



**SUPPLEMENT No. 2**

TO

THE CYPRUS GAZETTE No. 2904 OF 5TH FEBRUARY, 1941.

LEGISLATION.

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**THE STATUTE LAWS OF CYPRUS**

**No. 3 OF 1941.**

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

W. D. BATTERSHILL,  
*Governor.*

[*5th February, 1941.*]

**B**E 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 Groves Short title.  
(Restriction of Sales) Law, 1941.

Interpre-  
tation.

2. In this Law, unless the context otherwise requires,—

“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

(c) is owned by a person whose primary means of livelihood is the growing of citrus, and includes any building, tank, well or water, erected, sunk or found in such area and registered therewith as one entity;

“creditor” means any creditor who may have a right to any part of the proceeds of sale, not being a mortgagee where the sale of the citrus grove mortgaged is made at the instance of another creditor;

“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, by public auction carried out by or through the Land Registry Office of Famagusta, of a citrus grove.

Power to fix  
reserve price.

3.—(1) Notwithstanding anything contained in the Immovable Property (Restriction of Sales) Law, 1940, and subject to the provisions of section 7, where a sale of a citrus grove—

(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

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

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

4. The reserve price to be fixed by the Principal Land Registry Officer shall not exceed the assessed value of the citrus grove as registered in the books of the Land Registry Office.

Method  
of fixing  
reserve price.

5.—(1) The Principal Land Registry Officer shall, not less than one month before the posting of the auction bill, cause the debtor and every creditor to be informed, by registered letter addressed to the last known place of residence of the debtor and of such creditor, of the reserve price and the production of the receipt of the Post Office Authorities as to the posting of such letter shall, unless the letter is returned undelivered, be deemed to be conclusive evidence that the parties concerned have been duly informed of the reserve price.

Notice to  
debtor and  
creditor.

(2) If a letter is returned undelivered, the Principal Land Registry Officer shall cause notice of the reserve price to be posted in a conspicuous place within the quarter of the town of Famagusta in which the citrus grove is situated and on the notice board of the Land Registry Office in the town of Famagusta and such posting shall be deemed to be conclusive evidence that the person whose letter has been returned undelivered has been duly informed of the reserve price.

6.—(1) Within three weeks from the date of the posting of the letters as in sub-section (1) of section 5 provided, application may be made to the Principal Land Registry Officer by the debtor or a creditor for a review of the reserve price :

Review of  
reserve price.

Provided that any person whose letter has been returned undelivered may apply to the Principal Land Registry Officer for a review of the reserve price within one week from the date of the posting of the notices as in sub-section (2) of section 5 provided.

(2) The application as in sub-section (1) provided shall be accompanied by the local enquiry fees in force for the time being and, upon receipt of the same, the Principal Land Registry Officer shall cause a local enquiry to be made in order to ascertain the actual value of the citrus grove in respect of which the application was made.

(3) For the purposes of this section a local enquiry shall be made by such clerk of the Land Registry Office as the Principal Land Registry Officer may appoint in that behalf, in conjunction with the village authorities of the quarter of the town of Famagusta in which the citrus grove is

situated and if the clerk and the village authorities disagree as to the actual value of such citrus grove such value shall be determined by the Principal Land Registry Officer. The actual value of the citrus grove as assessed by the clerk and the village authorities or as determined by the Principal Land Registry Officer shall be substituted for the assessed value of such citrus grove as registered in the books of the Land Registry Office and the reserve price shall thereupon be fixed by the Principal Land Registry Officer on the basis of such actual value of such citrus grove :

Provided always that the reserve price shall not exceed such actual value.

(4) If no application is made to the Principal Land Registry Officer for a review of the reserve price, the reserve price contained in the letters posted as in sub-section (1) or the notice posted up as in sub-section (2) of section 5 provided shall be the reserve price for the sale of the citrus grove to which such letters or such notice relate.

Reserve  
price fixed  
by Court.

7.—(1) Where a writ for the sale of a citrus grove 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.

(2) Where a writ for the sale of a citrus grove 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.

Review of  
reserve price  
in case of  
abortive sale.

8. Where the sale of a citrus grove in respect of which a reserve price is fixed under the provisions of this Law proves abortive by reason of the reserve price not having been bid at the public auction for the sale of such citrus grove, the Principal Land Registry Officer may direct that, for the purposes of any subsequent auction, the reserve price shall be reduced to such an amount as he, having regard to all the circumstances of the case, may consider fair and reasonable or that the sale of such citrus grove shall proceed without any reserve price.

Re-assess-  
ment of  
value of  
citrus grove  
in case of  
abortive sale.

9.—(1) Notwithstanding anything in this Law contained the debtor or any creditor may, at any time after an abortive sale and before a fresh sale is fixed, apply to the Principal Land Registry Officer for the re-assessment of the value of the citrus grove the sale of which has proved abortive and thereupon the provisions of sub-sections (2)

and (3) of section 6 shall apply *mutatis mutandis* with regard to an application under this sub-section as they apply to an application made under sub-section (1) of section 6 :

Provided always that where the actual value of the citrus grove has been determined under the provisions of section 6, no re-assessment of the value of such citrus grove shall be made under the provisions of this section unless the local enquiry establishes to the satisfaction of the Principal Land Registry Officer that a fresh re-assessment is justified by reason of some subsequent material change in the citrus grove.

(2) In fixing the reserve price for a subsequent auction of any citrus grove the value of which has been re-assessed under the provisions of sub-section (1) of this section, the Principal Land Registry Officer shall, without prejudice to his powers under the provisions of section 8, have regard to the value of such citrus grove so re-assessed :

Provided always that the reserve price shall not exceed such re-assessed value.

10. Where at an auction for the sale of a citrus grove held at any time after the 13th day of March, 1940, any such citrus grove remains unsold by reason of the reserve price not having been bid at such auction, the registration of any judgment affecting such citrus grove subsisting on the date of such auction, shall, notwithstanding anything 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 section.

Registration of judgments to continue in certain cases.

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

11. Any reserve price fixed and any auction bill posted under the provisions of the Famagusta Citrus Groves (Restriction and Postponement of Sales) Law, 1940, shall be valid and effective and the provisions of this Law shall apply thereto as if such reserve price has been fixed or auction bill posted under the provisions of this Law :

Savings.

- 6 of 1940

Provided that the debtor or any creditor may, at any time before the sale is fixed, apply to the Principal Land Registry Officer for a review of the reserve price and thereupon the provisions of sub-sections (2) and (3) of section 6 shall apply *mutatis mutandis* with regard to an application under this section as they apply to an application made under sub-section (1) of section 6 :

Provided further that where such reserve price has not been bid at any auction of the citrus grove carried out before the commencement of this Law, the Principal Land Registry Officer may direct that for the purposes of any subsequent auction the reserve price shall be reduced to such an amount as he, having regard to all the circumstances of the case, may consider fair and reasonable or that the sale of such citrus grove shall proceed without any reserve price.

Date of  
commence-  
ment and  
duration.

12. This Law shall be deemed to have come into operation on the 1st day of January, 1941, and shall continue in force until the 31st day of December, 1941, and no longer.

5th February, 1941.

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J. V. W. SHAW,  
*Colonial Secretary.*