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
(d) to recover any sum exceeding £100	£ s. p. 1 0 0	
Where the writ is for the sale of movables there shall, in addition to the fees above prescribed, be paid a mileage fee of 6s.		
17. For preparing and furnishing an office copy of the file of proceedings or any part thereof; or furnishing an office copy of any document recorded in the Court unless otherwise provided :—		The fees book (form F. 168).
(a) where the copy does not exceed 200 words in English, Greek or Turkish	- 1 4½	
(b) for every further 100 words or part thereof	- - 4½	
18. Searches :—		
(a) on a search for appearance or an affidavit and inspecting the same	- 1 0	The fees book (form F. 168).
(b) on any other search, including inspection, for each hour or part of an hour occupied	- 2 0	
(c) for a certificate pursuant to the Civil Procedure Rules, Order 63, Rule 8	- 2 4½	
19. On filing the award of an arbitrator	- 10 0	The award.
20. On swearing any affidavit other than an affidavit of service	- 4 0	The affidavit.
21. On marking any exhibit to an affidavit	- 1 0	The exhibit.
22. On certifying any copy of any record of the Court (where such copy is not prepared by an officer of the Court) to be a true copy of the original document :—		The fees book (form F. 168).
For every 100 words or part thereof	- - 3	
Minimum fee	- 1 0	

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Item	Fee	Document to be stamped
<p>23. For the service of any document in Cyprus, the distance being reckoned from the registry in which is filed the action or proceeding to which the document relates along the route approved by the Registrar (subject to the provisoes set out below) :—</p> <p> Within the limits of the town or village in which the registry is situated</p> <p> Within five miles of the registry</p> <p> For every additional mile but not exceeding a total of 10s.</p> <p> Provided that in the case of appeals the distance for the service of a document other than the notice of appeal shall be reckoned from the registry of the Court appealed to :</p> <p> Provided also that where application is made for the simultaneous service of several documents relating to the same action, proceeding, or appeal, to be effected either at the same place or at various places within a distance from one another of three miles in a straight line, there shall be charged the appropriate fee in respect of the document to be served at the place farthest from the registry along the route approved by the Registrar, and a fee of 1s. only for every other.</p> <p> For the purposes of this Item papers (such as a writ of summons and account relating thereto, or an application and affidavit in support thereof) which are so intimately connected as to require to be served together in order that the service may be effective shall count as one document.</p>	<p>£ s. p.</p> <p>— 1 0</p> <p>— 5 0</p> <p>— — 3</p>	<p>The service book (form F. 181).</p>

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Item	Fee	Document to be stamped
<p>24. Where in a civil matter relating to immovable property, water rights, easements, excessive damage or otherwise where a local inspection may be desirable, the Court on the request of either party or of its own motion thinks fit to visit the locality so as to make such inspection with or without hearing evidence on the spot, there shall, if the Court so orders, be paid into Court in advance by the party making the request, or by the parties in such ratio as the Court may order, such amount, to be assessed by the Registrar, as shall be considered sufficient to defray the expense of transport and subsistence of the Court.</p> <p>Provided that the whole of such amount, if the visit is not made, or any unused balance thereof, shall be returned at the conclusion of the case or when the Court so directs to the party or parties so paying it.</p> <p><i>Actions, etc., not exceeding</i> £25.</p> <p>25. The following fees, and no other, shall be charged in actions involving claims not exceeding £25:—</p> <p>(a) where the amount claimed or the value of the matter in dispute does not exceed £2 a fee of 5s. shall be charged on issue of the writ of summons and a fee of 5s. on entry of judgment ;</p> <p>(b) where such amount or value exceeds £2 but not £5 a fee of 6s. shall be charged on issue of the writ of summons and a fee of 6s. on entry of judgment ;</p>	<p>£ s. p.</p>	<p>The filed copy of the writ and the judgment book respectively.</p>

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
	£ s. p.	
(c) where such amount or value exceeds £5 but not £10 a fee of 8s. shall be charged on issue of the writ of summons and a fee of 8s. on entry of judgment ;		
(a) where such amount or value exceeds £10 a fee of 10s. shall be charged on issue of the writ of summons and a fee of 10s. on entry of judgment.		
26. Save where otherwise provided, only the following fees shall be charged in originating proceedings involving claims not exceeding £25, begun otherwise than by writ of summons :— A fee of 5s. to be paid in stamps to be affixed to the document by which such proceedings are begun, and a fee of 5s. to be paid in stamps to be affixed in the order book on entry of the order disposing of such proceedings on the merits.		
27.* In addition to the fees prescribed by items 25 and 26, there shall be charged in the cases falling under them a mileage fee of 2s. 4½p. on the issue of a writ for the sale of movables.		The counterfoil.

APPENDIX B.

CRIMINAL PROCEEDINGS.

The fees payable in criminal matters shall, save where otherwise provided, be the fees prescribed herein.

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
1. On the issue of a summons to an accused person	£ s. p. - 5 0	The counterfoil.

* Item 27 was deleted and substituted after the 31st December, 1953: See *Gazette* of 20th May, 1954, Volume II, page 273.

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
	£ s. p.	
2. On the issue of a summons to any person to attend and give evidence or to produce any document	- 1 4½	The counterfoil.
3. On furnishing copy of notes or of depositions, the fees chargeable shall, unless the Court otherwise orders, be at the same rates as are payable in respect of the furnishing of copies of the file of proceedings in a civil action.		
4. The service fees payable under the Criminal Procedure Rules, Rule 9, shall be paid in addition to the foregoing.		

APPENDIX C.

MUNICIPAL CORPORATIONS LAW, CAP. 252, AND ANY LAW AMENDING THE SAME.

PROCEEDINGS TO ABATE NUISANCE.

(Sections 141 to 155).

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
	£ s. p.	
1. On issue of a summons to defendant	- 5 0	The counterfoil.
2. On issue of a summons to witness	- 1 4½	The counterfoil.
3. On application for leave or declaration of intention to appeal	- 5 0	The application or declaration.
4. For the service of any document. Same fees as in criminal proceedings.		
5. On furnishing copies of the proceedings-- Same fees as in criminal proceedings.		

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First Column	Second Column	Third Column
Item	Fee	Document to be stamped
6. A single fee as for one copy shall be charged for the four copies furnished to the appellant under rule 8 of the Municipal Corporations (Nuisances) Rules of Court. Of these four copies the appellant shall deliver three to the Chief Registrar for the use of the Supreme Court.	£ s. p.	

APPENDIX D.*

WILLS AND SUCCESSION LAW, CAP. 220, AND ANY LAW AMENDING THE SAME.

APPLICATIONS FOR PROBATE AND ADMINISTRATION, AND ACTIONS INSTITUTED IN THE DISTRICT COURT.

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
1. On application for grant of probate or administration	£ s. p. - 10 0	The application.
2. On swearing affidavit	- 5 0	The affidavit.
3. On entering any order, except an order granting probate or administration	- 7 4½	The order book.
4. On filing inventory under section 78	- 5 0	The inventory.
5. On filing declaration under section 78	- 2 0	The declaration.
6. On grant of probate or administration per £100 or part thereof on the value of the property of the deceased, not exceeding a total fee of £25	1 0 0	The order book.
7. Where the value of the property does not exceed £25 a single fee of 10s. and where the value of the property exceeds £25 but does not exceed £50 a single fee of £1 shall be charged in lieu of all the above fees numbered 1 to 6		The declaration made under section 78.

*The whole of Appendix D was replaced after the 31st December, 1953, by the Administration of Estates Rules, 1955, Appendix B: See *Gazette* of 6th January, 1955, Volume II, page 16.

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First Column	Second Column	Third Column
Item	Fee	Document to be stamped
	£ s. p.	
8. On filing declaration of acceptance or renunciation	- 5 0	The declaration.
9. On summons to witness	- 1 4½	The counterfoil.
10. On grant of probate or administration where there has been a previous grant on which the fee prescribed under item 6 has been paid	- 10 0	The grant.
11. On security bond: the ordinary stamp duty		The bond.
12. On filing account under section 85 per £100 or part thereof on the value of the property, not exceeding a total of £50	1 0 0	The account.
13. On proceedings in an action under sections 70 or 71	As in an ordinary action.	
14. On depositing the will of a living person under section 66	1 0 0	The register of wills.
15. On inspecting a will or other document on the files	- 2 0	The fees book (form F. 168).

APPENDIX E.

RECOVERY OF POSSESSION OF SMALL HOLDINGS
LAW, CAP. 237.

RECOVERY OF POSSESSION OF SMALL HOLDINGS.

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
	£ s. p.	
1. On drawing up any order	- 5 0	The order book.
2. On issue of any warrant to enforce an order	- 5 0	The counterfoil.
3. On issue of any summons to a witness	- 1 4½	The counterfoil.

APPENDIX F.

IMMOVABLE PROPERTY (TENURE, REGISTRATION
AND VALUATION) LAW, CAP. 231, AND ANY LAW
AMENDING THE SAME.

PROCEEDINGS BEFORE THE COURT.

First Column	Second Column	Third Column
Item	Fee	Document to be stamped
1. On filing an application or appeal to the District Court (save as provided hereunder):—	£ s. p.	
(a) where the value of the matter in dispute does not exceed £25	- 10 0	The application or appeal.
(b) where the value of the matter in dispute exceeds £25	1 0 0	
2. On filing an application to extend time for appeal under section 75	- 5 0	The application.
3. On filing an application under section 73	Free	
4. On all other proceedings and matters: the same fees as in an ordinary civil action. None of the above fees shall be charged in respect of a proceeding taken on behalf of the Director of Land Registration and Surveys.		

APPENDIX G.

TAX COLLECTION LAW, CAP. 303.

No fee shall be payable in respect of any of the proceedings provided for by the Tax Collection Law, Cap. 303, and on application to the Registrar by the Comptroller of Inland Revenue or by any person authorized by him to apply on his behalf, copies of any orders, warrants or other proceedings under the said Law or any rules, certified under the hand of the Registrar and the seal of the Court to be true copies, shall be furnished free of cost.

In other cases copies shall be furnished on the same terms and on payment of the same fee as is payable in respect of the furnishing of copies of the file of proceedings in a civil action.

(b) *By Night.*

By red lamps hoisted on flag poles situated as in (a) (i), (ii), (iii), (iv) and (v) above."

Made at Nicosia, this 14th day of April, 1953.
(M.P. 708/48/3.)

No. 200. THE BOMBARDMENT RANGE AREAS LAW.
CAP. 222 AND LAW 23 OF 1951.

NOTICE UNDER SECTION 2.

A. B. WRIGHT,
Governor.

In exercise of the powers vested in me by section 2 of the Bombardment Range Areas Law, I, the Governor, do hereby declare the area set out in the Schedule hereto to be a Bombardment Range Area for the purposes of the aforesaid Law, for a period of five years from the date of this notice.

SCHEDULE.

The Dhekelia Bombardment Range Area.

The boundary encloses part of localities "Knassa", "Phinijin", "Stenon", "Kazama", "Kokkinokremmos", "Mavrospilios", "Palio-mandra", "Kimistron", "Kaphkarokremmos", "Vikla", "Loutomia" and "Laxia tou Papa" of the village of Pyla in the District of Larnaca and is marked on the ground by danger notices at intervals of 300 yards. The Cyprus Survey Grid Co-ordinates of the corners of the said boundary are E.235064, N.148504; E.235375, N.148630; E.236300, N.148780; E.236890, N.148850; E.237015, N.148555; E.236530, N.148275; E.235690, N.147820; E.235218, N.147695.

All which said boundary is marked more particularly on the ground by Danger Notices situated at prominent points warning all persons in English, Greek and Turkish that they should keep out of the area when red flags are hoisted, and on the map 1 : 50,000 CYPRUS Sheet 13 LARNACA by a line joining the points in succession whose map references are 351485, 354487, 363488, 369489, 370486, 366483, 357478 and 352477.

Made at Nicosia, this 14th day of April, 1953.
(M.P. 708/48/3.)

No. 201.
THE COURTS OF JUSTICE (SUPPLEMENTARY PROVISIONS) LAW.
CAP. 12.

RULES OF COURT MADE UNDER SECTION 37.

A. B. WRIGHT,
Governor.

In exercise of the powers conferred by section 37 of the Courts of Justice (Supplementary Provisions) Law, the Governor, with the advice and assistance of the Chief Justice, has been pleased to make and hereby makes the following Rules:—

1. These Rules may be cited as the Rules of Court (Amendment) Rules, 1953, and shall be read as one with the Rules of Court, 1938 to 1951 (hereinafter referred to as "the principal Rules") and the principal Rules and these Rules may together be cited as the Rules of Court, 1938 to 1953.

Gazettes :
Supplement
No. 3:
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