

(b) If a complaint is brought before a Magisterial Court, constituted as aforesaid, of any offence committed within the local jurisdiction aforesaid being one of the offences specified in the First Schedule to this Order, the Court, if it think it expedient so to do, having regard to the character and antecedents of the person charged, the nature of the offence and all the circumstances of the case and if the accused is willing that the case should be tried summarily by such Magisterial Court may deal summarily with the offence and adjudge such person, if found guilty of the offence, to be imprisoned with or without hard labour for any term not exceeding three months or to pay a fine not exceeding ten pounds or both.

(c) If a complaint is brought before any Magisterial Court, constituted as aforesaid, of any offence committed within the local jurisdiction aforesaid being one of the offences specified in the Second Schedule to this Order and the Court, at any time during the hearing of the case, becomes satisfied that the evidence is sufficient to put the person charged on his trial for the said offence and, further, is satisfied that the case is one which, having regard to the character and antecedents of the person charged, the nature of the offence and all the circumstances of the case, may properly be dealt with summarily and may be adequately punished by virtue of the powers of this Order, then, the Court shall cause the charge to be reduced into writing and read to the person charged and shall then ask him whether he is guilty or not of the charge and, if such person says that he is guilty, the Court shall, thereupon, cause a plea of guilty to be entered and adjudge him to be imprisoned with or without hard labour for any term not exceeding six months and may, in addition, impose a fine not exceeding ten pounds.

The Court, before asking, in pursuance of this clause, the person charged whether he is guilty or not, shall explain to him that he is not obliged to plead or answer and that if he pleads guilty he will be dealt with summarily and that if he does not plead or answer or pleads not guilty he will be dealt with on information before the District or Assize Court. The Court shall further state to such person that he is not obliged to say anything unless he desires to do so but that whatever he says will be taken down in writing and may be given in evidence against him upon his trial and shall give him clearly to understand that he has nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt but that whatever he then says may be given in evidence against him upon his trial notwithstanding such promise or threat.

If the prisoner does not plead guilty whatever he says in answer shall be taken down in writing and read over to him and signed by a Judge constituting or forming part of the Court and kept with the depositions of the witnesses and transmitted with them in manner required by law and, afterwards, upon the trial of the prisoner, may, if necessary, be given in evidence against him without further proof unless it is proved that the Judge purporting to have signed the same did not in fact sign the same.

(d) If a complaint is brought before any Magisterial Court constituted as aforesaid of any offence committed within the local jurisdiction aforesaid being one of the offences specified in the schedules to this Order and it appears to the Court that the prisoner has previously been convicted of the offence charged and that, owing to

such a previous conviction or otherwise, he is punishable by law with imprisonment for over three years the Court shall not deal with the case summarily in pursuance of this Order.

(e) If, upon the hearing of a charge for an offence punishable on summary conviction under this Order or under any other Order or Law whether past or future before a Magisterial Court constituted as aforesaid, the Court thinks that, though the charge is proved, the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment or any other than a nominal punishment the Court, without proceeding to conviction, may dismiss the information and, if the Court thinks fit, may order the person charged to pay such damages, not exceeding forty shillings, and such costs of the proceeding, or either of them, as the Court think reasonable: or, the Court, upon convicting the person charged, may discharge him conditionally on his giving security, with or without sureties, to appear for sentence when called upon or to be of good behaviour and either without payment of damages and costs or subject to the payment of such damages and costs or either of them as the Court thinks reasonable.

Provided that this sub-clause shall not apply to an adult convicted in pursuance of this Order of an offence of which he has pleaded guilty and of which he could not, if he had not pleaded guilty, be convicted by a Magisterial Court.

(f) On the summary trial of any offence under this Order a Court constituted as aforesaid shall have power to grant as compensation to the accused any sum admitted by the accused to be due as compensation or, if the accused denies that any compensation is due or disputes the amount, any sum proved to be due for compensation not exceeding ten pounds. Such Court shall also have the power of ordering restitution of property given under clause one hundred and fifty-eight of this Order.

(g) Where, on the summary trial of any offence by a Magisterial Court consisting of two Judges, the members of the Court disagree as to the guilt or innocence of the defendant the defendant shall be discharged. And, where, on the preliminary investigation of any charge before any such Court, the members thereof disagree as to whether the accused ought to be committed for trial or not the accused shall be discharged but may at any time be brought up on the same charge before the President of the District Court for preliminary examination without the production of further evidence.

(h) Any Magisterial Court other than Magisterial Courts constituted as hereinbefore mentioned shall within the local jurisdiction of such Court as defined by the Order establishing the same have such jurisdiction as has been or shall be conferred upon it by Order of the High Commissioner published in the Cyprus Gazette not exceeding the jurisdiction hereinbefore mentioned.

The High Commissioner shall have power by Order published in the Cyprus Gazette to make such Order as he shall think fit as to the jurisdiction of any additional Magisterial Court established or to be established and, in like manner, to amend or repeal the same.

(i) Every Ordinary Judge of a District Court, sitting alone, shall, for the purpose of holding preliminary enquiries into offences not triable summarily, have the same jurisdiction and may exercise the same powers as are conferred by the said Order for the said purpose upon Magisterial Courts consisting of the two