

CAP. 230.

CYPRUS

PUBLIC LANDS (LEASES)

CHAPTER 230 OF THE LAWS

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CHAPTER 230.

PUBLIC LANDS (LEASES).

ARRANGEMENT OF SECTIONS.

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FOR FACILITATING THE LEASING OF UNOCCUPIED AND
PUBLIC LANDS BY THE GOVERNMENT FOR BUILDING
PURPOSES.

1949.
Cap. 236.

[6th June, 1882.]

Short title.

1. This Law may be cited as the Public Lands (Leases) Law.

Power to
Governor to
grant leases.

2. The Governor may by writing under his hand and the Public Seal of the Colony, subject to the provisions hereinafter contained, grant leases for building purposes of any unoccupied land within the Colony or any other lands to which no person shall have a title or claim of title at the time of the making of the lease, for any term of years not exceeding five hundred years, to take effect upon the making of the lease, and for such rent, either nominal or beneficial, and under and subject to such covenants on the part of the lessee, conditions and stipulations as to the Governor in Council may seem fit. Every such lease shall contain a covenant by the lessee that he will pay any rent reserved by the lease, and a proviso for re-entry by the Governor or his duly authorized agent on non-payment of rent or non-performance of the covenants contained in the lease:

Provided that nothing herein contained shall authorize the leasing of any lands except for the purpose of providing a site for the erection of a dwelling house or dwelling houses, with such usual and necessary buildings, outhouses, and offices as are commonly appurtenant thereto, and with a reasonable extent of land to be devoted to the use and enjoyment of the persons inhabiting the same.

3. Every lease granted under this Law shall be binding upon the lessee and his successors by inheritance or by assignment (voluntary or otherwise); and no assignment shall release the lessee from his liability under the lease, except with the consent of the Governor.

Lessee and successors bound by lease.

4. When any application is made for a lease under this Law the Administrative Secretary shall cause to be inserted in the Gazette a notice containing a description of the land for a lease of which application has been made, and stating that the same is claimed to be the property of the Government, free from all rights of every nature whatsoever, and calling on all persons having or claiming any interest in or right over the land to notify their claims in writing to the Commissioner of the district within three months from the date of the notice. A copy of the notice in English, Turkish and Greek shall be served on the mukhtar of every village and on the President or Superior of every monastery within a distance of three English miles, or if there be no village or monastery within that distance then upon such of the villages and monasteries, if any, in the neighbourhood as the Governor shall direct. Such copies shall be posted and served not later than fourteen days after the publication of the original notice.

Notice of application for lease to be published.

5. Every claim to possession notified in pursuance of and within the time specified in the notice required by section 4 shall be submitted to the Governor, who shall have power to admit or reject it as he shall think fit; and if he shall reject any claim it shall be forthwith heard and finally adjudicated upon in the Supreme Court by the Chief Justice sitting with at least two assessors.

Claims to possession of land.

6. Every claim to any right of forest, right of pasture, or other right of a like nature notified in pursuance of and within the time limited by the notice required by section 4, may without further proceedings be put an end to on compensation being made for the same in manner hereinafter

Rights of forest, etc. extinguished on compensation.

provided, unless the person or a majority of the persons claiming the right shall object to it being put an end to notwithstanding that compensation is to be made therefor.

Proceedings where rights of forest, etc. not admitted or determination objected to.

7. In case any claim to any right of forest, right of pasture or other right of a like nature notified in pursuance of and within the time limited by the notice required by section 4, shall not be admitted by the Governor, or in case the person or a majority of the persons claiming any such right shall object to it being put an end to notwithstanding that compensation is to be made for it, every such claim which shall not be admitted by the Governor and every such objection shall be heard and finally adjudicated upon in the Supreme Court by the Chief Justice sitting with at least two assessors, and on hearing and adjudicating upon any such objection the Court shall consider whether, having regard to the extent and nature of the rights claimed and the circumstances of the case, it is possible without causing injustice to the persons claiming such rights to put an end thereto on making due compensation therefor; and the Court shall not direct that the rights are to be extinguished unless it shall appear to the Court that they can, without causing injustice to the persons claiming them, be put an end to on due compensation being made therefor, in which case the Court may direct that the rights may be put an end to.

Valuation of rights for compensation.

8. The value of all rights of forest, rights of pasture or other rights of a like nature which may be admitted or decided to be valid and which may under the provisions of this Law be commuted shall with all convenient speed be valued by the District Council (Mejlis Idaré) of the district in which the land, for a lease of which application is made, is situate.

Every District Council (Mejlis Idaré) of the district in making an assessment under the provisions of this section shall decide to what persons and for what purpose the money estimated as the compensation for any of the rights aforesaid shall be paid.

No claim to any such right as aforesaid notified after the time limited in that behalf by the notice required by section 4 shall entitle the persons notifying it to any compensation whatsoever.

Lessee may apply to have land valued to meet future claims.

9. If at the expiration of the time limited by any notice under the provisions of section 4 no claim has been notified in pursuance thereof, or if any claim so notified has been

disallowed, and it does not appear from the records of the District Lands Office that there is any person entitled to the possession of the lands, the applicant for a lease may within one week after the expiration of the time so limited, or after the issuing of the decision disallowing any claim, as the case may be, require a valuation of the land to be made by the District Council (Mejlis Idaré) of the district in which it is situate, and such valuation shall thereupon be made.

10. If no claim of title has been notified in pursuance of and within the time limited by the notice required by section 4, or if any such claim has been so notified and has been disallowed by the Chief Justice, the Governor at any time after the several valuations hereinbefore required or authorized to be made, or such of them as shall have been called for, shall have been finally determined, may execute the lease for which application has been made; and all claims to possession of the land comprised in the lease and all claims to any rights of forest, rights of pasture or other rights of a like nature over the land, shall upon execution of the lease be absolutely barred and the persons making the claims shall have no remedy for disturbance except such compensation as is by this Law provided.

If no claim to the land lease may be granted.

11. Every lease granted under the provisions of this Law, together with a statement of all rights, if any, commuted on the making thereof and a copy of every decision of the Chief Justice, or of any District Council (Mejlis Idaré) relating to the granting of the lease, shall be registered in the District Lands Office; and no copy of any such lease shall be received in evidence in any legal proceeding unless it purports to be sealed with the seal of the District Lands Office and is certified under the hand of the proper officer of that office to be a true copy of the original.

Leases and judicial decisions to be registered.

12. (1) Where any claim of possession of land leased or intended to be leased under the provisions of this Law is made after the expiration of the time limited in that behalf by the notice required by section 4, the Chief Justice, if he is of opinion that the person presenting the claim was prevented by some legal disability or unavoidable accident from presenting it within the time so limited, may hear and determine the claim; and if the claim is established, the person establishing it shall, in the event of the lease applied for being granted, receive from the lessee of the

Claims to possession after granting of lease, how dealt with.

land the value thereof at the time of the making of the lease, but shall be entitled to no other compensation for the appropriation of the land to the lessee:

Provided that if the land has been valued at the request of the lessee under the provisions of section 9, the valuation so made shall be deemed to be the value at the time of the making of the lease; and if the land has not been so valued the value shall for the purposes of this section be estimated by the District Council (Mejlis Idaré) of the district in which the land is situate.

Lessee
having paid
value to
become
absolute
owner.

(2) Where the lessee has paid the value as aforesaid he shall be entitled to have the land registered in his name in the books of the District Lands Office free from the rent reserved by and the revision incident to the lease, and from all covenants and conditions contained therein, for the same estate and interest as though the land had been purchased by him from the person to whom he has paid the value; and such registry may be made without the assent of the person to whom the value has been paid as aforesaid. After the registration it shall be lawful for every person in whose name the land shall be registered without further permission to erect thereon all such and the same buildings as he might have erected under the provisions of the said lease, to be used for the same purposes as those for which the same buildings might have been used under such provisions; and every part of the land on which any such buildings may be erected (whether erected prior or subsequent to the registration) together with so much of the land contiguous to the buildings as may reasonably be required to be used therewith for purposes of habitation, may on application be converted into mulk and so registered in the books of the District Lands Office without payment of any fees or charges.

Notices, how
served.

13. Every notice required by section 4 to be served upon the mukhtar of every village shall be sufficiently served by leaving it at the residence of the mukhtar; and every notice required by this Law to be served on the President or Superior of any monastery shall be sufficiently served by leaving it at the monastery of which he is President or Superior.

Expenses of
proceedings
to obtain
lease.

14. All expenses incurred in ascertaining and disposing of claims and in estimating compensations under the provisions of this Law or otherwise in and about the making

of a lease shall be borne by the person applying for a lease of the land in respect of which the claims and estimations are made, unless the Governor in Council shall otherwise direct, and the Governor in Council may direct that all or any such expenses shall be defrayed out of the general revenue.

15. The Governor with the advice and assistance of the Chief Justice may from time to time by writing under the hand and official seal of the Governor and under the hand of the Chief Justice make Rules of Court and orders for the regulation of all proceedings under this Law before the Chief Justice or the District Council (Mejlis Idaré) and may prescribe the fees to be taken under this Law in respect of such proceedings and the persons by and to whom the fees are to be paid.

Power to
frame Rules
of Court and
prescribe
fees.

16. In respect of all lands leased under this Law there shall be paid by the lessee and his successors by inheritance or assignment annually during the continuance of the term created by the lease, by way of immovable property tax in respect of the property comprised in the lease, a sum equal to four per thousand on the capital value of the lands together with all such buildings, constructions and trees as may from time to time be found thereon.

Tax payable
in respect
of lands
leased.

Such immovable property tax shall be assessed and collected at the same periods and in like manner as the tax payable in respect of other immovable property.

