



THE
STATUTE LAWS OF CYPRUS,
1938.

No. 1 OF 1938.

A LAW TO AMEND THE MUNICIPAL CORPORATIONS LAWS,
1930 TO 1937.

H. R. PALMER,]
Governor.

[11th January, 1938.

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

1. This Law may be cited as the Municipal Corporations (Amendment) Law, 1938, and shall be read as one with the Municipal Corporations Laws, 1930 to 1937, (hereinafter called "the Principal Law"), and the Principal Law and this Law may together be cited as the Municipal Corporations Laws, 1930 to 1938.

Short title.

26 of 1930
44 of 1934
31 of 1937

2. Sub-section (1) of section 73A of the Principal Law is hereby amended by the deletion of the second proviso thereto and by the substitution therefor of the following proviso :—

Amendment
of section
73A(1) of the
Principal
Law.

" Provided also that contracts relating to the letting of immovable property belonging to the municipal corporation the duration of which exceed three years, and all other contracts the duration of which exceed one year, shall be subject to the approval of the Governor,"

Amendment
of section
115 of the
Principal
Law.

3. Section 115 of the Principal Law is hereby amended as follows :—

(a) By the deletion of paragraph (o) from sub-section (1) thereof and by the substitution therefor of the following paragraph :—

“Bars, etc. (o) Prevent any bar, barber’s shop, cake-bakery of any kind, coffee house, confectioner’s shop, cook shop, dairy, drinking shop, hotel, khan, pastry shop, public bath house and any premises in which foodstuffs or liquids of whatever kind or nature intended for human consumption are made or exposed for sale and any premises of public resort, and any tools, objects or articles used therein, from being in an uncleanly or injurious state, and seize and destroy or otherwise deal with any such tools, objects or articles as are likely to be injurious to health or to spread the infection of any disease, at such times and in such manner as may by bye-laws be directed or allowed.”

(b) By the deletion of paragraph (q) from sub-section (1) thereof and by the substitution therefor of the following paragraph :—

“Licences, etc. (q) Grant licences and permits and, subject to the provisions of this Law, attach to such licences or permits such terms and conditions as to the council may seem necessary or desirable, and suspend or revoke such licences and permits whenever the council on good cause shown considers it advisable so to do.”

(c) By the insertion in paragraph (w) of sub-section (1) thereof of the words “and provide for the seizure and disposal of the carcasses or meat of animals not slaughtered in such slaughter-houses” immediately after the words “each animal”.

(d) By the insertion in paragraph (x) of sub-section (1) thereof of the words “, and divert or close any street” immediately after the words “of any street”.

(e) By the insertion in paragraph (bb) of sub-section (1) thereof of the words “, control, restrict or prohibit” immediately after the word “Regulate”.

(f) By the insertion in sub-section (1) thereof of the following paragraphs immediately after paragraph (ee) thereof :—

“Bicycles. (ff) Provide for the licensing of bicycles and tricycles other than motor bicycles and tricycles.

Refuse. (gg) With the approval or at the request of the Commissioner, provide for the allotment of special places, situated either within or without the municipal limits, for the dumping of refuse, and prohibit the dumping of refuse at any other place and control, restrict and regulate the keeping and removal of refuse.

For the purposes of this paragraph the term ‘refuse’ shall mean any brick rubble, plaster, old iron, broken bottles, broken glass, ashes, empty boxes, empty tins and shall include any other articles or things (not being night soil or night refuse) liable to cause filth or uncleanness or to be detrimental to the amenities of the neighbourhood.”

(g) By the deletion of sub-section (4) thereof and by the substitution therefor of the following sub-section :—

“ (4) The council shall generally do such other acts and provide for such other measures as may be necessary for the conservancy and cleanliness of the town, the preservation of public health therein and the safety and comfort of the inhabitants thereof.”

4. Section 116 of the Principal Law is hereby amended as follows :—

Amendment
of section 116
of the
Principal
Law.

(a) By the deletion of paragraph (c) thereof and by the substitution therefor of the following paragraph :—

“Land and
buildings.

(c) Notwithstanding anything contained in sections 119 to 130, both inclusive, to acquire by private treaty, with the consent in writing of the Commissioner previously obtained, any lands or buildings, or any part thereof, for any purpose of public utility, which shall include—

(i) the construction of new streets,

- (ii) the opening, widening, straightening, diverting or improving of existing streets,
- (iii) the erection of public buildings,
- (iv) the provision of a good and sufficient water supply.

For the purposes of this paragraph the term 'lands' shall extend to and include water or water rights within or without the municipal limits whether attached to land or held independently of land."

(b) By the deletion of paragraph (e) thereof and by the substitution therefor of the following paragraph :—

"Markets for animals and perishable goods.

(e) To provide for the allotment of special places for the sale of animals and of perishable goods and to regulate the manner in which such animals and perishable goods shall be sold and the fees, rents and tolls for the use of such special places."

(c) By the insertion of the following paragraphs immediately after paragraph (m) thereof :—

"Street and house to house collections.

(n) To control, regulate, restrict or prohibit street and house to house collections for charitable, philanthropic or other purposes.

Entertainment duty.

(o)—(i) To impose a duty on all payments made for admission to any public entertainment.

(ii) To provide that no person shall be admitted for payment to any public entertainment except with a ticket stamped or marked in such manner as to denote that the duty has been paid.

(iii) To prescribe the manner in which the duty shall be collected and paid.

(iv) To exempt from the payment of the duty or remit the whole or any part of the duty in the case of any public entertainment the takings whereof either wholly or in part are devoted to philanthropic or charitable purposes.

(v) For the purposes of this paragraph the term 'public entertainment' means any performance of any stage play, or

cinematograph exhibition, or dance, or any other entertainment to which the public is admitted, and includes any public meeting.

Hotels
and fees.

- (p)—(i) To provide for the payment of fees to the council by persons licensed under the provisions of the Hotels Law, 1935, to keep or manage hotels of any class or classes (hereinafter in this paragraph referred to as “licensees of hotels”) at a rate not exceeding one piastre per night in respect of each person of over ten years of age staying or residing in such hotels. 12 of 1935
- (ii) To prescribe the times at which such fees shall be paid to the council by licensees of hotels.
- (iii) To require licensees of hotels to keep a special register in such form as may be prescribed in which they shall enter the name of every person staying or residing in such hotels together with such other particulars as may be prescribed.
- (iv) To require licensees of hotels to produce such special registers for inspection by such persons and at such times as may be prescribed.
- (v) To provide that licensees of hotels shall furnish copies of such special registers to the council and to such persons as may be prescribed and to prescribe the times at which such copies shall be furnished.”

5. Section 118 of the Principal Law is hereby amended by the insertion of the words “and water or water rights within or without the municipal limits whether attached to land or held independently of land” immediately after the words “municipal limits”.

Amendment
of section
118 of the
Principal
Law.

6. Section 144 of the Principal Law is hereby repealed and the following section is substituted therefor:—

Repeal of
section 144
of the
Principal
Law and
substitution
of new
section.

“Power
to close
buildings
unfit for
human
habitation.

144. Every council may by order close any building which in the opinion of the council is unfit for human habitation on account of its insanitary, ill ventilated or overcrowded condition or dangerous for human habitation on account of its structural defects, and may prohibit the future use of the building for such habitation until it shall have been dealt with, rebuilt, altered or repaired in such manner as the council shall determine.”

Amendment of section 147 of the Principal Law.

7. Section 147 of the Principal Law is hereby amended by the addition of the following words at the end of paragraph (d) thereof:—

“or which is unsightly or detrimental to the amenities of the place”.

Repeal of section 149 of the Principal Law and substitution of new section.

8. Section 149 of the Principal Law is hereby repealed and the following section is substituted therefor:—

“Procedure to be followed on non-compliance with notice to abate nuisance.

149. If the person on whom a notice to abate a nuisance has been served under the provisions of section 148 makes default in complying with any of the requirements thereof within the time specified therein, or if the nuisance is in the opinion of the council likely to recur on the same premises, the council—

(a) may themselves abate the nuisance and any of the officers or servants of the council may enter the premises upon which the nuisance exists and there do whatever may be necessary for the abatement of the nuisance, and the council may recover by action the expenses incurred by them from the person in default; or

(b) may commence proceedings in the Magisterial Court for obtaining an order compelling the person in default to abate the nuisance.”

Amendment of section 163 of the Principal Law.

9. Section 163 of the Principal Law is hereby amended as follows:—

(a) By the deletion of the words “causing effluvia” from sub-section (1) thereof.

(b) By the deletion of the words “or causes any effluvia which are a nuisance” from sub-section (2) thereof.

Amendment of section 164 (1) of the Principal Law.

10. Sub-section (1) of section 164 of the Principal Law is hereby amended by the insertion therein of the following paragraphs after paragraph (h) thereof:—

- “ (i) as a restaurant,
 (j) as a barber’s shop,
 (k) as a drinking shop,
 (l) as a pastry shop,
 (m) as a confectioner’s shop,
 (n) as a pharmacy,
 (o) as a shoe-maker’s shop,
 (p) as a printing office.”

11. Section 173 of the Principal Law is hereby repealed and the following section is substituted therefor :—

Repeal of section 173 of the Principal Law and substitution of new section.

“Hawking within municipal limits.

173.—(1) No person shall, within any municipal limits, hawk any articles, goods or things without a licence in that behalf first obtained from the council.

(2) No fee shall be charged or paid in respect of the issue of any such licence but the licensee shall pay in respect of every day upon which he hawks a fee in accordance with the scale of fees set out in the tenth schedule hereto, or such lesser scale as may be fixed by bye-laws made by the council.

(3) Every bye-law made under this section shall be subject to the provisos to section 117 (1).

(4) Any person contravening any of the provisions of this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten shillings.”

12. Section 181 of the Principal Law is hereby repealed and the following section is substituted therefor :—

Repeal of section 181 of the Principal Law and substitution of new section.

“Licence to keep dog.

181.—(1) No person shall within any municipal limits keep any dog unless he has obtained a licence in that behalf from the council.

(2) The Treasurer shall keep a register of all such licences granted by the council in which shall be entered—

- (a) the name, address and occupation of each person to whom a licence is issued ;
- (b) the description and sex of the dog in respect of which such licence is issued, and
- (c) the number of the badge or duplicate badge to be worn by the dog for which the licence is issued.

(3) Every licence shall expire on the 31st day of December in the year in which it is issued and may be renewed annually by endorsement thereon.

(4) There shall be paid for every licence in every year such fee not being less than one shilling or more than five shillings as the council may, by bye-laws made in that behalf, prescribe :

Provided that where a licence is issued after the 30th June in any year half of the prescribed fee shall be charged.

(5) Where the holder of any licence issued under this section sells or parts with the ownership of the dog in respect of which the licence was issued to any other person such licence may on the joint application of such holder and of such other person be transferred by endorsement thereon to the name of such other person for the unexpired period thereof, and no fee shall be charged in respect of any such transfer.

(6) Every bye-law made under this section shall be subject to the provisos to section 117 (1)."

Insertion of
new sections
181A, 181B
and 181C
in the
Principal
Law.

13. The following sections shall be inserted in the Principal Law immediately after section 181 thereof:—

"Refusal of
licence in
certain cases.

181A.—(1) The council may refuse to grant or renew a licence to any person, or may withdraw a licence granted to any person, to keep any dog for all or any of the following reasons—

- (a) that such dog is of a savage disposition ;
- (b) that such dog is dangerous to public security ;
- (c) that such dog by its barking causes any noise which is so loud and so continuous or repeated as to cause annoyance to occupants or inmates of any premises in the neighbourhood of the premises on which such dog is kept ;
- (d) that the person who has applied to the council for a licence has been convicted of an offence under the Cruelty to Animals Law, 1890 ;
- (e) that such dog is kept under conditions which are dangerous to public health or constitute a nuisance.

(2) Any person aggrieved by—

- (a) the refusal of the council to grant or renew a licence, or
- (b) the withdrawal of a licence by the council,

may, within seven days from the date of such refusal or withdrawal, appeal in writing to the Commissioner and shall, within the period aforesaid, serve a copy of the appeal on the mayor.

(3) The decision of the Commissioner on any such appeal shall be final and conclusive.

Badges.

181B.—(1) The council shall supply, free of charge, to every licensee a numbered metal badge to be worn by the dog for which the licence is issued and the number of such metal badge shall be recorded on the licence.

(2) Where it is proved to the satisfaction of the council that a metal badge supplied under the provisions of sub-section (1) has been lost or destroyed, the council may issue to the licensee a duplicate metal badge on payment of such fee as may be prescribed by bye-laws made in that behalf by the council.

(3) The licensee shall forthwith return such metal badge or duplicate metal badge to the council on the expiration of the licence, or if he ceases to keep the dog in respect of which the metal badge has been issued, or if the dog dies during the currency of the licence :

Penalty : a fine of five shillings.

(4) Every bye-law made under this section shall be subject to the provisos to section 117 (1).

Licensee to produce his licence.

181C. Every licensee shall, within a reasonable time after demand, produce his licence for inspection by an officer of the council or any member of the Cyprus Police Force :

Penalty : a fine of five shillings."

Repeal of section 182 of the Principal Law and substitution of new section.

14. Section 182 of the Principal Law is hereby repealed and the following section is substituted therefor :—

“ Dog without badge or where licence is refused or withdrawn may be destroyed.

182.—(1) The council may, by bye-laws made in that behalf, provide for the seizure, detention, disposal and destruction of any dog—

- (a) found wandering in any street within the municipal limits and not wearing a metal badge or duplicate metal badge as required by section 181B, or not wearing a metal badge required under the provisions of any other Law ;
- (b) in respect of which a licence has been refused ;
- (c) in respect of which a licence has been withdrawn.

(2) No compensation shall be payable in respect of the disposal or destruction of any dog in pursuance of bye-laws made under this section.

(3) Every bye-law made under this section shall be subject to the provisos to section 117 (1).”

Repeal of section 183 of the Principal Law and substitution of new section.

15. Section 183 of the Principal Law is hereby repealed and the following section is substituted therefor :—

“ Offences.

183. Every person who within any municipal limits—

- (a) keeps a dog without having a licence therefor in force for the time being issued under this Law or any other Law ;
- (b) has unlawfully in his possession any metal badge or duplicate metal badge ;
- (c) allows any dog—
 - (i) not wearing a metal badge or duplicate metal badge as required by section 181B, or not wearing a metal badge required under the provisions of any other Law ;
 - (ii) in respect of which a licence has been refused ;
 - (iii) in respect of which a licence has been withdrawn,

to be at large,
shall be guilty of an offence :

Penalty : a fine of one pound.”

16. The following section shall be inserted in the Principal Law immediately after section 183 thereof :—

“Definition of dog and onus of proof.

183A. For the purposes of sections 181, 181A, 181B, 182 and 183 and of this section and in any proceedings thereunder—

Insertion of new section 183A in the Principal Law.

- (a) the word ‘ dog ’ includes bitch, but does not include an unweaned puppy ;
- (b) the onus of showing that any dog is an unweaned puppy shall be upon the defendant or the person alleging the same ;
- (c) every person—
 - (i) in whose custody, charge, control or possession, or
 - (ii) in or upon whose house or premises, any dog shall be found,
 shall be deemed to be keeping such dog, unless the contrary be proved.”

17. Section 193 of the Principal Law is hereby amended as follows :—

(a) By the deletion of paragraph (d) thereof and by the substitution therefor of the following paragraph :—

“Pouring water into streets, etc. (d) Pours or allows any water to pass into any street, or pours or allows any dirty water to pass into any street channel, or”.

Amendment of section 193 of the Principal Law.

(b) By the insertion of the following paragraphs after paragraph (k) thereof :—

“Throwing or depositing any matter or thing in street. (l) Throws, deposits or leaves any matter or thing in or upon any street, or

Prohibition against throwing matter into underground channels. (m) Throws or drops or permits or allows to be thrown or dropped any matter or thing into any underground channel belonging to or under the control of the council,”.

18. The following section shall be inserted in the Principal Law immediately after section 196 thereof :—

“Power to municipal corporation to recover charges, fees, rates, duties and tolls by civil proceedings.

196A. Every municipal corporation may sue and recover by civil proceedings from any person in default any charge, fee, rate, duty or toll prescribed in this Law or in any bye-law made hereunder notwithstanding that the non-payment thereof is due to an act or omission of such person which is made an offence by this Law or any such bye-law and notwithstanding that the person in default has or has not been prosecuted in respect of such offence.”

Insertion of new section 196A in the Principal Law.

Repeal of section 199 of the Principal Law and substitution of new section.

19. Section 199 of the Principal Law is hereby repealed and the following section is substituted therefor :—

“Appeals to Governor in Council in certain cases.

199.—(1) Save where under the provisions of this Law an appeal lies to the Commissioner, any person aggrieved by—

- (a) the grant or renewal of a licence or permit by the council, or the refusal of the council to grant or renew a licence or permit, or
- (b) the withdrawal, suspension or revocation of a licence or permit by the council, or
- (c) any term or condition attached by the council to any licence or permit, or
- (d) any order of the council made under section 138 (2) or 140 or 142 or 144, or
- (e) the grant or refusal of, or the revocation or refusal to revoke, a licence by the council to use any theatre or other building, structure or tent for the presentation of stage plays, cinematograph exhibitions, dancing or other entertainments or public meetings,

may, within fourteen days from the date of notification of the decision of the council upon any matter as in this section mentioned as the case may be, appeal to the Governor in Council, whose decision thereon shall be final and conclusive.

(2) Every such appeal shall—

- (a) be in writing and signed by the appellant,
- (b) set out the grounds upon which it is founded, and
- (c) be made to the Governor in Council through the Commissioner.

(3) Upon receipt of any such appeal, the Commissioner shall make such enquiry thereon as he shall think fit and shall thereafter transmit the appeal together with his recommendations or observations thereon to the Colonial Secretary for the consideration of the Governor in Council.”

Amendment of Twelfth Schedule to the Principal Law.

20. The Twelfth Schedule to the Principal Law is hereby amended as follows :—

(a) By the deletion of the expression—

“Silk cocoons, fresh . . . 25 3 paras per oke”

and by the substitution therefor of the expression—

“Silk cocoons, fresh . . . 5 3 paras per oke”.

(b) By the insertion of the words “and grape fruit” immediately after the words “Oranges (other kinds)”.