

## No. 27 of 1945.

A LAW TO MAKE BETTER PROVISION FOR THE SINKING  
OR CONSTRUCTION OF WELLS AND THEIR PROTECTION  
AND THE PROTECTION OF WATER RIGHTS.

R. E. TURNBULL,]

[17th December, 1945.

*Officer Administering the Government.*

**B**E 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 Wells Law, 1945,

Short title.

Interpre-  
tation.

2. In this Law, unless the context otherwise requires—  
“local authority” means a municipal authority or a village authority and any Board or body, constituted under any Law in force for the time being, charged or having power to deal with the supply of water in any town or village ;

“well” means any shaft or borehole sunk on any land for obtaining underground water and includes a line of wells.

Permit for  
the sinking  
or construc-  
tion of wells.

3.—(1) No well shall be sunk or constructed in or upon any land unless the person proposing to sink or construct the well applies for, and obtains, a permit from the Commissioner of the district in which such well is to be sunk or constructed :

Provided that, where the applicant is not the owner of the land on which the well is to be sunk or constructed, no permit shall be granted by the Commissioner unless the applicant obtains therefor the written permission of the owner of the land, duly certified by a certifying officer.

(2) Every application for a permit to sink or construct a well shall be in the form and shall contain the particulars set out in the Schedule to this Law.

Schedule.

(3) In granting a permit under the provisions of sub-section (1) of this section, the Commissioner may impose such terms and conditions as to him may seem necessary or desirable :

Provided that no term or condition shall be imposed by the Commissioner which is inconsistent with any term or condition contained in the permission of the owner of the land.

(4) Every permit granted under the provisions of this section shall be valid and effective for a period of one year from the date thereof and no longer :

Provided that if the sinking or construction of the well, in respect of which the permit was granted, is not completed within the aforementioned period, such permit may be renewed by the Commissioner for a further period of one year upon payment of the fee prescribed in sub-section (5) of this section.

(5) A fee of two shillings in stamps to be affixed on the application shall be paid for every application made under this section.

Protection  
of wells  
in certain  
cases.

4. Notwithstanding that a permit may have been granted by the Commissioner under section 3 or 11 of this Law, no well shall be sunk or constructed within a distance of six hundred feet of any point of any chain or system of wells whereby underground water flows to the surface or

of any spring or source of any water which flows naturally to the surface or within eighty feet of any other well from which water is raised to the surface by any means whatsoever if, by the sinking or the construction of any such well, the amount of water in any such chain or system of wells or spring or source or other well is or is likely to be substantially diminished.

5.—(1) If a person, beneficially interested in any chain or system of wells or in any spring or source of water or in any other well, brings an action against any person who has sunk or constructed a well contrary to the provisions of section 4 of this Law, the Court may—

Remedies  
by person  
beneficially  
interested.

(a) make such order (including the filling in or closing of such well) as may be required to prevent damage to the plaintiff and may award to the plaintiff such compensation as may appear reasonable and just:

Provided that the Court shall not order the filling in or closing of any such well, unless it is satisfied that there is a reasonable probability that its filling in or closing will prevent the continuation of the damage complained of;

(b) order the person who has sunk or constructed the well to provide the plaintiff with such supply of water, continuous or periodical, as the Court may think reasonable and just.

(2) No action shall be brought under this section unless such action be commenced within two years of the completion of the sinking or construction of the well in respect of which the claim is made.

6. Notwithstanding anything in section 5 of this Law contained, no order shall be made by any Court for the filling in or closing of any well sunk or constructed by any local authority or any department for the supply of water to the residents of any town or village, if it appears that—

Wells  
sunk or  
constructed  
by local  
authority or  
department.

(a) the sinking or construction of the well was absolutely necessary for the supply of drinking water or water for the domestic use of the residents or for any other public purpose; and

(b) there was no other reasonably accessible means of supplying water for the above-mentioned purposes; and

(c) the sinking or construction of the well does not substantially diminish the supply of water required by the residents of any other town or village for any of the purposes enumerated in paragraph (a) of this section:

Provided that the Court may award such compensation as shall be considered to be reasonable and just to the person beneficially interested in the water prejudicially affected by the sinking or construction of the well.

Protection of water supplies serving the public.

7. If any water supply serving the public or any part of the public is prejudicially affected by the sinking or construction of any new well, the Attorney-General, for and on behalf of the Government, or any person or local authority interested in the supply, may bring an action in the District Court of the district within which the supply is situate and, if it is proved that the supply has been prejudicially affected by the sinking or construction of such well, the Court may, with a view to preventing damage and restoring the supply to its former condition and quantity, make such order as it may deem requisite, and may further award such compensation in respect of the damage as may appear to be reasonable and just.

Permission to sink or construct well not to be withdrawn.

8. When any owner of property has granted to any other person permission to sink or construct a well, it shall not be lawful for such owner or his heirs or successors in title—

- (a) to withdraw the permission or to prevent the sinking or construction of the well until the expiration of the period for which the permission has been granted; or
- (b) fill in or close any well sunk or constructed in or upon his land under a permission granted as aforesaid,

unless the person to whom permission had been granted fails or refuses to observe the terms or conditions subject to which the permission was granted.

Permit-holder to ensure that well is not a source of public danger.

9. The holder of a permit granted under the provisions of this Law shall—

- (a) during the sinking or construction of the well, keep the same adequately covered or fenced so as not to be a source of public danger;
- (b) upon completion of the sinking or construction of the well, cause the same to be adequately covered with masonry or fenced in by a stone parapet of not less than two feet high.

Offences and penalties.

10.—(1) Any person who fails to comply with the provisions of section 3 or 9 of this Law or with any terms or conditions imposed in any permit granted under section 3 of this Law shall be guilty of an offence and shall, on conviction, be liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both.

(2) Upon the conviction of a person for an offence under section 3 of this Law, the Court shall order any well sunk or constructed without a permit, or in deviation from the terms or conditions imposed in the permit, to be filled in or closed at the expense of the person convicted within such time as shall be specified therein but in no case exceeding two months, unless the permit or consent in writing of the Commissioner of the district is, in the meantime, granted or obtained :

Provided that the Commissioner may, in granting such permit or giving such consent, impose such terms and conditions as to him may seem necessary or desirable.

11. Nothing in this Law shall apply to the repair of any well lawfully sunk or constructed, whether before or after the commencement of this Law, or to the sinking or construction of any new well sunk or constructed on the land of the owner or with such owner's permission, within a distance not exceeding twenty feet from another well belonging to the same person, which has been abandoned and filled in : Repair of wells, etc.

Provided that if within a distance of eighty feet of such new well there is a well belonging to another owner, no such new well shall be sunk or constructed without a permit from the Commissioner obtained under the provisions of section 3 of this Law.

12. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette*, and, thereupon, the Wells Law, 1896, shall be repealed. Date of commencement and repeal. 6 of 1896.

SCHEDULE.

(SECTION 3 (2).)

*The Wells Law, 1945.*

APPLICATION FOR PERMIT TO SINK OR CONSTRUCT WELL.

To the Commissioner of.....

PARTICULARS :

1. Name of applicant .....

Address .....

2. Name of locality where well(s) is/are to be sunk or constructed....

.....

3. Number and date of the title deed of land.....

Plot No.

Sheet/Plan

Quarter/Block

.....  
 .....  
 .....

4. Number of wells proposed to be sunk or constructed.....

5. Purpose for which the water is to be used.....

I request that I may be granted a permit to sink or construct..... well(s) in accordance with the particulars given above and the duplicate plans submitted herewith.

\* The written permission of the owner of the land on which the well(s) is/are to be sunk or constructed, duly certified by a certifying officer, is also submitted.

Dated this.....day of....., 19.....

(Signature of Applicant).....

(Space for stamps, not exceeding five in number, to the value of 2s.)

\* Strike out if applicant is the owner of the land.

17th December, 1945.

H. G. RICHARDS,  
Acting Colonial Secretary.