

Department or Establishment	Title of pensionable office
Medical	Dental Mechanic. Midwifery Supervisor and Tutor. Senior Radiographer.
Public Works	Foreman, Grade I. Assistant Workshop Superintendent.
Town Planning	Town Planning Officer.
Secretariat	Chief Accountant, Electricity Authority. Supervisor, Secret Registry. Computer and Draughtsman. Transiator, 2nd Grade. Film Publicity Officer. Examiner, Grade I. Examiner, Grade II (Trade Marks and Patents). Examiner, Grade II (Trade Unions).
Treasury	Accountant, Classes I, II and III.

Made this 21st day of August, 1953.

(M.P. 6143/51.)

A. S. ALDRIDGE,
Clerk of the Executive Council.

No. 422.

THE COURTS OF JUSTICE (SUPPLEMENTARY
PROVISIONS) LAW.

CAP. 12.

RULES OF COURT MADE UNDER SECTION 37.

J. FLETCHER-COOKE,
Acting Governor.

Cap. 12. In exercise of the powers conferred by section 37 of the Courts of Justice (Supplementary Provisions) Law, I, the Acting Governor, with the advice and assistance of the Acting Chief Justice, do hereby make the following rules:—

1. These rules may be cited as the Rules of Court (No. 2), 1953, and shall be read as one with the Rules of Court, 1938 to 1953 (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 (No. 2) 1953.

*Gazettes :
Supplement
No. 3:
1.6.1938
to
16.4.1953.*

2. Rule 6 of Order 2 of the principal Rules is hereby amended as follows:—

(a) by the insertion of the word "and" immediately after the semi-colon at the end of paragraph (3); and

(b) by the insertion therein after paragraph (3) of the following paragraph:

"(4) In all other actions in the District Court (except actions for libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage, and actions in which fraud is alleged by the plaintiff);"

3. For Rule 9 of Order 5 of the principal Rules there shall be substituted the following rule :—

“ 9. If it be made to appear to the Court or a Judge that from any cause it is not possible promptly to effect service in the manner provided in Rule 2 of this Order, the Court or Judge may make such order for substituted or other service, or for the substitution of notice for service by letter, public advertisement, or otherwise, as may be just.”

4. The principal Rules are hereby amended by the insertion therein immediately after Order 5 of the following Order :—

“ ORDER 5A.

Substituted service.

Every application to the Court or a Judge for an order for substituted or other service, or for the substitution of notice for service, shall be supported by an affidavit setting forth the grounds upon which the application is made.”

5. Order 6 of the principal Rules is hereby amended by the insertion therein immediately after Rule 8 of the following rule :—

“ 9. Where an official certificate or declaration, transmitted to the Cyprus Court in the manner provided in Rule 8 of this Order, certifies or declares that efforts to serve a document have been without effect, the Court or a Judge may, upon the *ex parte* application of the plaintiff, order that the plaintiff be at liberty to bespeak a request for substituted service of such document.”

6. Order 9 of the principal Rules is hereby amended as follows :—

(a) by the substitution for the second paragraph of Rule 9 of the following paragraph :—

“ (2) Before any such order is made a power of attorney signed by the persons to be represented and certified by a registrar or certifying officer or the Mukhtar and two Azas of their village, and empowering the person or persons, who are to sue or defend on their behalf, to represent them in the cause or matter specified in the power of attorney, shall be filed with the writ of summons, except in the case of any unincorporated religious, charitable, philanthropic, educational, social or athletic institution or association not established or conducted for profit.”

(b) by the insertion therein immediately after Rule 12 of the following rule :—

“ 12A.—(1) Where, in any cause, matter or other proceeding it appears that any person who belongs to a class of persons who are parties to the cause or matter in question in the same interest, is interested in or affected by, or is a party to such cause, matter or other proceeding, but cannot be found, the Court or Judge may, if satisfied that it is expedient so to do, appoint one or more persons to represent such person, and the judgment or order of the Court or Judge in the presence of the person or persons so appointed shall be binding on the person so represented.

(2) An application to the Court or a Judge under paragraph (1) of this rule shall be supported by an affidavit setting forth the efforts made to find the person proposed to be represented.”

7. Order 21 of the principal Rules is hereby amended as follows :—

(a) by the substitution for paragraph (2) of Rule 9 of the following paragraph :—

“ (2) Any person named in a defence as a party to a counter-claim thereby made may file and deliver a defence to the counter-claim within the time within which he might file and deliver a defence if it were a statement of claim.”

(b) by the substitution for Rule 14 of the following rule :—

“ 14.—(1) Where the plaintiff desires to deliver a reply, he shall file and deliver it within seven days from the delivery of the defence.

(2) No subsequent pleading shall be delivered, unless ordered by the Court or a Judge. Where a subsequent pleading is ordered it shall be filed and delivered together with an office copy of the order within the time specified in the order giving leave to deliver the same.”

(c) by the insertion therein immediately after Rule 14 of the following rule :—

“ 15. Where a counterclaim is pleaded, a defence thereto shall be subject to the rules applicable to defences.”

8. Order 26 of the principal Rules is hereby amended as follows :—

(a) by the substitution for Rule 2 of the following rule :—

“ 2. Where a pleading subsequent to reply is not ordered, then, at the expiration of seven days from the delivery of the defence or reply (if any) ; or, where a pleading subsequent to reply is ordered, and the party who has been ordered or given leave to deliver the same fails to do so within the period limited for that purpose, then, at the expiration of the period so limited, the pleadings shall be deemed to be closed and material statements of fact in the pleading last delivered shall be deemed to have been denied and put in issue :

Provided that this rule shall not apply to a defence to a counterclaim and that unless the plaintiff delivers a defence to a counterclaim, the statements of fact contained in such counterclaim shall at the expiration of fourteen days from the delivery thereof or of such time (if any) as may by order be allowed for delivery of a defence thereto be deemed to be admitted, but the Court or Judge may at any subsequent time give leave to the plaintiff to deliver such a defence.”

(b) by the substitution for Rule 4 of the following rule :—

“ 4. Any judgment by default, whether under this Order or under any other of these rules, may in a proper case be set aside by the Court upon such terms as to costs or otherwise as the Court may think fit.”

9. Rule 1 of Order 34 of the principal Rules is hereby amended by the deletion therefrom of the words “ and when so entered shall be signed by a Judge of the Court ”, (lines 4 and 5) and the substitution for the comma after the word “ purpose ” (line 4) of a full stop.

10. For Rule 17 of Order 35 of the principal Rules there shall be substituted the following :—

“ 17. Where an *ex parte* application has been refused by the Court below, an appeal shall lie to the Court of Appeal. Such appeal shall be brought within four days from the date of the refusal of the Court below, or within such enlarged time as a Judge of the Court below or of the Court of Appeal may allow, and the provisions relating to appeals from interlocutory orders shall apply.”

11. Rule 6 of Order 45 of the principal Rules is hereby amended by the substitution for the words “ nine per centum ”, (line 12) of the words “ four per centum ”.

12. Rule 8 of Order 48 of the principal Rules is hereby amended as follows :—

(a) by the insertion therein after sub-paragraph (j) in paragraph (1) of the following sub-paragraph (sub-paragraph (j) being re-lettered and numbered “ (j. 1) ” :—

“ (j. 2) under Order 9, Rule 12A, for an Order appointing a representative of a person who cannot be found ; ”

(b) by the deletion of sub-paragraph (u).

13. Rule 17 of Order 49 of the principal Rules is hereby revoked.
14. Order 65 of the principal Rules is hereby amended as follows :—
- (1) by the substitution for the heading of the Order of the following :—
“Special Rules on Actions relating to Claims not exceeding £50”.
 - (2) by the amendment of Rule 1 by the substitution for the words “twenty five pounds” (line 2) of the words “fifty pounds”.
 - (3) by the amendment of Rule 2 as follows :—
 - (a) by the substitution for paragraph (2) of the following paragraph :—
“ (2) The writ of summons shall call upon the defendant to appear before the Court, at the time and place therein named, and inform him that if he intends to dispute the plaintiff’s claim he must, within ten days after service of the writ of summons, deliver his defence in writing to the plaintiff or at his address for service, and give a duplicate thereof or send the same by registered post to the registrar.”
 - (b) by the substitution for paragraph (5) of the following paragraph :—
“ (5) The time named in the writ of summons for the appearance of the defendant shall not be less than ten days from the day on which the writ is issued ” ;
 - (4) by the substitution for Rule 3 of the following rule :—
“ 3. An office copy of the writ of summons shall be served on the defendant not less than ten days before the day named therein for the appearance of the defendant. The person effecting the service shall note on the copy served the date of service ” ;
 - (5) by the deletion of Rule 10.
 - (6) by the substitution for Rule 11 of the following Rule :—
“ 11. If at the time fixed by the writ of summons for the appearance of the defendant neither party appears the action shall stand dismissed and shall not subsequently be heard, unless, on application to the Court, the Court orders reinstatement of the action on the ground that it is equitable so to do in the circumstances of the case ” ;
 - (7) by the amendment of Rule 14 as follows :—
 - (a) by the substitution for paragraph (1) of the following paragraph :—
“ (1) If at that time both parties appear and the defendant disputes the claim, the Court shall fix a day for the hearing of the action ” ;
 - (b) by the substitution for paragraph (3) of the following paragraph :—
“ (3) If the defendant fails to deliver his defence within the time limited therefor by the writ of summons, the plaintiff may orally apply to the Court for summary judgment, and the Court may thereupon receive evidence from the parties and generally do whatever may be done under Order 18 upon an application for summary judgment ”.
15. Form No. 53 (“Writ of summons under Order 65”) in Appendix B to the principal Rules is hereby amended by the substitution for the words “fifteen days”, in the last paragraph, (page 2) of the words “ten days”.

Given under the hand and official seal of the Acting Governor and the hand of the Acting Chief Justice at Troodos, this 24th day of August, 1953.

G. C. GRIFFITH-WILLIAMS,
Acting Chief Justice.

(M.P. 1080/51.)