



SUPPLEMENT No. 2
TO
THE CYPRUS GAZETTE No. 3675 OF 4TH MARCH, 1953.
LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 8 of 1953.

A LAW TO AMEND THE IMMOVABLE PROPERTY (TENURE, CAP. 231
REGISTRATION AND VALUATION) LAW.

A. B. WRIGHT,]
Governor.

[4th March, 1953.

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows:—

1. This Law may be cited as the Immovable Property Short title.
(Tenure, Registration and Valuation) (Amendment) Law,
1953, and shall be read as one with the Immovable Property
(Tenure, Registration and Valuation) Law (hereinafter Cap. 231.
referred to as "the principal Law").

Amendment
of section
2 of the
principal
Law.

2. Section 2 of the principal Law is hereby amended by the insertion therein and in its proper alphabetical place of the following definition :—

“ ‘value’, in connection with immovable property, means the amount which the immovable property if sold in the open market by a willing seller to a willing purchaser might be expected to realize.”.

Amendment
of the princi-
pal Law by
the insertion
of new
section 3A.

3. The principal Law is hereby amended by the insertion therein, immediately after section 3, of the following section :—

“No right,
etc., on
immovable
property
except under
this Law.
Cap. 11.
2 of 1952.
29 of 1952.

3A. Notwithstanding anything in paragraph (c) of sub-section (1) of section 28 of the Courts of Justice Law contained and subject to the law relating to trusts, the law relating to vakfs and the provisions of any other Law in force for the time being, no estate, interest, right, privilege, liberty, easement or any other advantage whatsoever in, on or over any immovable property shall subsist or shall be created, acquired or transferred except under the provisions of this Law.”.

Amendment
of section 10
of the
principal
Law.

4. Sub-section (1) of section 10 of the principal Law is hereby amended as follows :—

(a) by the insertion therein at the end of paragraph (d) of the word “ or ” (the full stop at the end thereof being replaced by a semi colon);

(b) by the insertion therein, immediately after paragraph (d), of the following paragraph :—

“ (e) where the same has been created and acquired under the provisions of the Land Acquisition Law or of any other Law under which immovable property can be compulsorily acquired.”.

Cap. 233.
26 of 1952.

Repeal of
section 18
of the
principal
Law and
substitution
of new
section.

5. Section 18 of the principal Law is hereby repealed and the following section substituted therefor :—

“Provisions
as to
communal
property.

18. Where by law or custom any immovable property (in this section referred to as ‘the communal property’) is held or enjoyed communally by any town, village or quarter, the following provisions shall have effect, that is to say :—

(a) the inhabitants of such town, village or quarter shall have in common, to the exclusion of all persons not being inhabitants thereof, the right of holding or enjoying the communal property subject

to any conditions under which the communal property is by law or custom held or enjoyed ;

(b) no person shall have or acquire at any time any private or exclusive right to the communal property or to any part thereof ;

(c) where the communal property or any part thereof is required for any of the following purposes, that is to say—

(i) the formation of a village or quarter ;

(ii) reclamation ;

(iii) soil conservation ;

(iv) mining ;

(v) an undertaking of public utility,

the Governor may, by notice in the *Gazette*, declare that such property or part thereof shall cease to be communal property :

Provided that in every such case Crown property of equal utility as the communal property shall, if available, be assigned in lieu thereof or, if Crown property is not available, a sum equal to the value of the communal property, as determined by the Director, shall be provided and disposed of for the benefit of such town, village or quarter ;

(d) where by law or custom the communal property is held or enjoyed by any town, village or quarter for any particular use, the Governor may, upon a request from at least two-thirds of the male inhabitants of such town, village or quarter, who have attained the age of twenty-one years, and upon being satisfied that such use is no longer in the interest of such town, village or quarter, terminate such use and either substitute some other use therefor or dispose of the property in such manner as he may deem fit :

Provided that any such alternative use or the proceeds of any such disposal shall be or disposed of for the benefit of such town, village or quarter."

Repeal of
section 20
of the
principal
Law and
substitution
of new
section.

6. Section 20 of the principal Law is hereby repealed and the following section substituted therefor :—

"Erections,
etc., on
immovable
property
held in
undivided
shares.

20. Where any immovable property is held in undivided shares, all the co-owners shall be entitled, in proportion to their respective shares, to—

- (a) any building or other erection or structure erected upon, or affixed to, the property;
- (b) any tree or vine planted or any well sunk therein;
- (c) any permanent improvement effected therein, whether erected, affixed, planted, sunk or effected by a co-owner or by any other person."

Amendment
of section 23
of the
principal
Law.

7. Section 23 of the principal Law is hereby amended as follows :—

- (a) by the insertion in paragraph (b) of sub-section (1), after the words "advertises the proposed sale thereof" (lines 1 and 2), of the words "or brings it to the knowledge of the other owner";
- (b) by the insertion in sub-section (2), after the words "as the Director may require" (line 2), of the words "or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require";
- (c) by the insertion in sub-section (2), after the words "within thirty days of the advertisement" (line 4), of the words "or the service of the notice";
- (d) by the insertion therein, immediately after sub-section (3), of the following sub-section :—
 "(4) For the purposes of this section, 'land' includes any trees, vines or other thing or any buildings or other erections or structures, planted, growing or erected upon any land and belonging to the owner of such land."

Amendment
of section 24
of the
principal
Law.

8. Section 24 of the principal Law is hereby amended as follows :—

- (a) by the insertion in paragraph (b) of sub-section (1), after the words "advertises the proposed sale" (line 1), of the words "thereof or brings it to the knowledge of the other owner";
- (b) by the insertion in sub-section (2), after the words "as the Director may require" (line 2), of the words "or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require";

- (c) by the insertion in sub-section (2), after the words "within thirty days of the advertisement" (line 4), of the words "or the service of the notice";
- (d) by the repeal of sub-section (3).

9. Section 27 of the principal Law is hereby amended as follows:—

Amendment
of section 27
of the
principal
Law.

- (a) by the insertion in sub-section (1), after the words "distribute the proceeds" (line 18), of the words ", after deducting the expenses of such sale,";
- (b) by the insertion at the end of sub-section (1) of the following proviso (the full stop at the end thereof being replaced by a colon):—

"Provided that where, by reason of the value of the property or of the number of the co-owners or for any other reason, it appears to the Director that the service of the notice and copy of the certificate aforesaid on the other co-owners in Cyprus can be dispensed with, there may be published in lieu thereof, at the expense of any co-owner, a notice to the other co-owners in such form and in such newspaper or newspapers as the Director may require; and the date of publication in the newspaper or the last of the newspapers, as the case may be, shall be deemed to be the date of service of the notice for the purposes of this sub-section.";

- (c) by the insertion therein, immediately after sub-section (2), of the following sub-section:—

"(3) The provisions of sub-sections (1) and (2) of this section shall apply to any immovable property which is held in undivided shares but cannot be partitioned among the co-owners without contravening the provisions of section 26 of this Law, notwithstanding that such property, together with other properties held in undivided shares by the same co-owners, might be partitioned as in sub-section (2) of section 28 of this Law provided."

10. Sub-section (1) of section 32 of the principal Law is hereby repealed and the following sub-section substituted therefor:—

Amendment
of section 32
of the
principal
Law.

"Compulsory acquisition where re-adjustment impossible.

32.—(1) Where on any land there are trees, vines, buildings or other erections or structures belonging to a person other than the owner of the land and it is found impossible by the Director to make a re-adjustment under the

provisions of section 29 of this Law, the following provisions shall have effect, that is to say—

- (a) the owner of such land may, if registered therefor and if the estimated value of such land or the estimated aggregate value of such land and any trees, vines, buildings or other erections or structures thereon belonging to the owner of the land is greater than the estimated value of the trees, vines, buildings or other structures belonging to the other person, acquire the same compulsorily upon payment to the owner thereof of their value :

Provided that where the land is owned in undivided shares, the right hereby conferred shall not be exercised except by all the co-owners acting together, and then only upon condition that each of them shall take the same share in the trees, vines, buildings or other erections or structures acquired hereunder as he owns in the land :

Provided also that where on any land there are separately owned trees, vines, buildings or other erections or structures, the right hereby conferred on the owner of the land may be exercised by him in respect of all the trees, vines, buildings or other erections or structures belonging to any one or more owners ;

- (b) the owner of such trees, vines, buildings or other erections or structures may, if registered therefor and if the estimated value of such trees, vines, buildings or other erections or structures is greater than the estimated value of the land or the estimated aggregate value of the land and any trees, vines, buildings or other erections or structures thereon belonging to the owner of the land, acquire the land compulsorily upon payment to the owner thereof of its value :

Provided that where any such trees, vines, buildings or other erections or structures are owned in undivided shares, the right hereby conferred shall not be exercised except by all the co-owners

acting together, and then only upon condition that each of them shall take the same share in the land acquired hereunder as he owns in such trees, vines, buildings or other erections or structures :

Provided also that, where by reason of any trees, vines, buildings or other erections or structures standing on any land being separately owned, two or more persons seek to acquire the same land independently of one another, there shall be preferred the person or persons whose trees, vines, buildings or other erections or structures are estimated to be of greater value than the trees, vines, buildings or other erections or structures belonging to another person or persons seeking to acquire the same and, where trees, vines, buildings or other erections or structures belonging to different person or persons seeking to acquire the same land are estimated to be of equal value, the land shall be acquired by them in equal shares."

11. Section 34 of the principal Law is hereby amended by the insertion at the end thereof of the following proviso (the full stop at the end thereof being replaced by a colon) :—

Amendment
of section 34
of the
principal
Law.

" Provided that the Director may prescribe the maximum number of persons who, acting jointly, may be allowed to bid at an auction for a property put up for sale under the provisions of section 27 of this Law."

12. Section 37 of the principal Law is hereby amended by the deletion therefrom of the words " partition of the property or " (line 5) and " partition or " (line 9).

Amendment
of section 37
of the
principal
Law.

13. The proviso to sub-section (1) of section 40 of the principal Law is hereby amended by the deletion therefrom of the word " five " (line 2) and the substitution therefor of the word " eight ".

Amendment
of section 40
of the
principal
Law.

14. Section 46 of the principal Law is hereby amended by the insertion therein, immediately after sub-section (4), of the following sub-section :—

Amendment
of section 46
of the
principal
Law.

" (5) For the purposes of sub-sections (2), (3) and (4) of this section, ' registration fee ' includes the fee payable in respect of the issue of a certificate of registration under any Law in force for the time being."

Amendment
of the
principal
Law by the
insertion
of new
section 52A.

15. The principal Law is hereby amended by the insertion therein, immediately after section 52, of the following section :—

"Power
to the
Director
to effect
registration
of shares.

52A. Where immovable property is held in undivided shares and application is made by one of the co-owners for the registration of his share therein, it shall be lawful for the Director to register all the shares in the property."

Amendment
of section 65
of the
principal
Law.

16. Section 65 of the principal Law is hereby amended by the deletion therefrom of the first proviso thereto and the substitution therefor of the following proviso :—

"Provided that any immovable property may be revalued at a time less than five years from the last valuation if—

- (a) since the last valuation any such immovable property has been materially reconstructed or on any land there have been erected any buildings or planted any trees or vines so as to increase substantially the value of such property or land ; or
- (b) since the last valuation any such immovable property has been destroyed or damaged to such an extent as to affect substantially its value ; or
- (c) a general valuation under section 67 of this Law has been ordered : "

Repeal of
section 67 of
the principal
Law and
substitution
of new
section.

17. Section 67 of the principal Law is hereby repealed and the following section substituted therefor :—

"General
valuation of
immovable
property.

67.—(1) Where the Governor in Council is satisfied that, for the purposes of securing up-to-date and uniform valuation of immovable property in any town, village or quarter, a general valuation in respect of all or any specified part of such property is necessary the Governor in Council may order a general valuation of such property.

(2) For the purposes of this section a 'general valuation' means a valuation of the immovable property mentioned in sub-section (1) of this section, irrespective of whether any valuation or revaluation thereof was previously made or not and irrespective of the date at which any such valuation or revaluation was made."

Amendment
of section 68
of the
principal
Law.

18. Section 68 of the principal Law is hereby amended as follows :—

- (a) by the deletion therefrom of the first twenty lines thereof and the substitution therefor of the following :—

"Procedure
on general
valuation.

68. When a general valuation in respect of all or any specified part of the immovable property

in any town, village or quarter has been ordered under section 67 of this Law, the following provisions shall have effect :—

(a) the Director shall publish in the *Gazette* and in such other newspaper as he may deem necessary and also post up a notice, informing the public that a general valuation will be made, giving particulars of the area in respect of which the notice is given and of the date on which it shall commence, and calling on all owners therein to supply the valuer with such information, or with a return in writing containing such particulars, touching upon the immovable property to be valued, as the valuer may require, and to produce for inspection any document in their possession or under their control relating to the property which the valuer may require to be produced ;

(b) when the valuation has been made the Director shall deposit the lists with the mukhtar of the town, village or quarter concerned and shall cause to be published in the *Gazette* and to be posted up a notice to the effect that the lists have been so deposited ; "

(b) by the deletion from the remaining part thereof of the words "or revaluation" wherever they occur.

29. Section 69 of the principal Law is hereby amended by the deletion therefrom of paragraph (a) and the substitution therefor of the following paragraph :—

Amendment
of section 69
of the
principal
Law.

(a) the Director may give notice of the proposed valuation or revaluation to the person or persons affected calling upon him or them to supply the valuer with such information or with a return in writing containing such particulars touching upon the immovable property to be valued or revalued as the valuer may require and to produce for inspection any document in his or their possession or under his or their control relating to the property which the valuer may require to be produced ; "

Amendment
of the principal
Law by
the insertion
of new
section 69A.

20. The principal Law is hereby amended by the insertion therein, immediately after section 69, of the following section :—

"Valuation
or revaluation
of
property
held in
undivided
shares.

69A. Notwithstanding anything in this Law contained, where immovable property is held in undivided shares the following provisions shall have effect, that is to say—

- (a) on valuation or revaluation the property shall be valued or revalued as a whole, no regard being paid to the fact that such property is held in undivided shares, and the value of any share shall be an amount bearing to the value of the whole property such ratio as that share bears to the whole ;
- (b) the whole property may be valued or revalued, in accordance with the provisions of sections 64 or 65 of this Law, respectively, on the application of any one or more of the registered co-owners thereof ;
- (c) the objection to a valuation or revaluation of the property referred to in sections 68 and 69 of this Law, respectively, may be made by any one or more of the co-owners thereof ;
- (d) where on valuation or revaluation of the whole property an objection made by any of the co-owners to the Director is sustained or an appeal from the Director's decision thereon made by any of the co-owners to the Court is allowed, the valuation or revaluation shall be varied by the Director or the Court, respectively, in respect of the whole property."

Amendment
of the principal
Law by
the insertion
of new
sections 74A
and 74B.

21. The principal Law is hereby amended by the insertion therein, immediately after section 74, of the following sections :—

"Power of
entry, etc.,
to the
Director or
valuer.

74A. With the object of exercising the powers conferred and performing the duties imposed upon him by this Law, the Director or any valuer shall have power at all reasonable times, to enter on, measure, survey, perambulate or value any immovable property and place such land marks thereon as he may think fit.

Offences.

74B.—(1) Any person who wilfully obstructs the Director or any valuer in the exercise of his powers or performance of his duties under this Law shall be guilty of an offence and shall

be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

(2) Any person who wilfully refuses or fails without reasonable excuse to supply the valuer with the information or the written return referred to in sections 68 or 69 of this Law, respectively, within ten days from the date on which the valuer has required him to do so, shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds.

(3) Any person who knowingly makes a false statement in any information or return supplied by him under the provisions of sections 68 or 69 of this Law, respectively, shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

(4) Any person who prepares or authorizes the preparation of any false instrument or document, or falsifies any instrument or document in his possession or under his control and produces such false or falsified instrument or document to the Director or valuer when required to do so under the provisions of sections 58, 68 or 69 of this Law, shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine."

22. Section 75 of the principal Law is hereby amended by the insertion therein of the following proviso (the full stop at the end thereof being replaced by a colon):—

Amendment
of section 75
of the
principal
Law.

"Provided that the Court may, if satisfied that owing to the absence from the Colony, sickness or other reasonable cause the person aggrieved was prevented from appealing within the period of thirty days, extend the time within which an appeal may be made under such terms and conditions as it may think fit."

23. The Regulations in the First Schedule to the principal Law are hereby amended as follows:—

Amendment
of the First
Schedule
to the
principal
Law.

(a) by the deletion from Regulation 3 of the word "fourteen" (line 1) and the substitution therefor of the word "sixty";

- (b) by the deletion from Regulation 4 of the word "fourteen" (line 2) and the substitution therefor of the word "sixty";
- (c) by the insertion in Regulation 6, after the words "lapse of thirty" (line 1), of the words "but before the lapse of sixty";
- (d) by the deletion therefrom of Regulation 8 and the substitution therefor of the following Regulations:—

"8. Where an application is made to the Court to vary the Director's estimate, the acquiring party may, within sixty days from the date of the order of the Court or from the date on which the application to the Court is withdrawn, as the case may be, pay the value stated in the order or estimated by the Director to the owner of the property to be acquired or lodge the same in the Land Registry Office for payment to the owner; and upon production to the Land Registry Office of a certified copy of the order or proof that the application to the Court has been withdrawn, as the case may be, and upon proof that the value has been so paid or lodged, the acquiring party may be registered as owner of the property to be acquired upon payment of the registration fees:

Provided that where the property to be acquired is charged with the payment of any money, its value shall be lodged in the Land Registry Office to be paid out to the persons having such charges, in accordance with their respective priorities as on the day of the lodgment, any balance being paid to the owner of the property acquired.

9. After the acquiring party has applied to the Land Registry Office, as provided in Regulation 3, that the value of the property to be acquired be estimated, no dealing affecting such property shall be permitted in the Land Registry Office, unless the sixty days' time provided by Regulations 6 and 8 has elapsed and the acquiring party has failed to pay the value of the property to the owner thereof or lodge the same in the Land Registry Office, as in the said regulations provided."

4th March, 1953.

J. F. SYMONS,
Acting Colonial Secretary.