

or any rights, benefits or profits over, out of or in respect of immovable property shall come in question incidentally if both parties consent at the hearing that the Judge shall have power to decide the claim which it is the immediate object of the action to enforce.

(f) In respect of the right of any person to the use in common with others of any immovable property situated within such judicial division dedicated to the common use of the inhabitants of any place or places.

(g) In respect of any claim for partition of immovable property situated within such judicial division which the defendant alleges to be held in undivided share by himself and any other person or persons (mushterek).

The High Commissioner may at any time and from time to time by order to be published in the Cyprus Gazette enlarge the jurisdiction of the Village Judge of any judicial division by directing that the limit of value in this sub-clause (1) hereof mentioned shall be increased in any case that he may direct to any extent not exceeding ten pounds and may in like manner repeal or amend or vary any such order.

(2) Where the President or an Ordinary Judge of the District Court is sitting as Village Judge he shall within the local jurisdiction of the District Court have jurisdiction similar to that given by the previous sub-clause (1) hereof to any Village Judge.

Provided that in the case of any Judge of the District Court the limit of value shall in all cases be ten pounds instead of two pounds and that the limit of local jurisdiction shall be the local jurisdiction of the District Court and not the judicial division.

Provided also that in the case of the President of the District Court the consent of the parties shall not be necessary to his hearing foreign actions.

(3) Nothing in this Order shall deprive the District Court of any jurisdiction which it had previous to the passing of this Order.

Provided that where any action within the jurisdiction of any Village Judge is brought in the District Court any Judge shall on the application of any party to the action made at or before the settlement of issue unless there is good cause to the contrary and the Court or Judge may at any time of its motion order the case to be tried before any Village Judge before whom the same might have been commenced and, thereupon, the plaintiff shall institute proceedings before such Village Judge and the costs of the proceedings in the District Court shall be in the discretion of the Judge.

Provided also that if an action triable before a Village Judge is heard in the District Court unless the Judge or Court before whom the action is tried certifies that there was sufficient reason for bringing the action in the District Court the plaintiff shall not recover any more costs than he would have recovered if he had sued in a Village Judge Court.

(4) Where an injunction or order to restrain any person from doing any act is claimed before the Village Judge the Village Judge of any judicial division may by his judgment grant such injunction or order to restrain and the party obtaining such judgment may file the same with the Registrar of the District Court within the local jurisdiction of which the Village Judge sits and, thereupon, the District Court shall enforce such judgment as if it were a judgment of the District Court.

(5) Any Judge of a District Court sitting as Village Judge may give the same remedies and shall have the same powers of enforcing his judgment as a District Court or any Judge thereof.

(6) Every judgment of a Village Judge shall be subject to appeal to the full District Court and any party to the appeal may, in such cases and subject to such conditions as shall be prescribed by Rules of Court, on giving security for costs to the Registrar of the District Court not to exceed five pounds apply that the appeal shall be a re-hearing and that the witnesses shall be heard before the Court and, thereupon, the parties shall summon their witnesses before the District Court on the hearing of the appeal.

(7) Every appeal from a judgment of a Judge of a District Court sitting as Village Judge where the only question raised on the appeal is a question of law may be to the Supreme Court.

(8) In any case in which the Judge decides the action by consent as provided by section (e) of sub-clause (1) hereof and in any case of partition where the property of which partition is made exceeds the value in respect of which the Village Judge has jurisdiction the judgment of the Court shall not be evidence of title between the parties or their privies in any other action or matter before that or any other Village Judge or before any Court and such consent as is in section (e) of sub-clause (1) hereof mentioned shall not prejudice any right of appeal of either party.

(9) No judgment by which it is found that an unregistered person is entitled to property or to restrain any other persons from interfering with property the right to or possession of which is by law required to be registered shall have any force until he has obtained registration."

*Substitution of new clause for clause forty-eight of "The Cyprus Courts of Justice Order, 1882."*

3. Clause forty-eight of "The Cyprus Courts of Justice Order, 1882," is hereby revoked but without prejudice to anything lawfully done thereunder and the said Order shall henceforth be construed and take effect as if, instead of the said clause forty-eight, the following clause had been inserted therein.

#### Jurisdiction of Magisterial Court.

"48. (a) A Magisterial Court formed by the President or the two Ordinary Judges of the District Court sitting together shall have jurisdiction summarily to try all complaints of offences committed within the local jurisdiction of the District Court of which they are members which are punishable with imprisonment for any term not exceeding one month or with fine not exceeding five pounds or with both such punishments and to receive complaints of all other offences mentioned and thereupon to investigate the same with power to dismiss any such complaint or to commit the accused for trial before the proper Court.

Provided that no charge against a person who is not an Ottoman subject shall, unless with the consent of the accused, be brought either for summary trial or for preliminary examination before a Magisterial Court consisting of the two Ordinary Judges of a District Court.

No charge against such person under the English law shall, without his consent, be dealt with summarily unless it would be triable by a Court of summary jurisdiction in England summarily without consent.