

Turkish



THE
STATUTE LAWS OF CYPRUS,
1931.

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No. 1 OF 1931.

*Repealed by
Law 11 of 1938*

A LAW TO AMEND AND CONSOLIDATE THE IRRIGATION
AND WATER LAW, 1887.

A.D. 1931.

1 of 1931.

RONALD STORRS.]

[May 8, 1931.]

BE it enacted:—

1. This Law may be cited as the Irrigation Law, 1931. Short title.

2. In this Law unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them (that is to say):—

Interpreta-
tion.

“Commissioner” means the Commissioner of the district within which the irrigation division has been formed.

“Committee” means a committee formed under the provisions of this Law to act in the irrigation division for which it has been so formed.

“Irrigation division” means an irrigation division formed by the proprietors of a village or group of villages under the provisions of this Law, operating within such village or group of villages.

“Irrigation works” include all wells, bores, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, channels, engines and all other structures or appliances used or constructed under the provisions of this Law for the storage, conveyance, supply, distribution, measurement or regulation of water.

“Land” includes land (with grazing rights over such land), buildings, trees, easements, standing crops and water or water rights and includes land belonging to any ecclesiastical or pious foundation.

“Proprietor” means an owner of land which is benefited or is capable of being benefited by any irrigation works.

Meeting of proprietors.

3. It shall be lawful for the Commissioner of any district at his own instance or on the application in writing of not less than ten proprietors within any village or group of villages as to him may appear likely to be benefited by any irrigation works, to call a meeting of the proprietors of such village or group of villages (hereinafter called the public meeting) for the purpose of determining whether an irrigation division shall be formed for all or any of the following purposes:—

(a) The construction, improvement, maintenance or repair of any irrigation works lying wholly or in part within the lands of such village or group of villages;

(b) The protection of common waters or watercourses and for the regulation of the use thereof;

(c) The maintenance of the water rights of the proprietors.

Notice of public meeting.

4. The Commissioner shall at least one month before the holding of a public meeting cause a notice to be posted in a conspicuous place in every village likely to be affected by any irrigation works, stating the day and place appointed for holding the meeting and the object thereof, and calling upon all proprietors within such village to attend in person or by proxy appointed in writing, at the meeting.

Proceedings at the public meeting.

5. Every public meeting so convened shall be held in the presence of the Commissioner at the time and place appointed, and at such a meeting the proprietors or the authorized proxies thereof who are present shall decide by majority as provided in section 7 of this Law—

(a) whether an irrigation division shall be formed, and

(b) the purpose or purposes for which such division shall be formed, and

(c) the village or villages which shall be comprised in the irrigation division, and

(d) whether Government aid is necessary.

6. If at any public meeting any question is raised as to the right of any person to vote, the Commissioner may there and then make such inquiry as he may deem requisite, and declare whether the person has the right of voting or not, and the decision so made shall be final, and an entry shall be made in the minutes of the meeting of any such question and of the decision thereon.

Right to vote.

7. All questions or resolutions proposed at any public meeting shall be determined by a majority consisting of two-thirds at least of the persons present and entitled to vote.

Majority required at the meetings.

8. The Commissioner may at his discretion adjourn any public meeting from time to time to a date and place to be publicly declared by him at the meeting or the adjourned meeting and no further notice thereof shall be necessary :

Power to Commissioner to adjourn meetings.

Provided that at any adjourned meeting no object which was not contained in the notice convening the public meeting shall be discussed or considered.

9. The Commissioner shall cause to be entered in the minutes of every public meeting the questions or resolutions proposed thereat, and the number of votes given for and against them, and shall at the close of the meeting sign the minutes, and publicly declare the result of the votes given, and shall cause copies of the minutes certified under his hand to be transmitted to the Colonial Secretary to the Government.

Record of proceedings.

IRRIGATION DIVISION WITHOUT GOVERNMENT AID.

10.—(1) If the proprietors or the authorized proxies thereof decide at a public meeting to form an irrigation division and that no Government aid is necessary therefor, they shall proceed as hereinafter provided to elect a committee of not less than three and not more than five persons from among the proprietors of such village or villages as may be comprised in the irrigation division, to serve upon the committee.

Election of committee.

(2) Every such election shall be by open vote to be taken by the Commissioner, in such manner as to him shall appear convenient, for any proprietor who may be proposed and seconded as a candidate at the meeting at which the election is held.

(3) All proprietors present or the authorized proxies thereof shall be entitled to give one vote for each candidate whom they wish to be elected.

(4) At the conclusion of the voting the Commissioner shall count the votes and the candidates who have received the greatest number of votes shall be declared to be elected as the committee and shall hold office for such period, not exceeding three years, as the committee may by rules prescribe.

(5) In case a person elected as a member of the committee declines to act, the person who received the greatest number of votes next to such candidate shall be appointed by the Commissioner to be a member of the committee in the place of the candidate so declining to act.

(6) In case the number of candidates proposed and elected as members of the committee is not greater than the number of persons required as members of the committee and one or more of them declines to act, the Commissioner shall nominate another proprietor or proprietors to be a member or members of the committee in his or their place.

(7) The Commissioner shall be the chairman of the committee with a right to vote on all questions and in case of equality of votes he shall have a casting vote in addition to his own vote.

Vacancies.

11. If any vacancy occurs in a committee it shall be filled by the election of a proprietor by the remaining members thereof.

General powers of committee.

12. The committee shall have the general supervision and control of the irrigation works and may, subject to the consent of the Commissioner:—

(a) Contract a loan for carrying out any such works ;

(b) Appoint fit and competent persons to carry out any work in connection with the irrigation works within the irrigation division.

Commissioner to prescribe the procedure, etc., at the meetings of the committee.

13. Upon the formation of a committee the Commissioner shall prescribe:—

(a) the procedure to be followed, and

(b) the practice to be observed, and

(c) the number of persons required to form a quorum, at the meetings thereof.

Committee to call for plans and estimates and to prepare lists.

14. The committee as soon as possible after its selection shall, (a) cause plans and estimates of the work to be made by skilled persons, and

(b) prepare a list of the names and residence of the proprietors and of the lands and extent thereof which are to be benefited or are capable of being benefited by the irrigation works,

15.—(1) The list in section 14 of this Law mentioned, when made, shall be signed by the chairman and the committee and shall be posted in a conspicuous place in the village or villages affected thereby.

List to be signed and posted.

(2) Any person who objects to such list or whose rights are affected thereby may at any time within ten days from the date on which the list has been posted as aforesaid lodge his objection in writing with the Commissioner who shall decide upon the same and such decision shall be final and conclusive unless the person making the objection within one week from the notification to him of the decision of the Commissioner applies to the Governor for revision of same.

(3) The decision of the Governor shall be final and conclusive.

(4) After all objections, if any, have been heard and determined such list shall be final and conclusive in respect of all matters therein, and a copy thereof signed by the chairman and the committee shall be kept by the Commissioner.

(5) In any proceeding in which any question may arise as to any of the contents of such list a certificate under the hand of the Commissioner shall be received in all Courts of Law as conclusive evidence of the contents thereof.

(6) The list may be amended from time to time by the committee and the procedure provided in this Law for the making of, and the objections to, the original list shall be observed in all respects for any such amendment.

16.—(1) The committee shall at a meeting convened for the purpose by the Commissioner draw up rules for carrying out the purposes for which the irrigation division has been formed under the provisions of this Law (hereinafter referred to as the Rules).

Rules.

(2) In particular and without prejudice to the generality of the foregoing power the Rules may:—

(a) Fix the period of office of the committee;

(b) Provide for the appointment of a treasurer and of such other officers as may be required and for the remuneration, if any, of such officers and prescribe the duties of such officers;

(c) Assess the rates or charges which shall be levied on and paid by the proprietors mentioned in the list made under the provisions of section 15 of this Law :—

(i.) for the irrigation works or for the maintenance or repairs thereof, and

(ii.) for any costs incurred by the committee in the preparation of the plans, estimates and list under the provision of section 14 of this Law, and

(iii.) for any costs incurred by the committee in instituting or defending any proceedings brought by or against the treasurer of the irrigation division as representing the proprietors thereof :

Provided always that in assessing such rates or charges regard shall be had to the proportion of the benefit derived or which could be derived by any proprietor or land from the irrigation works ;

(d) Provide for the date or dates upon which such rates or charges shall be paid ;

(e) Regulate the use of the water and the proportion in which water conveyed by the works shall be distributed ;

(f) Provide for penalties not exceeding a fine of two pounds to be recovered on summary conviction from any person who infringes any of the provisions of the Rules ;

(g) Prescribe the manner in which the dissolution of the irrigation division may be decided upon, the procedure to be followed therefor and provide for the disposal of any moneys in the hands of the committee or the treasurer at the time of such dissolution.

Rules to be
signed and
posted.
Objection to
Rules.

17.—(1) The Rules when made shall be signed by the chairman and the committee and shall be posted in a conspicuous place in the village or villages affected.

(2) Within one month from the date of the first posting of the Rules any person who objects to any of the Rules may apply to the Governor for the amendment and rectification of the same.

(3) The Governor shall consider such application and his decision thereon shall be final and conclusive.

(4) If as a result of a decision by the Governor it becomes necessary to amend and rectify the Rules the Governor shall forthwith amend and rectify the same in such manner

as he shall think fit and shall make such adjustments in all or any of the Rules as such amendment and rectification may necessitate and which the Governor under the circumstances shall deem right and proper.

18. After all objections, if any, have been considered and determined the Rules shall be published in the *Cyprus Gazette* and thereupon shall be binding and conclusive in respect of all matters therein.

Rules to be published in the *Cyprus Gazette*.

19. The Rules may be amended from time to time by the committee and the procedure provided in this Law for the making of, and the objections to, the original Rules shall be observed in all respects for any such amendment.

Amendment of Rules.

20. If the rates or charges assessed under the Rules are not paid on the date or dates in the Rules provided the amount thereof shall be increased by twenty-five per centum and the original rates or charges together with such increase shall be due and recoverable as hereinafter provided.

Failure to pay rates or charges in time.

21.—(1) Every District Mejlis Idaré shall, on production of a certificate purporting to be under the hand of the Commissioner that any moneys payable under this Law are properly due and unpaid, issue their warrant to any officer authorized to collect revenue commanding him to demand immediate payment of the moneys due and in default of payment to levy the same by the seizure and sale of the movable property of the person by whom the moneys are payable :

Collection of rates and charges.

Provided that the Governor may, in every case when in his judgment the circumstances require it, order the postponement of the issue and, if issued, the execution of the warrant until such time as he may order :

Provided also that every such warrant when issued under such order as aforesaid shall operate in all respects as if it had issued immediately on default of payment.

(2) Every such warrant shall be in the like form, with the necessary modifications, as a warrant issued under the first section of the Tithe and Tax Collection Law, 1882, and may be enforced and the like proceedings may be had thereon as if it were a warrant issued under the said Law.

(3) All moneys received under such warrant shall be paid to the treasurer of the committee.

Money to be deposited in accordance with directions of the Commissioner

22. All moneys in the hands of the treasurer or the committee shall be deposited in such place as the Commissioner may direct.

Name of irrigation division.

23. An irrigation division formed under section 10 of this Law shall bear the name "Irrigation Division of _____" (inserting the name or names of village or villages which are comprised in the irrigation division).

Actions and legal proceedings.

24. All actions or other legal proceedings brought by or against an irrigation division shall be brought by or against the treasurer of such division as representing the proprietors thereof.

IRRIGATION DIVISION WITH GOVERNMENT AID.

Commissioner to make application.

25.—(1) If the proprietors, at a public meeting, decide to form an irrigation division and that Government aid is necessary therefor, the Commissioner shall proceed to make application for such aid, specifying in the application the nature of the proposed work, the approximate cost thereof, and such further particulars as may be necessary to enable the Governor to judge of the expediency of undertaking the work.

(2) Upon receipt of the application the Governor may cause plans and estimates of the work to be made and refer the same to skilled persons for a report on the advisability of undertaking the work, and for an approximate specification of the property which will be benefited by the work, and obtain a list of the proprietors of such property as is likely to be benefited by the work, and the extent of land owned by each. Copies of such plans, estimates, reports and lists shall be deposited in the office of the Commissioner and notices shall be published in the *Cyprus Gazette*, and posted in such villages as shall appear to the Governor to be likely to be affected by the proposed work, declaring that such plans, estimates, reports and lists have been deposited, and calling upon all persons and communities aggrieved by the decision of the meeting or objecting to such reports to make their objection in writing to the Commissioner within two months after the date of the posting of the notices.

(3) After considering the plans and estimates and reports and the objections, if any, of the persons and communities aggrieved, the Governor in Council may, if he shall think fit, authorize the performance of the work.

(4) The authorization shall be given in writing under the hand of the Governor, and notice thereof shall be published in the *Cyprus Gazette* and in such villages as the Governor may direct.

26.—(1) At any time after the giving of the authorization the Governor may appoint a committee consisting of the Commissioner, a Government Engineer and one proprietor to examine the proposed irrigation works and submit a report (hereinafter referred to as the report) as to the property to be, or capable of being, benefited by the works, the proportion of water to be assigned to each proprietor and the cost to be borne by each proprietor.

Power to Governor to appoint committee.

(2) The report shall be published in the *Cyprus Gazette* and thereafter every property benefited or capable of being benefited by the work and the proprietor thereof shall become and be severally bound and liable to repay to the Government in such annual instalments, being not less than five, as the Governor in Council may direct such sums as may be advanced or expended by the Government for the carrying out of the work in the proportions mentioned in the report; and the said sums shall be a first charge upon the property of all proprietors affected by the report and shall take priority over all mortgages or encumbrances whatsoever.

27. Where any person has become liable under a report made in pursuance of the preceding section to repay any proportion of the cost of an irrigation work, and it appears to the Governor that he has become so liable in respect of lands which cannot be benefited by the irrigation work, the Governor may order that so much of the report shall be cancelled as directs him to repay any sum in respect of the land which cannot be benefited as aforesaid.

Exemption from contribution.

Upon any such order the Governor may direct that any contributions which are owing or have been paid in respect of the lands may be written off or refunded, and that the amount so written off or refunded shall be apportioned as may appear just among the other contributors.

28. After the completion of any work as aforesaid the Commissioner shall from time to time cause all necessary repairs to be performed thereon.

Repair of works.

The costs of such repairs shall be defrayed by the proprietors who contributed to the execution of the work and in like proportion; and the amount payable by any

proprietor in respect of the repairs shall be collected in the same way as the sums advanced or expended for the original work.

Supervision
of works.

29. The Mukhtar and Azas of each village shall watch over the conservation of the works executed and report to the Commissioner all damage done to the works; if they knowingly omit to make such report they may be prosecuted by the Commissioner and shall on summary conviction be liable each of them to a fine not exceeding three pounds.

Power to
Governor to
amend
report.

30.—(1) Where it is found desirable for any cause that the report should be amended the Governor may order that it be revised, amended or altered in any one or more of the following particulars:—

(a) By increasing or reducing the number of the proprietors mentioned in the report;

(b) By increasing or reducing the number of donums to be benefited by the irrigation work;

(c) By increasing or reducing the proportion of water assigned to each proprietor, and the proportion of the cost to be borne by each proprietor.

(2) Where it has been found desirable to revise, amend or alter any report as aforesaid, and any new proprietors have been added thereto under the provisions of this section, the Governor may make such order as he may think just with regard to the contribution to the payment of the irrigation works by any such new proprietor.

(3) Nothing in this section shall exempt any proprietor from the payment of any contribution which has before any such revision, amendment or alteration become due and payable.

Works to be
carried out
by persons
appointed by
the Governor

31. Every work the performance of which shall have been authorized under the provisions of section 25 of this Law shall be carried out by such persons as the Governor shall appoint.

Collection of
Government
advances.

32. Any instalment due by a proprietor on any sum advanced or expended by the Government in the execution of the work shall be paid and collected in the same manner and at the same time as the annual payment of *verghi kimat* in respect of the properties benefited or capable of being benefited by the works, until the whole sum advanced or expended by the Government shall have been repaid.

MISCELLANEOUS.

33. Whenever it shall be made to appear to the Governor that land is wanted for the carrying out of any irrigation work under this Law and there is a hindrance to the acquisition thereof, the Governor may declare that the land is needed for public purpose, and may order proceedings for obtaining possession of it and for determining the compensation to be paid to the parties interested, according to any Law in force for the time being for the acquisition of land for public purposes. Compulsory acquisition of land.

34. Any person appointed by the committee or the Governor, respectively, for the purpose of carrying out any work under the provisions of this Law may, by himself, his agents or contractors, after giving notice to the Mukhtar of the village to which the lands belong, enter upon any lands for the purpose of carrying out the work, and do all things necessary for carrying it out, and cut down or remove all such trees, hedges, walls or other things as it may appear to him necessary to cut down or remove for the purpose of carrying out the work. Power to enter upon land.

35.—(1) For all property destroyed or damaged under the provisions of section 34 of this Law, compensation shall be made to the owner thereof by the proprietors. Compensation to be made.

(2) Any person claiming compensation in respect of any such property shall give notice in writing thereof to the Mukhtar of the village in which the property is situate within twenty-eight days of the destruction or damage.

(3) The nature and amount of compensation and the proportion in which each proprietor shall contribute thereto shall be determined by the Mukhtar and Azas of the village in which the property is situate within fourteen days of the date of the receipt by the Mukhtar of the notice in sub-section (2) mentioned.

(4) The decision of the Mukhtar and Azas in each case shall be reduced to writing in duplicate, and each copy thereof shall be signed or sealed by the Mukhtar and Azas. One of the copies shall be forwarded to the Commissioner of the district and the other shall be given to the person claiming compensation. The decision shall be also published in the village in such manner as the Mukhtar and Azas shall think fit.

(5) If the Mukhtar and Azas fail to perform the duties imposed on them by the preceding sub-section, the Commissioner may, on the request of any person affected, appoint two persons (hereinafter referred to as the referees)

to settle the nature and amount of the compensation to be made under the provisions of this section.

(6) The referees shall forthwith proceed to settle the nature and amount of the compensation; and if they cannot agree the matter shall be referred to the Director of Land Registration and Surveys as umpire.

(7) The decision of the referees or of the Director of Land Registration and Surveys, respectively, shall be reduced to writing in duplicate and each copy thereof signed by the referees or the umpire, and one copy thereof shall be forwarded to the Commissioner and the other shall be given to the person claiming compensation. The decision shall be also published in the village in such manner as the Commissioner shall think fit.

(8) Every decision under sub-sections (4) and (6) shall be binding and conclusive on all persons affected thereby but any person affected may, within fourteen days from the date of the decision, apply in writing to the Governor for a revision of same, and the decision of the Governor in that behalf shall be binding and conclusive on all persons affected thereby for all purposes.

Compensation how paid and collected.

36. Every sum assessed as compensation under the provisions of sections 33 and 35 of this Law shall be levied upon, and paid proportionately by, the proprietors in addition to the amounts payable by them under the Rules or the report, as the case may be, and shall be levied and paid as the amounts under the Rules or the report are levied and paid respectively :

Provided that when there are funds at the disposal of the treasurer or the committee sufficient to meet any amount payable as compensation under the provisions of such sections such compensation shall be paid out of such funds.

How compensation to be paid if a person under disability.

37. In case any person entitled to compensation under this Law shall be under disability or absent abroad, any sum to which he may be entitled in respect of the compensation may be paid to his guardian or duly authorized agent, if any (whose receipt shall be a sufficient discharge for it), or in the absence of a guardian into the District Court of the district within which the property in respect of which it is paid is situate, to be disposed of as the Court shall direct for the benefit of the person entitled thereto.

Power to Commissioner to remove.

38. The Commissioner may give order verbally or by notice in writing to any person wrongfully obstructing or encroaching upon any channel, watercourse or work

connected with irrigation forthwith to remove or abate the obstruction or encroachment; and if any such person to whom such order shall have been given shall refuse or neglect to comply with the same within a reasonable time; or if there be any doubt as to who is the proper person to whom the order shall be given, the Commissioner may cause the obstruction or encroachment to be forthwith removed or abated; and for that purpose the Commissioner may where necessary by himself or his agents enter into any garden, enclosure or other premises with such instruments and things as may be necessary, and proceed to do therein or cause to be done all such things as may be necessary for the removal or abatement of the obstruction or encroachment; and the Commissioner shall be entitled to recover the expenses which have been *bona fide* incurred in effecting the removal or abatement from the party on account of whose non-compliance with any such order the expenses are incurred, or from any person who shall be found to be the person to whom the order ought to have been given.

39. Any person wilfully obstructing the Commissioner or any person deputed by him or his agents or contractors or any person appointed to carry out any work under this Law, in the performance of their work under this Law shall on summary conviction be liable for each offence to a fine not exceeding one pound or to imprisonment for any term not exceeding ten days.

Penalty for obstructing the Commissioner.

40. The Commissioner may at any time by writing under his hand depute to any person all or any of the duties, powers and authorities vested in him by the provisions of this Law.

Deputation.

41. Whenever in this Law it is provided that any decision, or other act shall be final and conclusive no appeal shall lie therefrom to the Supreme Court or to any other Court.

No appeal in certain cases.

42.—(1) All penalties imposed in respect of any contravention of the provisions of this Law or any Rules made thereunder with reference to an irrigation division formed without Government aid under the provisions of this Law, shall be paid to the treasurer of the irrigation division concerned.

Disposal of penalties.

(2) All penalties imposed in respect of any contravention of the provisions of this Law with reference to an irrigation division formed with Government aid under the provisions of this Law, shall be deposited with the Commissioner and shall

be passed in the books of the Commissioner to the credit of the village or villages in which the irrigation division operates, and shall be dealt with in the same manner as money received by the Commissioner and deposited under the Village Roads Law, 1900.

Exemption.

43. The provisions of this Law shall not be applied to any water which is by registered title or *ab antiquo* possession the property of any person, corporation or village, without the consent of such person, corporation or the majority of the proprietors in such village.

Repeal and saving.

44. The Irrigation and Water Law, 1887, is hereby repealed :

Provided that :—

(a) All committees elected or appointed under the provisions of the Law hereby repealed shall be deemed to be committees formed or appointed under the provisions of this Law ;

(b) All works undertaken or constructed under the provisions of the Law hereby repealed shall be deemed to have been undertaken or constructed under the provisions of this Law ;

(c) All Rules or reports made under the provisions of the Law hereby repealed shall be valid and shall be deemed to have been made under the provisions of this Law ;

(d) All loans or advances made or expenses or liabilities incurred in connection with any works undertaken or constructed under the provisions of the Law hereby repealed shall be valid and effective and all sums or instalments due and payable thereunder shall be paid and collected as if this Law had not been passed.

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