

No. 12 OF 1928.

A.D. 1928.

TO CONTROL AND PROMOTE PUBLIC HEALTH  
IN SUMMER RESORTS.

12 of 1928.

RONALD STORRS.]

[May 2, 1928.

BE it enacted:—

Short title.

1. This Law may be cited as the Public Health  
(Summer Resorts) Law, 1928.Inter-  
pretation.

2. For the purposes of this Law:—

(a) "Board" means a Public Health Board as  
established under this Law.(b) "Commissioner," "District Medical Officer" and  
"Divisional Engineer" mean and include any person  
who at any time is lawfully discharging the duties of  
the Commissioner, District Medical Officer and Divisional  
Engineer respectively of the District in which the  
Summer Resort is situated.(c) "Summer Resort" means a village and the area  
of a village declared by order of the Governor in  
Council to be a Summer Resort under this Law in and  
over which a Village Commission or other Village  
Authority exercises any authority or function under  
the provisions of the Public Health (Villages) Law, 1892,  
or otherwise, and any other additional area which the  
Governor in Council may at any time by Order declare  
to be added to such area for the purposes of this Law.(d) "Village" means a village and the area of a  
village affected by an Order of the Governor in Council  
made under this Law and to which the provisions of the  
Public Health (Villages) Law, 1892, have been applied.(e) "Mukhtar," "Village Commission" or "Village  
Authority" mean the Mukhtar, Village Commission or  
Village Authority for the time being of a village  
respectively.(f) "Village Fund" means the Village Fund of a  
village as constituted under the provisions of the Public  
Health (Villages) Law, 1892.(g) "Land" includes land (with the grazing rights and  
all water, whether mineral or otherwise, and water rights  
on, over or under such land), buildings, trees, vines,  
easements and standing crops and any other immovable  
property situated within a Summer Resort which may  
by law be sold and purchased or exchanged.

3. Save as in this Law hereinafter expressly provided the provisions of all laws in force relative to the formation, maintenance, duties, obligations and functions of any Village Commission or any other Village Authority of a Summer Resort shall remain of full force and effect.

Application  
of Law.

4.—(1) The Governor in Council may by Order to be published in the *Cyprus Gazette* declare any village to be a Summer Resort for the purposes of this Law, and from and after the date of the publication of such Order this Law shall be in full force and effect in respect of the Summer Resort to which the Order refers.

Summer  
Resorts and  
establish-  
ment and  
constitution  
of Boards.

(2) By the same Order the Governor in Council may provide for the establishment and constitution of a Public Health Board in any Summer Resort.

(3) Such Board, which shall be designated as provided in the Order, shall be constituted as follows:—

- (a) The Commissioner,
- (b) The District Medical Officer,
- (c) The Divisional Engineer,
- (d) The Mukhtar,

(e) Any two or three persons representing local interests in the Summer Resort as the Governor may from time to time appoint either by name or by virtue of their office and such persons shall hold office during the Governor's pleasure.

Provided that in the event of any of the above persons being unwilling or becoming unable for any reason to discharge their duties under this Law the Governor shall appoint such person as he thinks fit in his place.

5. On the publication of an Order made under section 4 of this Law all duties, powers, obligations and functions of the Village Commission or other Village Authority of the village so far as such relate to the duties and powers conferred and imposed upon such Village Commission or other Village Authority under the provisions of the Public Health (Villages) Law, 1892, and any amendment thereof or material thereto shall be divested from such Village Commission or other Village Authority and shall be vested in the Board.

Vesting of  
certain  
duties,  
powers, etc.,  
of Village  
Commission  
in Board.

Chairman  
and acting  
Chairman.

6.—(1) The Commissioner shall be Chairman of the Board and preside at all meetings of the Board but if unable to be present at any such meeting then he may appoint one of the members to act as Chairman at such meeting.

Secretary.

(2) The Chairman may from time to time appoint a fit and proper person, not being a member of the Board, to act as Secretary of the Board.

Meetings of  
Board.

7. Meetings of the Board shall be held as often as may in the discretion of the Chairman be deemed advisable.

Meetings  
to be  
convened by  
Chairman.

8. All meetings of the Board shall be convened by the Chairman who shall give at least three clear days notice in writing of such meeting to each member of the Board except in cases of urgency.

Quorum.

9. No meeting of the Board shall be held to be valid unless at least three members of the Board are present.

Voting.

10. Each member of the Board shall have one vote at meetings of the Board and the Chairman or acting Chairman shall on equality of votes have a casting vote in addition to his own vote.

Approval  
of three  
members  
necessary  
for imposing  
pecuniary  
liability.

11. No resolution brought forward for the consideration of the Board at any meeting which shall or may if passed by the Board impose any pecuniary liability upon any person shall be valid unless at least three members of the Board vote in favour of such resolution.

Minutes to  
be kept.

12. The Board shall cause a minute of its proceedings and of the names of its members who attend each meeting to be duly kept in a book provided for that purpose and every such entry therein made shall be signed by the Chairman or acting Chairman of the Board presiding at the meeting at which such proceedings took place and any such entry purporting to be so signed shall be received as evidence in all Courts without proof of such meeting having been duly convened or held, such facts being presumed correct until the contrary is proved.

Duties and  
powers.

13. The Board shall have and exercise all the duties, powers, obligations and functions conferred and imposed upon the Village Commission or other Village Authority of the village under the provisions of the Public Health (Villages) Law, 1892, and any amendment thereof or material thereto.

14. In addition to the duties conferred upon the Board as in the preceding section of this Law mentioned the Board shall have and exercise within the Summer Resort the following express duties :—

Extraordi-  
nary duties.

(1) To provide for the removal of all night soil and refuse from every house ;

(2) To provide that all drains, urinals, privies and cesspits shall be so constructed and kept as not to be a nuisance or injurious to health ;

(3) To keep all roads, paths, streets and public places sufficiently lighted at night ;

(4) To provide that the Summer Resort is kept clean and in a sanitary condition ;

(5) To provide for the establishment and regulation of markets ;

(6) To provide for the establishment and regulation of slaughter houses ;

(7) To provide for the establishment and regulation of bakeries ;

(8) To provide for the establishment and regulation of wash-houses or other places for the washing of clothes, household linen, and the like articles ;

(9) To provide for the regulation of khans and places where horses, mules, donkeys, pigs, sheep, and cattle are kept ;

(10) To provide for the regulation of shops ;

(11) To provide for the regulation of the sale of bread, meat and other articles of food ;

(12) To provide for the regulation of the building of huts and houses on land other than of the category of of Arazi Mirié and Arazi Mevcoufé Takhsisat and for the erection of tents ;

(13) To control and regulate the supply of water for sanitary and domestic purposes.

(14) To provide for every other purpose which may be necessary or expedient for the conservancy of the Summer Resort, the preservation of public health, and the preservation of the comfort and convenience of the persons inhabiting or temporarily residing in the Summer Resort.

(15) To provide for the appointment and payment of the staff necessary for the carrying out of the above purposes,



Extra-ordinary powers.

15. In addition to the powers conferred upon the Board by virtue of section 14 of this Law the Board shall have within the Summer Resort the express power of fixing, regulating, taking, receiving, recovering by due process of Law and applying for the purposes of this Law the following rates and fees :—

(1) Fees to be taken for the slaughtering of any animals ;

(2) Fees to be paid by way of stallages, rents and tolls in respect of the use by any person of any public place used as a market ;

(3) Fees to be taken from any owner or occupier of any house in respect of the removal from such house of night soil and refuse ;

(4) Fees to be taken in respect of any trade or profession or the hawking of any goods ;

(5) Fees to be taken in respect of the issue of permits for building on land other than of the category of Arazi Mirié and Arazi Mevcoufé Takhsisat ;

(6) Fees to be taken from the owner of any house from the letting of which to any person or persons such owner derives pecuniary gain or from the owners of such houses as are used for summer visits.

(7) Rates to be taken for the supply of water or light to houses, hotels and other premises.

Provided always that all such rates and fees so fixed shall be subject to the approval and consent of the Governor before they shall have legal force and effect.

Power to make Bye-laws.

16. The Board shall have power to make Bye-laws for the carrying out of all or any of the provisions of this Law but every such Bye-law shall be subject to the approval of the Governor, who may from time to time by writing under his hand depute to the Colonial Secretary the power of approval vested in the Governor under this section.

Bye-laws to be published in the *Cyprus Gazette*.

17. All Bye-laws made and approved under section 16 of this Law shall be published in the *Cyprus Gazette* and shall have the force of Law from the date of such publication.

18. Every person who by any act or omission shall contravene any Bye-law duly made under this Law shall be guilty of an offence and shall be liable for each such offence to a fine not exceeding one pound or in default of payment to imprisonment for a period not exceeding ten days, and it shall be the duty of the Chairman of the Board to institute proceedings in respect of such offences. All such fines so recovered shall be paid into and form part of the Public Health Fund hereinafter established.

Penalty for  
contra-  
vention of  
Bye-laws.

19. The Village Fund of the village shall on the publication of an Order made under section 4 of this Law be handed over to the Board by the Village Commission or other Village Authority of such village and shall be administered by the Board.

Village Fund  
to be under  
control of  
Board.

20. The funds raised by the Board under the extraordinary powers conferred upon the Board under the provisions of this Law shall be administered as a separate fund called the Public Health Fund of the Summer Resort concerned.

Public  
Health  
Fund.

21. All moneys of the Village Fund and the Public Health Fund shall be under the custody of the Chairman of the Board.

Custody  
of funds.

22. The accounts of the administration of the Public Health Fund shall be closed annually on or before the 31st day of December in each year and shall be audited on or before the 1st day of February next following by any two competent persons appointed in that behalf by the Colonial Secretary.

Annual  
accounts  
and audit.

23. The Board may, with the authority of an order of the Governor and subject to such terms and conditions as may be imposed by such order, borrow money for carrying out any work of public utility.

Borrowing  
powers.

24. The Board shall have power at any of its meetings by resolution of a majority composed of not less than three members, to decide that any land within the Summer Resort shall be acquired for any of the following purposes :—

Power to  
acquire land.

- (a) The construction of a new street ;
- (b) The opening, widening, straightening, or improving of any existing street ;
- (c) The erection of a public building ;
- (d) Any other purpose of public utility.

Submission  
of proposal  
to Governor.

25. A copy of the resolution and of the minutes relating to it, together with a plan of the land to be acquired, shall be forwarded by the Board to the Commissioner for submission by him to the consideration of the Governor as hereinafter provided.

Notice to be  
served on  
owner of  
land it is  
proposed  
to acquire.

26. The Commissioner, before forwarding the documents aforesaid for submission to the consideration of the Governor, shall cause a notice to be served on the owner of the land it is proposed to acquire, or his legal representative, or in his absence, on the occupier of the land, advising him of the proposed acquisition and that he may examine the plan thereof and present any objection he may have to make thereto within one month of the service of the notice. At the expiration of the month the Commissioner shall forward to the Governor the resolution, minutes and plan, together with the objections made, if any.

Governor  
may  
sanction  
acquisition  
of land.

27. If the Governor approves the plan submitted and shall consider it expedient, having regard to all the circumstances of the case, that the Board shall be permitted to acquire the land in question, he may, by notification published in the *Cyprus Gazette*, sanction the acquisition of the land; and thereupon, if the owner of the land does not agree with the Board as to the sum to be paid for it, the Board shall proceed as hereinafter prescribed.

Valuation  
of land by  
arbitrators.

28. The Board shall apply to the District Court to refer the determination of the value of the land to arbitrators, and the Court shall thereupon order that a notice be sent to the owner of the land, and shall fix a day for the appearance of the parties before the Court.

Appoint-  
ment of  
arbitrators.

29. On the day appointed as aforesaid, if all the parties appear and each party shall appoint an arbitrator on his behalf, the Court shall record the appointment of the arbitrators and appoint a date for the filing of their award, and shall, at the same time, name an umpire who may enter on the reference if the arbitrators fail to make an award by the date appointed, and shall further fix the date on which the umpire shall file his award in any case referred to him. If any party fails to appear or refuses to appoint an arbitrator the Court shall name an arbitrator on his behalf.

Fees and  
expenses of  
arbitrators.

30. The Court may make any order it may think right as to the amount of fees and expenses to be paid to the arbitrators or umpire in connection with their arbitration and award, and may direct by whom they are to be paid.

**31.** When the award of the arbitrators or of the umpire has been filed the Court shall, on the application of any party to the proceedings, fix a date for the parties to appear before the Court, and shall for this purpose cause a notice to be served on each party interested.

Award of  
arbitrators.

On the date fixed the Court shall make known to the parties the award of the arbitrators or umpire, which shall for all purposes be final and conclusive, and shall order the Board to pay the sum awarded to the owner or owners of the land.

Provided always that the Court may order that the whole or any portion of the sum awarded, as hereinbefore mentioned, be paid to any mortgagee of the land in satisfaction, in whole or in part, of the sum secured by the mortgage, or to any lessee of the land as compensation in respect of the determination of his tenancy, or to any judgment creditor who has registered his judgment in the manner provided by law in satisfaction in whole or in part of the sum due under the judgment.

Provided also that if any person refuses to accept any sum ordered to be paid to him under the provisions of this section, or is absent from Cyprus, the Board may pay the sum into Court.

**32.** On payment of the sum awarded 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 Board ; and thereupon all the interest of the owner, occupier, mortgagee, or lessee of the land in the land shall be deemed to be transferred to and vested in the Board.

Transfer of  
land to  
Board.

**33.** On production of evidence of the payment of any sum agreed upon or of any sum awarded for land acquired under this Law, the Principal Officer of Land Registry of the District in which the Summer Resort is situated may cause notice to be served on any person in whose name the land is registered calling upon him to bring to the Land Registry Office, within a given time, his certificate of registration, and the certificate and the registration to which it corresponds, shall be amended in accordance with the plan sanctioned by the Governor; and if any person as aforesaid fails, within the time allowed, to present

Amendment  
of regis-  
tration of  
land.



for amendment his certificate of registration the Principal Officer of Land Registry aforesaid may amend the original registration as aforesaid, and the amended registration shall be held final, notwithstanding that the certificate which corresponds thereto remains without amendment.

Board may be required to take the whole of a building.

**34.** Notwithstanding anything in this Law contained, the Board shall not be empowered to acquire under the provisions of this Law a part only of any building if the owner is willing and able to give a good title to the whole thereof.

Board may acquire land on either side of a new street for the erection of buildings.

**35.** Where land is required by the Board for the opening of a new street, it may acquire a sufficient extent of land on each side of the proposed street to admit of the erection thereon of suitable buildings or tenements with a frontage on the new street.

Power to Board to sell and lease land compulsorily acquired.

**36.** The Board may sell, lease, or exchange any land acquired under the provisions of this Law in excess of the extent actually required for the purpose of public utility in respect of which it has been acquired.

Power to Board to abandon project of improvement.

**37.** Notwithstanding anything in this Law contained, the Board, if it shall think fit to abandon the project in respect of which proceedings for the acquisition of land under this Law have been taken, shall not be compelled to take the land unless it has been transferred under section 33 hereof or the owner or occupier has delivered up possession thereof.

Provided that all costs and expenses incurred by any owner or occupier by reason of the failure of the Board to take the land shall be paid by the Board.

Legal provisions.

**38.** In all proceedings under this Law the Chairman of the Board may sue and be sued in his capacity as such and all legal expenses incurred by the Board in carrying out this Law and the expenses of the annual audit of the Public Health Fund shall be defrayed out of the Public Health Fund.

*This Law was published in the Cyprus Gazette No. 1916 of the 7th May, 1928.*