



**SUPPLEMENT No. 2**

TO

THE CYPRUS GAZETTE No. 3444 OF 23RD JUNE, 1949.

LEGISLATION.

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**THE STATUTE LAWS OF CYPRUS**

**No. 24 OF 1949.**

A LAW TO AMEND THE GOVERNMENT WATERWORKS LAWS,  
1928 AND 1945.

R. E. TURNBULL,]

[16th June, 1949.

*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 Government Waterworks (Amendment) Law, 1949, and shall be read as one with the Government Waterworks Laws, 1928 and 1945 (hereinafter referred to as "the principal Law"), and the principal Law and this Law may together be cited as the Government Waterworks Laws, 1928 to 1949.

Short title.

26 of 1928  
28 of 1945

Repeal of sections 13 and 14 of the principal Law and substitution of new sections.

2. Sections 13 and 14 of the principal Law are hereby repealed and the following sections substituted therefor, respectively:—

“Certain powers to the Water Engineer and consequential action.

13.—(1) Notwithstanding anything contained in this Law and for the purpose of ascertaining the practicability or expediency of determining whether any waterworks should be undertaken under the provisions of this Law in relation to any water, subject to private rights, it shall be lawful for the Water Engineer—

- (a) to enter upon and survey any land, take levels and conduct therein or thereon such experiments and in such manner and by such means as may be necessary for examining the flow of such water and ascertaining and measuring the amount of water at any particular point or points and to erect or install provisionally on any such land any structure, machinery or instruments in connection therewith;
- (b) to regulate, stop or deviate provisionally the flow of such water;
- (c) to provide a passage for materials and for all persons connected with the aforesaid purposes;
- (d) subject to the provisions of sub-section (2), to hold an enquiry for the purpose of ascertaining the existence, nature and extent of any water right in relation to such water and the persons entitled thereto;
- (e) to do all such other things as may be incidental to, or necessary for, the purposes aforesaid:

Provided that—

- (i) the Water Engineer and persons acting by his authority shall not enter upon any land without the consent of the occupier thereof unless at least twenty-four hours prior notice in writing is given to the occupier;
- (ii) the Water Engineer and persons acting by his authority shall not enter into any building without the consent of the occupier thereof unless the approval of the Commissioner is obtained and

unless at least twenty-four hours prior notice in writing is given to the occupier ; and

(iii) compensation shall be paid in accordance with sub-section (8).

(2) Every enquiry held for the purposes of paragraph (d) of sub-section (1) shall be held in accordance with the provisions of section 8 which shall apply *mutatis mutandis* to any such enquiry and for this purpose the Water Engineer shall have and exercise all the powers which any Water Commissioners would have and would be entitled to exercise under that section.

(3) Upon the completion of the experiments or the enquiry as in sub-section (1) provided, the Water Engineer shall make report thereon to the Governor and, if the Governor determines that any waterworks should be undertaken in connection with any water in respect of which the experiments were conducted or the enquiry held, the Water Engineer shall proceed to prepare a statement wherein he shall record the amount of water to which and the particular point at which, every person or group of persons appear to be *prima facie* entitled, in accordance with the evidence obtained at any enquiry held and by any experiments conducted, by the Water Engineer.

The Water Engineer shall cause a copy of such statement to be posted in a conspicuous place in the village in which the water affected thereby is situate and any person objecting to the contents of the statement must bring his objection within one month from the date of the posting.

(4) Every such objection shall be brought by application claiming the rectification of the statement to be commenced in the District Court of the District in which the water is situate, by the person objecting as applicant against the Water Engineer as respondent and the decision of every such Court on any such objection may be appealed from in the same

manner and subject to the same restrictions as though it were a decision in an ordinary civil action :

Provided that a District Court shall have unlimited jurisdiction to hear and dispose of all applications under this section.

(5) At the expiration of one month from the posting of the list as hereinbefore provided, the statement, except in so far as it may have been objected to, shall be binding and conclusive on all persons and shall, for the purposes of this Law, be final and conclusive evidence on all matters therein recorded.

(6) The Governor may nominate and appoint three Water Commissioners in order to ascertain and record the value, extent and situation of the individual rights to the amount of water recorded in the statement of the Water Engineer and, for this purpose, the provisions of sections 7, 8, 9, 10, 11 and 12 shall apply *mutatis mutandis* to this section as they apply to the said section.

(7) If, as a result of an inquiry by the Water Commissioners under the provisions of this section, it is found that the amount of water recorded in favour of any person or group of persons under the statement of the Water Engineer is more than the amount to which such person or group of persons is or are in fact entitled, the amount recorded in such statement shall be reduced accordingly, any surplus being utilized by Government for the purposes of the waterworks.

(8) Every person who shall sustain any loss or damage by reason of the exercise of any of the powers conferred by sub-section (1) shall be entitled to receive such compensation for the same as may be agreed upon between the claimant and the Commissioner or as may be assessed in accordance with the provisions of sub-section (9) :

Provided that no compensation shall be payable unless a claim therefor is made in writing to the Commissioner within two months after completion of the act, matter or thing in respect of which such compensation is claimed.



(9)—(a) If, within one month from the date of the receipt of the claim for compensation made in pursuance of the provisions of subsection (8), the claimant does not agree with the Commissioner as to the amount of compensation, the Commissioner shall apply to the District Court of the District in which the property in respect of which compensation is claimed is situate to refer the assessment of such compensation to arbitrators; and the Court shall thereupon fix a day for the appearance of the parties before the Court and shall cause a notice of such date to be served on the Commissioner and on the person claiming compensation.

- (b)—(i) On the day so fixed, if all the parties appear and each names a person as arbitrator on his behalf, the District Court shall appoint such persons as arbitrators;
- (ii) if any party fails to appear or refuses to appoint an arbitrator, the District Court shall appoint an arbitrator on behalf of such party;
- (iii) on appointing the arbitrators, the District Court shall limit the period within which the award shall be filed and may at any time extend such period;
- (iv) the award of the arbitrators shall be filed as directed by the District Court;
- (v) if the arbitrators fail to agree or to file their award within the period or extended period fixed by the District Court, the Court shall be the sole arbitrator;
- (vi) the District Court may make any order it may think right as to the course and costs of the proceedings, including the amount of fees or expenses to be paid in connection with the arbitration and award, and may direct by whom they are to be paid;

(vii) the decision of the arbitrators, if they agree, or of the District Court, if such Court has acted as sole arbitrator, shall be final and conclusive and no appeal shall lie therefrom ;

(10) For the purposes of this section—  
‘ District Court ’ includes any member of a District Court.

Water rights  
to be  
satisfied.

14. Where water is deemed to be the absolute property of the Government by reason of any waterworks undertaken in respect thereof, Government shall provide for the satisfaction of the water rights recorded in the Register or the statement of the Water Engineer, as the case may be, but, subject to this, all water in respect of which any waterworks are undertaken may be sold or disposed of by the Government.”

16th June, 1949.

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H. G. RICHARDS,  
*Acting Colonial Secretary.*