

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 _____ 18 _____

P. Q.

Tapou Clerk.

12 OF 1907.

TO MAKE BETTER PROVISION FOR THE REGISTRATION OF TITLE TO AND THE VALUATION OF IMMOVABLE PROPERTY AND TO AMEND THE LAW RELATING TO IMMOVABLE PROPERTY IN CERTAIN RESPECTS.

C. A. KING-HARMAN.]

[February 10, 1909.

*Repealed
wholly &
Lew 26/45-*

1. This Law may be cited as the Immovable Property Registration and Valuation Law, 1907 Short title.

2. In this Law unless the context otherwise requires:— Definitions.

“Immovable property” means and includes lands, trees, vines, houses and other buildings and constructions of all descriptions and of any category and any share or interest (not being a leasehold interest) therein, but does not include any lands, trees, vines, houses or other buildings or constructions whereof the ownership is by any law or custom not required to be registered in the books of the Land Registry Office.

“Unregistered owner” means any person whether in the occupation or not of any immovable property, who is entitled to be registered in the books of the Land Registry Office as the owner or possessor of such immovable property.

“Owner or occupier” and “owner” mean the person registered or entitled to be registered in the books of the Land Registry Office as the owner of the property. 13. 1913, 9.

“ Principal Land Registry Officer ” means with reference to the District of Nicosia, the Registrar-General, and, with reference to any other District, the Commissioner of the District, unless the High Commissioner shall direct otherwise.

PART I.—REGISTRATION.

Compulsory registration of unregistered property.

3. When any immovable property is not registered in the books of the Land Registry Office in the name of the person by Law entitled thereto, the Principal Land Registry Officer may compel the same to be so registered in accordance with the following provisions.

Notice on unregistered owner to register within sixty days.

4.—(1.) For the purpose aforesaid the Principal Land Registry Officer may serve or cause to be served upon any person whom he may believe to be an unregistered owner a notice in writing, in English, Turkish, or Greek, as the case may require, calling upon him within sixty days from the date of the service of such notice to cause such property to be registered in his name or to show cause why such registration should not be made, and a notice to the like effect shall be posted for general information at the place where public notices are usually posted in the village within the boundaries of which the property is situate.

Contents of notice.

Formerly s. 5(1)

(2.) Every such notice shall contain a description of the immovable property, its extent, boundaries and situation, and the grounds on which the right to be registered has accrued, together with a statement of the fees payable in respect of the registration.

Service.

Formerly s. 5(2)

(3.) Service of a notice upon an unregistered owner shall be effected :—

- (i.) By handing it to the person to be served therewith, or
- (ii.) On refusal by him to accept the same by tendering it to him and informing him that it is a notice from the Land Registry Office under the provisions of this Law, or
- (iii.) By leaving it at his usual place of residence.

On general registration and valuation general plan and particulars to be furnished to Mukhtar. s. 1909, 2. Requisites of notice to

5. Where a general registration and valuation has been directed to be made of all the immovable property in any village and a plan of the village lands and of the various holdings as surveyed, together with a statement of particulars of the areas, boundaries and names of the owners of the several holdings, has been furnished to the Mukhtar the following provisions shall have effect :—

- (1.) The notice required by section 4 to be served upon the unregistered owner shall be a good and sufficient notice for the purposes of the law if it specifies the nature and extent of the

property and the fees payable in respect of the registration of it with a reference to the number of the plot and plan in which the property appears.

unregistered owners on general registration.

(2.) In lieu of the notice referred to in the concluding portion of section 4, sub-section (1), there shall be posted for general information at the place where public notices are usually posted in the village a notice to the effect that the plan and particulars aforesaid have been so furnished to the Mukhtar.

Notification of deposit of plans and particulars with Mukhtar.

(3.) Every owner of property in the village is empowered on application to the Mukhtar to obtain access to and to make any extract from or copy of the plan and statement of particulars aforesaid, and any Mukhtar who fails on demand to give access to or to allow extracts or copies to be made of such plan or particulars shall be liable to a fine not exceeding two pounds.

Owners to have access to and obtain copies of plan, etc.

6.—(1.) In the case where the unregistered owner is an infant or of unsound mind, or resident abroad, the notice may be served upon the guardian or duly authorized agent of such person, as the case may require, or, where such guardian or agent cannot be found, by affixing the notice to some conspicuous part of the property or to the church or mosque of the village in which the property is situate.

Service of notice on infants, persons of unsound mind and absentees.

(2.) If, in the case of an infant, no guardian has been appointed the notice may be served upon the living parent, if any, or upon the person with whom the infant resides or under whose care he is; but where the Mukhtar of the village in which the parent or person having care of the infant resides gives notice in writing to the Principal Land Registry Officer that such parent or person is incompetent to represent the infant for the purposes of this Law, the Principal Land Registry Officer shall apply to the District Court or a Judge thereof for the appointment of a person to represent the infant in manner provided by the next sub-section of this section.

(3.) Where no guardian of a person of unsound mind or agent of an absentee has been appointed, or where such guardian or agent is unknown, the Principal Land Registry Officer may apply to the District Court or a Judge thereof to appoint a person to represent the unregistered owner for the purposes of this Law, and service of notice on the person so appointed shall be deemed to be good service for the purposes of this Law.

Guardians for above.

7. If the unregistered owner on whom notice is served fails to cause the immovable property specified in the notice to be registered in accordance with the terms of the notice, or does not, within the time specified, show good cause why the registration should not

Power of Principal Land Registry Officer.

made, the Principal Land Registry Officer may proceed to register such property in the name of the unregistered owner.

Provided however that the Principal Land Registry Officer shall not register any share or interest in any immovable property under the provisions of this section other than the share or interest to which such unregistered owner is entitled.

Payment of
fee on regis-
tration.

8.—(1.) Upon the registration under the foregoing provisions of any immovable property of the categories of Arazi-Mirié or Arazi-Mevcoufé the fee which is by Law chargeable upon such registration (hereinafter referred to as the transfer fee) shall be payable in three equal instalments of which the first shall be due on the first day of October next following the date of registration and the remaining two upon the first day of October in each of the succeeding two years.

(2.) Upon such registration of immovable property of any category other than Arazi-Mirié or Arazi-Mevcoufé the whole of the transfer fee shall be payable on the first day of October next following the date of registration.

(3.) The fees to be levied in respect of any registration effected under this Law shall be in accordance with the amendments hereinafter set out in section 29.

Registration
fee a charge
upon the
property.

9. The payment of the transfer fee due in respect of any immovable property registered under the foregoing provisions shall be a charge upon such property having priority over all charges and incumbrances whatsoever and whether accruing before or after the date of registration, and no subsequent transfer of the property shall be registered in the Land Registry Office until the transfer fee due in respect of the registration effected under the provisions of section 7 has been paid in full.

Enforcement
of payment
of registra-
tion fee by
sale of
property.

10.—(1.) Where any sum or instalment by way of transfer fee remains unpaid after the date on which the same has become payable, the Principal Land Registry Officer may by notice in writing call upon the person by whom the fee is due to pay the same by a date to be fixed, and, if payment be not duly made in accordance with the terms of the notice, it shall be lawful for the Principal Land Registry Officer without further process to sell so much of the immovable property in the possession of such person as may be deemed sufficient to realize on sale:—

- (i.) The transfer fee or instalment then due;
- (ii.) All other instalments remaining to be paid to complete the payment of the transfer fee in full.

Provided however that if such person prior to the date appointed for the sale pays to the Principal Land Registry Officer or, on the day of the sale, to the person appointed to conduct the sale the transfer fee or instalment so due, together with the charge for posting the notices of sale, the sale shall forthwith be stayed.

(2.) Every sale of property under the provisions of the preceding sub-section shall be conducted in conformity with the Rules of Sale for the time being in force with regard to the sale of immovable property in execution of a judgment, but no fee shall be charged for preparation of the notices of sale in the Land Registry Office. Upon any such sale it shall be lawful for the Principal Land Registry Officer to fix a reserve price and to direct that the property ordered to be sold shall not be sold unless the amount bid therefor and to be paid by the purchaser shall be equal to or shall exceed such reserve price.

Sale to be held in accordance with Rules of Sale.

(3.) On the completion of any such sale it shall be lawful for the Principal Land Registry Officer to apply the proceeds of such sale in payment of the expenses of the sale, the transfer fee or instalments then due or all other instalments remaining to be paid as aforesaid, as the case may be; and, if the sum realized at the sale is more than sufficient to meet these payments, the surplus shall be paid to the unregistered owner, or, where he cannot be found, into the public treasury, to remain there until claimed by him or by his lawful heirs.

Application of proceeds on completion of sale.

(4.) Where any unregistered owner or other person is aggrieved by any decision of a Principal Land Registry Officer to cause his property to be sold under the provisions of this section he may apply to the District Court of the District in which the property offered for sale is situate for an order to stay the sale and to restrain the Principal Land Registry Officer from taking further action in the matter, and, at the hearing of such application, it shall be lawful for the District Court to make such order as the justice of the case may seem to it to require.

Unregistered owner may apply to District Court to stay sale.

11. No registration shall be enforced under the provisions of Part I. of this Law unless and until the immovable property the subject of such registration has been valued under the provisions of sections 13 to 24; and where the fee leviable in respect of such registration is proportional to the value of the property it shall be calculated upon the value so determined.

Determination of value for calculation of fees.

Provided always that where no general registration and valuation has been made and application is made for the registration of title to immovable property in the name of a person by law entitled thereto and the property is registered in the name of some person other than the person by law entitled thereto, the Principal Land

Application for registration. Notice to persons interested.

Sec.13 (1) of Law 12 of 1907 (at p.437) is hereby amended by the insertion therein after the words "immovable property" of the words "whether the ownership is by any law or custom required or not required to be registered in the books of the Land Registry Office."

(3) Any act or thing done or omitted under the provisions of the Principal Law or any Law amending the same which would have been validly and properly done or omitted under the Principal Law or any law amending the same if sec.13 (1) of the Principal Law had been as provided by this law shall be deemed to be and to have been validly and properly done thereunder.

Vide Law 6 of 1924.

34. 1922, 2.

Registry Officer may register the property in the name of such person either:—

(a.) On production of the written consent duly authenticated of the person or persons in whose name or names the immovable property is registered or, if dead, of his or their heirs, or,

(b.) On the following procedure being completed:

(1.) Where the Principal Land Registry Officer is satisfied that the person making the application has acquired a title to the said immovable property by prescription and that it would, in the opinion of the Principal Land Registry Officer, be impossible or out of reasonable proportion to the value of the said immovable property to require the written consent of the person or persons in whose name or names the said immovable property is registered or, if dead, of his or their heirs, to be produced; and

(2.) The Principal Land Registry Officer or some other Land Registry Officer on his behalf has posted a notice at the place where public notices are usually posted in the village within the boundaries of which the said immovable property is situate; such notice shall contain a description of the property, its extent, boundaries, situation, a statement of the registration as it exists in the books of the Land Registry Office, the name of the person in whose name the property is proposed to be registered, and a statement of the grounds on which the proposed registration is intended to be made, and the notice shall call upon any person interested in the said immovable property to show cause within sixty days from the date of the posting of the notice why the proposed registration should not be made; and

(3.) No objection to the proposed registration has been made within the said period of sixty days; and

(4.) The approval of the Registrar-General to the proposed registration is obtained.

Ecclesiastical properties.

12.—(1.) No registration of immovable property in the occupation of any Ecclesiastical Corporation as defined by the Ecclesiastical Properties Law, 1893, shall be enforced under the provisions of this Law.

7. 1885, 11.

(2.) All immovable property shown by evidence to belong *ab antiquo* to any Church or Monastery shall be registered in the Central Office of Land Registration at Nicosia.

No gochans shall be issued in respect of such lands, nor fees taken in respect of such registration.

(3.) All immovable property, other than that belonging *ab antiquo* to any Church or Monastery, which shall have passed by any lawful means into the possession of any Church or Monastery shall be registered in the name of some person as trustee for the Church or Monastery. 7. 1885, 12.

The trustee shall be appointed by the manager of the Church or Monastery, and upon his death the property shall not devolve upon his heirs, but shall be registered in the name of a new trustee to be appointed as hereinbefore mentioned.

No property so registered shall revert to the State by reason of the death of any trustee without heirs.

The amount of fees to be taken in respect of the transfer of any mulk property from the name of one trustee for the Church or Monastery, whether living or dead, to the name of another trustee for the Church or Monastery shall be an amount equal to one-quarter per cent. upon the value of the property as registered in the books of the Land Registry Office. 35, 1923. 2.

(4.) The amount of fees to be taken in respect of the transfer of any Arazi-Mirié property by registration under sub-section (3) of this section shall be an amount equal to two-and-a-half per cent. upon the value of the property as registered in the books of the Land Registry Office for the payment of Verghi. Reduction of fees.
7. 1885, 13.
See s. 29. *infra*.

PART 2.

Valuation.

13.—(1.) A general valuation of immovable property for the purposes of:— General valuation to be made.

- (i.) The assessment of the Verghi Kimat tax;
- (ii.) The assessment of the fees to be taken upon the registration of such property where the same are calculated upon the value of the property

shall be made throughout the Island in manner hereinafter appearing. Such valuation shall commence and proceed in such Districts or District or portion of a District as the High Commissioner shall, from time to time, direct by order published in the *Cyprus Gazette*.

(2.) The said valuation shall be completed within a period not exceeding twenty years from the date when this Law comes into force.⁽¹⁾

14. Saving as provided for by section 26 every valuation in pursuance of the provisions of this Law shall be made by two persons to be styled "Valuers," one of whom shall be appointed from time Appointment of valuers.

⁽¹⁾ Published in the *Cyprus Gazette* of 19th of February, 1909.

to time by the High Commissioner, and the other by the Elected Members of the Legislative Council of the District in which the property to be valued is situate by writing under their hands, and different Valuers may be appointed for the different areas or for different classes of property in the same area. The High Commissioner and the Elected Members of the Legislative Council of the District in which the property to be valued is situate may appoint any number of Valuers for the same area, and it shall be at the discretion of the Registrar General to employ any of the Valuers so appointed in such area in manner aforesaid, provided always that one Valuer shall be a Valuer who has been appointed by the High Commissioner and one Valuer shall be a Valuer who has been appointed by the Elected Members as aforesaid.⁽¹⁾

Neglect of
Members of
Legislative
Council to
appoint
Valuer.

15. In case the Elected Members of the Legislative Council aforesaid shall fail to appoint a Valuer within thirty days from the receipt by them of a written notice from the High Commissioner requiring them so to do, the High Commissioner may appoint a person to be such Valuer to act with the Valuer appointed by him, and such person shall have the same powers and functions as if he had been duly appointed by the Members of the Legislative Council aforesaid.

Provided that where the Elected Members of the Legislative Council aforesaid are equally divided in opinion as to the person to be appointed they shall forthwith report the same to the High Commissioner who shall thereupon again refer the matter to such Elected Members, and if within thirty days of such reference they fail by a majority of their number to select a Valuer the same shall be selected by the High Commissioner from amongst the persons previously nominated by them.

Remunera-
tion of
Valuers.

16. Every Valuer appointed under this Law shall receive such remuneration for his services as the High Commissioner shall determine, and such remuneration shall be paid out of the Island Treasury.

Oath of
Valuer.

17. Every Valuer, as soon as conveniently may be after appointment and before performing any duty under this Law, shall take the following oath, according to the form prescribed by his own religion, before the President of the District Court, who is hereby empowered to administer the same.

I do solemnly swear that
I will faithfully and honestly and to the best of my skill and ability

⁽¹⁾ This section was inserted in 13, 1922, 2, which enacted that the Principal Law, 12 of 1907, should be read as if s. 14 had always been as it appears herein.

make any valuation required of me under the provisions of the Immovable Property Registration and Valuation Law, 1907.

18. A Valuer appointed by the Elected Members of the Legislative Council shall cease to hold office if at any time by a majority of their number they shall pronounce him unfit to continue longer in such office and shall appoint another person in his place.

Dismissal of Valuer appointed by the Members of the Legislative Council.

19.—(1.) Before proceeding to make a valuation under the provisions of this Law the Registrar General or other officer appointed by him shall serve on each owner of property situate in the village or quarter in which the valuation is to be made a notice in the form in Schedule IV. calling upon him to supply information as to the value of each parcel of property in his possession in the said village or quarter. Service of such notice shall be effected by leaving it at his last known place of residence, and where the person to be served is an infant or of unsound mind or resident out of the village or town and his place of residence is unknown or resident abroad, the notice shall be served on the guardian or duly authorized agent of such person as the case may require, or, when such guardian or agent cannot be found, by handing it to the Mukhtar of the village or quarter in which the property is situate.

Notice of valuation.

13. 1913, 3.

(2.) The Registrar General or other officer appointed by him shall collect such notices not less than fifteen days after the service of such notices as aforesaid. In case of any owner resident outside the village or town such owner shall return to the Registrar General the said notice duly filled in within fifteen days after service of such notice.

Collection of notices.

(3.) Such notice shall be filled in and prepared by the owner or his agent. In case such notice shall not be ready prepared for collection or the owner or his agent is absent when the collection of the notices takes place or such notice is not returned as aforesaid, the Registrar General or other officer may file a statement accordingly and the valuation may proceed without such notice.

(4.) The notices so collected will be handed to the Valuers for the valuation of the property by them under the provisions of this Law.

(5.) No valuation shall be made by the valuers under the provisions of this Law unless and until the property to be valued has been locally inspected by them.

Inspection

20. Every valuation made by the Valuers shall be reduced to writing in such form as the High Commissioner shall, from time to time, prescribe, and shall be signed by them, and the identification of any

Record of valuation.

valuation so made with the property to which it relates may be by reference to the registration of such property in the books of the Land Registry Office and without further description.

Deposit of
particulars.

21.—(1.) In the case where the Valuers agree a statement in writing of particulars of the valuations so agreed to shall be deposited by them with the Mukhtar of the village or quarter within which the properties valued are situate.

(2.) Notice of such deposit shall be posted by the Valuers at the usual place of posting notices in the village or quarter.

(3.) The owner of any property so valued is empowered on application to the Mukhtar to obtain access to and make any extract from or copy of the particulars so deposited.

(4.) Any Mukhtar who fails, on demand, to give access to any such statement or to allow extracts or copies to be made therefrom shall be liable to a fine not exceeding two pounds.

When
Valuers agree.
13. 1911, 4.

22.—(a.) Every valuation so agreed to by the Valuers shall be binding and conclusive unless the owner of the property shall, within forty-five days of the date of the posting of the notice in the last preceding section provided for, apply to the Registrar-General or other the officer appointed by him for this purpose within the District where the property is situate to determine the same.

When
Valuers
disagree.

(b.) In the case where the Valuers disagree as to a valuation their respective valuations shall be reduced in writing in duplicate in the form set out in Schedule I., one copy of which shall be delivered by them to the owner of the property valued or his duly authorized agent and the other to the Registrar-General, and the valuation shall be determined by the Registrar-General or the officer appointed by him for this purpose within the District where the property is situate to determine the same.

Appeal to
the District
Court.
13. 1913, 4.

23.—(1.) Every valuation determined by the Registrar-General or other the officer appointed by him as aforesaid shall be binding and conclusive, unless the owner or occupier shall, within forty-five days after service of such decision upon him or at his last known place of residence, appeal to the District Court of the District within which the property is situate to determine the same.

Valuation
to be valid
notwith-
standing any
right of
appeal.
13. 1913, 6.

(2.) Every valuation so agreed to by the Valuers or determined by the Registrar-General or the officer appointed by him in that behalf shall after the date on which the valuation for the town or village is complete be the valuation in respect of that property for Verghi

Kimat from the 14th March following the said determination notwithstanding any right of appeal and subject to a right to refund of any excess Verghi Kimat paid in case the valuation shall be reduced.

24.—(1.) No application under the two last preceding sections shall be heard unless the Court is satisfied that due notice of the same and of the date fixed for the hearing of the application by the Court has been given to the owner of the property or his duly authorized agent or to the Principal Land Registry Officer, as the case may require, in accordance with any rule made under section 45, or, failing such rule, as the Court may decide.

Proceedings
in Court.

(2.) Every valuation determined by the Court shall be reduced to writing and shall be transmitted by the Court to the Principal Land Registry Officer who shall cause a copy of the same to be served upon the owner of the property valued.

Record of
valuation
determined
by the Court.

(3.) Every valuation so determined by the Court shall be binding and conclusive upon all persons whom it may concern.

Effect of
valuation.

25. Where a period of five years has elapsed since the determination of the value of any immovable property under the provisions of the preceding sections, and in the case of immovable property not so valued or revalued the following provisions shall have effect. If the person in whose name the property is registered or the Principal Land Registry Officer consider that the same is valued at more than or less than its true value such registered owner or Principal Land Registry Officer may apply for a revaluation and the property shall then be revalued in manner provided by section 13 to 24 of this Law.

Special
revaluations.

Provided however that where property has been revalued under the provisions of this section and application is again made by the owner within five years of the date thereof for a further revaluation of the same property, if, upon such revaluation, the total amount of the same is less than five per centum below the amount at which the property was previously valued, the applicant shall pay the cost incurred in respect of such revaluation.

26.—(1.) Where application is made for the registration of title to immovable property and the value of the same for the assessment of Verghi Kimat or of the fees payable in respect of such registration has not been determined under the provisions of the preceding sections the valuation of the property, for the purposes aforesaid, shall be made by an officer of the Land Registry Department in conjunction with the Mukhtar and Azas of the village or quarter within which such property is situate, and if such officer of the Land

Interim
valuations
upon regis-
tration of
title.

Registry Department and the Mukhtar and Azas aforesaid are unable to agree to a valuation, or the Principal Land Registry Officer or the person whose title to registration is in question, refuse, either or both, to accept such valuation, the valuation shall, on the application of either party, be determined by the District Court of the District within which such property is situate.

(2.) In proceeding to a valuation under the provisions of this section due notification of the same shall be given by the Land Registry Officer to the Mukhtar and the several Azas present at the time in the village or quarter who shall be at liberty to attend the valuation. On failure of any Aza so to attend, the valuation may be made by the Mukhtar and any one Aza.

(3.) Every valuation so made in virtue of this section shall remain in force until it is reviewed or amended under the provisions of sections 13 to 25 of this Law.

27.—(1.) From and after the coming into operation of this Law the Verghi Kimat Assessment of the Island shall be reviewed annually, and if such assessment at the rate of four per thousand of the capital value, including all valuations effected under this Law, shall yield a sum in excess of £29,000 such excess shall be applied by the Legislative Council by resolution subject to the approval of the Secretary of State to some purpose of general and public utility in the Island.

(2.) On the completion of the valuation in any town or village if an assessment at the rate of four per thousand of the values so determined yields a sum less than or more than the amount derived from the Verghi Kimat in the same town or village at the time of the coming into operation of the said valuation, the rate at which the Verghi Kimat shall be assessed in respect of that town or village shall be so varied by the Registrar General as to produce in the aggregate, as nearly as may be, the sum so levied in the said town or village at the time of the coming into operation of the valuation.

(3.) Provided that nothing herein contained shall exempt any new property or additions to old property brought under valuation in such town or village after the adjustment of the rate as mentioned in sub-section (2) from paying Verghi Kimat at the same rate as the remainder of the property in that town or village on such property and any sum so arising shall be paid in addition to the said aggregate sum mentioned in sub-section (2), until the provisions of sub-section (4) shall come into force.

(4.) On the completion of the valuation of all immovable properties in any District, if an assessment at the rate of four per thousand of the values so determined yields a sum less than or more than the

Review of
Verghi
Kimat
Tax.

13. 1913, 5.

New
property
and
additional.

13. 1913, 5.

Verghi Kimat Assessment in the same District at the time of the coming into operation of this Law, the rate at which the Verghi Kimat Tax shall be assessed in respect of the properties in that District shall be so varied by the Registrar-General as to produce in the aggregate, as nearly as may be, the sum so levied in the District aforesaid at the time of the coming into operation of this Law.

(5.) Provided that nothing herein contained shall exempt any new property or additions to any old property brought under valuation in any town or village after the adjustment of the rate as mentioned in sub-section (4) from paying Verghi Kimat at the same rate as the remainder of the property in the District in which that town or village is situate, and any sum so arising shall be paid in addition to the said aggregate sum mentioned in sub-section (4) until the provisions of sub-section (6) shall come into force. 13. 1913, 5.

(6.) The Verghi Kimat Tax shall be so adjusted in each District of the Island as the valuation of all immovable property therein is completed, and upon the completion of the valuation of all properties throughout the Island the rate of the Verghi Kimat Tax shall be so adjusted in all Districts as to yield, for the whole Island, a sum not in excess of £29,000.

(7.) Provided that the rate at which the Verghi Kimat shall be assessed shall, if there shall be any fraction of the sum of ten paras per thousand, be calculated at the nearest sum of ten paras above it. Verghi Kimat
rate.
13. 1913, 5.

(8.) When a general valuation has been commenced in any District such valuation shall proceed with all practicable speed until the valuation is completed in respect of all immovable properties in that District.

PART 3.

Miscellaneous.

28.—(1.) Where immovable property is, at the time of the coming into operation of this Law, duly registered in the books of the Land Registry Office in the name of the person entitled thereto, then, upon the devolution thereafter of such property by inheritance, no fee shall be levied or taken in respect of such devolution or of any subsequent devolution thereof by inheritance, but from the date of the first devolution aforesaid the property shall be liable to an annual charge equal to one-fortieth of the fee which but for the provisions of this section would have been payable in respect of such devolution. Commuta-
tion of
Succession
Dues.

(2.) Where immovable property is not so registered the unregistered owner shall be required to make good his title thereto and shall pay the fees due in respect of the registration of the property in his name in the books of the Land Registry Office, and thereafter upon devolution of the property by inheritance the provisions of the preceding sub-section shall come into operation.

(3.) Where such property devolves upon two or more persons the said charge shall not be levied until the property has been duly divided among such persons in accordance with their respective interests, or, where they hold the property in undivided shares, unless it be apportioned in the ratio of the respective shares.

(4.) The charge aforesaid shall continue to be levied on the property into the hands of whomsoever it may pass and shall be levied and taken in like manner and at the same time as the Verghi Kimat on the property is levied and taken.

Reduction in fees.

29. In lieu of the fees heretofore levied and taken there shall be levied and taken:—

(1.) Upon effecting an original registration of title to Arazi-Mirié or Arazi-Mevcoufé acquired by ten years undisputed possession, a fee at the rate of two and a half per centum of the value of the property so registered;

(2.) Upon registering a title acquired by inheritance, whether from an unregistered owner or not, and subject to the provisions of section 28:—

(i) In the case of Arazi-Mirié and Arazi-Mevcoufé, two and a half per centum of the value of the property;

(ii.) In the case of Mulk and Idjaretein Mevcoufé, one-half per centum of the value of the property:

Unregistered owner.

No unregistered owner shall be liable to pay fees in respect of any devolution of such property prior to the immediate devolution thereof upon him.

(3.) Upon registering a sale or gift by parents to children of the following classes of immovable property:—

(i.) Mulk and Idjaretein Mevcoufé, one-half per centum of the value of the same;

(ii.) Arazi-Mirié and Arazi-Mevcoufé, two and a half per centum of the value of the same.

(4.) Where, in the case of an original registration of title, the value of the immovable property so registered is less than one hundred piastres, the fee of six piastres commonly known as " Clerks' and Paper fee " levied in respect of the gochan issued shall cease to be taken.

30.—(1.) Where immovable property is held in undivided shares by two or more persons or where two or more persons have become entitled thereto it shall be lawful for the Principal Land Registry Officer on the application of one or more of such persons and subject to the provisions of the next section to make a partition of the property amongst the several persons entitled thereto in accordance with their respective shares and to register the portions into which the property is divided upon such partition in the names of the persons to whom the same are respectively allotted.

Partition of property among co-proprietors.

(2.) No partition shall be made under the provisions of this section until due notice of the application for and of the time appointed for making the same has been served by the applicant for partition in manner provided by sections 5 and 6 of this Law upon the other person or persons co-interested.

(3.) In making such partition the Land Registry Officer shall, as far as possible, apportion the property in accordance with the wishes of the persons co-interested, having regard to the Ottoman Law concerning partition.

(4.) Any person who is dissatisfied with the share allotted to him on any such partition may, within thirty days of the making of the partition, apply to the District Court to have the partition varied or set aside, and upon such application the District Court may vary the same as justice may require, or may set aside the partition and remit the matter to the Principal Land Registry Officer in order that a new partition may be made.

(5.) Nothing in this section contained shall be construed as depriving any person co-interested in immovable property from obtaining a partition of the same by proceedings in a Court of Law.

(6.) Notwithstanding anything hereinbefore contained, when property is held in undivided shares and the estimated value of such property does not exceed two pounds, the Registrar-General may, unless the co-owners agree to transfer their shares to one owner or the property is capable of being divided and the co-owners agree to divide it, cause the property to be sold by public auction and the proceeds of sale, after deducting the expenses of such sale, shall be paid to the shareholders in proportion to their shares.

Property held in undivided shares, when may be sold.

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Provided that not less than fifteen days' notice of his intention to sell such property by public auction shall be given to the co-owners or to such of them whose address in Cyprus is known to the Registrar-General.

Partition not obligatory in certain cases.

under the will no provision for sale -

31.—(1.) Where the shares of the persons entitled to any immovable property are so small that, in the judgment of the Principal Land Registry Officer they cannot be held and enjoyed in severalty without prejudice to one or more of the persons entitled thereto, the Principal Land Registry Officer shall not be obliged to make a partition of the property.

(2.) Where the Principal Land Registry Officer has declined to make a partition of any property for the reason aforesaid, any person entitled to a share in the property may apply to the District Court of the District in which the property is situate, and the Court may:—

(i.) Order that the property shall be sold by public auction and the proceeds of the sale, after deducting the expenses of the same, disposed of among the persons entitled thereto in accordance with their respective interests, or

(ii.) Make such other order as in the circumstances may seem just.

Mukhtar to report death of owner of immovable property.

32. Upon the death of any person possessed of or beneficially interested in any immovable property, it shall be the duty of the Mukhtar of the village in which the deceased person last resided to report such death forthwith to the Principal Land Registry Officer, and, if, without reasonable cause, such report be not made within one month of the date of such death, such Mukhtar shall be liable to a fine not exceeding two pounds.

Rewards to Mukhtars.

33. It shall be lawful for the Principal Land Registry Officer to grant to any Mukhtar reporting a death as required by the preceding section a reward not exceeding two shillings.

Communication of decisions of Court affecting title to immovable property

34.—(1.) Whenever the judgment or order of a District Court or of the Supreme Court, in any proceedings in which the title to any immovable property is in question, in the opinion of the Court necessitates any new registration in the books of the Land Registry Office or any change in any existing registration, the Court shall direct the Registrar to furnish the Principal Land Registry Officer with certified copies of the judgment or order and of the writ of summons or application by which the claim was made.

(2.) Every such certified copy shall be sufficient authority to the Principal Land Registry Officer to make in the books of the Land Registry Office the registrations or alterations required by the judgment or order to be made, and to recover in the manner provided by Part I. of this Law the fees, if any, payable in respect of such registration or alteration.

Collection of Vergi and charges upon transfer or mortgage of immovable property.

35.—(1.) When, upon any proceedings in the Land Registry Office under the Land Transfer Amendment Law, 1890, for the sale or mortgage of property, the vendor or mortgagor fails to produce the receipt of a Revenue Collector or other evidence, to the satisfaction

of the Principal Land Registry Officer, of the payment up to date of all Verghi and other charges incidental to the tenure of the property dealt with, the intending purchaser or mortgagee may deduct from the purchase money or the amount to be secured by the mortgage such sum as shall be sufficient to cover the Verghi and other charges aforesaid upon the said property for the three years next preceding the date of the intended transfer or mortgage.

(2.) The sum so deducted shall be deposited in the District Treasury and the balance thereof, after satisfaction of all Verghi and other charges due in respect of the property in question, shall be refunded to the vendor or mortgagor.

36.—(1.) Every proceeding in a District Court had or taken under the provisions of this Law shall be by way of application; and the procedure thereon subject to any Rules of Court which may be made under this Law shall be regulated by the Rules of Court for the time being in force with regard to applications in civil actions. Procedure.

(2.) The procedure upon appeals, subject as aforesaid, shall be governed by the Rules of Court for the time being regulating appeals to the Supreme Court from interlocutory orders.

(3.) No fees of Court other than copying fees shall be taken in respect of any proceedings in applications to the District Court under Parts I. and II. of this Law nor by the Supreme Court in respect of any proceedings in an appeal against the decision of a District Court in respect of any such application.

37. Except where specified to the contrary, the Principal Land Registry Officer or any person affected by an order of the District Court disposing of any application made under the provisions of this Law may appeal against the same to the Supreme Court, and the Supreme Court shall have power to hear and determine such appeal. Appeals.

38. Every District Court and the Supreme Court are empowered to make such orders as appear to them just in regard to the payment of the costs of proceedings had under the provisions of this Law. Orders as to costs.

39.—(1.) Every Village Certificate required by any law or custom to be produced to the Land Registry Office in evidence of any fact relating to the tenure or partition of immovable property or any interest therein or as to persons in occupation of immovable property or entitled thereto and the heirs left by them or for any other purpose in connection with immovable property or dealings therewith shall be signed and sealed by the Mukhtar and signed by two Azas of the village or quarter in which the property is situate or Village certificates and Mukhtar and Mukhtars' fees.

the person respecting whom the information is given resides or last had his abode, and every Mukhtar upon issuing such certificate is entitled to charge the fees set out in Schedule II. hereto.

(2.) Any Mukhtar exacting payment of a fee in excess of the rates hereby prescribed shall upon conviction be liable to a fine not exceeding two pounds.

Penalty for
false
certificates.

40. Any Mukhtar and any Member of a Village Commission who issues or signs or seals, or allows to be issued, or signed or sealed on his behalf, any certificate required by Law to be issued or signed or sealed or which for purposes of registration is customarily received as evidence, knowing that such certificate is false in any material particular shall be guilty of an offence and shall be punished on conviction thereof with imprisonment for a term not exceeding two years, and any Mukhtar, where the facts set out or to be set out in the certificate are not within his personal knowledge, may so endorse or word the certificate as to make it apparent that the facts are accurately stated to the best of his knowledge and belief on information furnished to him by reliable persons to be named.

Refusal to
issue.

The grounds of refusal to issue or sign or seal any certificate on application shall be stated in writing by the Mukhtar, and any Mukhtar so refusing to issue, sign or seal a certificate without good and sufficient cause shall be liable to a fine not exceeding two pounds.

Certification
of seals and
signatures by
Mukhtars and
Azas.

41.—(1.) The signature, seal or mark of any person to any document required to be furnished under the provisions of this Law or under any law respecting the registration of title to immovable property or connected with dealings with immovable property which require to be registered in the books of the Land Registry Office may be certified by the Mukhtar and one Aza of the village or quarter in which the person executing the document resides.

(2.) No Mukhtar nor Aza shall certify any signature, seal or mark unless:—

- (i.) Such signature, seal or mark is affixed to the document in his presence, or is declared to the Mukhtar and Aza by the person affixing it to be his signature, seal or mark;
- (ii.) The person signing, sealing or marking the document is personally known to him, or his identity is attested by two persons personally known to him which persons shall sign the document as witnesses to the signature, seal or mark of the principal party.

(3.) Such certification shall be effected by inscribing upon the document a certificate to the following effect and by affixing thereto the signature and seal of the Mukhtar and the signature of the Aza.

“ Signed (or sealed or marked) this day in our presence by A.B. who is personally known to us [or Declared to us this day by A.B. who is personally known to us to be his signature (seal or mark)]. In testimony whereof we hereto set our hands and seal this day of

L.S. *Signature of Mukhtar.* *Signature of Aza.*

“ Signed (or sealed or marked) this day by A.B. in our presence and in the presence of C.D. and E.F. who are respectively known to us and who have declared to us that the person signing (sealing or marking) is A.B. and that the said A.B. is personally known to them [or Declared to us this day by A.B., in the presence of C.D. and E.F. who are respectively known to us and who have declared that he is A.B. and is personally known to them, that the signature (seal or mark) is his signature (seal or mark)]. In testimony whereof we hereto set our hands and seal this day of

Signatures of C.D. and E.F.

L.S. *Signature of Mukhtar.* *Signature of Aza.*

(4.) Every Mukhtar and every Aza upon his election as such shall furnish a copy of his signature to the Land Registry Office of the District in which his village is situate.

(5.) Upon certifying any signature, seal or mark there shall be paid to the Mukhtar and Aza certifying the same the sum of 4½ piastres.

(6.) Any Mukhtar or Aza acting in contravention of the provisions of sub-section 2 of this section shall be liable to a fine not exceeding two pounds, and any person who shall before any Mukhtar or Aza make a false declaration as to the identity of any person or personate any other person or subscribe to any document any false or fictitious name shall be liable to imprisonment for a term not exceeding five years.

Penalty for
false
declaration

42. The Principal Land Registry Officer may cause any land mark to be erected for purposes connected with any survey undertaken by him or with the registration of title to or the valuation of immovable property, and any person who wilfully destroys, moves or defaces any land mark fixed under the authority aforesaid or does any act which renders such land mark less useful as such shall be guilty of an offence and shall be punished upon conviction thereof with a fine not exceeding three pounds, and may also be ordered to pay such compensation as the Court adjudges proper.

Penalty for
destruction of
land marks.

Penalty for obstruction.

43. Any person really obstructing an officer or person in the execution of the duties imposed upon him by this Law shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding one pound.

Agent may represent owner.

44. Wherever in this Law it is provided that the owner of immovable property shall receive or give notice or make any application or do any act the same may be received, given, made or done by his duly appointed representative or agent unless the context shall otherwise specifically require.

High Commissioner may make Rules.

45. It shall be lawful for the High Commissioner, with the advice and assistance of the Chief Justice and of the Registrar-General, to make Rules for all or any of the following purposes, and from time to time repeal, alter or amend the provisions of any Rule so made, that is to say:—

- (i.) For regulating the practice in the District Courts and in the Supreme Court in any proceedings under this Law;
- (ii.) For regulating the proceedings in the Land Registry Offices and of Principal Land Registry Officers and Valuers;
- (iii.) For prescribing the forms to be used in connection with the registration and assessment of immovable property and in proceedings had or taken under this Law.

Repeal.

46. The enactments named in Schedule 3 hereto are repealed to the extent specified therein.

SCHEDULE 1.

VALUATION WHERE THE VALUERS DISAGREE.

Particulars of the Property.

District	Village	Locality
Nature of property	Extent of property	
Boundaries		
Reference to survey-plan.	Sheet	No. of plot.
Reference to registration in Land Registry Office.		

We the undersigned Valuers appointed under the provision of the Immovable Property Registration and Valuation Law, 1907, do hereby value the above described property at the amounts inserted below above our respective names.

<i>Valuation by Valuer appointed by the High Commissioner.</i>				<i>Valuation by the Valuer appointed by the Elected Members of the Legislative Council.</i>			
£	:	:	<i>c.p.</i>	£	:	:	<i>c.p.</i>
<i>(Signed)</i>				<i>(Signed)</i>			

SCHEDULE 2.

FEEs TO BE LEVIED BY MUKHTARS.

(1) Upon issuing, signing and sealing a certificate of facts relating to the occupation or possession of immovable property :—

- (i.) Without inspection of the property. } The sum of 4½c.p.
- (ii.) Where inspection of the property is necessary and has been made by the Mukhtar. } The sum of 4½c.p. together with payment in respect of time occupied by the inspection at the rate of 2s. for a day, or 1s. for half a day or less.

(2) Upon issuing, signing and sealing a certificate of facts relating to the death of any owner or occupier of immovable property or as to the heirs left by him the sum of 4½c.p.

(3) Upon preparing, signing and sealing a certificate of partition of immovable property assented to by the persons co-interested :—

- (i.) Where the Mukhtar has not attended the partition. } The sum of 1s. with an additional charge of 1c.p. in respect of each piece of property divided in excess of nine pieces.
- (ii.) Where the Mukhtar has attended the partition. } The above sum together with payment in respect of the time occupied as set out under Head (1) (ii).

(The fees under Head (3) shall, in cases of partition of property acquired by inheritance, cover certification of the death of and the heirs left by the deceased).

(4) All other certificates the sum of 4½c.p.

The foregoing fees are leviable in respect of each certificate or certification whether or not it relates to one or more pieces of property, and no Mukhtar shall enforce the issue of more than one certificate in respect of the transaction with regard to which the same is required to be furnished.

SCHEDULE 3.

ENACTMENTS REPEALED.

Enactment.	Extent of repeal.
The Titles Registration Law, 1885.	The whole, except ss. 11, 12 and 13. [See s. 12 (2) (3) (4) <i>supra</i> .]
The Nufous and Emlak Registration Law of 14 Djemazi-ul-Evvel, 1277.	So much as is repugnant to the provisions of this Law.

