

5. Notice of an order made under section 4 hereof shall be posted up on the church or mosque of the village and a copy thereof shall be sent to the person, if any, upon whose land the excavation is situate. Notice of order.

6. The Commissioner may, if he shall think advisable, order any excavation to be closed or otherwise altered; and may by notice in writing require such work as may in his opinion be necessary to be done:— Order for closing or altering excavation.

(a.) In the case of an excavation upon waste lands, out of the funds of the village derived from the Village Roads Law, 1900; provided that the Village Roads funds shall not be utilized for closing excavations made by the Public Works Department;

(b.) In the case of an excavation upon lands in the occupation of any person, by the occupier. In the event of an occupier not complying forthwith with such notice, he shall be liable to a fine not exceeding five pounds.

7. Any person who shall without the authority of the Commissioner work in any excavation as to which an order shall have been made under section 4 hereof prohibiting work at such excavation, shall be liable to a fine not exceeding two pounds. Penalty.

8. Nothing in this Law contained or any order or notice made thereunder shall be deemed to grant sanction to or acknowledge in any way a right in any person to remove stones or earth from an excavation if he shall not otherwise have such right. No right conferred by order or notice.

EXCISE, *see* CUSTOMS, EXCISE, AND REVENUE.

EXPLOSIVES AND PETROLEUM.

4 OF 1882.

TO REGULATE THE STORAGE, TRANSPORT AND SALE OF GUNPOWDER AND PETROLEUM, AND OTHER EXPLOSIVE AND INFLAMMABLE SUBSTANCES.

ROBERT BIDDULPH.]

[March 20, 1882.

PART I.

Storage of Explosives.

1. The High Commissioner may permit gunpowder, cartridges or other explosive substances to be stored in any building approved by High Commissioner may permit storage of

gunpowder
and other
explosives.

him in such quantities as he shall prescribe, and whilst so stored no such gunpowder, cartridges, or other explosive substances shall be dealt with except under such regulations as the High Commissioner or any person duly authorized by him shall from time to time issue in that behalf; and any person removing any such gunpowder, cartridges, or other explosive substances from such building or otherwise dealing with the same without due permission, or contrary to any regulations so made as aforesaid, shall be liable to a penalty not exceeding one hundred pounds for each such offence; and all expenses incurred by the Government of Cyprus by reason of any permission granted under the provisions of this Law shall be defrayed by the occupier of the building in respect of which the permission shall have been given.

Prohibition
of storage of
explosives
without per-
mission of
High Com-
missioner.

2. Except by the permission of the High Commissioner granted in accordance with section 1, no person shall keep in any place a greater quantity than ten okes or twenty-eight pounds of gunpowder or cartridges on the same premises at the same time, nor any quantity whatever of any explosive substance other than gunpowder or cartridges; and any person who shall have in his possession contrary hereto a larger quantity of gunpowder or cartridges than ten okes or twenty-eight pounds, or any quantity whatever of any other explosive substance, shall forfeit such gunpowder or explosive substance and shall be liable for each such offence in respect of gunpowder or cartridges to a penalty not exceeding one pound per oke, and in respect of any other explosive substance to a penalty not exceeding one hundred pounds. X

Reward to
informet.

3. The High Commissioner may order such reward as he may see fit to be paid out of any pecuniary penalty recovered under sections 1 and 2 to any officer or other person by whose means it may have been recovered.

PART 2.

Transport and storage of Petroleum within Municipal area.

Petroleum
not to be kept
without a
licence.

4. Save as hereinafter mentioned, petroleum shall not be kept within the limits of a Municipal town, except in pursuance of a licence given by the Municipal Council thereof, nor in any other place within the Island, except in pursuance of a licence given by the Commissioner of the District in which such place is situate. All petroleum kept in contravention of this section shall, together with the vessel containing it, be forfeited; and if the occupier of the

place in which the petroleum is so kept is another person than the possessor of the petroleum he shall be liable to a penalty of one shilling per box of twenty-four okes, unless the petroleum was placed there without his knowledge.

This section shall not apply to any petroleum kept either for private use or for sale, provided that the following conditions are complied with:—

- (1.) That it is kept in separate glass, earthenware, or metal vessels each of which contains not more than twelve okes;
- (2.) That the aggregate amount kept does not exceed thirty okes.

5.—(1.) Every Municipal Council shall frame and submit for confirmation to the High Commissioner bye-laws for regulating within the limits of the jurisdiction of the Council the mode of storage of petroleum, the nature and situation of the premises in which, and the goods with which it may be stored, the mode of carrying petroleum within the limits of the licensing authority, and generally as to the safe keeping of petroleum, as may seem expedient to the Council.

Bye-laws for regulating storage of petroleum.

(2.) Such bye-laws may also fix the rate to be paid for the storage of petroleum within the limits of the Municipality, and the time to

The Principal Law 4 of 1882 sec.2 (at p.348) is hereby amended by the addition thereto of the following proviso:—

"Provided always that in estimating the quantity of cartridges the storage of which is not prohibited by virtue of this section the weight of the gunpowder only shall be taken into consideration."

Vide Law 14 of 1924.

(5.) All bye-laws framed by any Municipal Council and confirmed by the High Commissioner, or framed by the High Commissioner in Council in pursuance of this section shall be published in the *Cyprus Gazette*, and shall take effect from the date of publication, or from such time as may be prescribed by the bye-laws.

6. If at any time it shall appear to the High Commissioner that there is no bye-law for the time being in force under this Law within the limits of the jurisdiction of a Municipal Council, the High Commissioner may by notice require the Council to frame and submit to him a bye-law for the purposes of this Law; and if the Council makes default in framing a bye-law and obtaining confirmation thereof within the time limited by the notice, the High Commissioner

High Commissioner may frame bye-laws for Municipality if Municipal Council makes default in so doing.

(1) i.e. 17 of 1895, which was passed on 9th May, 1895.

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5.—(1.) Every Municipal Council shall frame and submit for confirmation to the High Commissioner bye-laws for regulating within the limits of the jurisdiction of the Council the mode of storage of petroleum, the nature and situation of the premises in which, and the goods with which it may be stored, the mode of carrying petroleum within the limits of the licensing authority, and generally as to the safe keeping of petroleum, as may seem expedient to the Council.

Bye-laws for regulating storage of petroleum.

(2.) Such bye-laws may also fix the rent to be paid for the storage of petroleum within the limits of the Municipality, and the fees to be paid on introducing into or bringing within the limits of the Municipality any petroleum for sale by retail, whether it is stored or not within the limits of the Municipality.

(3.) Any bye-law made before the passing of this Law⁽¹⁾ by any Municipal Council or Commission, and confirmed by the High Commissioner with reference to the charging of a storage rent for petroleum shall be deemed to have been duly made under this Law.

(4.) The High Commissioner in Council shall frame bye-laws for regulating the matters hereinbefore mentioned in places not within the limits of the jurisdiction of a Municipal Council.

(5.) All bye-laws framed by any Municipal Council and confirmed by the High Commissioner, or framed by the High Commissioner in Council in pursuance of this section shall be published in the *Cyprus Gazette*, and shall take effect from the date of publication, or from such time as may be prescribed by the bye-laws.

6. If at any time it shall appear to the High Commissioner that there is no bye-law for the time being in force under this Law within the limits of the jurisdiction of a Municipal Council, the High Commissioner may by notice require the Council to frame and submit to him a bye-law for the purposes of this Law; and if the Council makes default in framing a bye-law and obtaining confirmation thereof within the time limited by the notice, the High Commissioner

High Commissioner may frame bye-laws for Municipality if Municipal Council makes default in so doing.

(1) *i.e.* 17 of 1895, which was passed on 9th May, 1895.

in Council may make a bye-law for the purposes of this Law, and such bye-law shall have the same effect as if it had been framed by the Municipal Council and confirmed by the High Commissioner.

Penalty for
contraven-
tion of
bye-laws.

7. Any licensee who shall act in contravention of any of such aforementioned bye-laws shall for a first offence be liable to a fine not exceeding five pounds, and for any further offence to a fine not exceeding ten pounds, and to forfeit his licence, together with any petroleum which may be found in his possession or under his control.

Appeal from
refusal of
licence by
Municipal
Council.

8. If on any application to a Municipal Council for a licence under this Law, the Council refuses the licence, the Council shall if required by the applicant deliver to him in writing under the hand or hands of the President or two or more members of the Council, a certificate of the grounds on which they refused the licence.

The applicant within ten days from the time of the delivery of the certificate may transmit it to the High Commissioner together with a memorial praying that notwithstanding the refusal the licence may be granted; and the High Commissioner may, if he shall think fit, on consideration of the memorial and certificate, and if he thinks it necessary or desirable, after due enquiry, and a report by such person as he may appoint for that purpose, grant the licence prayed for, and the licence so granted shall be as valid as if granted by the local authority.

Search for
petroleum.

9.—(1.) Where any Court of summary jurisdiction is satisfied by complaint on oath that there is reasonable ground to believe that any petroleum is being kept, sent, conveyed, or exposed for sale, within the jurisdiction of the Court in contravention of this Law at any place, whether a building or not, or in any vehicle, the Court shall grant a warrant by virtue whereof it shall be lawful for any person named in the warrant to enter the place or vehicle named in such warrant and every part thereof and examine it and search for petroleum therein; and, if any petroleum is found therein, which is kept, sent, conveyed or exposed for sale in contravention of this Law, to seize and remove the petroleum and the vessel containing it, and to detain the petroleum and vessel until some Court has determined whether the same are or are not forfeited, the proceedings for which forfeiture shall be commenced as soon as reasonably may be after the seizure.

(2.) Any person seizing any petroleum in pursuance of this section shall not be liable to any suit for detaining it or for any loss or damage incurred in respect of the petroleum otherwise than by any wilful act or neglect while it is so detained.

(3.) Any person who, by himself or by any one in his employ or acting by his directions or with his consent, refuses or fails to admit into any place occupied by him or under his control any person with a warrant of the Court demanding to enter in pursuance of this section, or in any way obstructs or prevents any person from making any such search, examination, or seizure as authorized by this section, shall be liable to forfeit all petroleum which is found in his possession or under his control, in addition to and independently of any other punishment to which he may be liable under the Penal Law.

10. The High Commissioner in Council may from time to time order that this Part of this Law or any portion thereof shall apply to any inflammable substance; and from time to time revoke or vary such Order; and this Part of this Law or such portion thereof as may be specified in the Order shall during the continuance of the Order be construed and have effect as though such substance had been included in the definition of petroleum in this Law, subject to the following qualification:—

Application of Law to other substances.

The quantity of any such substance which may be kept without a licence shall be such quantity only as is specified in that behalf in the Order, or, if no quantity is specified, no quantity may be kept without a licence.

11. All forfeitures under this Law may be sold or otherwise disposed of as the Court may direct.

Disposal of forfeitures.

Provided that all forfeitures under this Law in respect of offences in regard to petroleum or other inflammable substances committed within the limits of a municipal town shall be ordered by the Court to be handed over to the Municipal Council for disposal or shall be ordered by the Court to be sold or otherwise disposed of as the Court may direct and the proceeds thereof, if any, to be paid into and form part of the Municipal Fund of the town in which the offence has been committed.

12. 1923, 2.

12. All powers given by this Law shall be deemed to be in addition to and not in derogation of any other powers vested in or conferred on the High Commissioner or any Municipal Council or Harbour Authority by any Law or Custom; and the High Commissioner and every Municipal Council and Harbour Authority may exercise such other powers in the same manner as if this Law had not passed; and nothing in this Law contained shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

Reservation of previous powers with respect to inflammable substances.

13. All bye-laws made under this Part of this Law shall be laid upon the table of the Legislative Council for information of the

Bye-laws to be laid on table of Council.

members thereof within ten days of their confirmation by the High Commissioner if the Council be then sitting, or if the Council be not then sitting then upon the first day of the next Session thereof.

PART 3.

Sale of Explosives and Petroleum within Municipal Area.

Municipal Council may restrict sale.

14. Every Municipal Council may by bye-law define the parts of the town or village within the Municipal limits in which explosive substances and petroleum and other inflammable substances may be sold and exposed for sale, and declare what explosives or inflammable substance may be sold in any part so defined.

Sale in other places unlawful.

15.—(1.) When any such bye-law has been approved by the High Commissioner and published in the *Cyprus Gazette*, it shall not be lawful for any person to sell or expose for sale any substance to which the bye-law applies; in any place within the Municipal limits other than a place defined by the bye-law.

(2.) The High Commissioner may suspend the operation of any such bye-law from the date of the publication thereof until such day as he shall think fit.

(3.) The High Commissioner may, by order published in the *Cyprus Gazette*, revoke and cancel any bye-law approved by him under this Part of this Law, if it shall appear to him that the bye-law has become useless, obsolete, or inequitable, and thereupon it shall cease to be in force.

Penalty on contravention of bye-law.

16.—(1.) Every person who sells or exposes for sale any explosive or inflammable substance in contravention of any such bye-law shall be liable to a fine not exceeding five pounds for the first offence and ten pounds for any subsequent offence.

Fines to be paid to Municipal Fund.

(2.) All fines recovered in respect of any such offence shall be paid into and form part of the Municipal Fund of the town or village in which the offence has been committed.

PART 4.

General.

Definitions.

17. In this Law:—

“Explosive Substance” means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury

or of other metals, coloured fires and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and includes fog signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive substance as above defined;

“Petroleum” means any rock oil, rangoon oil, burmah oil, oil made from petroleum, coal, schist, shale, peat or other bituminous substance, and any products of petroleum or of any of the above-mentioned oils;

“Inflammable substance” means petroleum and any other substance to which Part 2 or any portion of Part 2 of this Law, has been or shall be applied by an Order of the High Commissioner in Council.

18. This Law may be cited as the Explosives and Petroleum Law, 1882. Short title.

FAMAGUSTA IMPROVEMENT.

12 OF 1898.

TO PROVIDE FOR THE IMPROVEMENT OF THE TOWN OF FAMAGUSTA.

[August 9, 1898.]

WHEREAS it is expedient to make certain provisions and to create special powers for the purpose of laying out anew the Town of Famagusta, and generally for the improvement thereof:

BE it therefore enacted:—

1. This Law may be cited as the Famagusta Improvement Law, 1898. Short title.

2. In this Law:—

Definition.

“Town” means the town of Famagusta as hereinafter defined;

“Town of Famagusta” means the area enclosed within the counterscarps of the ancient fortifications of the said town and the sea;