

No. 26 OF 1952.

A LAW TO AMEND THE LAND ACQUISITION LAW.

CAP. 233

A. B. WRIGHT,]

[7th November, 1952.

Governor.

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

1. This Law may be cited as the Land Acquisition Short title. (Amendment) Law, 1952, and shall be read as one with the Land Acquisition Law (hereinafter referred to as "the principal Law"). Cap. 233

Amendment of definition of "land" in section 2 of the principal Law.

2. Paragraph (e) of the definition of "land" in section 2 of the principal Law is hereby repealed and the following paragraph substituted therefor:—

"(e) easements, privileges and liberties over any land and rights restrictive of the use of any land which either lawfully subsist at the time of the acquisition or, though not subsisting at such time, are required to be created for any undertaking of public utility ;".

Amendment of definition of "undertaking of public utility" in section 2 of the principal Law.

3. The definition of "undertaking of public utility" in section 2 of the principal Law is hereby amended by the addition therein immediately after the words "or Air Force Authorities" (lines 6 and 7) of the words "or by Her Majesty's Government in the United Kingdom".

Amendment of section 7 of the principal Law.

4. Section 7 of the principal Law is hereby amended by the insertion therein of the following sub-section, the first part thereof being numbered as sub-section (1):—

"(2) Where the land to be acquired is an easement, privilege or liberty over any land or a right restrictive of the use of any land, such easement, privilege, liberty or right shall, if it does not subsist at the date of the sanction, be deemed to be created by such sanction and thereupon the provisions of sub-section (1) of this section relating to acquisition and compensation shall apply."

Repeal of section 8 of the principal Law and substitution of new section.

5. Section 8 of the principal Law is hereby repealed and the following section substituted therefor:—

"Vesting of land.

8. When the Governor has notified his sanction to the acquisition of any land, the land shall thereupon vest absolutely in the Government or Her Majesty's Naval, Military or Air Force Authorities or Her Majesty's Government in the United Kingdom or in the public body concerned, as the case may be, free from all encumbrances; and the notification of the Governor's sanction shall be sufficient authority to the Director of Land Registration and Surveys to cause amendments of registration to be effected in accordance with the plan and particulars so approved by the Governor:

Provided that the Governor may, before notifying his sanction to the acquisition of any land, require the value of the land and the amount to be paid by way of compensation for it to be

first ascertained, in manner hereinafter provided ; and, in any such case, unless agreement is reached between the Director of Land Registration and Surveys and the person interested as to the compensation, the Director of Land Registration and Surveys shall refer the question to the Court, and it shall be determined thereby in manner provided by this Law :

Provided further that the Governor may, in notifying his sanction, prescribe the period within which the works to which the sanction relates shall be completed and may extend such period from time to time as he may deem fit."

6. Section 9 of the principal Law is hereby amended by the deletion therefrom of the word "Commissioner" wherever it occurs (lines 3, 4 and 5 in sub-section (1) and line 3 in sub-section (2)) and the substitution therefor of the words "Director of Land Registration and Surveys".

Tribunal amended by sec. 12 of Law 43/55
Amendment of section 9 of the principal Law.

7. Section 11 of the principal Law is hereby amended as follows :—

Amendment of section 11 of the principal Law.

- (a) by the insertion in the second proviso to paragraph (b) thereof, immediately after the words "Air Force Authorities" (line 2), of the words "or Her Majesty's Government in the United Kingdom" ;
- (b) by the insertion therein, immediately after paragraph (f) thereof, of the following paragraph (the full stop at the end of paragraph (f) being substituted by a semi colon) :—

"(g) where an easement, privilege or liberty over any land or a right restrictive of the use of any land is acquired under this Law, the Assessing Authority shall take into consideration any diminution of the value of the land to which such easement, privilege, liberty or right appertained, or, where such easement, privilege, liberty or right did not subsist at the time of the acquisition, any diminution of the value of the land over which it is required to be exercised."

8. Section 16 of the principal Law is hereby amended as follows :—

Amendment of section 16 of the principal Law.

- (a) by the deletion therefrom of the words "of the proviso" (line 1) and the substitution therefor of the words "of the first proviso" ;

(b) by the insertion therein, immediately after the words "Air Force Authorities" (lines 14 and 15) of the words "or by Her Majesty's Government in the United Kingdom".

Amendment of section 17 of the principal Law.

9. Section 17 of the principal Law is hereby amended by the insertion therein, immediately after the words "Air Force Authorities" (lines 12 and 13) of the words "or by Her Majesty's Government in the United Kingdom".

Repeal of section 19 of the principal Law and substitution of new section.

10. Section 19 of the principal Law is hereby repealed and the following section substituted therefor:—

"Sale of surplus land.

19.—(1) Subject to sub-section (2), the Government or Her Majesty's Naval, Military or Air Force Authorities or Her Majesty's Government in the United Kingdom or the public body concerned, as the case may be, shall, within one year from the completion of the works or at the expiration of the period prescribed for the completion of the works, or from the abandonment of the undertaking in connection with which the land had been acquired, sell and dispose of any land which is found to be in excess of the extent actually required or to be no longer required for the purpose for which it has been acquired, unless, in the meantime, such land is required for another undertaking of public utility in respect of which a notification has been published in the *Gazette* under the provisions of this Law, in which case such land may be retained for the purposes of such other undertaking.

(2)—(a) Before any sale as in sub-section (1), the land shall, unless—

- (i) it has, in the meantime, been built upon or used for building purposes; or
- (ii) the abandonment, as in the said sub-section provided, takes place more than ten years after the date of the acquisition, be offered for sale, as in paragraph (b) of this sub-section provided, to the person from whom the land has been acquired who shall signify his desire to purchase the land within six weeks from the date when the offer was made, otherwise he shall be deemed to have refused the offer;

(b) the offer for sale in paragraph (a) of this sub-section mentioned shall be made by notice under the hand of the Director of Land Registration and Surveys to be delivered to the previous owner :

Provided that, if the previous owner cannot be conveniently found, the notice shall be left at his usual place of abode with any adult inmate thereof :

Provided further that, where the previous owner is absent from Cyprus or is dead or where it is impossible or impracticable to ascertain the person to whom the offer should be made, the notice shall be published in the *Gazette* and in not less than two newspapers published in Cyprus and shall also be posted up in a conspicuous place near or upon the land to which the notice relates ;

(c) in case the offer is accepted, if the parties fail to agree as to the price, such price shall be determined by arbitration under the provisions of the Arbitration Law or any other Law amending or substituted for the same by reference to two arbitrators, one to be appointed by each party, and every such reference shall be deemed to constitute an arbitration agreement within the meaning of the said Law and for the purposes of this paragraph the rules set out in section 11 of this Law shall, so far as possible, apply to any arbitration proceedings instituted hereunder ;

Cap. 5.

(d) upon signification by the person concerned of his desire to purchase the land as aforesaid, the land shall not be transferred to his name, unless the price agreed upon or determined as aforesaid is paid and, if such price is not paid within two months from the date it has been agreed upon or determined, such person shall be deemed to have refused the offer and the land may be sold accordingly without prejudice to the liability of the person concerned to pay any costs that may have been awarded against him in the arbitration proceedings.

(3) Except where the land is sold to the person from whom it has been acquired as in sub-section (2) provided, every sale under this section shall be by public auction to the highest bidder."

Amendment
of section
of the
principal
Law.

Amendment
of the
principal
Law.

amended
by sec. 12
of Law 43/

amended
by sec. 12
of Law 43/5

Amendment
of section
21 of the
principal
Law.

11. Section 21 of the principal Law is hereby amended by the deletion therefrom of the word "Commissioner" (line 7) and the substitution therefor of the words "Director of Land Registration and Surveys".

Amendment
of the
Schedule to
the principal
Law.

12. The notice set out in the Schedule to the principal Law is hereby amended by the insertion therein, immediately after the words "said lands" (line 4), of the words "who objects to the acquisition".

J. FLETCHER-COOKE,
Colonial Secretary.

7th November, 1952.

No. 27 OF 1952.

A LAW TO MAKE BETTER PROVISION FOR THE REGISTRATION,
CONTROL AND REGULATION OF PRIVATE HOSPITALS.

A. B. WRIGHT,] *[7th November, 1952.*
Governor.

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

Short title.

1. This Law may be cited as the Private Hospitals (Control) Law, 1952.