



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 2927 OF 30TH MAY, 1941.

SUBSIDIARY LEGISLATION.

No. 122.

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940.

REGULATIONS MADE BY THE GOVERNOR.

W. D. BATTERSHILL,
Governor.

I, the Governor, in exercise of the powers conferred by the Emergency Powers (Defence) Acts, 1939 and 1940, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940, do hereby make the following regulations:—

1. These regulations may be cited as the Defence (Amendment No. 2) Regulations, 1941, and shall be read as one with the Defence Regulations, 1940 to (No. 1) 1941, (hereinafter referred to as "the principal Regulations"), and the principal Regulations and these regulations may together be cited as the Defence Regulations, 1940 to (No. 2) 1941.

Gazettes:
Supplement
No. 3:
3. 6.1940
7. 8.1940
23. 8.1940
9.10.1940
11.12.1940
29. 1.1941

2. Regulation 15 of the principal Regulations shall be amended as follows:—

(a) by the deletion therefrom of the words "(either visually or by means of sound or otherwise)"; and

(b) by the addition of the following paragraphs as paragraphs (2) and (3), the first part thereof being numbered as paragraph (1):—

"(2) Any person convicted of the offence of making a signal in such circumstances as show that the signal is made for a purpose prejudicial to the defence of the Colony shall be liable to imprisonment for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(3) A prosecution for an offence against this regulation shall not be instituted except with the consent of the Attorney-General."

Amendment
of regula-
tion 15.

3. Regulation 16 of the principal Regulations shall be amended as follows:—

(a) by the deletion therefrom of the words "(whether visually or otherwise)";

(b) by the deletion of the word "regulation" which appears in the first line of the proviso and the substitution thereof of the word "paragraph";

(c) by the addition of the following paragraph as paragraph (2), the first part thereof being numbered as paragraph (1):—

"(2) If the Competent Authority has reasonable ground to believe that there is in any premises apparatus capable of transmitting signals which is or has been so used, whether intentionally or unintentionally, that assistance might thereby be afforded to the enemy, he or any member of the Cyprus Police Force or of His Majesty's Forces authorized by him, may enter the premises and may require to be taken any steps reasonably necessary to prevent the apparatus from being so used, or may, if necessary, himself take such steps as aforesaid.

For the purposes of this paragraph the expression 'premises' includes vehicles."

Amendment
of regula-
tion 16.

- Amendment of regulation 20.
4. Regulation 20 of the principal Regulations shall be amended by the addition of the following paragraphs as paragraphs (2) and (3), the first part thereof being numbered as paragraph (1) :—
- “(2) Any person convicted of an offence against this regulation shall be liable to imprisonment for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.
- (3) A prosecution for an offence against this regulation shall not be instituted except with the consent of the Attorney-General.”
- Insertion of new regulation 20A.
5. The following regulation shall be inserted in the principal Regulations immediately after regulation 20 thereof :—
- “Communi-
cation
with
persons
in enemy
territory.
- 20A.—(1) No person shall communicate with any person in enemy territory :
- Provided that this regulation shall not apply—
- (a) to anything done by any servant of His Majesty acting in the course of his duty as such ; or
- (b) to anything done under an authority given generally or specially by, or by any person authorized in that behalf by, the Governor.
- (2) Any person convicted of an offence against this regulation shall be liable to imprisonment for any term not exceeding five years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.
- (3) A prosecution for an offence against this regulation shall not be instituted except with the consent of the Attorney-General.
- (4) In this regulation the expression ‘ enemy territory ’ means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.”
- Amendment of regulation 25.
6. Regulation 25 of the principal Regulations shall be amended by the addition of the following paragraph as paragraph (3) :—
- “(3) No person shall supply to or make for any unauthorized person any naval, military, air force, police or other official uniform, whether the uniform is British, colonial or foreign, or any badge or emblem supplied or authorized by any Government department or local or public authority, or any uniform, badge or emblem so nearly resembling any such uniform, badge or emblem as aforesaid as to be calculated to deceive :
- Provided that it shall be a defence, in any proceedings in respect of a contravention of this paragraph for the defendant to prove that he took all reasonable steps to satisfy himself that the person to or for whom the uniform, badge or emblem was supplied or made was an authorized person.”
- Insertion of new regulation 25A.
7. The following regulation shall be inserted in the principal Regulations immediately after regulation 25 thereof :—
- “Forcing
safeguards.
- 25A.—(1) Any person who endeavours to force a safeguard shall be guilty of an offence against this regulation and shall, on conviction, be liable to suffer death or imprisonment for life.
- (2) A prosecution for an offence against this regulation shall not be instituted except with the consent of the Attorney-General.
- (3) In this regulation the expression ‘ safeguard ’ means any party of His Majesty’s Forces, the Cyprus Volunteer Force or the Cyprus Police Force posted for the purpose of protecting, or of preventing or controlling access to, any premises or place, or for the purpose of regulating traffic on any road or railway, and includes any sentry being a member of the said forces posted for any of the purposes aforesaid.
- (4) A person sentenced to death on conviction of an offence against this regulation shall be dealt with in like manner as persons convicted of murder.”
- Insertion of new regulation 29A.
8. The following regulation shall be inserted in the principal Regulations immediately after regulation 29 thereof :—
- “Publica-
tion of
disturbing
reports.
- 29A.—(1) Subject as hereinafter provided, any person who publishes any report or statement relating to matters connected with the war which is likely to cause alarm or despondency shall be liable on conviction to imprisonment for a term not exceeding one month or to a fine not exceeding fifty pounds or to both such imprisonment and such fine :
- Provided that a person shall not be convicted of an offence against this regulation if he proves—
- (a) that he had reasonable cause to believe that the report or statement was true ; and
- (b) that the publication thereof was not malicious and ought fairly to be excused.

(2) Nothing in this regulation shall apply to any report or statement made by or to any servant of His Majesty in the course of his duty as such.

(3) A prosecution for an offence against this regulation shall not be instituted except with the consent of the Attorney-General."

9. The following regulation shall be inserted in the principal Regulations immediately after regulation 33 thereof :—

"Looting and kindred offences.

33A.—(1) If, in an area which has been subjected to attack by the enemy, whether by means of aircraft or otherwise, or in any area to which this regulation has been applied by order of the Governor, any person—

- (a) steals any article from premises which have been damaged by war operations or vacated by reason of attack by the enemy or in consequence of any authorized directions given for the purpose of meeting or hindering any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in any such attack ; or
- (b) steals any article which has been left exposed or unprotected as a consequence of war operations ; or
- (c) enters any premises, damages any property, assaults any person or is found with any offensive weapon or housebreaking instrument, with intent to commit any offence punishable by imprisonment ;

he shall be guilty of an offence against this regulation, and shall on conviction thereof on information be liable to suffer death or imprisonment for life or on summary conviction thereof be liable to imprisonment for a term not exceeding twelve months.

(2) A prosecution for this offence shall not be instituted except with the consent of the Attorney-General, and no person shall be tried summarily except with his consent.

(3) The Governor may by order direct that this regulation shall apply to any area in which, in his opinion, there is, or is likely to be, special difficulty in preserving public order by reason of any measures taken for the purpose of meeting or hindering any actual or apprehended attack by the enemy.

(4) In this regulation the expression 'authorized directions' means any order or directions made or given in the exercise of powers conferred by these regulations or made or given by any officer of His Majesty's Forces.

(5) A person sentenced to death on conviction of an offence against this regulation shall be dealt with in like manner as persons convicted of murder."

Insertion of new regulation 33A.

10. The following regulation shall be inserted in the principal Regulations immediately after regulation 39 thereof :—

"Control of motor vehicles.

39A. The Governor may by order provide for requiring mechanically propelled road vehicles, or any such class of mechanically propelled road vehicles as may be specified in the order, to be rendered when not being driven, incapable of use by unauthorized persons during such hours as may be so specified ; and any such order may contain provisions with respect to the method by which vehicles are to be rendered incapable of use as aforesaid."

Insertion of new regulation 39A.

11. The following regulation shall be inserted in the principal Regulations immediately after regulation 43 thereof :—

"Restriction of access to essential works.

43A.—(1) For the purpose of protecting works, structures or premises used or intended to be used in His Majesty's Service or in the performance of any work or service which appears to the Governor to be essential for the defence of the Colony or the efficient prosecution of the war or to be essential to the life of the community, the Governor may give directions authorizing the taking of such measures as may be specified in the directions for preventing or restricting access to any such works, structures or premises so specified, and subject to the next following paragraph, no person shall be under any criminal or civil liability in respect of any injury or damage caused by or arising in consequence of any measures taken in accordance with any such directions.

(2) The foregoing paragraph of this regulation shall not affect the right of any person to compensation under the Mines Regulations (Amendment) Law, 1925, in respect of any such injury, but any sum paid by any person in respect of such compensation shall be repaid out of the Revenue of the Colony.

Insertion of new regulation 43A.

(3) Directions may be given under this regulation so as to relate to any particular works, structures or premises, or to any class of works, structures or premises."

Amendment of regulation 61.

12. Regulation 61 of the principal Regulations shall be amended as follows :—
(a) by the insertion immediately after paragraph (1) (a) of the following paragraph :—

"(aa) for regulating or prohibiting the opening and closing of any premises or place wherein or whereon any foodstuffs are sold, whether by wholesale or by retail, or are made or prepared for sale ;"

(b) by the insertion immediately after paragraph (8) (b) of the following paragraph :—

"(c) the expression ' foodstuffs ' includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food or flavouring matters or condiments ;"

Amendment of regulation 68.

13. Regulation 68 of the principal Regulations shall be amended by the addition of the following paragraph, the first part thereof being numbered as paragraph (1) :—

"(2) The Governor may, by order, if it appears to him expedient so to do, delegate to any person, subject to such limitations and directions as he may in such order provide, any of the powers conferred upon him by the provisions of paragraph (1) of this regulation."

Insertion of new regulation 73A.

14. The following regulation shall be inserted in the principal Regulations immediately after regulation 73 thereof :—

" Power to control animals in the event of hostile attack.
73A.—(1) The Governor may by order make such provision for the control of animals and vehicles drawn by animals as he considers expedient with a view to securing the public safety or maintaining public order in the event of hostile attack.

(2) Any member of the Cyprus Police Force in uniform may inspect any animal to which such order applies and the harness or other equipment attached thereto for the purpose of ascertaining whether the order is being complied with, and, if the animal is in motion, any person driving, leading or otherwise in charge of the animal, shall stop the animal on being required so to do by any member of the Cyprus Police Force and render all reasonable assistance to the member of the Cyprus Police Force for the purpose of the exercise of his powers under this paragraph."

Insertion of new regulation 79A.

15. The following regulation shall be inserted in the principal Regulations immediately after regulation 79 thereof :—

" Control of employment.
79A.—(1) The Governor may direct any person in the Colony to perform such services in the Colony or in any ship registered in the Colony as may be specified by the direction, being services which that person is, in the opinion of the Governor, capable of performing.

(2) Any services required by a direction given under this regulation to be performed shall be performed upon such terms as to remuneration and conditions of service as the Governor may, in accordance with the provisions of this regulation, direct :

Provided that in determining the terms upon which any such services are to be performed the Governor shall have regard to any rates of salary, fees or wages for the performance of those services which appear to the Governor to be usual, and, in particular, in the case of services usually rendered under a contract of service, shall have regard to any determination relating to the remuneration and conditions of service of persons employed in the district in the capacity and in the trade in which the person to whom the direction relates is to serve, being a determination contained in an agreement between organizations, representative of employers and workers, or, in the absence of any such determination, shall have regard to the remuneration and conditions of service in practice prevailing among good employers in that trade in the district.

(3) Any directions given by the Governor under this regulation may, in accordance with his instructions, be given on his behalf by any person duly authorized in writing by him.

(4) The Governor may by order make provision for regulating the engagement of workers by employers and the duration of their employment, and for giving effect to the foregoing provisions of this regulation, and may, in particular, provide by any such order :—

(a) for requiring persons to register such particulars about themselves as may be prescribed by or under the order ;

(b) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking as may be prescribed by or under the order ;

(c) for requiring persons carrying on, or employed in connection with, any undertaking, to produce to such person as may be designated by or on behalf of the Governor or by or on behalf of any other authority or person specified in the order such books, accounts or other documents relating to the undertaking and to furnish such estimates, returns or information relating thereto as may be prescribed by or under the order;

(d) for any incidental and supplementary matters for which the Governor thinks it expedient to provide, including, in particular, the entry and inspection of premises with a view to securing compliance with directions given under this regulation;

and any such provision may be made so as to relate either to persons or undertakings generally or to any particular person or undertaking or class or description of persons or undertakings."

16. Regulation 95 of the principal Regulations shall be amended by the insertion between the words "other than regulations" and the figure "34" of the following:—
"15, 20, 20A, 25A, 33A (where proceedings are by information),"

Amendment
of regula-
tion 95.

Made at Nicosia, this 28th day of May, 1941.

(M.P. 69/40/2.)

No. 123. THE DEFENCE REGULATIONS, 1940 TO (No. 2) 1941.

DELEGATION OF POWER UNDER PARAGRAPH (5) OF REGULATION 66.

W. D. BATTERSHILL,
Governor.

In exercise of the powers vested in him by paragraph (5) of regulation 66 of the Defence Regulations, 1940 to (No. 2) 1941, His Excellency the Governor has been pleased to depute and hereby deputes the person for the time being holding the office designated in the second column of the Schedule hereto to exercise and perform on the Governor's behalf the powers mentioned in the first column of the said Schedule which the Governor is empowered to exercise and perform under the provisions of paragraphs (1), (2), (3) and (4) of regulation 66 of the Defence Regulations, 1940 to (No. 2) 1941.

SCHEDULE.

The power to requisition any foodstuffs found in any premises or place wherein or whereon such foodstuffs are sold, whether by wholesale or retail, or are made or prepared for sale, and the power connected with such requisitioning conferred by paragraphs (1), (2), (3) and (4) of regulation 66 of the Defence Regulations, 1940 to (No. 2) 1941.

Commissioner of
each District.

Made at Nicosia, this 28th day of May, 1941.

(M.P. 35/41.)

No. 124. THE DEFENCE REGULATIONS, 1940 TO (No. 2) 1941.

ORDER MADE BY THE COMPETENT AUTHORITY UNDER REGULATION 61.

In exercise of the powers vested in me by virtue of my appointment by the Governor as the Competent Authority for the purposes of regulation 61 of the Defence Regulations, 1940 to (No. 2) 1941, I hereby order as follows:—

1. This Order may be cited as the Defence (Control of Cheese in Cold Storage) (Amendment) Order, 1941, and shall be read as one with the Defence (Control of Cheese in Cold Storage) Order, 1940, (hereinafter called "the principal Order") and the principal Order and this Order may together be cited as the Defence (Control of Cheese in Cold Storage) Orders, 1940 to 1941.

Gazette :
Supplement
No. 3:
16.10.1940