

CYPRUS

PEACE AND ORDER

CHAPTER 160 OF THE LAWS

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1959

CHAPTER 160.
PEACE AND ORDER.
ARRANGEMENT OF SECTIONS.

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A LAW TO MAKE BETTER PROVISION FOR THE PRESERVATION
OF PEACE AND ORDER AND THE PREVENTION OF
CRIME.

9 of 1951.

[20th February, 1951].

Short title.

1. This Law may be cited as the Peace and Order (Preservation) Law.

Interpre-
tation.2 of 21]58.
55 of 1955.
63 of 1955.
2 of 1956.
33 of 1956.
27 of 1957.

2. In this Law—

“ Justice ” means a Justice of the Special Court established under the Special Court Laws, 1955 to 1957.

“ President ” means the President of the District Court but shall further include a Justice when such Justice is exercising the powers of a President under the provisions of section 12 of this Law.

Power
to President
of District
Court.

3. (1) A President, upon information on oath, that there is within his jurisdiction any person—

(a) whose utterances, publications or conduct are likely to disturb public tranquility or to be prejudicial to good government in the Colony ;

- (b) who is found in any place, whether public or private, in such circumstances as to satisfy him that such person was about to commit or aid in the commission of an offence ;
- (c) who is, by habit a robber or thief or receiver of stolen property or habitually protects or harbours thieves or aids in the concealment and disposal of stolen property ;
- (d) who is so desperate or dangerous as to render his being at large without security hazardous to the community,

may issue a summons in the form set out in the First Schedule, requiring such person to attend before him to show cause why he should not execute a bond for keeping the peace, for being of good behaviour or for refraining from utterances, publications or conduct or other acts of the nature hereinbefore set out :

Provided that, if such person fails to appear in response to the summons, the President may, upon proof of the service of such summons, issue a warrant for the arrest of such person.

(2) If it appears to a President, upon the report of a police officer in charge of a police station or upon other information on oath (the substance of which report or information shall be recorded by the President) that there is reason to fear the commission of a breach of the peace or disturbance of the public tranquility which cannot be prevented otherwise than by the immediate arrest of the person concerned, the President may, in lieu of summons, issue a warrant for the arrest of such person, specifying the reason for the issue of such warrant.

4. (1) When any person appears or is brought up upon a summons or warrant issued under section 3, the President shall proceed to enquire into the truth of the information or report upon which he has taken action and to take such further evidence as may appear necessary.

If, on enquiry, it is proved that the person should be required to execute a bond, the President shall make an order accordingly.

(2) A bond executed under the provisions of this section shall be in the form set out in the Second Schedule and shall be of such amount, not exceeding one thousand pounds,

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with or without sureties, and of such duration, not exceeding two years, as the President may direct.

The President may refuse to accept any surety on the ground that, for reasons to be recorded by him, such surety is an unfit person.

(3) If, on enquiry, it is not proved to be necessary that the person should execute a bond, the President shall make an entry on the record to that effect, and, if such person is in custody only for the purpose of the enquiry, release him, or, if he is not in custody, discharge him.

General procedure.

5. The procedure to be followed in proceedings under this Law shall, generally, be as nearly as possible as the procedure for the time being followed in summary trials :

Provided that—

- (a) in proceedings under this Law, it shall not be necessary to prove that the person concerned was guilty of any particular act or acts tending to show his purpose or intent or character and an order may be made against such person if, from the circumstances of the case and from his known character as proved to the President, it appears to the President that an order ought to be made ;
- (b) an enquiry shall be restricted to the particulars as contained in the summons or warrant ;
- (c) unless the President otherwise directs, an enquiry shall be held in his chambers in the presence only of the parties concerned and their advocates, if any.

Nature of bond and power to forfeit it.

6. (1) The bond to be executed by any person under this Law shall bind him to keep the peace, to be of good behaviour or to refrain from utterances, publications or conduct or other acts of the nature set out in subsection (1) of section 3.

(2) Where a bond has been executed under the provisions of this Law, the President, upon proof of a breach of any condition of such bond, by the person bound as principal, may adjudge such bond to be forfeited, and adjudge the persons bound thereby, whether as principal or sureties, or any of such persons, to pay the sums for which they are respectively bound, and such judgment shall be a final

judgment and shall be executed and recovered as a penalty in accordance with the provisions of the Criminal Procedure Law, relating to execution and recovery of penalties or any Law amending or substituted for the same. Cap. 155.

7. If any person ordered to execute a bond and give security as in section 4 provided fails or refuses to comply with the order, the President may order him to be committed to prison, or, if already in custody, to be detained in prison, until the expiry of such period as may be specified in the last-mentioned order, or until, within such period, he gives the required bond and security. Failure of refusal to execute bond. 4 of 21]58.

8. (1) The Governor, if satisfied that any person imprisoned for failure or refusal to execute a bond or give security under this Law may be released without danger to the community or to any other person, may, if he thinks fit, order such person to be discharged. Powers of Governor. 4 of 21]58.

(2) The Governor may, at any time, cancel or modify any bond executed under this Law.

9. Any surety under a bond executed under the provisions of this Law may apply to the President requesting that he should be discharged from such suretyship and, thereupon, the President shall issue a summons or warrant, requiring the person for whom such surety is bound, to appear, informing him, at the same time, of the surety's request. When that person appears, the President shall cancel such bond, and shall order such person to execute a fresh bond and security for the unexpired portion of the period of the bond and, in default, such person shall be committed to prison until the expiration of the period for which security is to be given or, until within such period, he has given the required bond and security. Withdrawal of surety.

10. Where any person is brought before a President under the provisions of section 4 of this Law and the President is of opinion that such person should be required to execute a bond under the provisions of this Law, he may, in place of or in addition to requiring the execution of such bond, order that such person shall be placed under police supervision in accordance with the provisions of section 11, for any period not exceeding two years : Power to place a person under police supervision. 3 of 21]58

Provided that, during the continuance of a bond executed under the provisions of this Law, upon proof of a breach of any condition of such bond by the person bound as principal, a President may, without prejudice to any proceedings which may be taken under section 6, order that such person shall be placed under police supervision for the unexpired period of the bond or such part thereof as the President may direct.

Restrictions
on persons
placed under
police
supervision.

11. (1) A person placed under police supervision shall be subject to all or any of the following restrictions as the President so placing him may order:—

- (a) he shall be required to reside within the limits of any District, town or village in Cyprus specified in the order ;
- (b) he shall not transfer his residence to any other town or village in the same District without the written authority of the police officer in charge of the District and he shall not transfer his residence to any other District without the written authority of the Commissioner of Police ;
- (c) he shall not leave the District, town or village within which he resides without the written authority of the Commissioner of Police ;
- (d) he shall, at all times, keep the police officer in charge of the District in which he resides notified of the house or the place in which he resides ;
- (e) he shall be liable, whenever called upon so to do by the officer in charge of the police in the District or town or village in which he resides, to present himself at the nearest police station ;
- (f) he shall remain within the doors of his residence from one hour after sunset until sunrise, and may be visited at his residence at any time by the police.

(2) Any person placed under police supervision, who contravenes or fails to comply with, any of the conditions specified in the order, shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both.

Orders of
President
or Justice
final.
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12. Any order made by a President or a Justice under the provisions of this Law shall be binding and conclusive and no appeal shall lie therefrom.

13. Notwithstanding anything contained in the Special Court Laws, 1955 to 1957, the powers of a President under the provisions of this Law may be also exercised *mutatis mutandis* by a Justice as respects any person within the Colony.

Powers of
Justices.

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14. A President shall, for the purposes of this Law, have power to administer an oath and any oath taken before a President under the provisions of this section shall be deemed to have been taken in judicial proceedings.

Power to
administer
oath.

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FIRST SCHEDULE.

(Section 3).

SUMMONS.

To of

Whereas it has been made to appear to me by credible information that and that you are likely to you are hereby required to attend in person at on the day of, 19..... at o'clock in the, to show cause why you should not be required to enter into a bond for £..... and also to give security by the bond of one surety in the sum of £..... or two sureties in the sum of £..... each that for the term of you will

Given under my hand, this day of, 19.....

SECOND SCHEDULE.

(Section 4).

BOND.

Whereas I,, of, have been called upon to enter into a bond for the term of in the sum of £..... to

I hereby bind myself to Her Majesty Queen Elizabeth II, her heirs and successors during the said term in the sum of to and, in case I make any default therein, I bind myself to forfeit to Her Majesty Queen Elizabeth II, her heirs and successors the said sum of £.....

Dated this day of, 19.....

(Where a bond with a surety or sureties is to be executed, add) :—

I]We do hereby declare myself]ourselves surety]sureties in the sum of £..... for the above named that, during the aforementioned term, he shall and, in case of his making default therein, I]we bind myself]ourselves, jointly and severally, to forfeit to Her Majesty Queen Elizabeth II, her heirs and successors the sum of £.....

Dated this day of, 19.....