

land upon payment to the owners of double the value thereof, to be assessed by some person to be appointed for the purpose by the High Commissioner.

Short title. 14. This Law may be cited as the Mines Regulations Amendment Law, 1882.

MOTOR CARS.

See VEHICLES AND TRAFFIC.

MUNICIPALITIES.

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6 OF 1882.

AS TO THE ELECTION OF MUNICIPAL COUNCILS, THE ASSESSMENT AND LEVYING OF MUNICIPAL RATES AND THE AUDITING OF MUNICIPAL ACCOUNTS AND OTHER MATTERS.

ROBERT BIDDULPH.]

[April 29, 1882.]

Short title. 1. This Law may be cited as the Municipal Councils Law, 1882.

PART 1.

CREATION AND CONSTITUTION OF COUNCILS.

Continuance of established Municipalities.

2. Every town which at the time of this Law coming into force has a Municipal Council shall, subject to the provisions of this Law, continue to have a Municipal Council.

High Commissioner may allow establishment of Municipal Councils,

3. If on the petition to the High Commissioner of the inhabitant householders of any town or village or collection of towns or villages conveniently situate or of any of such inhabitants the High Commissioner in Council shall think fit to allow any such town or village or collection of towns or villages or any part thereof, which may be specified in the Order, with or without any adjoining place, to have a Municipal Council, it shall be lawful for the High Commissioner in Council to give such town or village or collection of towns or villages and the inhabitants thereof the right to have a Municipal Council with the powers, rights, duties and liabilities by law vested in and imposed upon Municipal Councils; and to define the limits within which the said Council shall have such powers,

rights and duties as aforesaid and to fix the number of councillors, and to make such temporary modifications of the laws relating to Municipal Councils as may appear to him to be necessary or proper for making the said laws applicable in the case of the first constitution of a Municipal Council.

Subject to the provisions of the Order of the High Commissioner in Council authorized by this section all laws relating to the management or government of places having a Municipal Council shall, upon any such Order coming into effect, be in force within every place to which the right to have a Municipal Council is extended.

4. It shall be lawful for the High Commissioner in Council to define the limits of the town, village or place in respect of which any Municipal Council shall exercise authority, and from time to time to alter, extend or diminish the limits within which such Council shall have authority, and, in default of and until any such definition be made, every Municipal Council existing at the time of the passing of this Law shall continue to have authority within the same limits as heretofore. and may
define limits.

The limits within which any Municipal Council shall have authority shall be called "the municipal limits."

5. It shall be lawful for the High Commissioner in Council, on a petition of a majority of the inhabitant householders of any town or village or collection of towns or villages having a Municipal Council, to direct that the Municipal Council thereof shall cease to exist, and thereupon the affairs of such town or village or collection of towns or villages shall be managed as though no Municipal Council had ever existed therein. Power to
abolish Muni-
cipal Councils
on petition of
inhabitants.

6. Every Municipal Council shall be composed of such number of councillors, including the persons to act as President and Vice-President, not less than eight or more than twelve, as the High Commissioner in Council shall direct; and of no other persons. Composition
of Municipal
Councils.

The Council shall be composed of Christian members and Moslem members in the same proportions as are the numbers of adult male Christians and adult male Moslems resident in the Municipality to one another, as ascertained by the last Government Census.

The respective numbers of Christian and Moslem members will be from time to time determined by the High Commissioner, whose decision shall be published in the *Cyprus Gazette* and shall be final and conclusive.

Duration of
Councils.
9, 1907, 2.

7. All Municipal Councils shall come into office on the 1st of April and, subject as hereinafter appears, shall continue in office for three years.

PART 2.⁽¹⁾

QUALIFICATION AND REGISTRATION OF VOTERS.

Qualification
of voters.

8.—(1) Every male person of 21 years of age and:—

(a) Whose name, on the last day of December in the year next preceding an election, appeared on the list of voters for the Legislative Council of the place for which the Municipal Council is to be elected; or

(b) Who, on the last day of December in any year, shall, during the whole of the preceding twelve months, have had his principal residence within the Municipal limits and who, during the period aforesaid, has paid, or has been under agreement to pay, rent for such period of not less than three pounds in respect of a house, warehouse, office, shop or other building, or of any part of a house, warehouse, office, shop or other building, situated within the Municipal limits,

shall be entitled to vote at elections of Municipal Councils.

“Rent-
payers.”

(2) Persons who are entitled under sub-section (1) (b) to vote at elections of Municipal Councils are hereinafter called “Rent-payers.”

Rent-payers’
lists.

9.—(1) The Commissioner of the District shall, on or before the 13th of January in every year, make out or cause to be made out lists of rent-payers (hereinafter called “Rent-payers’ Lists”) for each of the Municipalities in his District showing therein the property in respect of which any person on the list is entitled to be thereon.

(2) Rent-payers’ lists need not include the names of persons who are entitled to vote at Municipal elections by virtue of sub-section 1 (a) of section 8.

Deposit of
copies of
rent-payers’
lists.

10. All rent-payers’ lists shall be kept at the office of the Commissioner, and the Commissioner shall cause a copy of each of such lists to be deposited in some convenient place within the limits of the Municipality affected and shall publish within such limits a notice in English, Turkish and Greek of such deposit stating that the copy may be perused by any person at all reasonable hours between the 13th and 25th of January.

(¹) Part 2=9 of 1907, 3-12.

11. Any person, who is not included in a rent-payers' list and claims to be included therein, and any person who objects to the inclusion of a name in a rent-payers' list, shall deposit in writing his claim for rectification duly signed by him, or duly marked by him and witnessed, at the Commissioner's Office not later than the 25th of January. Claims for rectification.

12. The Commissioner, having considered such claims, shall make such alterations in the rent-payers' lists as he thinks necessary, and shall cause a copy of such of the lists as he has altered to be deposited in some convenient place within the limits of the Municipality affected, and shall publish within such limits a notice in English, Turkish and Greek of such deposit stating that the list may be perused at all reasonable hours between the 15th and 22nd of February. Consideration of claims by Commissioner.

13.—(1) Any person, who wishes to object to any alteration made by the Commissioner under Section 12 or whose claim for rectification has been rejected by the Commissioner, may apply to the District Court in manner hereinafter appearing. Objections to revisions by Commissioner.

(2) All objections under this section shall be filed in the District Court on or before the 22nd of February, and no such objection shall be entertained unless at the time of such filing a sum of five shillings is deposited with the Registrar of the District Court, which sum shall be forfeited to the Municipal Fund if the objection fails from any cause.

14.—(1) On or before the 23rd of February, the Commissioner shall transmit to the President of the District Court the rent-payers' lists with such alterations therein as the Commissioner may have made under Section 12 together with all objections deposited under Section 11, and the President of the District Court shall, as soon as conveniently may be, cause a notice in English, Turkish and Greek to be posted in each of the Municipalities affected by the alterations that all objections thereto will be heard and determined by him at a time or times to be specified in the notice. Commissioner to send revised lists and objections to President of District Court.
Notice of hearing by President of District Court.

(2) Such proceedings before the President of the District Court shall be deemed to be judicial proceedings within the meaning of clause 193 of the Cyprus Courts of Justice Order, 1882.

15. On or before the 18th of March, the rent-payers' lists of voters, with such additions and alterations as the proceedings under Section 14 may have rendered necessary, shall be returned by the President of the District Court to the Commissioner of the District. Such lists shall be sealed with the seal of the District Court and Lists as finally revised by President of District Court to be returned to Commissioner.

shall be conclusive evidence of the persons for the time being entitled to vote by virtue of being rent-payers.

Cost of lists payable by Municipality.

16. All costs, charges and expenses, incurred in the preparation or revision of any rent-payers' list by or at the instance of the Commissioner, shall be paid by the Municipality affected to the Commissioner out of the Municipal Fund.

Commissioner to furnish copy of rent-payers' list on prepayment.

17. After the 18th of March, the Commissioner shall deliver a copy of the rent-payers' list to any elector of the Municipality affected thereby who applies for the same and prepays such sum as the Commissioner shall deem reasonable for such copy.

PART 3. (1)

QUALIFICATION AND ELECTION OF COUNCILLORS.

Qualifications and disqualifications of Councillors.

18.—(1) Every person who is qualified to vote at an election for a Municipal Council and who is not subject to any of the disqualifications hereinafter mentioned shall at such election be eligible as a member of a Municipal Council: Provided that the fact that the name of a person appeared in either of the lists mentioned in Sections 8 and 9 which were used at the election in question shall be conclusive evidence of his qualification to vote at the election.

(2) The following persons shall be disqualified for being elected and for sitting or voting as members of a Municipal Council:—

- (a) Judges of any Court in the Island.
- (b) Persons holding any office or place of profit, other than that of President, in the gift or disposal of the Municipal Council.
- (c) Any persons having directly or indirectly, by himself or his partner, any share or interest in any contract with by or on behalf of such Municipal Council; but no person being a shareholder of any anonyme or joint stock company shall be disqualified merely by reason of any contract between such company and such Municipal Council unless such person holds any office in such anonyme or joint stock company.
- (d) Bankrupts.
- (e) Persons convicted of any offence under Section 30 of this Law: Provided that the Court shall, in its judgment, specify the time during which the person convicted shall be ineligible as a member of a Municipal Council.

15, 1917, 7.

(1) Part 3 = 9 of 1907, 13-23 as amended by 15, 1907, 7-11, and 15, 1917, 7-11.

(3) If any person, who is not eligible as a member of a Municipal Council, shall be returned as a member at any election, such election shall be void as regards such person and a new election shall be held as if his office as Councillor had been duly vacated; and if any member of a Municipality shall, after election, become disqualified from sitting and voting as aforesaid, his office as Councillor shall be deemed to be thereby vacated.

Election of unqualified person.

(4) Any person who, having been ineligible at the time of his election, or, whilst subject to any of the disqualifications hereinbefore mentioned, shall sit and vote in a Municipal Council, shall, for every occasion on which he sits or votes, forfeit the sum of five pounds to be recovered by action in any District Court by any person who shall sue for the same: Provided that the action is commenced within two months after the cause of action arose: Provided also that all acts and proceedings of any persons in the office of and acting as President, Vice-President or Councillor shall, notwithstanding any disqualification or want of qualification, be as valid and effectual as if such person had been duly qualified.

Penalty on unqualified person who sits or votes.

15, 1917, 8.

19. If any vacancy shall be occasioned in the office of Councillor, an election to fill such vacancy shall be held on the 1st of April following the occurrence of the vacancy. The provisions of Section 107 shall apply to this section.

Filling of vacancies.

20. The High Commissioner may, from time to time, make regulations for determining the time and place for holding Municipal elections.

High Commissioner's power to make Regulations for elections.

Save in so far as the High Commissioner may from time to time otherwise order, every such election shall be held, as far as possible, in accordance with the regulations in force for the last elections to the Legislative Council which shall have been held prior to such Municipal election.

21. A candidate for election to serve as a Councillor on any Municipal Council shall be nominated in writing. The writing shall be subscribed by the candidate and any other two persons who are entitled to vote at an election of a Municipal Council for the place for which the Council is to be elected, and shall be delivered during the time appointed for election to the Commissioner or his representative by the candidate himself or his proposer or seconder.

Nomination.

15, 1917, 9.

22.—(1) If, at the expiration of one hour after the time appointed for the election, no more candidates stand nominated than there are vacancies to be filled up, and the candidates so standing nomin-

Election where no poll necessary.

ated shall be Moslems and Christians in the same proportion as are the numbers of Moslem and Christian vacancies on the Council, the Commissioner or his representative shall declare all the candidates who may stand nominated to be elected.

Election where candidates not divided in same proportion as Moslem and Christian vacancies.

(2) If the number of the candidates who so stand nominated be not divided in the same proportion as the number of Moslem and Christian vacancies on the Council, the Commissioner or his representative shall declare those candidates, either Moslem or Christian, as the case may be, who shall not exceed the number of vacancies for which they are eligible under the provisions of this Law, to be elected; and shall, for the purpose of filling up the other vacancies, adjourn the election in order that a poll may be taken in manner in this Law mentioned.

Election where more candidates of both communities than vacancies.

(3) If, at the expiration of one hour after the time appointed for the election, more Christian and Moslem candidates stand nominated than there are respectively Christian and Moslem vacancies to be filled up, the Commissioner or his representative shall adjourn the election in order that a poll shall be taken in manner in this Law mentioned.

15, 1917, 10.

(4) Any candidate duly nominated for election may resign his candidature at any time prior to the day of the poll by giving notice in writing signed by himself to the Commissioner, and the Commissioner shall accept and act upon such notice if he shall be satisfied that the signature is the signature of the candidate resigning his candidature.

(5) If at the time fixed for the commencement of taking the poll, no more candidates stand nominated than there are vacancies to be filled up, and the candidates so standing nominated shall be Moslems and Christians in the same proportion as are the numbers of Moslem and Christian vacancies on the Council, the Commissioner or his representative shall declare all the candidates so standing nominated to be elected.

Election where poll.

23. In the case of a poll at an election, the election shall take place under the presidency of some person (herein referred to as the Presiding Officer) to be named in that behalf by the High Commissioner; and any candidate or his duly appointed representative shall be entitled to be present at such election.

Manner of voting.

24.—(1) At every election Christian voters shall vote for Christian candidates only and Moslem voters for Moslem candidates only.

(2) No voter shall give more than one vote to any candidate

25. Where an equality of votes is found to exist between any candidates at an election, the question of which of such candidates shall be declared duly elected shall be decided by the drawing of lots under the supervision of the Commissioner.

Equality of votes.

26.—(1) The Commissioner shall, as soon as possible, notify the names of the persons elected to a Municipal Council, or the name of any person elected to fill a vacancy therein, in writing to the Chief Secretary, who shall cause the same to be published in the *Cyprus Gazette*.

Notification of result.

(2) If the Commissioner reports to the Chief Secretary that from accident or other inevitable cause no election was carried out the High Commissioner shall order another election or poll to be held at the earliest possible date; and, in the case of the election of a new Council, the Council or Commission who were in office at the time of the abortive election shall continue in office until the expiration of one week from the date of the holding of the last mentioned poll.

15, 1917, 11.

27. Any member may resign his office as Councillor by giving notice in writing to the President or Vice-President of the Council.

Resignation of members.

28. Subject to sub-section (2) of Section 26, the Commissioner and the Presiding Officer shall make all arrangements for the conduct of the election of a new Council so as to ensure its completion and the ascertainment of the result on or before the 28th of March, and on the 1st of April following the new Council shall come into office.

Arrangements for election of new Council.

PART 4.

29. Every person who:—

- (1) Forges or fraudulently defaces or destroys any nomination paper, or delivers to the Presiding Officer any nomination paper knowing the same to be forged;
- (2) Wilfully obstructs, or by threats or violence interferes with, any voter while on the way to vote or while in the polling station;
- (3) Without due authority takes, opens or otherwise interferes with any ballot box;
- (4) In any way wilfully interrupts or impedes an election;
- (5) Impersonates any voter and votes or attempts to vote in his place,

Offences at elections.

9, 1907, 24.

shall be guilty of an offence and on conviction shall be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding three months, or to both such punishments.

Bribery and
intimidation.
9, 1907, 25.

30.—(1) Any person who is convicted of bribery or intimidation, as hereinafter defined, at any Municipal election, or of being an accomplice therein, shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such punishments.

Bribery.

(2) Every person who, in order to induce any voter to vote or refrain from voting, does any act which is defined as bribery by Article 67 or Article 76 of the Ottoman Penal Code shall be deemed guilty of bribery.

Intimidation.

(3) Every person who, by himself or by any other person on his behalf, uses any violence or threatens any violence or damage or resorts to any fraudulent contrivance to restrain the liberty of a voter so as either to frighten him into voting or abstaining from voting otherwise than as he freely wills shall be deemed guilty of intimidation.

Disqualifica-
tion.

(4) Notwithstanding anything hereinbefore contained, any member of a Municipal Council, convicted of an offence under this section, shall *ipso facto* cease to be a member of the Council and shall be disqualified from voting and from being a candidate at any election of a Municipal Council for such a term of years as the Court shall direct, not being more than ten years from the date of such conviction.

Accused may
give evidence.

(5) Any person accused of an offence under this section may give evidence on oath, on his own behalf, at any stage of the proceedings at which evidence can be called for the defence.

Prosecutions
to be initiated
by private
persons only.

(6) Prosecutions for offences under this section shall be initiated by private persons only, and shall be subject to the following conditions:—

(a) The prosecutor must be a person who was entitled to vote at the election in respect of which the offence is alleged to have been committed.

(b) The prosecution must be instituted within one month of the publication in the *Cyprus Gazette* of the result of the election.

(c) The prosecutor, on applying for a summons, must deposit with the Registrar of the District Court of the District in which the prosecution is begun, the sum of twenty pounds in respect of each defendant, which sum shall be repaid to the depositor if the accused person is convicted; and, if he shall

be acquitted, the said sum shall be dealt with in such manner as the Court shall deem just.

PART 5.

PRESIDENTS, VICE-PRESIDENTS AND MEETINGS.

31.—(1) As soon as conveniently may be after the election of a new Council, the Commissioner shall summon a meeting of the Council, at which meeting the Councillors shall appoint one of their number to be President, and another to be Vice-President, of the Municipal Council, who shall continue in office until the expiration of the term for which the Council was elected.

Appointment of President and Vice-President.

(2) If a vacancy occurs in the office of President or Vice-President during such term by reason of death or otherwise, a new election shall take place from among the Councillors to fill the office which may be so vacated for the remainder of the term for which the Council was appointed.

(3) If at any appointment or election of a President or Vice-President in manner provided in the two preceding sub-sections an equal number of votes are given for two or more Councillors between whom the question of appointment or election to either of the aforesaid offices shall lie the question of which of such Councillors shall be declared as duly so appointed or elected shall be decided by the drawing of lots under the supervision of the Commissioner.

(4) The provisions of sections 29 and 30 of this Law relating to offences so far as they are capable of being applied shall be applicable to appointments or elections of a President or Vice-President under this section.

32. The President of every Municipal Council shall receive such annual stipend as the Council may vote and the High Commissioner approve.

Stipend of President.

33.—(1) In case at any time owing to the absence or illness of both the President and Vice-President of any Municipal Council there shall be no person capable of discharging the duties of President the Council shall forthwith appoint one of their number to discharge such duties.

In absence of President and Vice-President Council to appoint member to discharge functions.

(2) If any person holding the office of President, Vice-President, or Councillor of any Municipal Council shall wilfully fail to attend at three consecutive meetings of the Council, except with the permission of the Council so to do, or shall be absent from the place for which the Council sits for more than four months at one

Absence from meetings.

and the same time, unless in case of illness, then, and in every such case, such person shall thereupon immediately become disqualified, and the Council thereupon shall forthwith declare the office to be void.

Meetings to be held at least once a month.

34. The President or, in his absence or illness, the Vice-President shall summon meetings of the Council as often as may be necessary, and, in any case, at least once in every month.

Power to make regulations.

35. A Municipal Council may make regulations for the conduct of its meetings and business.

PART 6.

TREASURER, ETC.

Council to appoint Treasurer and other officers and take security and pay them salaries. Formerly s. 44.

36. Every Council, which shall be first elected, shall, at their first meeting, appoint a fit person, not being a member of the Council, to be their Treasurer, and also (so far as their income will admit) such other officers as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this or any other law for the time being in force relating to the business and affairs of Municipal Councils; and shall take such security for the due execution of his office by any such Treasurer or other officer as the Council shall think fit; and shall order to be paid to the Treasurer, and every such other officer, such salary as the Council shall think fit and the High Commissioner shall approve of. Every such Treasurer and other officer shall thenceforth hold his office during the pleasure of the Council for the time being, and, in case of a vacancy in any such office, by death, dismissal, or otherwise, the Municipal Council may appoint another fit person in the place of the person so making such vacancy, or may, from time to time, discontinue the appointment of such officers as shall appear to them not necessary to be appointed: Provided that, if the Municipal Council do not appoint a Treasurer as aforesaid, all moneys belonging to or coming to such Council shall be paid to some person appointed by the Commissioner of the District to receive the same, and thereupon such person shall, for all purposes, be and be deemed the Treasurer of the Municipal Council.

13, 1923, 2.

The Municipal Council may on the retirement of the Treasurer or other officer grant to the Treasurer or such other officer such gratuity as the Council shall think fit and the High Commissioner shall approve.

37. The Treasurer of a Municipal Council shall make no payments out of the money belonging to the Municipal Council save only in such case as is provided by this or any other Law for the time being in force relating to the business and affairs of Municipal Councils, or upon the order in writing of the Council signed by three or more members of the Council, or by the order of a Court or Judge acting in the discharge of its or his judicial duty.

Treasurer to pay no money except under provision of law or by order of Council.

38. Every Treasurer or other officer appointed by the Council as aforesaid shall, at such times during the continuance of his office, or within three months after the expiration of his office, and in such manner as the Council shall direct, deliver to the Council or to such person as they shall authorize for that purpose a true account in writing of all matters committed to his charge and also of all moneys which shall have been by him received on behalf of or for the purposes of the Municipal Council, and of how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments; and also a list of the names of all such persons as shall not have paid the moneys due from them to the Municipal Council, and of the amount due from each of them; and every such officer shall pay all such moneys, as shall remain due from him, to the Treasurer for the time being, or to such person as the Council shall authorize to receive the same; and if any such officer shall refuse, or wilfully neglect, to deliver any such account, or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the Council, or to such person as they shall authorize within three days after being thereunto required by notice in writing, under the hand of any three or more of the said Council, to be given to or left at the last place of abode of such officer, all books, papers, and writings in his custody or power relating to the affairs of the Municipal Council, or to give satisfaction to the said Council, or to such other person as aforesaid, respecting the same, then and in every such case, upon complaint made before any Court of competent jurisdiction, on behalf of the said Council, by such person as they shall authorize for that purpose, of any refusal or wilful neglect as aforesaid, such Court is authorized and required to issue a warrant for bringing such officer before it; and upon the said officer not appearing, or not being found, it shall be lawful for such Court to hear and determine the matter; and if it shall appear to the Court that any moneys remain due from such officer,

Officers to account for money received, etc., according to the orders of the Council.

Summary remedy against officers not accounting.

the Court may and they are hereby authorized and required upon non-payment thereof to cause such moneys to be levied by distress and sale of the goods of such officer; and if sufficient goods shall not be found to satisfy the said moneys and the charges of the distress, or if it shall appear to the Court that such officer has refused or wilfully neglected to deliver such account or the vouchers relating thereto, or such list as aforesaid, or that books, papers, or writings relating to the affairs of the Council remain in the hands or in the custody or power of such officer, and he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such Court shall, and it is hereby required, to commit such offender to prison, there to remain without bail until he shall have paid such moneys as aforesaid or shall have compounded with the said Council for such moneys and shall have paid such composition in such manner as they shall appoint (which composition the said Council are hereby empowered to make and receive); or until he shall have delivered a true account as aforesaid, together with such vouchers and lists as aforesaid; or until he shall have delivered up such books, papers, and writings, or have given satisfaction in respect thereof to the said Council or to such other person as aforesaid as the case may be: Provided always, that no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than three months: Provided also, that nothing in this Law contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid or against any surety for any such officer, but such officer shall not be sued by action and also proceeded against in the manner allowed by this section for the same cause.

PART 7.

VESTING AND DISPOSAL OF PROPERTY.

Property of
Municipality
to vest in
Council.

39. After the first election of a Municipal Council under the provisions of this Law, all property movable, immovable, or of any sort or kind whatsoever, which, prior to the completion of such election, belonged to or was vested in any Municipality, shall belong to and be vested in the Municipal Council so appointed.

Safe custody
of money.

40. Subject to the provisions of this Law, all money belonging to any Municipal Council shall be deposited for safe custody and shall be withdrawn therefrom, in such manner and subject to such

regulations as shall be prescribed by the Council from time to time and approved by the High Commissioner.

41. After the appointment of a Treasurer by any Municipal Council, all revenues derived from any property of any kind whatsoever vested in the Municipal Council, and all income which, prior to that date, was properly receivable by the Council, and all fines and penalties recoverable by or payable to the Council shall be paid to the said Treasurer; and all moneys which he shall so receive shall be carried by him to the account of a fund to be called the Municipal Fund. Such fund shall be applied towards the salaries of the President and other officers whom the Council shall appoint, and any gratuities under Section 36, and also to expenses necessarily incurred by the Council in the exercise and discharge of all powers, duties, and liabilities vested in or imposed on them by law; and if when all such payments as aforesaid have been made, there shall be any surplus arising from the said fund, it shall be applied for the benefit of the inhabitants, and for the general improvement of the place for which the Council is appointed.

Income.
Municipal
Fund.
Debts of
Municipality.
Salaries and
expenses.
Surplus.
Formerly
s. 49 (as
amended by
13, 1923, 3).

PART 8.⁽¹⁾

IMMOVABLE PROPERTY.

42. In this Part of this Law the expression "Immovable property" shall mean lands, trees, vines, houses, aqueducts, mechanical and electrical factories, windmills and other buildings and constructions of all descriptions, water and water rights and of any category and any immovable property of any kind whatever and any share or interest therein.

Interpreta-
tion.

43.—(1) Without prejudice to the rights of any person, all the property movable or immovable and all the rights and liabilities of previous Municipal Councils or Municipal Commissions of a town or village or collection of towns or villages and all the property movable or immovable held by any person on behalf of the Municipal Council or Municipal Commission of a town or village or collection of towns or villages shall vest in the Municipal Council or Municipal Commission for the time being of that town or village or collection of towns or villages.

Vesting of
property.

(2) All immovable property vested in a Municipal Council or Municipal Commission which is by any law or custom required to

Registration.

(1) Part 8 = 8 of 1917, ss. 2, 4-11.

be registered in the books of the Land Registry Office shall be registered in the name of the "Municipal Council or Municipal Commission of———."

President of
Municipal
Council or
Commission
to act as
attorney.
Resolution to
be produced.

44. Upon application being made to register any immovable property in the name of a Municipal Council or Municipal Commission or to do any act or thing required to be done in the Land Registry Office, the President of such Municipal Council or Municipal Commission shall be the lawful attorney of the Municipal Council or Municipal Commission: Provided always that a copy of the resolution of the Municipal Council or Municipal Commission in regard to such registration or act or thing as aforesaid and certified as a true copy by the President and at least one-half of the number of the Councillors of the Municipal Council or of the members of the Municipal Commission shall be produced to the Registrar General.

Address to
be given.

45. Upon application for registration under this Law there shall be deposited with the Registrar General a writing under the hand of the President of the Municipal Council or Municipal Commission giving an address as the address of the Municipal Council or Municipal Commission. Service of any notice or documents at such address shall be a good service of the same on the Municipal Council or Municipal Commission.

Procedure on
application
to register.

46. Upon application being made to register any immovable property held by any person on behalf of the Municipal Council or Municipal Commission in the name of that Municipal Council or Municipal Commission, the Registrar General may proceed to make such registration upon the production to him of the certificate of the President and at least one-half of the number of the Councillors of the Municipal Council or of the members of the Municipal Commission that the property is the property of the Municipal Council or Municipal Commission and is held by such person on its behalf.

Immovable
property
belonging
to Evcaf.

47. In the case of immovable property belonging to the Evcaf, such immovable property may be registered in the name of a Municipal Council or Municipal Commission in manner aforesaid, provided that the rights of the Evcaf are not in any way prejudiced by such registration and provided that the consent in writing of the Delegates of Evcaf be first obtained and produced to the Registrar General: Provided always that this section shall not

affect any right of compulsory purchase, if any, existing in a Municipal Council or Municipal Commission by virtue of the provisions of any other law.

48. In addition to the fee leviable upon effecting an original registration or a registration by prescription, sale, gift, or exchange, there shall be paid in respect of all immovable property while registered in the name of a Municipal Council or Municipal Commission an annual payment equal to one-fortieth of the fee which would be payable on the devolution by inheritance of such property, the first of such payments being due on the first day of April next following the date of registration; and such payment shall be recovered with and in the same manner as the Verghi Kimat due upon the property in question: Provided always that no fee shall be leviable upon effecting an original registration in the name of a Municipal Council or Municipal Commission where the immovable property to be registered stands registered in the name of a person and is held by him on behalf of the Municipal Council or Municipal Commission.

Annual payment in lieu of fees on devolution.

49. It shall not be lawful for a Municipal Council or Municipal Commission of a town or village or collection of towns or villages to sell, mortgage or otherwise deal with any immovable property registered in their name under the provisions of this Law save upon a resolution of three-fourths of the members of the Municipal Council or Municipal Commission and with the sanction of an order of the High Commissioner in Council and subject to such terms and conditions as may be prescribed in that order.

Sale, etc., of immovable property.

PART 9.

RATEABLE PROPERTY.

50. If the Municipal Fund shall not be sufficient to satisfy the payment mentioned in the last preceding section hereof, or being so sufficient shall not also be sufficient to provide a fund for the expenditure estimated to be necessary for carrying into effect the purposes of this or any other Law for the time being in force relative to Municipal Councils, the Municipal Council shall, with the consent of the High Commissioner, raise by taxation of every occupier⁽¹⁾ or renter of lands, houses, mines, trees, underwoods,

If the fund insufficient, the Council shall order a rate.

(1) See s. 109 *infra*.

or other immovable property within the municipal limits, in respect of the property so occupied or rented by him, such sum of money as may be necessary to meet the deficiency.

Rates to be made on annual value.

51. Every rate made under the provisions of this Law shall be made upon an estimate of the net annual value of the property in respect of which the rate is levied, that is to say, of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes, and deducting therefrom the probable average annual cost of repairs, insurance, and other expenses necessary to maintain them in a state to command such rent.

Successive occupiers, and occupiers coming into unoccupied premises.

52. If the occupier assessed in the rate when made shall cease to occupy before the rate shall have been wholly discharged, or if the property, being unoccupied at the time of the making of the rate, becomes occupied during the period for which the rate is made, the proper authority shall enter in the rate book the name of the person who succeeds or comes into the occupation, and the date when such occupation commences, so far as the same shall be known to such authority. Such occupier shall thenceforth be deemed to have been actually rated from the date so entered by such authority and shall be liable to pay so much of the rate as shall become payable between the commencement of his occupation and the expiration of the period for which the rate was made, in like manner, and with the like remedy of appeal, as if he had been rated when the rate was made; and an outgoing occupier shall remain liable in like manner for so much and no more of the rate as shall have become payable during the time of his occupation within the period for which the rate was made.

Commissioner with consent of Council may excuse paupers.

53. It shall be lawful for the Commissioner, on application made to him by any person rated to any rates within any municipal limits to be discharged therefrom, and on proof of his or her inability through poverty to pay such rate, with the consent of the Municipal Council, to order and direct that such person shall be excused from the payment of such rate.

Provision for rating new buildings.

54. When any person shall occupy any new house or other building within any municipal limits, which house or building was incomplete, or not fit for occupation, or was not entered as such in the valuation list in force at the time when the current rate for the time being was made, the property authority may enter such house or building with the name of the occupier

thereof, and the date of the entry in the rate book, and require the occupier thereof to pay such amount, either by instalments or otherwise, as the case may require, as, according to the judgment of such authority, shall be the proper sum, having due regard to the rateable value of such house or building, and in the case of a rate not payable by instalments having regard also to the time which shall have elapsed from the making of the current rate to the date of such entry, and the person so charged shall be considered as actually rated from such date, and shall be liable to pay the sum assessed in like manner and subject to like penalty of distress, and the like power of appeal as if he had been assessed for the same when the rate was made.

PART 10.

ASSESSMENT AND VALUATION.

55. The Municipal Council may sit as a Committee or appoint any members of the Council (not less than five in number) to be a Committee to be called "The Assessment Committee" for the investigation and supervision of the valuations to be made as hereinafter mentioned within the Municipal limits, and for the performance of such said acts in manner hereinafter mentioned.

Appointment
of Assessment
Committee.

56. The Assessment Committee shall appoint one of their number to be chairman of the Committee and may also appoint a clerk. The clerk of the Council shall with the consent of the Council (and unless his duties as clerk to the Council prevent) discharge the duties of clerk to the Assessment Committee.

Committee to
appoint chair-
man and clerk.

57. All acts, orders, matters and things by this Law, authorized or directed to be made or done by the Assessment Committee, may be made or done by the majority of the members of such Committee who shall be present at any meeting, the whole number present at such meeting not being less than three. When upon any question there shall be an equality of votes the chairman shall have a second or casting vote.

Majority and
quorum at
meetings.

58. The Committee shall cause a minute of their proceedings, of the names of the members who attend each meeting to be duly made from time to time in books to be provided for that purpose, which shall be kept by their clerk under their superintendence, and every such entry shall be signed by the presiding chairman of the Assessment Committee present at the meeting at which the

Minute books.
Entries to be
evidence.
Inspection.

proceedings took place; and such entry, purporting to be so signed, shall be received as evidence in all Courts without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being members of the Committee, or of the signatures of the members, all of which facts shall be presumed until the contrary be proved. All such books shall at all reasonable times be open to the inspection of every person rated, and if, on request made for that purpose the clerk of the Committee refuse to permit any such person to inspect any such books, and to take copies and extracts therefrom, such clerk shall for every such offence be liable on conviction to a fine not exceeding five pounds.

Surveyor to prepare valuation list.

59. After the first election of a Municipal Council under this Law, such Council shall as soon as conveniently may be, appoint a competent person as Surveyor, to make a list of all the rateable property within the municipal limits with the annual value thereof in the form shown in Schedule A, and the Surveyor shall sign the list so made by him and such list shall be called "the Valuation List."

Surveyor may enter and examine lands, etc.

60. For the purpose of making such valuation list, it shall be lawful for the Surveyor with his assistants and servants at all reasonable times until the same shall be completed to enter, view, examine, survey and admeasure all and every part of the rateable property aforesaid, and to do or cause to be done any act or thing necessary for making such valuation list.

Surveyor may inspect books, etc.

61. The Municipal Council and all and every person or persons, shall give the Surveyor every possible facility, by allowing him to inspect any books and take any copies or extracts or do any other thing necessary to enable him to make his valuation list.

Valuation list to be delivered to the President and deposited for inspection.

62. The valuation list made and signed by the Surveyor as hereinbefore provided, shall be forthwith delivered by him to the President and shall be deposited by the President at the offices of the Municipal Council, in some convenient and accessible place, where it shall be open to the inspection of all persons assessed or liable to be assessed, with full power to such persons to take copies or extracts therefrom, and the President shall give public notice of the deposit of such list by affixing a notice in writing thereof at the places where Municipal notices are usually affixed.

Objections to valuation list.

63. Any person who may feel himself aggrieved by any valuation list, on the ground of unfairness or incorrectness in the valuation of

any property included therein, or on the ground of the omission of any rateable property from such list, may, at any time after the deposit as aforesaid of the said list and before the expiration of twenty-eight days after the notice of the deposit as aforesaid, give to the Assessment Committee a notice in writing of his objection specifying the grounds thereof, and, where the ground of any objection shall be unfairness or incorrectness in the valuation of any property, in respect of which any person other than the person objecting is liable to be rated, or the omission of such property, shall also give notice in writing of such objection and of the ground thereof to such other person.

64. The Assessment Committee shall hold such meetings as they may think necessary for hearing objections to the valuation lists, and shall, at least twenty-eight days before the holding of every meeting for hearing objections to valuation lists, other than meetings by adjournment, cause a notice of such meeting to be given in the same way as notice is required to be given of the deposit of the valuation list. The Committee may at any such meeting hear and determine such objections, or may from time to time adjourn any such meeting, and adjourn or postpone the hearing or further hearing and determination of any such objections; and may, when they think fit, direct notice of any such objection to be given by the person objecting to third parties before the further hearing thereof; but the Committee shall not be required to hold a meeting for hearing objections to any valuation list, unless such notice in writing, as hereinbefore mentioned, of some objection or objections thereto, has been given to the Committee, and, when a meeting is holden for hearing objections to any valuation list, the Committee shall not hear any objections unless such notice as aforesaid of such objection has been given to the Committee and when the ground of such objection is unfairness or incorrectness in the valuation of any property of any other person than the person making the objection, or the omission of such property, unless such notice as aforesaid has been also given to such other person by the person objecting, except where such other person by himself or any other person on his behalf consents to the hearing of such objection.

Committee to
hold meetings
to hear
objections.

65. The Committee may, whether any objection be or be not made to any such valuation list, and either before or after any meeting for hearing objections, make such alterations in the valuation of any property included in any valuation list and insert therein any rateable property omitted therefrom, and make such corrections in

Committee
may correct
valuation
lists.

names, descriptions and particulars in any valuation list upon such information as to them may seem sufficient, and may, with the consent of the Council appoint or employ a person to survey and value all or any of the rateable property comprised in any such valuation list or omitted therefrom; or may take such other means as they may think necessary, for ascertaining the correctness thereof, and when the Committee have heard and determined all such objections as aforesaid, and have made such alterations, insertions, and corrections in any valuation list as to them may seem proper, they shall approve the same under the hands of three members of the Committee present at the meeting at which the same is approved, specifying the date of such approval.

Valuation list when altered to be deposited for inspection and further objections.

66. When the Committee make any alteration in the valuation of any property included in any valuation list, or insert therein any rateable property omitted therefrom, they shall cause such valuation list, with such alteration or insertion, to be deposited for inspection in manner hereinbefore provided concerning the valuation list made by the Surveyor, and shall cause the like notice to be given of such deposit as is required for such valuation list as aforesaid, and shall appoint a day, not less than seven days, nor more than fourteen days from the re-deposit of such valuation list, for the hearing of any objections to the same as so altered; and when the Committee have heard and determined any such objections, or have made such further alterations, insertions, and corrections in such valuation list, they shall approve the same in the manner hereinbefore provided.

Valuation list to be altered if rate amended on appeal.

67. In case any ratepayer shall appeal against any rate made by the Municipal Council, and the result of such appeal shall be to amend the rate appealed against, the Assessment Committee shall alter the valuation list in conformity with the decision so made.

List when approved deposited and in force till new one is made.

68. Every valuation list approved by the Committee shall be deposited at the office of the Municipal Council and when so deposited shall, with and subject to the alterations and additions for the time being made therein or thereto by any supplemental valuation lists so approved, be the valuation list in force, until a new valuation list, in substitution for the same be approved of in like manner.⁽¹⁾

Supplemental list.

69. When and so often as any property not included in the valuation list in force becomes rateable, or where, by reason of any

⁽¹⁾ See sec. 108 *infra*.

alteration in the occupation of such property included in such list, such property becomes liable to be rated in parts not mentioned in such list as rateable property, and separately valued therein, and when and so often as it shall appear to the Council that any rateable property included in such list has been increased or reduced in value since the valuation thereof, whether by building, destruction of building, or other alteration in the condition thereof or otherwise, the Council shall, as soon as may be, cause a supplemental valuation list to be made, showing the annual rateable value of the property, which according to the judgment of the Council, has so become rateable, or of the parts so become liable to be rated separately, or of the property so increased or reduced in value as the case may be.

70. The Municipal Council may from time to time, by their order when they see fit, upon the application of any person aggrieved by the valuation list in force, or where they themselves think the same expedient, direct a new valuation of all or any of the rateable property within the municipal limits, and a new valuation list in substitution for such valuation list as aforesaid, or a supplemental list, in substitution for any part thereof, or in addition thereto, to be made by the surveyor duly appointed by the Council.

New valuation and new or supplemental valuation list.

All the provisions of this Law in relation to making, signature, deposit, objection, approval, and otherwise, concerning the valuation list first directed and authorized to be made under this Law of the rateable property within the municipal limits shall be applicable to every new or supplemental valuation list to be made under this Law.

Subject to same provisions as first valuation list.

71.—(1) Any person interested in any valuation list made under this Law may inspect it and take copies or extracts from it at all reasonable times without fee or reward.

Inspection of valuation list.

Any person who having the custody of any valuation list refuses to allow or does not permit such inspection or such copies or extracts to be taken shall be liable to a penalty, not exceeding five pounds.

(2) When a valuation list under this Law has been approved and delivered to the Council, no rate shall be of any force unless the property included in such rate be rated according to the annual rateable value thereof appearing in the valuation list in force.

No rate of force unless made according to approved list.

Provision for cases when property altered, and no supplemental list made.

Provided always, that where, by reason of any alteration in the occupation of any property included in such list, such property has become liable to be rated in parts not mentioned in such lists as rateable property and separately rated therein, such parts may, when a supplemental valuation list showing the annual rateable value of such parts has not been approved and delivered as herein-before required and whether such list has or has not been made, be rated according to such amounts as shall be fair apportioned parts of the annual rateable value, appearing in such valuation list in force as aforesaid, of the properties out of which such parts have been constituted.

Expenses of valuation lists, etc.

72. All charges and expenses properly incurred by the Council or the Assessment Committee in the preparation or revision of any valuation list or any supplemental valuation list shall be discharged by the Municipal Council and paid out of the Municipal Fund.

PART 11.

MAKING OF, AND APPEALS AGAINST RATES.

Estimate to be prepared before making rates.

73. Every Municipal Council before proceeding to make a general rate under this Law shall cause an estimate to be prepared of the money required for the purposes in respect of which the rate is to be made, showing the several sums required for each of such purposes and the rateable value of the property assessable, and the amount of rate which for these purposes it is necessary to make on each pound of such value, and the estimate so made shall forthwith, after being approved of by the Municipal Council, be entered in the rate book and be kept at their office, open to public inspection during office hours thereat; but it shall not be deemed part of the rate nor in any way affect the validity of the rate.

Estimate to be submitted to the High Commissioner for approval.

74. A copy of the estimate made under the provisions of the last preceding section, with a declaration in the form set forth in Schedule B thereto attached, and signed by the President of the Council, shall be submitted to the High Commissioner, and it shall be lawful for the High Commissioner to withhold his consent to the rate by such estimate appearing to be necessary, or to approve of and allow the same either entirely or subject to such exceptions, alterations, and omissions therein and therefrom as he may deem just.

75. Any person interested in or assessed to any rate made under this Law may inspect the same, and any estimate made previously thereto, and may take copies of or extracts therefrom without fee or reward.

Rates to be open to inspection.

Any person who having the custody of any such estimate or rate refuses to allow or does not permit such inspection or such copies or extracts to be taken shall be liable to a penalty not exceeding five pounds.

76. When the name of any owner or occupier liable to be rated under this Law is not known to the Municipal Council it shall be sufficient to assess and designate him in the rate as the "owner" or the "occupier" of the premises, in respect of which the assessment is made without further description.

Description of owner or occupier in rates.

77. A Municipal Council may from time to time amend any rate made in pursuance of this Law by inserting therein the name of any person claiming and entitled to have his name inserted, or by inserting the name of any person who ought to have been assessed, or by striking out the name of any person who ought not to have been assessed, or by raising or reducing the sum at which any person has been assessed, if it appears to the Council that he has been under-rated or over-rated, or by making any other alteration which will make the rate conformable to the provisions of this Law; and no such amendment shall be held to avoid the rate: Provided that any person, who may feel himself aggrieved by any such amendment, shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared in the rate originally made; and, with respect to him, an amended rate shall be considered to have been made at the time when he first received notice of the amendment; and an amended rate shall not be payable by any person, the amount of whose rate is increased by the amendment, or whose name is thereby newly inserted, until seven days after such notice has been given to him.

Rates may be amended.

78. All rates made or collected under this Law shall be published in the same way as notice of the deposit of a valuation list, and shall commence and be payable at such time or times, and shall be made in such manner and form, and be collected by such persons as the Municipal Council may from time to time appoint.

Publication and collection of rates.

79. The production of the books purporting to contain any rate or assessment made under this Law shall, without any other evidence whatever, be received as *primâ facie* evidence of the making and validity of the rates mentioned therein.

Evidence of rate.

Objection to rate.

80. If any person feels aggrieved by any rate levied on him under the provisions of this Law, on the ground of incorrectness in the valuation of any property included in such rate, or of the unequality or unfairness of the sum charged on any person or persons therein, he may object to the same before the Mejlis Idaré of the Qaza.

Appeal to Central Mejlis Idaré.

81. The Mejlis Idaré, before which any such objection as in the last section mentioned shall be made, shall hear and determine all objections to any rate on the ground of inequality, unfairness, or incorrectness in the valuation of any property included therein, which decision shall be binding and conclusive on the parties unless the person impugning such decision shall, within fourteen days after the same shall have been made, cause notice to be given in writing of his intention of appealing against such decision to the Central Mejlis Idaré of the Island, and of the matter or cause of such appeal to the person or persons in whose favour such decision shall have been made, and within five days after giving such notice shall apply or cause application to be made to the proper officer of the Central Mejlis Idaré, that his appeal may be heard; and the determination of the Central Mejlis Idaré in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

Objections to be lodged within two months of making of rate.

Provided always that no such objection shall be inquired into by the Mejlis Idaré of the Qaza, unless an objection be lodged by the party objecting to the rate within two months from the date on which such rate was made and published, and unless notice of the objection is served on the Municipal Council at least seven days before such appeal is lodged.

Provided also that no Mejlis Idaré shall be authorized to inquire into the liability of any property to be rated, but only into the true value thereof, and into the fairness of the amount at which the same shall have been rated.

Every Mejlis Idaré upon hearing and determining any objection or appeal, as the case may be, may make such order as to costs as they shall think proper.

Power of Mejlis Idaré

82. The Mejlis Idaré of the Qaza before which such objection is brought as aforesaid, shall have full power to amend or quash any rate objected to: Provided always that no order of the said Mejlis Idaré shall be of any force pending any appeal touching the same subject-matter to the Central Mejlis Idaré.

83. No person shall be empowered to object before any Mejlis Idaré against a rate framed in conformity with a valuation list approved by the Assessment Committee unless he shall have given to such Committee notice of objection against the said list, and shall have failed to obtain such relief in the matter as he deems just; which objection, after notice given at any time in the manner prescribed by this Law with respect to objections, the said Committee shall hear, with full power to call for and amend such list, although the same has been approved of, and no subsequent list has been transmitted to them, and if they amend the same the Municipal Council shall thereupon alter the current rate accordingly.

No appeal against rate made in conformity with valuation list unless objection made to list.

Assessment Committee to hear objection.

84. Where an objection is made against any rate to the Mejlis Idaré of the Qaza, every sum of money charged on any person by such rate shall, on the application to the said Mejlis Idaré of any person interested therein, be ordered by the said Mejlis Idaré as they shall think proper, either to be levied and recovered as if no objection had been made, or the payment thereof, or any part thereof shall be ordered to be suspended until the objection is finally disposed of as the said Mejlis Idaré shall think proper.

Mejlis Idaré may order rate to be recovered or the recovery to be suspended pending appeal.

85. Nothing in this Law contained shall be held to render the Government of the Island liable to the payment of rates in respect of any property occupied by them within any municipal limits.

Government property not liable.

PART 12.

RECOVERY OF RATES.

86. If any person assessed to any rate made under this Law by any Municipal Council fails to pay the same when due, and for the space of fourteen days after the same has been lawfully demanded in writing, or if any person quit or is about to quit any premises without payment of any rate then due from him in respect of any such premises, and refuses to pay the same after lawful demand thereof in writing, the Council may take proceedings in any Court of competent jurisdiction to compel the defaulting party to pay the rate, and if the defaulting party when summoned fail to appear before the Court, or if no sufficient cause for non-payment is shown, the Court may make an order for payment of the rate, and in default of compliance with such order may cause the same to be levied by distress of the goods and chattels of the defaulter.

Summary proceedings for recovery of rates.

The cost of the levy of arrears of any rate may be levied together with the arrears of any rate if the Court so order: if no goods or chattels can be found, the said Court may, by a further order on the application of the Council commit the person to prison for a term not exceeding three months, unless such rates, costs and expenses be sooner paid: Provided always that the Court shall, on proof of the due making and publication of the rate, and of the fact that the defendant is a person assessed to the rate, and that payment has been demanded and refused, make an order for payment unless the defendant shall prove that under the provisions of this Law, either the rate ought not to have been made or that he ought not to have been assessed thereto.

Service of
summons for
non-payment.

87. Where the residence or place of abode of the person assessed is not known to the Municipal Council, and cannot be ascertained on inquiry at the premises in respect of which such person is assessed, the summons for non-payment of the rate may be served on him in like manner as a notice may be served under like circumstances.

PART 13.

BORROWING POWERS.⁽¹⁾

Council not to
borrow except
with author-
ity of High
Commissioner
in Council.

88. It shall not be lawful for any Municipal Council to borrow any money for any purpose whatsoever, whether on the credit of any municipal fund or rate or otherwise, except under the authority of an order of the High Commissioner in Council, and subject to such terms and conditions as may be imposed by such order.

PART 14.

AUDIT.

Accounts to
be closed half-
yearly and
audited by
Auditors
appointed by
Mejlis Idaré.

89. Within eight days after the 30th of June and the 31st of December in every year the accounts of the administration of the Municipality down to those respective dates shall be closed, and, after having been examined and verified by the Council, shall be signed by the President, the Treasurer, and at least three Councillors, and shall be examined and audited by two skilled persons to be appointed by the Mejlis Idaré of the Qaza for that purpose.

⁽¹⁾ See 13 of 1897, s. 13. p. 799.

90. A copy of the accounts, together with all rate books, account books, deeds, contracts, accounts, vouchers and receipts mentioned and referred to therein, shall be deposited at the offices of the Municipal Council, and shall be open during office hours to the inspection of all persons interested, from the 9th of July and 9th of January in every year, until the day when the said accounts are audited as hereinafter mentioned; and all such persons shall be at liberty to take copies of or extracts from such accounts without fee or reward. Any officer of the Municipal Council duly appointed on that behalf neglecting to make up such accounts and books, or altering such accounts and books, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable to a penalty not exceeding five pounds.

Accounts to be deposited at the office of the Council for inspection. Penalty for neglecting to make up, or altering accounts, etc.

91. For the purpose of any audit under this Law, the Mejlis Idaré of the Qaza shall appoint two or more skilled persons, not being members of such Mejlis Idaré, who may by summons in writing require the production before them of all books, deeds, contracts, accounts, vouchers, receipts, and other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers to appear before them at any such audit, or any adjournment thereof, and to make them sign a declaration as to the correctness of the same, and if any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings, and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of giving false evidence in a civil action.

Auditors may require production of books, etc., and declarations of their correctness. Penalties for refusing to produce documents, for making false declaration.

92. Every audit under this Law shall take place at the office of the Municipal Council, or at some other convenient place appointed by the Council for that purpose, and any ratepayer or owner of rateable property within the municipal limits may be present at the audit, and may make any objection to the accounts before the Auditors, and such ratepayers and owners shall have the same right of appeal against allowances by the Auditors as they have by this Law against disallowances.

Ratepayers may be present at audit and may appeal against allowances.

Auditors may disallow items and surcharge and charge losses upon defaulters and certify sums due.

93. The Auditors auditing accounts under this Law shall disallow every item of account contrary to law, and surcharge the same on the person making or authorizing the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been, but is not, brought into account by that person, and shall in every such case certify the amount due from such person, and on application by any party aggrieved shall state in writing the reasons for their decision in respect of such disallowance or surcharge; and also of any allowance which they may have made.

Appeal against disallowances.

94. Any person aggrieved by disallowance made may appeal to the Central Mejlis Idaré. The Central Mejlis Idaré shall have all powers as to summoning witnesses, calling for documents, and otherwise, which may be necessary to enable them to hear the appeal and determine the matter in difference.

Sums certified due to be paid within fourteen days.

95. Every sum certified by Auditors auditing accounts under this Law to be due from any person shall be paid by such person to the Treasurer of the Municipal Council to which such sum is due within fourteen days after the same has been so certified, unless there is an appeal against the decision, and if there is an appeal, and any sum is certified to be due on appeal, within fourteen days after it has been so certified on appeal, and in default of payment, may be recovered by the Council, or by any ratepayer on behalf of the Council in the same manner as a debt due to the Council may be recovered by the Council.

Accounts and Auditors' report, how dealt with.

96.—(1) The accounts within fourteen days after the completion of the audit shall be forwarded to the Chief Secretary to Government by the Auditors auditing them, with such report thereon as they may think fit to make, and the accounts shall be published in the *Cyprus Gazette*.

(2) A copy of the Auditors' report shall be kept at the office of the Municipality, where it may be examined and copies taken during the ordinary office hours by any person.

PART 15.

MISCELLANEOUS PROVISIONS.

Expenses defrayed out of Municipal Fund and general rate.

97. All expenses incurred or payable by any Municipal Council, in performance and discharge of the duties imposed on it by Law, shall be charged on and defrayed out of the Municipal Fund and general rate leviable by them under this Law.

98. Subject to the provisions of Section 30 all offences under this Law, and all penalties, forfeitures, costs and expenses under this Law, the recovery of which is not otherwise provided for, may be prosecuted and recovered in the usual manner before a Court of competent jurisdiction.

Recovery of penalties, etc.

99. When the application of any penalty under this Law is not otherwise provided for, any portion thereof not exceeding one-half may be awarded by the Court imposing the same to the informer, and the remainder to the Municipal Council having authority in the place in which the offence is committed: Provided that if the Municipal Council are the informers, they shall be entitled to the whole of the penalties recovered; and all penalties and sums recovered by them on account of any penalties shall be paid over to their Treasurer, and shall by him be carried to the account of the Municipal Fund.

Application of penalties.

100.—(1) The Municipal Council or Municipal Commission of a town or village or collection of towns and villages shall bear the name of the Municipal Council or the Municipal Commission of the town or village or collection of towns or villages as the case may be and may sue or be sued in that name.

Title.

Actions.
8, 1917, 3.

(2) Any Municipal Council may appear before any Court or in any legal proceedings by their clerk, or by any officer or member authorized generally or in respect of any special proceeding by resolution of such Council and their clerk or any officer or member so authorized shall be at liberty to institute and carry on any proceeding which the Council is authorized to institute and carry on under this Law, and service of any summons, order or other proceeding upon the President or Clerk of the Council shall be deemed to be effectual service on the Council.

Appearance in legal proceedings.

101. Any person who wilfully gives false evidence on any examination under any of the provisions of this Law shall be liable to the same penalty as though he had given false evidence in a civil action.

False evidence punishable as false evidence in a Civil Action.

102. The High Commissioner in Council may appoint one or more competent inspectors to examine into the affairs of the Municipal Council, and to report thereon in such manner as by the said order he may direct, and every Council shall give to any person so appointed all information and produce all documents asked for.

High Commissioner may order examination into affairs of Municipal Councils.

103. If any Municipal Council makes default in complying with the provisions of this Law with respect to submitting their accounts for audit, or forwarding the list of voters to the Commissioner as hereinbefore mentioned, the members of such Council shall be jointly and severally liable to a penalty not exceeding five pounds

Penalties on Council, or officer neglecting to comply with this Law.

As amended
by 9, 1907, 33.

for every day during which such default continues, and any President or officer of such Council who shall knowingly and wilfully permit or authorize such default shall incur the like penalty.

Prescription
of actions
under s. 103.

104. Every action for an offence against the provisions of Section 103 shall be prescribed after the expiration of twelve months from the day of the commission of the offence.

Orders of
High Commissioner in
Council to be
published in
*Cyprus
Gazette*.

105. Whenever in this Law the High Commissioner in Council is empowered to do or make any act or thing, such act or thing shall be done or made by an order of the High Commissioner in Council. Every such order shall be published in the *Cyprus Gazette*, and the production of a copy thereof purporting to contain such order shall be *primâ facie* evidence of such order in all Courts of Justice and in all legal proceedings whatsoever.

Service of
notices, etc.,
how to be
effected.

106. Notices, orders, and any other documents required or authorized to be served under this Law, may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or, where addressed to the owner or occupier of the premises, by delivering the same or a true copy thereof to some person on the premises, or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises.

Any notice by this Law required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

Provision in
respect of
public
holidays.

107. Whenever any day by this Law appointed for doing anything shall fall on a Sunday, Christmas Day, Good Friday, or any day appointed for a general public holiday, in every such case the business so appointed to be done shall take place on the day next following, unless it is one of the days excluded as aforesaid.

Person whose
name appears
in the
valuation list
deemed to be
rated.

Formerly s.
109.

108. Any person whose name appears or has appeared as the occupier of any immovable property in any valuation list for the time being in force in any town having or entitled to have a Municipal Council shall be deemed to be or have been rated in respect of such immovable property within the meaning of this Law, for all purposes for which this Law requires that any person shall be rated.

"Occupier"
defined.
Formerly s.
110.

109. In this Law the expression "occupier" means and includes every owner of immovable property who is in actual occupation thereof, and every person occupying any immovable property by virtue of any lease or agreement whereby he is entitled as of right to occupy it.

SCHEDULE A. (S. 59.)

AN ASSESSMENT FOR THE RATING FOR MUNICIPAL PURPOSES OF THE TOWN OF

MADE THE DAY OF , 19

	Name of Occupant.	Name of Owner.	Description of Property Rated.	Name or situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable value.
1	A. B.	C. D.	Land and buildings ...	Chiftlik ...	100 donums ...	£ 50 0 0	£ 48 0 0
2	Do.	Do.	House and garden ...	No. 10 in street	$\frac{1}{2}$ donum ...	20 0 0	15 0 0
3	X. Y.	Do.	House ...	No. 2 street ...	$\frac{1}{2}$ donum ...	5 0 0	4 2 4 $\frac{1}{2}$
4	M. N.	M. N.	House and stabling with garden ...	No. 5 street ...	1 donum ...	45 0 0	39 0 0
5	J. K.	R. S.	3 rooms in house ...	No. 1 street ...	—	3 0 0	2 10 0
etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.

The particulars contained in the above assessment are correct, so far as I have been able to ascertain them.

(Signed) E. F., *Surrey*.

SCHEDULE B. (S. 74.)

FORM OF DECLARATION.

I, the undersigned, do hereby declare that I have examined and compared the several particulars set forth in the above estimate with the valuation list in force within the municipal limits of this town, under the authority of the Municipal Councils Law, 1882; and the several immovable properties therein rated are, to the best of my belief, rated according to the value appearing in such valuation list.

G. H.

President of the Municipal Council of

8 OF 1885.

TO REGULATE THE DUTIES AND POWERS OF MUNICIPALITIES.

ROBERT BIDDULPH.]

[*March 26, 1885.*

PART 1.

DUTIES AND POWERS OF MUNICIPALITIES ⁽¹⁾.

1. Subject to the provisions of this Law it shall be the duty of every Municipality:—

To keep all roads, streets, squares and public places within the Municipal area clean and in good repair, and sufficiently drained, lighted, and clear of obstructions.

To provide for the removal of all night soil and refuse from every house within the Municipal area.

To provide that all drains, urinals, privies and cesspits within the Municipal area shall be so constructed and kept as not to be a nuisance or injurious to health.

To prevent any trade or business from being carried on within the Municipal area in such a manner as to be injurious to public health, or a source of public danger.

To prevent the accumulation, in any public or private place within the Municipal area, of any filth or refuse so as to be dangerous to the public health, and to take measures for the abatement of any public nuisance arising from any public or private cesspool or drain, or otherwise.

Duties of
Municipali-
ties.

(1) And see pp. 348-352,