

[HALLINAN, C.J., AND MELISSAS, J.]

(February 27, 1952)

CONSTANTINOS HAJI TOUMAZI OF KAPOUTI,

Appellant

v.

THE COMMISSIONER OF KYRENIA,

Respondent.

(Case Stated No. 69.)

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TOUMAZI
v.
COMMISSIONER
OF
KYRENIA.

Public Health (Villages) Law (Cap. 142) s.9 (1) (c)—Meaning of expression "in the village".

Section 9 (1) (c) of the Public Health (Villages) Law provides that a Village Health Commission can impose an annual rate "upon every occupier in the village". The appellant had been assessed under this paragraph in respect of certain fields adjoining the group of houses constituting the village. The District Court dismissed an appeal by him against this assessment.

Held: the expression "village" is habitually used in the laws of the Colony to include the lands surrounding the village, and the determination of the District Court was therefore correct.

Case stated by the appellant from the judgment of the District Court of Kyrenia (Case No. 796/51).

S. Christis, for the appellant.

A. Liatsos, for the respondent.

The judgment of the Court was delivered by:

HALLINAN, C.J.: This case concerns the interpretation of an expression used in section 9, sub-section 1, paragraph (c) of the Public Health (Villages) Law, Chapter 142.

The Village Health Commission under that paragraph is empowered to impose an annual rate "upon every occupier in the village to be assessed by the Village Health Commission according to the means within the village area of each such occupier".

The Village Health Commission assessed the appellant pursuant to certain rules that were made under section 9, that is to say, the Village Health (Asomatos) Rules, 1938. The appellant was assessed as the occupier of certain fields adjoining the group of houses constituting the village proper and the question which falls for decision in this case is whether the expression "in the village" used in paragraph (c) includes fields in the occupation of the appellant adjoining the village proper. It has been urged on behalf of the appellant that the use of the expression "within the village area" in the same paragraph shows that the legislative authority did not intend the expression "in the village" to include the fields outside the group of houses of the village proper.

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It must be conceded that words used in a statute must be interpreted in their ordinary meaning unless there are cogent reasons for not doing so; and undoubtedly the word village in its ordinary sense means the cluster of houses which constitute the village and would not include the fields and lands surrounding the village. I consider however that in interpreting the expression "in the village", one must have regard to the way in which the legislative authority in Cyprus has used this expression in other laws, and the Court has been referred to two of these laws: the Rural Constables Law (Cap. 267) and the Village Authorities Law (Cap. 256). Now as regards Chapter 267 it is clear on reading the law that the rural constables who are appointed to certain villages are intended to exercise their powers and duties not merely within the group of houses that constitute the village proper but over the whole village area. For example under section 20 the powers and duties of the rural constables include the duty to keep watch over the fields "within the village". Clearly the expression "within the village" there must include the fields surrounding the village. Again in a Proclamation made by the Governor under the Village Authorities Law which appears in the public notification No. 497 in the *Gazette* of the 12th December, 1950, the boundaries of a village are set out in the Schedule to the Proclamation and it is quite clear that these boundaries include the lands surrounding the houses which constitute the village proper. It, therefore, appears, by reference to other laws of the Colony, that the expression "village" is habitually used to include the lands surrounding the village. Moreover the Court must assume that the legislature intended to define with some precision the area to which the Public Health (Villages) Law applies. In the Municipal Corporations Law (Cap. 252) provision is made for the Governor to declare the limits of a municipality; if the legislative authority had considered that it was necessary to define the word "village" in the Public Health (Villages) Law, provision would have been made in that law for declaring the limits of a village. It is reasonable to suppose that no such provision was made because the word "village" is generally used in the legislation of the Colony to include the lands of a village the boundaries of which are known and delimited.

However, I consider it most desirable that in all future legislation the word "village" should be expressly defined for in every statute the use of a word may vary according to the objects and scope of the legislation and the context in which the word is used.

For these reasons I consider that the decision of the District Judge was right and should stand. The appeal is dismissed with £5 costs.

M. MELISSAS, J. : I concur.