



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 2819 OF 13TH MARCH, 1940.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 6 OF 1940.

A LAW TO RESTRICT AND POSTPONE FORCED SALES OF
CERTAIN CITRUS GROVES SITUATED WITHIN THE LIMITS
OF THE TOWN OF FAMAGUSTA.

W. D. BATTERSHILL,]
Governor.

[*13th March, 1940.*

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 Famagusta Citrus Short title.
Groves (Restriction and Postponement of Sales) Law, 1940.

Interpre-
tation.

2. In this Law, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them respectively, that is to say,—

“citrus grove” means an area of land which—

(a) is fully planted with citrus trees, and

(b) is situated within the limits of the town of
Famagusta,

and includes any building, tank, well or water erected, sunk or found on such area and appurtenant thereto ;

“citrus grower” means a person whose primary means of livelihood is the growing of citrus ;

“Principal Land Registry Officer” means the Commissioner of the District of Famagusta ;

“reserve price” means the minimum amount which can be accepted as a first bidding and, if not exceeded, as a final bidding at a sale of immovable property, which is a citrus grove and is owned by a citrus grower, by public auction carried out by or through the Land Registry Office of Famagusta.

Application
of Law.

40 of 1935
26 of 1938
6 of 1939
26 of 1939

3. Notwithstanding anything contained in section 9 of the Immovable Property (Restriction and Postponement of Sales) Laws, 1935 to (No. 2) 1939, the Principal Land Registry Officer shall have power—

(a) to fix a reserve price in respect of any sale of immovable property which is a citrus grove and is owned by a citrus grower, and

(b) to defer the fixing of such sale, and

(c) to postpone such sale,

in accordance with, and subject to, the provisions of this Law.

Power to fix
reserve price.

10 of 1885
5 of 1924
15 of 1926
9 of 1929
37 of 1934
10 of 1939
13 of 1890

4.—(1) Where a sale of immovable property, which is a citrus grove and is owned by a citrus grower,—

(a) has been ordered by a judgment or is being carried out under the provisions of the Civil Procedure Laws, 1885 to 1939, or

(b) is being carried out under the provisions of the Sale of Mortgaged Property Law, 1890,

the Principal Land Registry Officer may,—

(i) upon proof to his satisfaction that such immovable property is a citrus grove and is owned by a citrus grower, and

(ii) if having regard to all the circumstances of the case considers it fair and reasonable so to do,

direct that such sale shall be carried out subject to a reserve price to be fixed by him.

(2) Every reserve price fixed by the Principal Land Registry Officer shall be specified in the auction bill, and no bidding for the immovable property, being a citrus grove, to which such reserve price relates shall be accepted unless it is equal to or exceeds the reserve price.

Reserve price to be specified in auction bill.

5. The reserve price to be fixed by the Principal Land Registry Officer shall not exceed the assessed value of the immovable property, which is a citrus grove, as registered in the books of the Land Registry Office of Famagusta, unless the creditor of the citrus grower applies for a higher reserve price to be fixed.

Method of fixing reserve price.

6. The Principal Land Registry Officer shall, not less than one month before the posting of the auction bill, cause notices of the intended sale and of the reserve price which he proposes to fix for the immovable property, which is a citrus grove, to be sold thereat to be posted in a conspicuous place in the quarter of the town of Famagusta in which such immovable property is situated and on the notice board of the Land Registry Office of Famagusta.

Notices of the intended sale and of the reserve price to be posted.

7.—(1) Within fifteen days from the date of the posting of the notices as in section 6 provided, application may be made to the Director of Land Registration and Surveys for a review of the reserve price contained in such notices—

Application for review of the reserve price.

(a) by the creditor of the citrus grower, on the ground that the value of the immovable property, which is a citrus grove, to be sold has deteriorated on account of the neglect of the citrus grower or occupier to cultivate or repair such immovable property or from any other cause ;

(b) by the citrus grower who is the debtor on the ground that the value of the immovable property, which is a citrus grove, to be sold has appreciated on account of improvements having been made by the citrus grower or occupier since the date of the last preceding assessment.

(2) On receipt of an application as in sub-section (1) provided, the Director of Land Registration and Surveys shall, upon payment of the prescribed fee by the creditor of the citrus grower or by the citrus grower who is the debtor, as the case may be, direct that a local enquiry be held in order to ascertain the actual value of the immovable property, which is a citrus grove, in respect of

Procedure on receipt of application.

which the application was made and may decrease or increase the reserve price accordingly :

Provided that the reserve price shall not in any case exceed the maximum prescribed by section 5.

Where no application is made, reserve price shall, except in certain cases, be that contained in the notices.

(3) If no application is made to the Director of Land Registration and Surveys as in sub-section (1) provided, the reserve price contained in the notices posted as in section 6 provided shall be the reserve price for the sale of the immovable property, which is a citrus grove, mentioned in such notices :

Provided that, where after the posting of the notices as in section 6 provided, the assessed value of such immovable property as registered in the books of the Land Registry Office of Famagusta is altered on a revaluation made in accordance with the provisions of any Law in force for the time being relating thereto, the Principal Land Registry Officer may, subject to the maximum prescribed by section 5, decrease or increase the reserve price accordingly.

Reserve price fixed by Court where immovable property, being a citrus grove, is not under mortgage.

8.—(1) Where a writ of sale of immovable property, which is a citrus grove and is owned by a citrus grower and which is not under mortgage, contains provision as to a reserve price fixed by the Court, such reserve price shall be deemed to be the reserve price for all the purposes of this Law.

Reserve price fixed by Court where immovable property, being a citrus grove, is under mortgage.

(2) Where a writ of sale of immovable property, which is a citrus grove and is owned by a citrus grower and which is under mortgage, contains provision as to a reserve price fixed by the Court, the reserve price to be fixed by the Principal Land Registry Officer shall in no case be less than the reserve price fixed by the Court.

Power to defer the fixing of sales or to postpone sales.

9. Subject to the provisions of the Rules of Sale, 1923, the Principal Land Registry Officer shall have power to defer the fixing of, or to postpone, any sale of immovable property, which is a citrus grove and is owned by a citrus grower,—

(1) In any of the following cases, that is to say,—

(a) where the amount due on the date of the application to the Land Registry Office of Famagusta for the sale of such immovable property, or at any date subsequent thereto but before the

date of the sale of such immovable property, is less than the amount of the original debt; or

(b) where the interest due up to the date of the application to the Land Registry Office of Famagusta for the sale of such immovable property has been fully paid up to that date or the interest due at any date subsequent thereto but before the date of the sale of such immovable property is in arrear for not more than one year.

(2) For any period of not less than six months and not more than one year at any one time in any of the following cases, that is to say,—

(a) for a period of one year from the date of payment where the citrus grower who is the debtor has paid, after the date of the application to the Land Registry Office of Famagusta for the sale of such immovable property but before the date of the sale of such immovable property, a sum representing not less than ten per centum of the total amount of the debt due on the date of such payment; or

(b) for any lesser period than one year from the date of payment (such period not being less than six months) where the citrus grower who is the debtor has paid, after the date of the application to the Land Registry Office of Famagusta for the sale of such immovable property but before the date of the sale of such immovable property, a sum bearing such proportion to the ten per centum aforesaid as such lesser period bears to the period of one year.

10.—(1) Where the Principal Land Registry Officer shall, pursuant to section 9, defer the fixing of, or postpone, any sale of immovable property, which is a citrus grove and is owned by a citrus grower, the registration of any judgment affecting such immovable property subsisting on the date of the deferment or postponement as aforesaid shall, notwithstanding anything contained in the Civil Procedure Laws, 1885 to 1939, continue in force for a period of one year reckoned from the date upon which such registration would have expired but for the provisions of this sub-section.

Registration of judgment to continue in force where fixing of date of sale is deferred or sale is postponed.	10 of 1885
	5 of 1924
	15 of 1926
	9 of 1929
	37 of 1934
	10 of 1939

Registration
of judgment
to remain
in force
where
reserve price
has not
been bid.

10 of 1885
5 of 1924
15 of 1926
9 of 1929
37 of 1934
10 of 1939

(2) Where at an auction of immovable property, which is a citrus grove and is owned by a citrus grower, any such immovable property remains unsold by reason of the reserve price not having been bid at such auction, the registration of any judgment affecting such immovable property subsisting on the date of such auction shall, notwithstanding anything contained in the Civil Procedure Laws, 1885 to 1939, continue in force for a period of one year reckoned from the date upon which such registration would have expired but for the provisions of this sub-section.

Date of
coming into
operation
and duration
of Law.

11. This Law shall come into operation on and from the date of its publication in the *Gazette* and shall continue in force until the 31st day of December, 1940, and no longer.

13th March, 1940.

A. B. WRIGHT,
Colonial Secretary.

(M.P. 1368/39.)