

CAP. 100.] TREE PLANTING (VILLAGE AREAS).

CHAPTER 100.

TREE PLANTING (VILLAGE AREAS).

ARRANGEMENT OF SECTIONS.

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A LAW TO AMEND AND CONSOLIDATE THE LAWS RELATING TO THE RESERVATION OF TREE PLANTING AREAS IN VILLAGES.

[22nd January, 1948.]

1949.  
Cap. 175.  
56 of 55.

Short title.

1. This Law may be cited as the Tree Planting (Village Areas) Law.

Interpre-  
tation.

2. (1) In this Law—

“ animal ” means any bull, cow, ox, heifer, calf, camel, horse, mule, donkey, sheep, goat or swine ;

“ Commissioner ” means the Commissioner of the district in which the area proposed to be reserved as a Tree Planting Area is situate ;

“ mukhtar ” means the mukhtar of the village in which the area proposed to be reserved as a Tree Planting Area is situate ;

“ owner in the village ” means any person of over eighteen years of age who, whether being an inhabitant of the village or not, is the proprietor or possessor of not less than ten donums of land situated within the

limits of the village whether such land is or is not registered in the name of such person in the books of the District Lands Office ;

“ Tree Planting Area ” means the area or areas in any village declared, under the provisions of this Law, to be reserved as the Tree Planting Area of the village.

(2) Any notice required to be posted up under the provisions of this Law shall be posted at every church and mosque in the village affected thereby or in such conspicuous place or places in the village affected thereby as the Commissioner may direct, and the certificate of the Commissioner that such notice has been so posted shall be conclusive evidence of such posting.

3. The Commissioner may, whenever he thinks it advisable, and shall, upon a requisition signed by not less than ten owners in the village, serve or cause to be served upon the mukhtar a notice in writing calling upon him to convene a meeting of the owners in the village for the purposes specified in section 10 of this Law. Meeting of owners in the village.

4. Within fourteen days of the receipt of a notice in writing as in section 3 of this Law provided, the mukhtar shall— List of voters.

(a) prepare or cause to be prepared a list of voters (hereinafter referred to as the “ List of Voters ”) showing therein the name and surname and place of residence of every owner in the village :

Provided that the names and surnames and place of residence of the Christian and Moslem owners in the village shall be shown therein in the Greek and Turkish languages respectively, as the case may be ;

(b) sign the List of Voters and post up, or cause to be posted up, signed copies of the List of Voters ;

(c) forward to the Commissioner a copy of the List of Voters, such copy to be signed and sealed by the mukhtar.

5. Any owner in the village who is not included in the List of Voters and who claims to be included therein and any owner in the village who objects to the inclusion of a person in the List of Voters, shall deposit his claim or objection, duly signed by him, with the mukhtar within seven days of the posting of the List of Voters as in section 4 of this Law provided, Claims for rectification of List of Voters.

Consideration of claims by mukhtar.

6. Within seven days of the expiration of the period prescribed in section 5 of this Law, the mukhtar shall—

- (a) consider and decide upon any claim or objection duly made ;
- (b) notify his decision in writing to any person affected by such decision ;
- (c) make such alterations in the List of Voters as he may think necessary in consequence of any such decision as aforesaid ; and
- (d) notify such alterations in writing to the Commissioner.

Objections to decisions of mukhtar.

7. Any person affected by any decision given by the mukhtar may object to such decision by depositing in writing his objection, duly signed by him, at the office of the Commissioner within seven days of the notification to him of such decision.

Revision of List of Voters by Commissioner.

8. (1) The Commissioner, having considered the objections, shall make such alterations in the List of Voters as he may think necessary or shall confirm the List of Voters and shall cause a copy thereof, as finally altered or confirmed, to be served upon the mukhtar and to be posted up forthwith.

(2) The List of Voters so altered or confirmed by the Commissioner shall be final and conclusive for all the purposes of this Law :

Provided that, if no claims for rectification have been deposited with the mukhtar of the village as in section 5 of this Law provided, the List of Voters prepared and posted by the mukhtar of the village under the provisions of section 4 of this Law shall, on the expiration of the period therein prescribed, be deemed to be final and conclusive for all the purposes of this Law.

Notice of meeting.

9. (1) The mukhtar shall, within one month from the date on which the List of Voters has become or shall be deemed to have become final and conclusive, post up or cause to be posted up a notice, duly signed and sealed by him, convening a meeting for the purposes of this Law and specifying in such notice the date, place and time for the meeting.

(2) Copy of the notice posted as aforesaid, duly signed and sealed by the mukhtar, shall be forwarded forthwith by him to the Commissioner.

10. (1) Every meeting so convened shall be held under the presidency of the mukhtar on the date and at the place and time appointed as in section 9 of this Law provided and business may be transacted thereat if not less than one-third of the owners in the village whose names appear in the List of Voters are actually present :

Proceedings  
at meetings.

Provided that the mukhtar may adjourn the meeting for seven days if at least one-third of such owners are not actually present and at every such adjourned meeting any number of such owners as may be actually present shall constitute a quorum.

(2) Every owner in the village whose name appears in the List of Voters and who is actually present at the meeting shall be entitled to vote on all questions or resolutions proposed at every such meeting.

(3) All questions and resolutions proposed at every such meeting shall be determined in open voting by a majority of not less than the two-thirds of the owners in the village present thereat and entitled to vote.

(4) Every such meeting shall determine whether an area shall be reserved as the Tree Planting Area of the village and shall fix and describe with boundaries and particulars the area so reserved :

Provided that—

- (a) such area shall not comprise in the aggregate more than one quarter of the total extent of the lands situated within the limits of the village ; and
- (b) no place in the built-up part of the village or within a distance of four hundred yards therefrom shall be comprised in such area.

11. Whenever at any meeting convened and held as in section 10 of this Law provided it is determined that an area is to be reserved as the Tree Planting Area of the village, the mukhtar shall forward forthwith to the Commissioner a report signed and sealed by him, containing a description of the area in question with boundaries and particulars and stating whether such area fulfils the conditions prescribed in section 10 (4) of this Law.

Report of  
mukhtar.

12. (1) If the Commissioner approves the report submitted and considers it expedient, having regard to all the circumstances, that the area described in such report should be

Declaration  
of Tree  
Planting  
Area by  
Commis-  
sioner.

reserved as the Tree Planting Area of the village concerned, he shall by order declare it to be reserved as the Tree Planting Area of the village :

Provided that if the Commissioner is of opinion that the area described in the report does not fulfil the conditions prescribed in section 10 (4) of this Law, he may so amend the particulars thereof as to make it fulfil those conditions.

(2) Every such order shall be published in the Gazette and shall come into force after the expiration of one month from the date of its publication and shall remain in force for a period of ten years thereafter :

Provided that the Commissioner may, on good cause shown, by order to be published in the Gazette abridge the said period of ten years or extend the said period of ten years for a further period not exceeding ten years.

(3) As soon as possible after its publication in the Gazette, the Commissioner shall cause to be posted up a copy of every such order in the Greek or Turkish language or in both languages as the case may be.

Provision  
when there  
is more than  
one  
mukhtar.

13. When in any village there is more than one mukhtar, the mukhtar of the community in numerical majority in the village shall be the mukhtar who shall perform the duties or do the acts imposed upon mukhtars by this Law.

Power to  
Commis-  
sioner.

14. When the mukhtar is unable or unwilling or neglects or refuses to perform any of the duties or do any of the acts imposed upon mukhtars by this Law, the Commissioner may appoint a fit person to perform the said duties or do the said acts, and the duties and acts performed or done under this Law by the person so appointed shall be valid and effective as if performed or done by the mukhtar.

Offences  
and  
penalties.

15. (1) (a) Subject to the provisions of section 18 of this Law if, after the commencement of any plantation on any land in any Tree Planting Area, any animal is found in or upon any such area, both the owner of such animal and the person, if any, in whose charge it was at the time shall be guilty of an offence under this Law ;

(b) any mukhtar or other person appointed as in section 14 of this Law provided, who shall refuse or neglect without reasonable excuse to perform any duty or do any act to be performed or done by him under this Law, or who shall knowingly make to the Commissioner any report false in

any material particular, shall be guilty of an offence under this Law ;

(c) any person who—

(i) prevents or obstructs any mukhtar or other person appointed as in section 14 of this Law provided to perform any duty or do any act to be performed or done by him under this Law ; or

(ii) acts in contravention of any Regulations made under this Law,

shall be guilty of an offence under this Law.

(2) Any person who is guilty of an offence under this Law shall be liable to imprisonment not exceeding one month or to a fine not exceeding ten pounds or to both such imprisonment and fine :

Provided that, in the case of an offence under paragraph (a) of subsection (1) of this section, the offender shall, in addition, be adjudged to pay the sum of one shilling for every animal in respect of which the offence has been committed.

16. The Governor may make Regulations to be published in the Gazette—

Power to Governor to make Regulations.

(a) prescribing the forms to be used in connection with any act to be done under this Law ;

(b) generally for the better carrying into effect of the purposes of this Law.

17. The Commissioner may by notification under his hand—

Establishment of village fund.

(a) establish for any village a fund into which all fines recovered under this Law for offences committed in the Tree Planting Area of such village shall be paid ;

(b) prescribe the object for which and the mode in which any fines recovered under this Law shall be utilized or expended.

18. Nothing in this Law contained shall—

Limitations as to construction of Law. Cap. 287.

(a) affect the provisions of the Rural Constables Law, or any Law amending or substituted for the same ;

(b) prevent any person from taking any animal along a passage situated in or passing through any Tree Planting Area, provided that such animal

is being taken from and to places outside a Tree Planting Area and provided that the journey is prosecuted with all reasonable speed ;

(c) prevent any person from taking in or upon or along a Tree Planting Area or any threshing floor situated within any such area any animal, other than sheep, goat or swine, as may be absolutely necessary for the cultivation or improvement of any immovable property situated within any such area or for the transport of any produce grown in any such area or as may be absolutely necessary in connection with any such threshing floor ;

(d) impose any obligation on any person to plant trees or to cause trees to be planted in any Tree Planting Area ;

(e) prevent a prosecution under any other Law, but so that a person shall not be punished twice for the same offence ;

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(f) prevent any person from grazing on his own lands within any Tree Planting Area, any camel, horse, mare, bull, cow, ass or mule or the young of such animals :

Provided that such animals and their young are at all times tethered in such manner as to prevent damage to any tree :

Provided further that the Village Commission of the village concerned may at any time, having regard to the age of the trees, the area of the lands aforesaid, the conduct of any such person, and having regard to all material considerations, prohibit, limit or control such grazing in such manner as the Village Commission may deem fit.

Saving.

19. Every Tree Planting Area reserved as such under the provisions of the Tree Planting Village Areas Laws, 1930 to 1936, and all Regulations made and every notification published or fund established thereunder shall be deemed to have been reserved, made, published and established under the provisions of this Law.

Extension  
of expired  
period.

20. As respects any order reserving a Tree Planting Area in any village, the initial period whereof had been extended for a further period of five years under the Laws repealed

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by this Law,\* the Commissioner may, by order to be published in the Gazette, extend such further period for another period of five years from the expiration thereof notwithstanding that such further first period of five years as aforementioned had in the meantime expired :

Provided that no person shall be prosecuted for any offence committed under any of the Laws repealed by this Law\* in any Tree Planting Area between the date of the expiration of the first period of five years and the date of publication of the order of extension as aforementioned.

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\* The Tree Planting (Village Areas) Laws, 1930 to 1936, were repealed by this Law.