

CAP. 228.

CYPRUS

LAND TRANSFER

CHAPTER 228 OF THE LAWS

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CHAPTER 228.

LAND TRANSFER.

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TO SIMPLIFY AND AMEND THE LAW AS TO THE REGISTRATION
OF SALES AND MORTGAGES OF IMMOVABLE PROPERTY.

[13th June, 1890.]

1949

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Short title.

1. This Law may be cited as the Land Transfer Amendment Law.

Sales and mortgages not registered unless formalities complied with.

2. No sale or mortgage of any immovable property in pursuance of any contract shall be registered at the District Lands Office until the proceedings and formalities specified in sections 3, 4 and 5 have been complied with.

Proceedings by person desiring to sell or mortgage.

3. Any person desiring to sell or mortgage any immovable property shall produce to the proper official of the District Lands Office—

- (a) the qochan for the property;
- (b) a receipt from the tax collector of the division in which the property is situate showing that all immovable property tax due on it has been paid; and
- (c) in the case of a mortgage, the contract of mortgage duly stamped;
- (d) a statement in writing setting forth that he is the owner of the property and the person in whose

name it is registered in the books of the District Lands Office, the nature and extent of the property and its boundaries (if any) and that he has agreed to sell or mortgage it for a specified consideration, and requesting, as in the case of a sale, that the property may be registered in the name of the intending purchaser, and in the case of a mortgage that the mortgage may be registered.

4. The person desiring to purchase the property or to advance money on the security thereof shall, together with the vendor or mortgagor, appear before the proper official of the District Lands Office and produce a statement in writing setting forth that he has agreed to purchase the property for the specified consideration or to advance money on the security of the property and requesting, in the case of a sale, that the property may be registered in his name and, in the case of a mortgage, that the mortgage in his favour be registered.

Proceedings to be taken by person desiring to purchase or advance money on security of property.

5. The written statement or statements so produced to the official of the District Lands Office shall be read over to the parties by whom they were produced and the contents thereof shall be declared by them to be true in the presence of the official.

Declarations to be made by parties.

The parties producing the statement or statements shall thereupon, if they are able to do so, sign the same, or, if illiterate, affix their marks thereto, and they shall then be signed by the District Lands official before whom the declarations were made.

6. The written statements hereinbefore mentioned may in the case of a sale be in the form 1 in the Schedule, and in the case of a mortgage in the form 2 in the Schedule.

Form of declarations.
Schedule.

7. (1) When the declarations of the parties to the sale or mortgage have been signed as hereinbefore mentioned, the proper official of the District Lands Office may, notwithstanding that any further or other formalities are prescribed by any Law, Order, or Regulation, on payment of the fees, effect the necessary registrations and issue the proper qochans.

Issue of qochans.

(2) The proper official of the District Lands Office may decline to issue the qochans unless they are applied

for and the prescribed fee paid within twenty days of the date of the signing of the declarations; and if the qochans are not so applied for and the fees paid within the said period of twenty days may require the proceedings and formalities required by sections 3, 4, and 5 to be again complied with.

(3) The District Lands Officer of the district within which the property is situate may for reasonable cause direct that the sale or mortgage be not registered unless and until the person desiring to sell or mortgage the property shall furnish him with such further evidence as to the ownership of the property or nature, extent, and boundaries thereof and the price for which it has been agreed to be sold as to the officer shall seem fit, or until such local inquiry shall have been held as he shall consider necessary.

Penalty
for false
declaration.

8. Any person who knowingly and with fraudulent intent makes or causes to be made a false statement in any declaration made under section 5 of this Law shall be guilty of an offence and shall be punishable in the same way as though he had given false evidence in any judicial proceeding.

Declarations
to be made
either per-
sonally or
by duly
authorised
representa-
tive.

9. (1) Any declaration under section 5 may be made either personally or by any person who shall prove to the satisfaction of the official of the District Lands Office before whom the declaration is made that the person in whose behalf it is made has authorized him by a document in writing duly certified by a competent authority to appear and consent to the transfer or to the registration of the mortgage.

(2) Where a declaration is made by such representative, the representative shall produce to the official of the District Lands Office before whom the declaration is made the document in writing authorizing him to make it and shall deposit it in the District Lands Office; and no transfer or registration of a mortgage shall be made in pursuance of such declaration until the document has been so deposited.

Taking
proceedings
or making
declaration.
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10. (1) All or any of the proceedings or declarations prescribed in sections 3, 4, 5, and 9 may be taken and made before the proper official of the District Lands Office of a district other than that in which the immovable property the subject of such proceedings or declarations is situate upon payment of the fee of one shilling.

(2) The official of the District Lands Office before whom any such proceeding or declaration is taken or made shall forward the documents to the proper District Lands Officer of the district in which the said immovable property is situate and such Officer may thereupon act as if such proceeding or declaration had been taken or made in his presence.

SCHEDULE.

(Section 6.)

FORM 1.

I, A. B., of [or X. Y. the duly authorized agent of A. B. of] for myself declare that I am [or that A. B. is] the person in whose name the property described in gochan No. and dated is registered in the books of the District Lands Office, that I am [or that A. B. is] the owner of the said property, and that the said property consists of bounded by and that I have agreed [or the said A. B. has agreed] to sell the same for the sum of £ to C. D. of and I hereby request that the said property be registered in his name. And I, the said C. D. of [or W. Z. the duly authorized agent of C. D. of] for myself hereby declare that I have agreed [or that C. D. has agreed] to purchase the property hereinbefore described for the sum above mentioned and I hereby request that the said property may be registered in my name [or the name of the said C. D.]

(Signed) A. B.
C. D.

[or X. Y. agent for A. B.]
[W. Z. agent for C. D.]

Read over to and signed by the said A. B. [or X. Y.] and C. D. [or W. Z.] in my presence this day of 19 .

P. Q.
Official of the
District Lands Office.

FORM 2.

I, A. B., of [or X. Y. the duly authorized agent of A. B. of] for myself declare that I am [or that A. B. is] the person in whose name the property described in gochan No. and dated is registered in the books of the District Lands Office, that I am [or that A. B. is] the owner of the said property, and that the said property consists of bounded by and that I have agreed for the said A. B. has agreed] to mortgage the same for the sum of

£ to *C. D.*, and I hereby request that the said mortgage be registered in favour of the said *C. D.* and I, the said *C. D.* [*or W. Z.* the duly authorized agent of *C. D.* of] for myself hereby declare that I have agreed [*or that C. D. has agreed*] to advance the said sum of £ upon the security of the said property and I request that the mortgage in my favour [*or the mortgage in favour of C. D.*] be registered.

(Signed) *A. B.*

C. D.

 [*or X. Y.* agent of *A. B.*]

 [*W. Z.* agent of *C. D.*]

Read over to and signed by the said *A. B.* [*or X. Y.*] and *C. D.*
[*or W. Z.*] in my presence this day of 19 .

P. Q.,

 Official of the

 District Lands Office.