



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3866 OF 29TH SEPTEMBER, 1955.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 43 of 1955.

A LAW TO MAKE PROVISION FOR THE ESTABLISHMENT OF A TRIBUNAL TO DETERMINE COMPENSATION FOR THE COMPULSORY ACQUISITION OF LAND AND OTHER MATTERS.

R. P. ARMITAGE,]

[20th September, 1955.

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 Compensation Assessment Tribunal Law, 1955. Short title,

Interpretation.

Cap. 3.

Cap. 233.
26 of 1952.

Establishment and jurisdiction of the Tribunal.

Members, officers and expenses of the Tribunal.

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

“advocate” has the same meaning as in section 2 of the Advocates Law, or any other Law amending or substituted for the same ;

“land” has the same meaning as in section 2 of the Land Acquisition Law or any other Law amending or substituted for the same ;

“President” means the President of the Tribunal and includes any person acting under the provisions of this Law as such ;

“Tribunal” means the Tribunal set up under section 3.

3. There shall be set up, to exercise the jurisdiction hereafter mentioned in this Law, a Compensation Assessment Tribunal to which shall be referred for determination all matters concerning the assessment of compensation for compulsory acquisition of land, which is by any Law directed, in whatever terms, to be determined by arbitrators or a District Court either in the first instance or sitting as an umpire or which is so directed to be determined in the absence of agreement to the contrary, and any other matter of disputed compensation for injurious affection of any land.

4.—(1) The Tribunal shall consist of a President and such number of other members as the Chief Justice may determine, to be appointed by the Chief Justice by notification in the *Gazette*.

(2) The President shall be either a person who holds or has held judicial office under the Crown or an advocate of at least fifteen years' standing, and of the other members of the Tribunal such number as the Chief Justice may determine shall be advocates and the others shall be persons who have had experience in the valuation of land.

(3) In the case of the temporary absence or inability to act of the President, the Chief Justice may appoint another member of the Tribunal to act as deputy for the President, and a member so appointed shall, when so acting, have all the functions of the President.

(4) If a member of the Tribunal becomes, in the opinion of the Chief Justice, unfit to continue in office or incapable of performing his duties, the Chief Justice shall forthwith declare his office to be vacant and shall notify the fact in the *Gazette*, and thereupon the office shall become vacant.

(5) Subject to sub-section (4), the appointment of a member of the Tribunal shall be for such term as may be determined by the Chief Justice, with the approval of the Governor, before his appointment, and shall be subject to such conditions as may be so determined, and a person who ceases to hold office as a member of the Tribunal shall be eligible for re-appointment thereto.

(6) There may be paid to the President and the other members of the Tribunal such remuneration, and such travelling and subsistence allowances, as the Chief Justice may, with the approval of the Governor, determine.

(7) The Chief Justice may appoint such officers and servants of the Tribunal as he may, with the approval of the Governor as to numbers and remuneration, determine.

(8) The remuneration and allowances of the President and the other members of the Tribunal, the remuneration of the officers and servants appointed by the Chief Justice, and such other expenses of the Tribunal as the Governor may determine, shall be defrayed out of Government funds.

5.—(1) Subject to any other direction of the Chief Justice, the jurisdiction of the Tribunal may be exercised by the President and any two of its members, and references in this Law to the Tribunal shall be construed accordingly.

Quorum
and decision
of Tribunal.

(2) The members who are to deal with any case shall be selected as follows :—

(a) the Chief Justice may select two members to deal with a particular case or class or group of cases ; or

(b) the Chief Justice may select for a class or group of cases members from amongst whom two members to deal with any particular case shall be selected, and the selection from amongst those members of two members to deal with a particular case shall then be made by the President.

(3) The President or, in the case of his temporary absence or inability to act, the member appointed under the provisions of sub-section (3) of section 4 to act as his deputy shall be the third member of the Tribunal when dealing with any case and shall preside at the hearing.

(4) A decision shall be taken, in the event of a difference between the members dealing with the case, by the votes of the majority and, in the event of an equality of votes, the person presiding at the hearing shall be entitled to a second or casting vote.

(5) Subject to section 7, a decision of the Tribunal shall be final.

6. The Tribunal shall have power to do all things which it is required or empowered to do by or under the provisions of this Law, and in particular shall have power—

Powers of
Tribunal.

(a) to hear and determine any case or proceedings for the purpose of assessing the compensation payable in respect of compulsory acquisition of land or any injurious affection to land and any matter relating thereto ;

(b) to examine any witness on oath, to summon and compel the appearance of any witness before it and to require any interested party or witness to produce any relevant document, as the Tribunal may think fit ;

(c) to give directions as to the service of any document in connection with any proceedings before it and as to the representation and appearance of any party to such proceedings ;

(d) to award costs of any proceedings before it.

Case stated.

7.—(1) Any person aggrieved by any decision of the Tribunal on the ground that it is wrong on a point of law may, subject to any Rules of Court, apply to the Tribunal to state a case for the opinion of the Supreme Court.

(2) Subject to any Rules of Court, the Tribunal shall, on an application being made under sub-section (1), state a case on any question of law involved for the opinion of the Supreme Court and such case stated shall be heard and determined by the Supreme Court, and thereupon shall be remitted to the Tribunal with the opinion of the Supreme Court thereon and such opinion shall be binding on the Tribunal.

(3) Subject to any Rules of Court, the Tribunal may on its own motion and at any stage of the proceedings reserve for the opinion of the Supreme Court any question of law arising in such proceedings in the form of a case stated and thereupon the provisions of sub-section (2) shall apply *mutatis mutandis*.

Enforcement of decision of Tribunal.

8. Any decision of the Tribunal shall, upon a copy thereof (being certified by the President as a true copy) being filed with the Registrar of the District Court of the District within which the land affected by the decision is situate, be executed and obedience thereto enforced as if it were a judgment of the Court.

Power to add to jurisdiction of the Tribunal.

9.—(1) The Governor-in-Council may, by an Order to be published in the *Gazette*, direct that questions which are required or authorised by any Law, Regulations, bye-laws or other public instrument made under any such Law, to be determined by any statutory tribunal shall or may be determined instead by the Tribunal if it appears to the Governor—

- (a) that the questions are appropriate for the Tribunal as involving valuation of land or for other reasons ; and
- (b) that it is desirable to transfer the jurisdiction to determine those questions from the first-mentioned tribunal to the Tribunal either—

- (i) to promote uniformity of decision ; or
- (ii) to use economically the services of those having experience in the valuation of land or other special qualifications ; or
- (iii) to make possible the winding up of a statutory tribunal having little work to do.

(2) Sub-section (1) shall authorise a transfer of the jurisdiction conferred on a statutory tribunal by or under a Law passed after this Law unless that Law contains a direction to the contrary.

(3) An Order-in-Council under this section may contain such supplementary and consequential provisions as appear to the Governor-in-Council to be expedient, and any such provisions may be revoked or varied by a subsequent Order-in-Council or, if the Order-in-Council so provides, by Rules made under this Law.

(4) Without prejudice to the generality of sub-section (3) the provisions thereby authorized to be contained in an Order-in-Council shall include provisions for the following purposes, that is to say—

- (a) making decisions of the Tribunal in the exercise of the jurisdiction transferred enforceable in the same way as those of the statutory tribunal from which the jurisdiction is transferred ;
- (b) making special provision as to the selection of members to deal with a case and as to their obtaining expert advice ;
- (c) applying with or without modifications to the exercise of that jurisdiction by the Tribunal, or repealing any provisions as to the procedure which governed its exercise by the said statutory tribunal ;
- (d) preserving the effect of things done in or for the purpose of the exercise of that jurisdiction by the said statutory tribunal.

(5) Where the Tribunal is exercising a jurisdiction transferred to it by virtue of this section, sections 5, 6 and 7 shall have effect subject to the provisions of any Order-in-Council under this section with respect to that jurisdiction.

(6) In this section the expression “ statutory tribunal ” means any Department, authority or person entrusted with the judicial determination as arbitrator or otherwise of questions arising under a Law.

10.—(1) The Governor, with the advice and assistance of the Chief Justice, may make Rules of Court regulating the practice and procedure of the Tribunal and prescribing the fees which shall be payable in respect of any matter or thing to be done under this Law.

Rules of Court.

(2) Rules of Court made under this section shall provide for preserving, so far as appears to the rule-making authority to be practicable, the effect of things done before the commencement of this Law in or for the purposes of the exercise of any jurisdiction transferred by this Law to the Tribunal, and those Rules may exclude the operation of this Law, in whole or in part, in relation to any proceedings pending at the commencement of this Law.

11.—(1) The transfer of any jurisdiction to the Tribunal by or under this Law shall not affect the principles on which any question is to be determined or the persons on whom the determination is binding, or any provision which requires particular matters to be expressly dealt with or embodied in the determination, or which relates to evidence and is not contained in the Land Acquisition Law.

Savings, etc.

(2) The transfer to the Tribunal by section 3 or by an Order-in-Council under section 9 of any jurisdiction conferred on some other tribunal or person by an instrument made under any Law shall not be taken as affecting the power by virtue of which that instrument was made, and the provision conferring that power

Cap. 233.
26 of 1952.

shall accordingly have effect as from the transfer as if it directed the jurisdiction to be exercised by the Tribunal as provided by or under this Law, except in so far as provision to the contrary is thereafter made in pursuance of the said power.

Cap. 233
26 of 1952.

(3) Nothing in this Law shall affect the operation of any enactment applying or giving power to apply the Land Acquisition Law or any provision thereof in relation to the exercise of a jurisdiction not transferred by or under this Law.

(4) Except in so far as the context otherwise requires, any reference in this Law to an enactment shall be construed as referring to that enactment as amended, extended or applied by any other enactment.

Amendments
and repeals.
First
Schedule.

12.—(1) Subject to the provisions of this section the enactments specified in the first column of the First Schedule shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the provisions of this Law.

Second
Schedule.

(2) Subject to the provisions of this section the enactments specified in the first column of the Second Schedule are hereby repealed to the extent specified in relation thereto in the second column of the said Schedule.

FIRST SCHEDULE.
(Section 12).

Enactment amended.	Amendments.
1. The Anonyme Hellenic Company of Chemical Products and Manures (Railway and Aerial Rope-way) Law (Cap. 42).	In section 7 for the words " shall be awarded for its acquisition in manner hereinafter provided " (lines 7 and 8) there shall be substituted the words " shall be paid for its acquisition such compensation to be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes."
2. The Burials Law (Cap. 53 and Law 33 of 1955).	In section 4, paragraph (b), for the words " at a rate . . . Director of Land Registration and Surveys " (lines 2 to 7) there shall be substituted the words " such compensation shall be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes."
3. The Public Health (Marsh Areas) Law (Cap. 141).	In section 11 for the words " the Director of Land Registration and Surveys shall apply to the competent District Court to refer the determination of the amount of compensation to arbitrators ; and the Court shall thereupon order that a notice be sent to the persons interested and shall fix a day for the appearance of the parties before the Court." (lines 6 to 11) there shall be substituted the words " such compensation shall be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes."

Enactment amended.	Amendments.
4. The Elementary Education Law (Cap. 203 and Laws 22 of 1950, 17 of 1952, 28 of 1953, 12 of 1954 and 19 of 1955).	In section 78 for the words "the Commissioner shall apply . . . the parties before the Court." (lines 4 to 9) there shall be substituted the words "such compensation shall be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes."
5. The Land Acquisition Law (Cap. 233 and Law 26 of 1952).	<p>(a) In section 2—</p> <p>(i) the proviso to the definition of "Court" shall be omitted (the colon at the end thereof being substituted by a semi colon);</p> <p>(ii) the following definition shall be inserted in its proper alphabetical order :— " Tribunal " means the Compensation Assessment Tribunal set up under the provisions of the Compensation Assessment ...of 1955 Tribunal Law, 1955 ;"</p> <p>(b) in section 8 (as set out in section 5 of Law 26 of 1952) for the words "the Court" (line 23) there shall be substituted the words "the Tribunal";</p> <p>(c) in section 9—</p> <p>(i) for the marginal note the following shall be substituted :— " Reference to Tribunal " ;</p> <p>(ii) in sub-section (1) for the words "to the Court to refer the determination . . . parties before the Court" (lines 6 to 10) there shall be substituted the words "to the Tribunal to determine the compensation payable in accordance with the provisions of the Compensation Assessment ...of 1955 Tribunal Law, 1955";</p> <p>(iii) in sub-section (2) for the words "the arbitrators or the umpire" (lines 6 and 7) there shall be substituted the words "the Tribunal" and for the word "award" (line 7) there shall be substituted the word "compensation";</p> <p>(d) in section 11 for the words "the arbitrators or the Court, as the case may be (hereinafter in this section referred to as "the Assessing Authority")" (lines 2 and 3) there shall be substituted the words "the Tribunal" and for the words "the Assessing Authority" wherever they occur there shall be substituted the words "the Tribunal";</p> <p>(e) in section 16 for the words "the award" wherever they occur there shall be substituted the words "the decision of the Tribunal" and for the words "of the arbitration including the fees and expenses to be paid to the arbitrators or umpire" (lines 12 and 13) there shall be substituted the words "of the proceedings";</p> <p>(f) in section 17—</p> <p>(i) for the marginal note there shall be substituted the following :— " Revision of the Tribunal. " ;</p> <p>(ii) for the words "When the Governor has notified . . . final and conclusive, and" (lines 1 to 9) there shall be substituted the words "The Tribunal";</p>

- | Enactment amended. | Amendments. |
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| 6. The Municipal Corporations Law (Cap. 252 and Laws 11 of 1950, 31 of 1951, 20 of 1953, 29 of 1954, 57 of 1954 and 14 of 1955). | <ul style="list-style-type: none"> (iii) for the words " the Court ", wherever they occur except in the last line of the second proviso, there shall be substituted the words " the Tribunal " ; (iv) for the words " the award " (line 11) there shall be substituted the words " its decision " ; (v) for the words " the sum awarded " (line 2 of the first proviso) there shall be substituted the word " compensation " ; (g) in section 19 (as set out in section 10 of Law 26 of 1952) sub-section (2)— <ul style="list-style-type: none"> (i) in paragraph (c) for the words by " arbitration under the provisions . . . within the meaning of the said Law " (lines 3 to 9) there shall be substituted the words " the Tribunal " and the word " arbitration " (line 12) shall be omitted ; (ii) in paragraph (d) the word " arbitration " (line 12) shall be omitted ; (h) in section 20, sub-section (4), for the words " the Court " (line 4) there shall be substituted the words " the Tribunal " . |
| 7. The Government Waterworks Law (Cap. 305 and Law 24 of 1949). | <ul style="list-style-type: none"> (a) In section 129 for the words " the council shall proceed as hereinafter prescribed " (lines 7 and 8) there shall be substituted the words " such sum shall be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes " ; (b) in section 134 there shall be omitted the words " to the party entitled to receive it or into Court in the manner provided in the preceding section, the Court shall order that the land be acquired by the municipal corporation and thereupon " (lines 1 to 4). <p>In section 21 for the words " the Commissioner shall apply to the District Court . . . of the parties before the Court." (lines 6 to 10) there shall be substituted the words " such compensation shall be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes."</p> |
| 8. The Gypsum and Plasterboard Company Limited (Gypsum Mining) Law, 1950 (Law 15 of 1950). | <p>In section 10 for the words " the company shall apply to the Court . . . of the parties before the Court." (lines 4 to 9) there shall be substituted the words " such compensation shall be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes."</p> |
| 9. The Cement Industry (Encouragement and Control) Law, 1952 (Law 25 of 1952). | <p>In section 15—</p> <ul style="list-style-type: none"> (i) for the marginal note there shall be substituted the following :—
" Compensation. " ; (ii) for the words " the holder of the licence shall of the parties before the Court " (lines 5 to 12) there shall be substituted the words " such compensation shall be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes " . |

Enactment amended.	Amendments.
10. The Mines and Quarries (Regulation) Law, 1953 (Law 14 of 1953).	<p>(a) in section 25—</p> <p>(i) in sub-section (5) for the words " appeal to the Governor-in-Council whose decision thereon shall be final and conclusive." (lines 3 and 4) there shall be substituted the words " apply to the Compensation Assessment Tribunal (hereinafter referred to as ' the Tribunal ') for determination of such amount and the Tribunal shall determine such amount under the provisions of the Compensation Assessment ...of 1955 Tribunal Law, 1955."</p> <p>(b) in sub-section (6) for the words " the Governor-in-Council " (lines 3 and 4) there shall be substituted the words " the Tribunal " .</p>

SECOND SCHEDULE.

(Section 12)

Enactments repealed.	Extent of repeal.
1. The Anonyme Hellenic Company of Chemical Products and Manures (Railway and Aerial Ropeway) Law (Cap. 42).	In section 2 the definition of " Court " . Sections 10 to 16 (both inclusive).
2. The Public Health (Marsh Areas) Law (Cap. 141).	Sections 12, 13, 14 and 17.
3. The Elementary Education Law (Cap. 203 and Laws 22 of 1950, 17 of 1952, 28 of 1953, 12 of 1954 and 19 of 1955).	Sections 79 and 80.
4. The Land Acquisition Law (Cap. 233 and Law 26 of 1952).	Sections 10, 12 to 15 (both inclusive) and 18.
5. The Municipal Corporations Law (Cap. 252 and Laws 11 of 1950, 31 of 1951, 20 of 1953, 29 of 1954, 57 of 1954 and 14 of 1955).	Sections 130 to 133 (both inclusive).
6. The Government Waterworks Law (Cap. 305 and Law 24 of 1949).	Sections 22, 23, 24, 26 and 27.
7. The Gypsum and Plasterboard Company Limited (Gypsum Mining) Law, 1950 (Law 15 of 1950).	Sections 11 to 15 (both inclusive).
8. The Cement Industry (Encouragement and Control) Law, 1952 (Law 25 of 1952).	Sections 16 to 19 (both inclusive).

J. FLETCHER-COOKE,
Colonial Secretary.

20th September, 1955.