

No. 26 OF 1945.

A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING
TO TENURE, REGISTRATION AND VALUATION OF
IMMOVABLE PROPERTY.

R. E. TURNBULL,]

[7th December, 1945.

Officer Administering the Government.

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

1. This Law may be cited as the Immovable Property Short title.
(Tenure, Registration and Valuation) Law, 1945.

PART I.—PRELIMINARY.

Interpre-
tation.

2.—In this Law, unless the context otherwise requires—
“adverse possession”, with its grammatical variations and cognate expressions, means a possession by a person not entitled thereto where the express or implied consent or permission of the person so entitled has not been given or obtained for such possession ;

“the Court”, in connection with any matter relating to immovable property, means the District Court of the District in which such property is situate ;

“Director” means the Director of Land Registration and Surveys and includes any officer appointed by the Director for all or any of the purposes of this Law either generally or for any particular purpose ;

“dealing”, with its grammatical variations and cognate expressions, in relation to immovable property, means the voluntary transfer or mortgage of immovable property and any other voluntary charge or transaction affecting immovable property required by any law in force for the time being to be carried out in a Land Registry Office ;

“immovable property” includes—

(a) land ;

(b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure ;

(c) trees, vines, and any other thing whatsoever planted or growing upon any land and any produce thereof before severance ;

(d) springs, wells, water and water rights whether held together with, or independently of, any land ;

(e) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure ;

(f) an undivided share in any property hereinbefore set out.

“Land Registry Office” means the office of the Department of Land Registration and Surveys for the District and includes any sub-office in the District :

Provided that only such transactions shall be carried out in a sub-office as may be authorized from time to time by the Director ;

“owner” means the person entitled to be registered as the owner of any immovable property whether he is so registered or not ;

“public road” means any street, square, pathway, open place or space over which the public has a right of

way and includes any land set apart by, or with the consent of, the appropriate authority as a public road ;
 “registered”, with its grammatical variations and cognate expressions, means recorded in the Land Register kept under the provisions of this Law ;

“registration fee” means the fee payable in respect of the registration of title to immovable property under any law in force for the time being ;

“religious corporation” includes any religious establishment or religious institution belonging to any denomination and any throne, church, chapel, monastery, mosque, tekyé, shrine or synagogue.

3.—(1) The categories of immovable property hitherto known under the Ottoman Land Code as “Mulk”, “Arazi Memlouké”, “Arazi Mirié”, “Arazi Metrouké” or “Arazi Mevat” shall be abolished and thereafter all immovable property whatsoever shall be owned, held and enjoyed subject to and in accordance with the provisions of this Law or any other law in force for the time being.

Categories of immovable property under Ottoman Laws, abolished.

(2) All immovable property hitherto known as “Mulk” or “Arazi Memlouké” and privately owned as such at the date of the coming into operation of this Law shall continue to be owned, held and enjoyed as private property.

(3) All immovable property known as “Arazi Mirié” and privately possessed as such at the date of the coming into operation of this Law shall be owned, held and enjoyed as private property.

(4) All immovable property which at the date of the coming into operation of this Law is held, administered and enjoyed as Vakf property in accordance with the provisions of the Cyprus Evcaf (Mohammedan Religious Property Administration) Order and Law, 1928 and 1934, shall continue to be so held, administered and enjoyed as if this Law had not been passed subject only to the provisions of sections 35, 36 and 37 of this Law.

19 of 1934

(5) All immovable property hitherto known as “Arazi Metrouké” lawfully held or enjoyed communally by a town, village or quarter at the date of the coming into operation of this Law shall continue to be held or enjoyed as the communal property of such town, village or quarter.

(6) All immovable property hitherto known as “Arazi Mevat” and all immovable property other than that specified in sub-sections (2) to (5) of this section and all vacant or unoccupied immovable property not privately owned or lawfully possessed at the date of the coming into operation of this Law shall be owned, held and enjoyed by the Crown as Crown Property.

PART II.—TENURE.

CHAPTER I.—*Provisions relating to Immovable Property other than Vakf Property.*

Extent of private ownership of land.

4.—(1) Private ownership of any land shall, subject to the provisions of this Law or any other law in force for the time being, extend to the surface and to the substance of the earth beneath the surface and to the space above the surface, reasonably necessary for the enjoyment thereof, but shall not extend to minerals :

Provided that the private ownership of any land being land which lies within the areas specified, for the purposes of this section, on the survey map signed by the Director and deposited in the Land Registry Office before the coming into operation of this Law, shall extend to the substance of the earth beneath the surface without any restriction as aforesaid.

(2) For the purposes of this section—

“minerals” includes all materials of economic value forming part of, or derived naturally from, the crust of the earth including mineral oil, pitch, asphalt and natural gas but not minerals whilst in solution or peat, trees, timber and similar kinds of forest produce.

(3) Nothing contained in this section or in any survey map deposited in the Land Registry Office under the proviso to sub-section (1) of this section shall diminish or enlarge any rights, conferred under a mining lease granted by or on behalf of the Government under any law relating to mines in force for the time being and subsisting at the date of the coming into operation of this Law ; but such rights shall continue to be enjoyed, during the continuance of such lease, to the same extent as if this Law had not been enacted.

Ownership of storeys of a building.

5.—(1) When a building consists of more than one storey, each storey which can properly and conveniently be held and enjoyed as a separate and self-contained tenement, may be owned, held and enjoyed separately as private property.

(2) The site on which the building is standing, the foundations thereof, the main walls supporting the whole building, its roof, the main staircase leading to the various storeys, the main corridors thereof and any other part of the ground or building which is of common use to the owners of the various storeys, shall be owned, held and enjoyed by all of them in undivided shares.

(3) The owner of each storey may make any alterations, additions or repairs to his storey provided that they do not

prejudice the rights of the owner of any other storey and they do not unduly interfere with the enjoyment thereof by the owner of such other storey.

(4) Subject to any agreement between themselves, the owners of the several storeys shall maintain, repair, or restore any part owned, held and enjoyed by them in undivided shares as in sub-section (2) of this section provided and the cost thereof shall be borne by every such owner in proportion to the value of his storey as registered or recorded immediately before the need for incurring such cost had arisen :

Provided that, if any owner fails or neglects to comply with the requirements of this sub-section, any other owner may do all such acts and incur such expense as may be reasonably necessary for the purpose and may recover the amount for which the owner in default may be liable, by civil action.

6. All lakes, rivers, streams and natural watercourses which are not privately owned at the date of the coming into operation of this Law and the basins, beds, or channels thereof, and any land from which the sea or the water of any such lake, river, stream or watercourse has receded, with the exception of any such land as is privately owned at the date aforesaid, shall be vested in the Crown :

Lakes, etc., not privately owned to be vested in the Crown.

Provided that nothing in this section contained shall be construed as affecting any rights over any lake, river, stream or natural watercourse which—

- (a) have been exercised without interruption for the full period of thirty years before the date aforesaid ;
or
- (b) have been conferred by a Firman or other valid document of title made before the 4th June, 1878, which has been acted upon from the time when it was made ; or
- (c) are exercised under the provisions of any law in force for the time being.

7. All public roads and such part of the foreshore as is not privately owned at the date of the coming into operation of this Law shall be vested in the Crown for the use of the public.

Public roads and foreshore.

8. No title to immovable property shall be acquired by any person by adverse possession as against the Crown or a registered owner.

No title by adverse possession as against Crown or registered owner

Title by
adverse
possession
in certain
cases.

9. Subject to the provisions of section 8 of this Law, proof of undisputed and uninterrupted adverse possession by a person, or by those under whom he claims, of immovable property for the full period of thirty years, shall entitle such person to be deemed to be the owner of such property and to have the same registered in his name :

Provided that nothing in this section contained shall affect the period of prescription with regard to any immovable property which began to be adversely possessed before the commencement of this Law, and all matters relating to prescription during such period shall continue to be governed by the provisions of the enactments repealed by this Law relating to prescription, as if this Law had not been passed :

Provided further that notwithstanding the existence of any disability operating under such enactments to extend the period of prescription such period shall not in any case exceed thirty years in all even where any such disability may continue to subsist at the expiration of thirty years.

Rights of
way, etc.,
over im-
movable
property
of another.

10.—(1) No right of way or any privilege, liberty, easement, or any other right or advantage whatsoever shall be acquired over the immovable property of another except—

- (a) under a grant from the owner thereof duly recorded in the books of the Land Registry Office ;
or
- (b) where the same has been exercised by any person or by those under whom he claims for the full period of thirty years without interruption; provided that the provisions of this paragraph shall not apply to any immovable property which is Crown Property or property vested in the Crown ; or
- (c) where the same has been recognized by a judgment of a competent Court ; or
- (d) where the same has been conferred by a Firman or other valid document made before the 4th June, 1878, which has been acted upon from the time when it was made.

(2) No person shall exercise any right of way or any privilege, liberty, easement or any other right or advantage whatsoever over the immovable property of another except where the same—

- (a) has been acquired as in sub-section (1) of this section provided ; or
- (b) is exercised under the provisions of any Law in force for the time being ; or
- (c) is exercised under a licence in writing from the owner thereof.

11.—(1) Where any right, privilege, liberty, easement or other advantage has been acquired as in sub-section (1) of section 10 of this Law in respect of any immovable property, the same shall be deemed to be attached to such property and to be included in any dealing made with such property.

Rights, etc., acquired or exercised in respect of immovable property.

(2) Where any such right, privilege, liberty, easement or other advantage has been abandoned by notice in writing to the Land Registry Office or has not been exercised for the full period of thirty years without interruption, the same shall be deemed to have lapsed.

12. The period of thirty years prescribed in sections 9, 10 and 11 shall be deemed and taken to be the period next before the date on which a claim under the said sections may be made.

Computation of period of thirty years.

13. The Director may, on the application of the owner of the servient tenement and after thirty days' notice given therefor to the owner of the dominant tenement, fix or vary the position or direction of any right of way or watercourse or channel, but only so that the dominant tenement is not substantially affected or prejudiced thereby; and if after such notice the owner of the dominant tenement fails to appear the Director may proceed to act in his absence.

Variation of position of right of way, etc., on application of owner of servient tenement.

14.—(1) Where any plots of land belonging to different owners are irrigated by a watercourse or channel, any owner may apply to the Director for the variation of the position or direction of such watercourse or channel in his plot and the Director may, after giving thirty days' notice to any owner whose land will be affected by such variation, vary the position or direction of the same, but only so that the interests of any such owner other than the applicant are not substantially affected or prejudiced thereby. If after such notice, the person to whom the notice has been given fails to appear, the Director may proceed to act in his absence.

Water-courses and irrigation channels.

(2) Where more persons than one are entitled to water flowing through a watercourse or channel, all such persons shall, with a view to preventing any waste of water—

(a) clean and keep in proper repair and condition such watercourse or channel, and each one of them shall be liable for the expense involved in proportion to his share in the water; and

(b) close his main opening of the watercourse or channel as soon as his land has been irrigated or the time during which he is entitled to use the water has expired.

(3) If any person fails or neglects to comply with the provisions of sub-section (2) of this section any other person or persons interested in the matter may take all such steps as may be reasonably necessary for the prevention of waste and may recover the amount for which the person in default may be liable, by civil action.

(4) The provisions of this section shall not apply to irrigation divisions formed under the Irrigation Divisions (Villages) Laws, 1938 and 1944.

11 of 1938.
6 of 1944.

Extent of
right of
irrigation.

15. Wherever any person acquires or possesses any right of irrigation, such right shall extend to a right in or over any artificial or other channel, watercourse, aqueduct, well or chain of wells formed for the distribution of the water to which such right relates; and a space of not more than five feet from either edge of such channel, watercourse, aqueduct, well or chain of wells as may be required for the cleaning, repairing or protection thereof shall be deemed to form part thereof, and such space shall not be interfered with, cultivated or planted by the owner of the land on either side of the channel, watercourse, aqueduct, well or chain of wells.

Plantations
along public
roads.

16.—(1) No person shall plant any tree, shrub or reed on any immovable property adjacent to a public road at a distance less than five feet away from the boundary of such property along the public road without first obtaining a licence from such person as may be appointed by the Governor in that behalf (hereinafter in this section called "the authority").

(2) The Government may plant any tree, shrub or reed on any immovable property adjacent to a public road within five feet of the boundary of such property along the public road notwithstanding that such property belongs to another person; and any tree, shrub or reed so planted shall be the property of the Crown.

All trees, shrubs or reeds so planted before the commencement of this Law by or under the authority of the Government shall be deemed to have been lawfully planted under the provisions of this Law and shall be the property of the Crown.

(3) When the land upon which a tree, shrub or reed has been planted under the provisions of sub-section (2) of this section is subsequently required for building or irrigation purposes and such tree, shrub or reed interferes with the reasonable use of the land for such purpose, the authority shall, at the request of the owner of the land, remove the same at the expense of the Government.

(4) Any tree, shrub or reed planted after the commencement of this Law in contravention of sub-section (1) of this

section may be removed by the authority at the expense of the person acting in contravention thereof.

(5) Where the authority is satisfied that any tree, shrub or reed planted within the limits prescribed in sub-section (1) of this section before the commencement of this Law causes any damage or undue interference with the reasonable use of any public road or the safety of travelling along any such road, he may, upon giving thirty days' notice to the owner thereof, remove the same at the expense of the Government.

17. The Governor may grant, lease, exchange or otherwise alienate any Crown Property or immovable property vested in the Crown by virtue of the provisions of this Law, other than a public road or the foreshore, for any purpose and on such terms and conditions as he may deem fit :

Power to Governor to exchange Crown Property, etc.

Provided that the Governor may exchange or alienate any part of any public road if satisfied that other adequate public road has been provided in the place thereof or that such exchange or alienation will improve such public road :

Provided also that the Governor in Council may lease any part of the foreshore for the purposes of harbours, jetties, piers, wharves, fisheries and any other purpose of public utility subject to such conditions as he may think fit.

18.—(1) The Governor may assign permanently or for a term of years and subject to such terms and conditions as he may deem fit, any Crown Property as a grazing ground for the use and benefit of the inhabitants of any town or village. Any such assignment shall be recorded in the books of the Land Registry Office.

Power to Governor to assign grazing grounds.

(2) No person shall have or acquire at any time any private or exclusive right to any grazing ground assigned for the benefit and use of the inhabitants of a town or village.

(3) The inhabitants of the town or village for whose use or benefit a grazing ground has been assigned shall, subject to any terms or conditions attaching thereto, have in common, to the exclusion of all persons not being inhabitants thereof, the right of grazing their animals therein.

(4) Where any grazing ground or any part thereof is required for any of the following purposes, that is to say—

- (a) the formation of a village or quarter ;
- (b) reclamation ;
- (c) soil conservation ;
- (d) mining ;
- (e) an undertaking of public utility,

the Governor may, by notice in the *Gazette*, declare that such grazing ground or part thereof shall cease to be a grazing ground :

Provided that in every such case Crown Property of equal utility as a grazing ground shall be assigned in lieu thereof.

Cultivation of land without the consent of the Crown or of registered owner.

19. Where any person cultivates any land belonging to the Crown or to a person registered therefor without the consent in writing of the Crown or of such person, as the case may be, any produce thereof or any profit therefrom shall vest in and be the property of the Crown or of such person, as the case may be, without payment of any compensation whatsoever.

Erections, etc., on immovable property held in undivided shares.

20. Where any immovable property is held in undivided shares, all the registered co-owners shall be entitled, in proportion to their respective shares, to—

- (a) any building or other erection or structure erected upon, or affixed to, the property;
- (b) any tree or vine planted or any well sunk therein;
- (c) any permanent improvement effected therein, whether erected, affixed, planted, sunk or effected by a co-owner or by any other person.

Trees, etc., on land, deemed to be the property of the owner of the land.

21.—(1) Anything growing in a wild state on any land shall be deemed to be the property of the owner of the land.

(2) The following provisions shall have effect with regard to—

- (a) any grafted wild tree on any land;
- (b) any tree or vine planted on any land;
- (c) any spring found, or any watercourse or channel opened or constructed in any land;
- (d) any building or other erection or structure erected on any land;
- (e) any fixture affixed to any land or to any building or other erection or structure,

that is to say—

- (i) if grafted, planted, found, opened, constructed, erected or affixed before the date of the coming into operation of this Law, it shall be deemed to be the property of the owner of the land unless another person is registered as the owner thereof or, being entitled to be so registered, applies for registration within two years from the date of the coming into operation of this Law or within two years from the date on which he became so entitled;
- (ii) if grafted, planted, found, opened, constructed, erected or affixed after the date of the coming into operation of this Law, it shall be deemed to be the property of the owner of the land,

and, any dealing affecting such land shall be deemed to include any such wild tree, tree, vine, spring, watercourse, channel, building, erection, structure or fixture, being the property of the owner of the land.

(3) Nothing in this section shall apply to or affect—

- (a) any instrument or thing which is the subject of any hire-purchase agreement under any law in force for the time being relating to such agreements;
- (b) any fixture affixed by a tenant to any land or building or other erection or structure for the purposes of trade or agriculture or for ornament and convenience, which the tenant has a right to sever and remove during the term or at the end of his tenancy.

22. Where any trees, vines or other thing planted or growing upon any land though belonging to the owner of the land are separately registered in his name he shall not be entitled to transfer or mortgage the same unless he transfers or mortgages the land on which they stand; and any transfer or mortgage of any such trees, vines or other thing planted or growing upon any such land shall be deemed to include the transfer or mortgage of the land belonging to the same owner.

Transfer or mortgage of trees, etc., separately registered to include transfer or mortgage of land.

23.—(1) Subject to the provisions of section 25 of this Law, when any trees, vines or other thing or any buildings or other erections or structures are planted, grow, or are erected, upon any land belonging to a person other than the owner of any such trees, vines, thing, building, erection or structure and either of the said owners has made a declaration before the Land Registry Office that he has agreed to sell his interest to a third party, the transfer of the interest shall not be registered unless—

Option where trees and land belong to different persons.

- (a) the owner selling his interest satisfies the Director that the other owner does not wish to purchase such interest at the price at which it is being sold; or
- (b) the prospective purchaser advertises the proposed sale thereof as in sub-section (2) of this section provided and the other owner does not acquire the same under this section.

(2) The proposed sale shall be advertised in such form and in such newspaper or newspapers as the Director may require; and the owner of the other interest may, upon lodging in the Land Registry Office, within thirty days of the advertisement, the price at which the vendor's interest is being sold together with the registration fee, be registered for the same; and the amount so lodged shall thereupon be paid out to the party who joined in the declaration of sale as purchaser.

(3) Where the land or other property mentioned in sub-section (1) of this section is owned in undivided shares,

any co-owners acting together may exercise the right conferred by sub-section (2) of this section and acquire the interest sold in such shares as they may agree upon.

Option to
co-owners of
immovable
property.

24.—(1) Subject to the provisions of sub-section (3) of this section and of section 25 of this Law, when an owner of an undivided share in any immovable property makes a declaration before the Land Registry Office that he has agreed to sell the same to a person who is not a registered co-owner in the same property, the transfer of such share shall not be registered unless—

- (a) the vendor satisfies the Director that the other registered co-owners do not wish to purchase his share at the price at which it is being sold ; or
- (b) the prospective purchaser advertises the proposed sale as in sub-section (2) of this section provided and no registered co-owner acquires the share thereunder.

(2) The proposed sale shall be advertised in such form and in such newspaper or newspapers as the Director may require ; and any registered co-owner may, upon lodging in the Land Registry Office, within thirty days of the advertisement, the price at which the vendor's share is being sold together with the registration fee, be registered for such share ; and the amount so lodged shall thereupon be paid out to the person who joined in the declaration of sale as purchaser :

Provided that if more than one registered co-owner acts as hereinbefore provided, the Director shall register, in the name of such co-owners as are willing to proceed with the purchase, the vendor's share in the proportion which their shares bear to one another. The Director shall, thereafter, make the appropriate re-adjustments and refunds of the amount lodged to the persons entitled thereto.

(3) An owner of an undivided share in immovable property shall not be at liberty, where the registered value of his share is less than £10—

- (a) to sell his share to any person other than a registered co-owner ;
- (b) to mortgage his share to any person.

Sections 23
and 24 not
to apply in
certain cases.

25. Nothing in sections 23 and 24 contained shall apply to a declaration of sale made under a written contract of sale entered into before the coming into operation of this Law :

Provided that such contract is presented to the Land Registry Office within three months from the date of the coming into operation of this Law by any party thereto for

an endorsement thereon of the date of such presentation ; and such endorsement shall be conclusive evidence that the contract had been so presented.

26.—(1) The following provisions shall have effect in all cases of division or partition of immovable property, and no division or partition thereof shall be lawful if it contravenes any one of such provisions, that is to say—

General provisions relating to division, etc., of immovable property.

- (a) no building site shall be divided into separate holdings except in accordance with the provisions of any law or regulation in force for the time being ;
- (b) no vineyard, orchard, grove, or land irrigated or capable of being irrigated from a perennial source of water shall be divided into holdings of less than one donum in extent or, if capable of being irrigated from a seasonal source of water, into holdings of less than two donums in extent ;
- (c) no land used for agricultural purposes which is not irrigated either from a perennial or a seasonal source of water shall be divided into separate holdings of less than five donums in extent ;
- (d) subject to the provisions of paragraphs (a), (b) and (c) of this sub-section, no immovable property shall be divided into separate holdings unless in the opinion of the Director each such holding can properly and conveniently be held and enjoyed as a separate and self-contained tenement ;
- (e) no tree shall be allocated to more than one person ;
- (f) no land in which a person owns a share shall be allocated to such person as his separate property unless there is also allocated to him everything planted or growing thereon.

(2) Notwithstanding the provisions of section 9 of this Law, the provisions of this section shall apply to all cases of division or partition of immovable property made after the date of the coming into operation of this Law or within ten years immediately before such date, and where the property taken under any such division or partition contravenes the provisions of this section no title by adverse possession shall be acquired therefor.

27.—(1) Where immovable property is held in undivided shares but the partition thereof among the co-owners cannot be made without contravening the provisions of section 26 of this Law, any co-owner may apply to the Director for a certificate to the effect that partition of the property is impossible by reason of the said provisions, and upon being furnished with

Power to Director to sell property held in undivided shares in certain cases.

such certificate such co-owner may serve a notice on the other co-owners in Cyprus together with a copy of such certificate informing them that, unless within thirty days after service they can agree to an arrangement whereby the property is allocated to one person or divided in a manner which does not contravene any of the said provisions, he will apply to the Director to put up the property for sale by auction ; and the Director, upon proof of such service and upon being satisfied that no arrangement as hereinbefore has been agreed upon, may, without any further notice and notwithstanding the absence of any co-owner from Cyprus, proceed to sell the property by auction, and distribute the proceeds among the persons entitled thereto according to their respective rights in the property.

(2) Where immovable property, the registered value of which is less than ten pounds, is held in undivided shares but the partition thereof among the co-owners cannot be made without contravening the provisions of section 26 of this Law, the Director may cause a notice to be posted up to the effect that, unless the Director is informed by the owners of the said property within thirty days of the posting up of such notice that they have agreed to an arrangement whereby the property is allocated to one person or divided in a manner which does not contravene the provisions of sub-section (1) of section 26 of this Law, the Director shall put up the property for sale by auction ; and the Director on being satisfied that no such arrangement as hereinbefore has been agreed on, may, without further notice, proceed to sell the property by auction and distribute the proceeds, after deducting the expenses of such sale, among the persons entitled thereto according to their respective rights in the property.

Partition of
immovable
property
held in
undivided
shares.

28.—(1) Where immovable property is held in undivided shares, it shall be lawful for the Director, on the application of any co-owner, to cause a partition of the property to be made amongst the several parties entitled thereto and to register the holdings into which the property is divided in the names of the persons to whom the same are respectively allotted.

(2) Where the property to be partitioned consists of several parcels, the total value of all such parcels shall be taken as the basis of the partition, and the partition may be carried out either by partitioning each parcel separately or by partitioning the parcels as a whole, whichever would, in the Director's opinion, be in the best interests of all persons concerned :

Provided that where a building is used as a dwelling house by any of the co-owners it shall not be included in the partition except with the consent of all the co-owners.

(3) In making a partition under the provisions of this section the Director shall, as far as possible, apportion the property in accordance with the wishes of the several co-owners, and if the co-owners, though otherwise agreeing with the partition, do not agree as to the holding or holdings to be allotted to each one of them, the question shall be finally determined by the drawing of lots by the Director.

(4) Where by reason of the nature of the property to be partitioned or of the number of the parties interested therein or for any other reason, it appears to the Director that it is not practicable to allot holdings of a value corresponding to the respective shares of the co-owners, the Director may order that those co-owners who take holdings of greater value than their due shall pay to those who take holdings of less value than their due or take no holding at all, such compensation as the Director may determine having regard to their respective shares and the values which he allocates to the holdings.

(5) Upon the making of an order under the provisions of sub-section (4) of this section the Director shall give notice therefor to all persons affected by the partition.

(6) If a co-owner ordered to pay compensation to another co-owner under the provisions of this section fails to pay the same within forty-two days after the date of the final order, the Director may put up the holding or holdings allotted to the co-owner in default to sale by auction and pay such compensation out of the proceeds.

(7) Where compensation has been ordered to be paid by a co-owner, under the provisions of this section, such co-owner shall not be entitled to deal with the holding allotted to him before the compensation ordered is paid except with the consent of the person to whom the same is payable.

29.—(1) Where any tree, vine, building or other erection or structure is owned by a person other than the owner of the land whereon the same is standing, the Director may on the application of any person having an interest in the land, tree, vine, building or other erection or structure, effect a re-adjustment of the interests of the parties therein so as to ensure that in no case shall a tree, vine, building or other erection or structure be owned by a person other than the owner of the land whereon the same is standing.

Re-adjustment where owner of trees and land is not the same person.

(2) In making such re-adjustment, where any share to which any person would have been entitled is so small that a holding cannot be allocated to him without contravening the provisions of paragraphs (a), (b), (c) and (d) of sub-section (1) of section 26 of this Law, the Director may order that his share shall be allotted to any other owner of land, trees, vines, buildings or other erections or structures in respect of which the re-adjustment is made, upon payment to the person whose share is being so allotted of such compensation as the Director may determine.

(3) Upon the making of an order under the provisions of sub-section (2) of this section the Director shall give notice therefor to all persons affected by the re-adjustment and thereafter the provisions of sub-sections (6) and (7) of section 28 of this Law shall apply *mutatis mutandis* to this section as they apply to the said section.

Partition or re-adjustment of immovable property subject to charge.

30. Where any immovable property to which section 28 or 29 of this Law applies or any share therein is subject to any charge under the provisions of any law in force for the time being, it shall be lawful for the Director to proceed with the partition or re-adjustment of such property in accordance with the provisions of the section applicable thereto and to make such charge a charge upon that portion of the property which is allotted to the person against whom the charge operates :

Provided that any compensation payable under section 28 or 29 of this Law shall be paid to the person in whose favour the charge operates.

No partition or re-adjustment without notice.

31. No partition or re-adjustment shall be made under the provisions of section 28 or 29 of this Law unless the Director gives thirty days' previous notice therefor to all parties affected thereby and if after such notice any person to whom such notice had been given fails to appear the Director may proceed to act in his absence.

Compulsory acquisition where re-adjustment impossible.

32.—(1) Where on any land there are trees or vines belonging to a person other than the owner of the land and it is found impossible by the Director to make a re-adjustment under the provisions of section 29 of this Law, the following provisions shall have effect, that is to say—

(a) the owner of such land may, if registered therefor and if the estimated value of such land or the estimated aggregate value of such land and any buildings, trees or vines thereon belonging to the owner of the land is greater than the estimated value of the trees or vines belonging to the other

person, acquire the same compulsorily upon payment to the owner thereof of their value :

Provided that where the land is owned in undivided shares, the right hereby conferred shall not be exercised except by all the co-owners acting together, and then only upon condition that each of them shall take the same share in the trees or vines acquired hereunder as he owns in the land ;

(b) the owner of such trees or vines may, if registered therefor and if the estimated value of such trees or vines is greater than the estimated value of the land or the estimated aggregate value of the land and any buildings, trees or vines thereon belonging to the owner of the land, acquire the land compulsorily upon payment to the owner thereof of its value :

Provided that, where any such trees or vines are owned in undivided shares, the right hereby conferred shall not be exercised except by all the co-owners acting together, and then only upon condition that each of them shall take the same share in the land acquired hereunder as he owns in such trees or vines :

Provided also that, where by reason of any trees or vines standing on any land being separately owned, two or more persons seek to acquire the same land independently of one another, there shall be preferred the person or persons whose trees or vines are estimated to be of greater value than the trees or vines belonging to another person or persons seeking to acquire the same and, where trees or vines belonging to different person or persons seeking to acquire the same land are estimated to be of equal value, the land shall be acquired by them in equal shares.

(2) For the purposes of this section the value of any property which has to be estimated shall be estimated by the Director with the assistance of the mukhtar of the village or quarter within which the property is situate or of his representative, or where the interested parties belong to different communities, each having a mukhtar of its own, with the assistance of both mukhtars or their representatives : Provided that the estimate made by the Director shall be valid for the purposes of this section even if any such mukhtar or his representative fails to give assistance in the making of the estimate.

(3) Upon the making of an estimate under the provisions of sub-section (2) of this section the Director shall give notice therefor to all persons affected thereby.

First
Schedule.

(4) Proceedings under this section shall be in accordance with the regulations in the First Schedule to this Law, which may be amended from time to time by the Governor in Council.

Partition by
co-owners.

33. Where any immovable property held in undivided shares has been partitioned by the co-owners the Director may, on application for the registration of the property so partitioned, direct registration of the property to be effected in accordance with the terms of the partition if they do not contravene the provisions of section 26 of this Law :

Provided that where any property or any share therein involved in the partition is subject to any charge under the provisions of any law in force for the time being, the partition shall not be registered unless the person in whose favour the charge operates gives his consent in writing.

Manner of
sale.

34. Every sale made under this Part of the Law shall be made in accordance with the provisions of any law relating to sales by public auction and the Rules of Sale in force for the time being.

CHAPTER II.—*Provisions relating to Vakf Immovable Property.*

Making of
immovable
property
Vakf.

35.—(1) Any immovable property which lies within the areas specified, for the purposes of this section, on the survey map signed by the Director and deposited in the Land Registry Office before the coming into operation of this Law and which is registered in the name of any person who professes the Moslem faith may, by a valid deed of dedication, be made Vakf.

(2) Any immovable property which lies outside the areas mentioned in sub-section (1) of this section registered in the name of any person who professes the Moslem faith which is sufficiently planted with trees or vines or covered with buildings, to the satisfaction of the Director, may, by a valid deed of dedication, be made Vakf :

Provided that a fee equal to one-fourth of the registered value of such property shall be paid into the Revenue of the Colony by the owner, and that no such property shall be made Vakf until such fee has been paid.

Registration
of Vakf in
the name of
trustee.

36. Whenever any immovable property is made Vakf after the commencement of this Law, such property shall be registered in the name of the person entitled under the deed of dedication to be the trustee thereof for the time being.

37. Where any tree, vine, building or other erection or structure held as Vakf stands on land which is not Vakf, or *vice versa*, the Director may, on the application of any person having an interest in the land, tree, vine, building or other erection or structure, effect a partition of the property or re-adjustment of the interests of the parties so as to ensure that in no case shall a tree, vine, building or other erection or structure be held as Vakf independently of the land, or *vice versa*, and in making such partition or re-adjustment there shall be applied the provisions of section 29 of this Law as far as possible.

Trees, etc. held as Vakf on non-Vakf land and *vice versa*.

PART III.—REGISTRATION.

38. The Districts constituted under the Administrative Divisions Law, 1878, shall be Immovable Property Registration Districts for the purposes of this Part of this Law.

Immovable Property Registration Districts. 4 of 1878.

39.—(1) No transfer of, or charge on, any immovable property shall be valid unless registered or recorded in the Land Registry Office.

Validity of certain transactions affecting immovable property.

(2) No transfer or voluntary charge affecting any immovable property shall be made in the Land Registry Office by any person unless he is the registered owner of such property:

Provided that the executor or administrator of an estate of a deceased person shall, for the purposes of this sub-section, be deemed to be the registered owner of any immovable property registered in the name of the deceased.

40.—(1) Any immovable property belonging or attached to a religious corporation at the date of the coming into operation of this Law which is not already registered in its name, and any immovable property which, though registered in the name of some person, is held for or on behalf of a religious corporation at that date, may be registered in the name of such corporation:

Registration of immovable property in the name of religious corporation.

Provided that the corporation shall apply to the Land Registry Office not later than five years after that date for the property to be so registered, and, where the Director so requires, shall pay the fees prescribed for local inquiry.

(2) After the expiration of the period mentioned in sub-section (1) of this section no claim of title to or in connection with any immovable property by any religious corporation shall be valid or shall be entertained or recognized in any Court or Land Registry Office unless the corporation files together with the writ a certificate of the Director that it has applied to the Land Registry Office within the period in sub-section (1) of this section mentioned

for the property to be registered in its name and, where the Director so required, paid the fees prescribed for local inquiry :

Provided that nothing in this sub-section contained shall apply to any immovable property which is already registered in the name of the religious corporation or which has been lawfully acquired by such corporation by transfer from a registered person after the commencement of this Law.

(3) No transfer fee shall be levied upon the registration of any immovable property in the name of a religious corporation by transfer from a registered person who held the property for or on behalf of the corporation.

(4) Any transfer or voluntary charge affecting immovable property registered in the name of a religious corporation may be declared in the Land Registry Office by the head of the corporation or his duly authorized representative.

Compulsory
registration
of un-
registered
property.

41. When any immovable property is not registered in the name of the person entitled to be registered as the owner thereof, the Director may, subject to the provisions of section 43 of this Law, compel the registration of such property to be made in the name of such person.

General
Registration.

42.—(1) The Director may order a General Registration to be made of all the immovable property in any town, village or quarter or any specified part thereof in the name of its respective owners :

Provided that no General Registration shall be made of any such property where a General Registration thereof has already been made whether under the provisions of this Law or under any other law hereby repealed.

(2) Where any immovable property in any town, village or quarter or any specified part thereof for which the Director has ordered a General Registration to be made is already registered on the date of such order, the Director may relate the registration of such immovable property to the plan used as the basis of the General Registration and may make a new edition of such registration for the sake of a more accurate definition of such property or greater clearness including a different description of the boundaries, area or registration number :

Provided that no such new edition shall be made unless the Director had included in the statement furnished to the mukhtar, as provided in section 44 of this Law, particulars of the properties affected thereby :

Provided further that no fee whatsoever shall be charged for any such new edition.

43.—(1) When the Director proposes to compel registration of any immovable property to be made in the name of any person under the provisions of section 41 of this Law, he shall give him notice thereof calling upon him, within sixty days from the date of the giving of the notice to cause such property to be registered in his name or to show cause why such registration should not be made. A notice to the like effect shall also be posted up.

Procedure
in individual
cases.

(2) Every such notice shall contain a description of the immovable property, its extent, boundaries, situation, value, the share, interest and name of the person entitled to be registered and the grounds on which the right to be registered has accrued, together with a statement of the fees payable in respect of the registration.

44. If the Director orders, under section 42 of this Law, a General Registration to be made of all or a specified part of the immovable property in any town, village or quarter, he shall furnish the mukhtar of the town, village or quarter with a plan of the town or village lands or of the specified part thereof and of the various holdings as surveyed, together with a statement containing a description of the several holdings, their extent, boundaries, situation, value, the share, interest and name of the person entitled to be registered and the grounds on which the right to be registered has accrued together with a statement of the fees payable in respect of the registration and thereupon the following provisions shall have effect—

Procedure
on General
Registration.

(a) the Director shall publish in the *Gazette* and such other newspaper as the Director may deem necessary a notice informing the public that a General Registration will be made giving particulars of the area in respect of which the notice is given, and that the plan and particulars relating to such property have been furnished to the mukhtar, and calling upon all owners generally within sixty days from the date of the publication of the notice in the *Gazette* to show cause why the property shown as belonging to each one of them in the statement of particulars furnished to the mukhtar should not be registered in his name or a new edition made in accordance with such particulars;

(b) every person interested in any immovable property to which such notice relates may inspect the plan and statement of particulars at all reasonable times and the mukhtar in charge of such plans and particulars shall at all reasonable times allow any such person to make any extract therefrom or to take any copy thereof free of any charge.

Director
may register
upon failure
of unregis-
tered owner
to register.

45.—(1) If within the period in section 44 of this Law provided any objection is made but the Director is of opinion that the registration should nevertheless be effected in the name of the person given in the notice or statement of particulars, he shall give notice thereof to the objector who may, within thirty days from the date of such notice, apply to the Court for a declaration that he is the person entitled to registration as against the person proposed to be registered and shall give the Director notice of his application. If the objector does not so apply the Director may register the property in the name of the person given in the notice or statement of particulars.

(2) If any owner affected by any notice given by the Director under section 43 or 44 of this Law fails to comply therewith within the time stated therein, the Director may proceed to register such property in the name of such owner or make such new edition.

Fee on
compulsory
registration.

46.—(1) Where immovable property is registered under the provisions of sections 41 to 45, both inclusive, of this Law the registration fee shall be reckoned—

(a) on the value of the property as recorded in the books of the Land Registry Office; or

(b) where there is no value so recorded, on the value determined under the proviso to section 4 of the Immovable Property Tax Laws, 1932 to 1942,

and thereafter the value on which the fee is reckoned shall be deemed to be the registered value of such property.

(2) The registration fee shall be payable in three equal annual instalments, the first of which shall be due on the 13th day of March next following the date of registration and the remaining two on the 13th day of March in each of the succeeding years, and any such instalment may be recovered in the manner provided by the Tax Collection Laws, 1932 and 1944.

(3) The registration fee shall be a charge on the immovable property to which it relates and shall have priority over all other charges and incumbrances whatsoever, whether accruing before or after the date of registration; and where the property is to be sold for the satisfaction of any other charge or incumbrance, the sale shall be subject to a reserve price which shall not be less than any balance of the registration fee remaining unpaid, notwithstanding the fact that such balance has not become due and payable.

(4) Where any request is made for the transfer or mortgage of property charged with the payment of a registration fee before the same has been recovered in full, such transfer or mortgage shall not be made except

18 of 1932
48 of 1934
20 of 1942.

70 of 1932
5 of 1944.

upon payment of any balance of the fee remaining unpaid, notwithstanding the fact that such balance has not become due and payable.

47. Where any immovable property does not stand registered in the name of the owner thereof and application is made to the Land Registry Office that the property be so registered, the Director may register the same in the name of the owner without requiring payment of the registration fee to be made in advance, and upon the property being registered the provisions of section 46 of this Law shall apply thereto as they apply to registrations made under sections 41 to 45, both inclusive, of this Law.

Payment of fee in voluntary registration deferred in certain cases.

48.—(1) Where application is made for the registration of immovable property in the name of a person who claims to be entitled thereto and such property is registered in the name of a deceased person, the Director may register the property in the name of the person so entitled on production of the consent in writing, duly authenticated, of the heirs of the person registered for the property:

Registration of property registered in the name of a deceased person, in name of persons claiming title thereto.

Provided that where in the Director's opinion such consent is unreasonably withheld or it is impossible or impracticable to obtain, the Director may, at the applicant's expense, in lieu of such consent, publish in such newspaper as he may think fit and also post up a notice containing—

(i) a description of the property ;
 (ii) the name of the person standing registered ;
 (iii) the name of the person proposed to be registered,
 and calling upon any person interested in the property to show cause within sixty days from the date of the publication of such notice why the proposed registration should not be effected.

(2) If within the period aforesaid no objection to the proposed registration is made, the Director may, subject to the provisions of sub-section (4) of this section, proceed to register the property accordingly.

(3) If within the period aforesaid any objection is made but the Director is of opinion that the registration should nevertheless be effected, he shall give notice thereof to the objector who may, within thirty days from the date of such notice apply to the Court for a declaration that he is the person entitled to registration as against the person proposed to be registered and shall give the Director notice of his application. If the objector does not so apply the Director may register the property in the name of the person entitled thereto.

(4) Where an heir of the person registered for the property is absent from Cyprus, no registration shall be made under this section which the Director considers to be prejudicial to the interests of the absentee, unless thirty years have elapsed from the date of the death of the person registered.

Mode of determining area of registered land.

49. The area of land covered by a registration of title to immovable property shall be the area of the plot to which the registration can be related on any Government survey plan or any other plan made to scale by the Director:

Provided that where the registration cannot be related to any such plan such area shall be the area of the land to which the holder of the title may be entitled by adverse possession, purchase or inheritance.

Register and other books.

50. There shall be kept in each Land Registry Office—

- (a) a separate Land Register for each town and village, or, if the Director so directs, for any quarter or block of a town or village in such form as he may determine, in which all registrations and transfers of immovable property shall be recorded; and
- (b) such other books and abstracts as the Director may deem necessary.

Certificate of registration.

51. Every certificate of registration shall contain such particulars and shall be in such form as the Director may determine.

Separate certificate for co-owners.

52. The Director may require any co-owner of immovable property to obtain a separate certificate of registration for his share therein and pay the registration fee therefor.

Record of easement in Register and certificate of registration.

53. Where any land is subject to or enjoys any right, privilege, liberty, easement or other advantage as in section 11 of this Law, the same shall, on the application of any interested party, be recorded in the Land Register and in the certificate of registration relating to such land.

Certificate of registration to include certain properties.

54. From and after the date of the coming into operation of this Law every registration made and every certificate issued in connection with any transfer of land or building or any devolution thereof by inheritance shall be deemed to include all immovable property connected therewith to which the transferor or deceased was entitled.

No separate registration for anything standing on land.

55. From and after the commencement of this Law no separate registration for anything standing, planted or erected on land or for any right attached or subject to the land, shall be effected independently of such land, except where such thing or right belongs to a person other than the owner of the land.

56.—(1) Where any dispute arises as to the boundaries of any registered land, such dispute shall, in the first instance, be determined by the Director after notice given to the parties at least fourteen days in advance informing them of the time when the boundaries in dispute will be inspected and no Court shall entertain any action or other proceeding relating to such dispute unless the same has been determined in the first instance as in this section provided.

Determi-
nation of
disputes
as to
boundaries.

(2) The Director may decide on the dispute in the absence of any party notified as in sub-section (1) of this section provided.

(3) On deciding a boundary dispute the Director shall give notice of his decision to the parties to the dispute and shall place such land marks as he may think fit to show the line of the boundary as by him decided and make such measurements and notes as may be required for identifying the position of the land marks.

(4) The cost of placing the land marks shall be borne by the party who, in the Director's opinion, is at fault and such cost may be recovered in the manner provided by the Tax Collection Laws, 1932 and 1944.

70 of 1932
5 of 1944.

57.—Upon proof to the satisfaction of the Director that any certificate issued by him relative to immovable property has been lost or destroyed, or is unlawfully withheld from the person entitled thereto, he may, on payment of the prescribed fee, issue another such certificate to the person entitled thereto, and the Director shall thereupon make an entry in the Register of the issue of another such certificate and every such certificate shall be valid and effective for all purposes :

Lost or
destroyed
certificates.

Provided that where the property is affected by any charge or incumbrance, the fact that the property is so affected shall be noted on such certificate.

58. Subject to the provisions of this Law, the Director may by notice require any owner or other person making an application to have immovable property registered or any owner, mortgagee or other person interested in any immovable property in respect of which any transfer, mortgage or other charge is about to be registered or recorded—

Power to
require
information,
etc., in
relation to
immovable
property.

- (a) to appear before him at such reasonable time and place as may be specified therein and give such information in relation thereto as he may possess ;
- (b) to produce all relevant instruments in his possession or under his control in relation thereto.

Power to correct errors and omissions.

59.—(1) The Director may correct any error or omission in the Land Register or in any book of the Land Registry Office, or in any certificate of registration, and every such Register, book or certificate of registration so corrected shall have the like validity and effect as if such error or omission had not been made.

(2) No amendment shall be made under the provisions of sub-section (1) of this section, unless thirty days' previous notice is given by the Director to any person who might be affected thereby, and any person may, within the period of thirty days from the date of the giving of such notice, lodge an objection with the Director who shall thereupon investigate the same and give notice of his decision thereon to the objector.

Seals.

60.—(1) Every Land Registry Office shall have a seal of such form as may be approved by the Governor.

(2) The seal shall be in the custody of such officer as the Director may direct, and shall be affixed by him to every instrument issued out of the office.

Mukhtar to report death of owner of immovable property.

61. Upon the death of any person possessed of, or beneficially interested in, any immovable property, it shall be the duty of the mukhtar of the town, village or quarter in which the deceased person last resided to report such death forthwith to the Land Registry Office of his district.

Rewards to mukhtars.

62. It shall be lawful for the Director to grant to any mukhtar reporting a death as required by section 61 of this Law a fee not exceeding two shillings.

Court proceedings relating to claims to immovable property.

63.—(1) Whenever an action or other proceeding is taken in any Court claiming the title to any immovable property, the Registrar of the Court shall require the plaintiff or applicant to furnish him with a certified copy of the writ of summons or other document by which the claim was made and the Registrar shall forward the same to the Land Registry Office for the Director's information.

(2) A certified copy of a judgment or order of the Court shall be sufficient authority to the Director to make the registrations or alterations required by the judgment or order on payment of the prescribed fees.

PART IV.—VALUATION.

Valuation of immovable property not previously valued.

64. Any immovable property which has not been valued before the coming into operation of this Law and any immovable property coming into existence after the date of the coming into operation of this Law, may be valued in accordance with the provisions of this Part of this Law either at the instance of the Director

or on the application of the registered owner thereof and upon such valuation such value shall be deemed to be the registered value of such property.

65. Any immovable property valued at any time, whether before or after the coming into operation of this Law, may be revalued at any time being not less than five years from the date of the last valuation, either at the instance of the Director or on the application of the registered owner thereof: Revaluation.

Provided that if since the date of the last valuation—

(a) any such immovable property has been materially reconstructed or if on any land there have been erected any buildings or planted any trees or vines, so as to increase substantially the value of such property or land; or

(b) any such immovable property has been destroyed or damaged to such an extent as to affect substantially its value,

such property or land may be revalued at any time after such reconstruction, erection, planting, destruction or damage at the instance of the Director or on application of the registered owner notwithstanding that five years have not elapsed from the date of the last valuation of such property or land:

Provided that nothing herein shall affect the liability of the owner to pay any tax due before such revaluation.

66.—(1) Every valuation or revaluation of immovable property under this Part of this Law shall be made by a valuer or valuers appointed in that behalf by the Governor. Valuers.

(2) Every person appointed as valuer shall, before performing any duty of his office, take an oath before a member of the Court, in the form set out in the Second Schedule to this Law. Second Schedule.

67. Valuation or revaluation may be made either in respect of all or of a specified part of the immovable property in any town, village or quarter in general or in respect of some property or properties in particular. Valuation and revaluation may be general or in respect of particular property.

68. When valuation or revaluation is proposed to be made in respect of all or a specified part of the immovable property in any town, village or quarter in general, the following provisions shall have effect— Procedure on general valuation or revaluation.

(a) the Director shall publish in the *Gazette* and such other newspaper as he may deem necessary a notice informing the public that a general valuation or revaluation will be made giving particulars of the area in respect of which the notice is given and of the date on which it shall commence and calling on all owners therein to supply the valuer with any

- information he may require touching upon the immovable property to be valued or revalued. The Director shall also cause a notice to the same effect to be posted up ;
- (b) when the valuation or revaluation has been made the Director shall deposit the lists with the mukhtar of the town, village or quarter concerned and shall cause to be posted up a notice to the effect that the lists have been so deposited ;
 - (c) any person interested in any immovable property to which such notice relates may inspect the lists at all reasonable times and the mukhtar in charge of such lists shall at all reasonable times allow any such person to make any extract therefrom or take any copy thereof free of any charge ;
 - (d) the valuation or revaluation made by a valuer shall be final and conclusive unless the person affected objects thereto in writing to the Director within thirty days from the date of the posting up of the notice posted up as in paragraph (b) hereof or unless the Director applies to the Court for the revision of the same as in paragraph (f) hereof provided ;
 - (e) the Director shall consider every objection made to him under paragraph (d) hereof and shall give notice of his decision to the person affected ;
 - (f) when the Director applies to the Court for the revision of a valuation or revaluation as in paragraph (d) hereof provided, he shall proceed to do so with all reasonable speed and shall give notice of his application to the person affected thereby.

Procedure
on valuation
or revalu-
ation of
particular
properties.

69. Where valuation or revaluation is proposed to be made in respect of any particular property or properties the following provisions shall have effect—

- (a) the Director may give notice of the proposed valuation or revaluation to the person or persons affected calling upon him or them to supply the valuer with any information he may require touching upon the immovable property to be valued or revalued ;
- (b) when the valuation or revaluation has been made, the Director shall give notice thereof to the person or persons affected and such valuation or revaluation shall be final and conclusive unless the person affected objects thereto in writing to the Director within thirty days from the date of his giving such notice or unless the Director applies to the Court for the revision of the same as in paragraph (d) hereof provided ;

- (c) the Director shall consider any objection made to him under paragraph (b) hereof and shall give notice of his decision to the person affected ;
- (d) when the Director applies to the Court for the revision of a valuation or revaluation as in paragraph (b) hereof provided, he shall proceed to do so with all reasonable speed and shall give notice of his application to the person affected thereby.

70. Any valuation or revaluation made by a valuer shall be binding and effective for all purposes and shall be deemed to be the assessed value of the property to which it relates until revised by the Director and the decision of the Director shall similarly be binding and effective until revised by the Court and where any valuation or revaluation has been revised by the Director or the Court, any excess tax or fee paid on the basis of such valuation or revaluation before the same had been revised, shall be refunded.

Valuations to be effective until revised.

71. Any person who objects to any valuation or revaluation made by a valuer or to any decision thereon by the Director shall, together with his objection, lodge with the Director a fee at the rate of one per centum on the difference between the valuation or revaluation objected to and the valuation or revaluation claimed by the objector to be the correct one and neither the Director nor the Court, as the case may be, shall proceed to hear the objection unless such deposit has been made ; if the objection is sustained the Director shall refund such deposit or a part thereof proportionate to the amount by which the objection was successful.

Deposits by persons objecting to valuation or revaluation.

PART V.—MISCELLANEOUS.

72.—(1) Any notice or communication required to be given or made by the Director under the provisions of this Law may be given or made through the post by letter addressed to the last known place of residence of the person for whom the notice or communication is intended : Provided that whenever practical the notice or communication shall be given or made by registered letter :

Notices

Provided also that where any person to whom a notice or communication is required to be given or made is—

- (a) an infant, mental patient or is prohibited by a competent Court from the management of his affairs the notice or communication shall be addressed to the last known place of residence of his guardian or if he has no guardian to such person as the Court, upon application of the Director in that behalf, may direct ;
- (b) absent from the Colony, in addition to a letter addressed to his last known place of residence in

the Colony there shall be posted up a copy thereof in the town or village in which the property is situate.

(2) The letter shall—

(a) if the mother tongue of the person to whom it is addressed is Greek, be in Greek ;

(b) if the mother tongue of the person to whom it is addressed is Turkish, be in Turkish ;

(c) in every other case, be in English.

(3) The date of the posting of the letter shall be deemed to be the date on which the notice or communication is given or made and a certificate by the person posting such letter stating the date on which the same was posted shall be deemed to be *prima facie* evidence of such posting.

(4) Where any notice is required to be posted up under the provisions of this Law—

(a) if the property affected is situate in any town, the notice shall be posted upon the notice board of the Land Registry Office in such town ;

(b) if the property affected is situate in any village, the notice shall be posted up in a conspicuous place in the village,

and a certificate by the person posting up such notice, stating the date on which the same was posted up, shall be deemed to be *prima facie* evidence of such posting up.

73. Whenever any compensation has to be paid or any other payment made under the provisions of this Law—

(a) to or for the benefit of an infant, mental patient or a person who is prohibited by a competent Court from the management of his affairs, the same shall be paid or made to his guardian ;

(b) to or for the benefit of a person absent from the Colony, the same shall be paid or made to his duly appointed representative or agent :

Provided that in either case the compensation may be paid or the payment made into the Court, and paid out to such person as the Court may direct, on application made in that behalf.

74. Whenever in this Law it is provided that the owner of immovable property shall receive or give notice or make any application or do any act, the same may be received, given, made or done by his duly appointed representative or agent, unless the context shall otherwise specify or require.

75. Any person aggrieved by any order, notice or decision of the Director made, given or taken under the provisions of this Law may, within thirty days from the date of the communication to him of such order, notice or decision, appeal to the Court and the Court may make such order thereon as may be just but, save by way of

Compen-
sation to
infants, etc.

Agent to
represent
owner.

Appeals.

appeal as provided in this section, no Court shall entertain any action or proceeding on any matter in respect of which the Director is empowered to act under the provisions of this Law.

76. When an appeal is made to the Court as in section 75 of this Law provided, the order of the Court shall be final and conclusive and no appeal shall lie therefrom save where a question of personal status is involved or where the amount in dispute exceeds twenty-five pounds.

Decision of
Court when
final.

77.—(1) Every certificate of any village authority required by any law or custom to be produced to the Land Registry Office as evidence of any fact relating to any matter affecting any immovable property shall be signed and sealed by the mukhtar and be signed also by not less than two azas of the quarter or village in which the property is situate.

Village
authorities
and certifi-
cates.

(2) The signature, seal or mark of any person to any document required to be furnished or produced to the Land Registry Office in connection with any immovable property may be certified by the mukhtar and one aza of any town, village or quarter and such certification shall be effected by inscribing on the document a certificate in one of the forms A or B set out in the Third Schedule to this Law or to the like effect and by affixing thereto the signature and seal of the mukhtar and the signature of the aza :

Third
Schedule.

Provided that no mukhtar or aza shall certify any signature, seal or mark unless—

- (i) such signature, seal or mark is affixed to the document in his presence or is declared to him by the person who had affixed the same that the signature, seal or mark is his and had been affixed by him ; and
- (ii) the person signing, sealing or marking the document is personally known to him or his identity is attested by two persons personally known to him which persons shall sign the document as witnesses to the signature, seal or mark of the principal party.

(3) Where the facts to be certified are not within the personal knowledge of the mukhtar or aza required to certify the same, but the certificate is based on information and statements of third parties, the mukhtar and aza shall so word the certificate as to make it clear on the face of the certificate that the certificate is so based on information and shall name the informants and he shall not certify it unless he is satisfied that such informants are to his best knowledge and belief reliable persons.

78. The fees set out in the Fourth Schedule to this Law shall be payable to mukhtars and azas in respect of the several matters therein set out:

Fees by
village
authorities.
Fourth
Schedule.

Provided that no fee shall be payable in respect of a certification of any matter which in the opinion of the Director could have been included in a certificate for which fees have already been paid.

Specimen
signatures
of mukhtars
and azas.

79. Every mukhtar and every aza upon his appointment shall furnish a copy of his signature to the Land Registry Office of the district.

Rules of
Court.

80. The Governor may with the advice and assistance of the Chief Justice make Rules of Court for any matter or proceeding had or taken before any Court under the provisions of this Law :

Provided that until such Rules are made such matters and proceedings shall be regulated in accordance with the Rules of Court in force for the time being.

Date of
coming into
operation
and repeal.
Fifth
Schedule.

81. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette* and thereupon the Laws and other enactments set out in the Fifth Schedule to this Law shall be repealed to the extent therein specified.

FIRST SCHEDULE—(Section 32(4)).
REGULATIONS.

1. In these regulations—

“acquiring party” means the registered owner or co-owners of property seeking to acquire compulsorily the property of another person under the provisions of section 32 ;

“interested party” includes the acquiring party, the party whose property is to be acquired, and any person having a charge on such property in the books of the Land Registry Office ;

“property to be acquired” means the property which it is sought to acquire compulsorily under the provisions of section 32

2. The acquiring party shall serve a notice on the owner of the property to be acquired, notifying him of the intended acquisition and giving full description of his own property and of the property to be acquired.

3. The acquiring party shall, within fourteen days after service of the notice mentioned in regulation 2 furnish the Land Registry Office with proof of service and apply that the value of the property to be acquired be estimated and pay the appropriate fees.

4. If the owner of the property to be acquired wishes to dispute the right of the acquiring party to acquire his property, he may, within fourteen days after service of the notice mentioned in regulation 2, upon payment of the appropriate fees, apply to the Land Registry Office that the value of the registered property of the acquiring party on which such party relies be estimated ; and if he does not so apply within that period, he shall be deemed to admit such right.

5. Before the Director proceeds to estimate any property he shall give not less than seven days' notice to the mukhtar or mukhtars who are to assist him in making his estimate and to the interested parties, notifying them of the date on which he proposes to inspect the property.

6. After the lapse of thirty days from the date of the notice mentioned in sub-section (3) of section 32 the acquiring party may pay the value estimated by the Director to the owner of the property to be acquired or lodge the same in the Land Registry Office for payment to the owner and upon proof that such value has been so paid or lodged and, unless notice has been given to the Director under regulation 7,

the acquiring party may be registered as owner of the property to be acquired upon payment of the registration fees :

Provided that where the property to be acquired is charged with the payment of any money, its estimated value shall be lodged in the Land Registry Office to be paid out to the persons having such charges, in accordance with their respective priorities as on the day of the lodgment, any balance being paid to the owner of the property acquired.

7. Where an application is made to the Court to vary the Director's estimate, the applicant shall forthwith give notice thereof, and shall deliver to the Land Registry Office a copy of his application; otherwise the Land Registry Office may proceed to act as if no such application had been made and shall not be responsible for anything done in good faith before the delivery of such copy.

8. After the acquiring party has applied to the Land Registry Office, as provided in regulation 3 that the value of the property to be acquired be estimated, no dealing affecting such property shall be permitted in the Land Registry Office.

SECOND SCHEDULE—(Section 66).

OATH BY VALUER.

I, of
do solemnly swear that I shall faithfully and honestly and to the best of my skill and ability make any valuation required of me under the provisions of the Immovable Property (Tenure, Registration and Valuation) Law, 1945.

Sworn this.... day of.....,

THIRD SCHEDULE—(Section 77).

CERTIFICATIONS.

FORM A.

Signed (sealed or marked) this day in our presence by A.B. who is personally known to us ; or

Declared to us by A.B. who is personally known to us that the above signature (seal or mark) is his own.

In testimony whereof we hereto set our hands and seal this day of.....,

[L.S.]

(Sd.) Mukhtar.

(Sd.) Aza.

FORM B.

Signed (sealed or marked) this day by A.B. in our presence and the presence of C.D. and E.F. who are respectively personally known to us and who have declared to us that they personally know A.B. and identified him to us.

Or,

Declared to us this day by A.B. in the presence of C.D. and E.F. who are respectively personally known to us and who have declared to us that they personally know A.B., and that the above signature is his own.

In testimony whereof we hereto set our hands and seal, this day of.....,

(Sd.) C.D. and E.F.

[L.S.]

(Sd.) Mukhtar.

(Sd.) Aza.

FOURTH SCHEDULE—(Section 78).

FEEES.

(a) to Mukhtars.

- | | |
|---|-----|
| 1. Upon certifying any signature, seal, or mark | 1s. |
| 2. Upon issuing, signing and sealing a certificate of facts relating to the occupation or possession of immovable property irrespectively of the number of the plots concerned :— | |
| (i) without inspection of the property | 1s. |

- (ii) where inspection is necessary and has been made by the mukhtar, the sum of 1s. together with payment in respect of the time occupied by the inspection at the rate of 5s. for a day or 3s. for half a day or less.
3. Upon issuing and sealing a certificate of facts relating to the death of any owner or occupier of immovable property or as to the heirs left by him 1s. 4½p.
4. Upon preparing, signing and sealing a certificate of partition of property assented to by persons co-interested—
- (i) where the mukhtar has not attended the partition, the sum of 2s. with an additional charge of 2p. in respect of each piece of property partitioned in excess of nine pieces ;
- (ii) where the mukhtar has attended the partition, the sum of 2s. together with payment in respect of the time occupied by the inspection at the rate of 5s. for a day or 3s. for half a day or less.
5. All certificates not otherwise specified, irrespectively of the number of the plots concerned 1s. 4½p.
- (b) to Azas.
- Upon certifying any signature, seal or mark 1s.

FIFTH SCHEDULE—(Section 81).

REPEALS.

Enactments.	Extent of repeal.
1. The Ottoman Laws referred to in items (1) to (13), both inclusive, and (15) to (38), both inclusive, in the Fourth Schedule to the Courts of Justice Laws, 1935 to 1943.	1. The whole, including such parts as have not been previously repealed.
2. The Mejellé.	2. Articles 1 to 100, both inclusive, in so far as they are repugnant to or inconsistent with the provisions of this Law. Articles 1045 to 1191, both inclusive, in so far as they relate to immovable property. Articles 1224 to 1328, both inclusive.
12 of 1907 6 of 1924 16 of 1937 13 of 1942 9 of 1943 4 of 1886	3. The whole.
3. The Immovable Property Registration and Valuation Laws, 1907 to 1943.	3. The whole.
4. The Immovable Property Limitation Law, 1886.	4. The whole.
5. The Village Authorities (Fees Regulation) Order, 1943.	5. First Schedule paragraph B. Second Schedule paragraph A.

H. G. RICHARDS,

Acting Colonial Secretary.

7th December, 1945.