

No. 49 OF 1932 (AS AMENDED BY LAW 61 OF 1932).

A LAW CONFERRING CERTAIN POWERS FOR THE PURPOSE OF RELIEVING A WATER SHORTAGE AT NICOSIA AND FOR THE PREVENTION FROM CONTAMINATION OF DRINKING WATER SUPPLY. A.D. 1932.
49 of 1932.

H. HENNIKER-HEATON,] [3rd October, 1932.
Officer Administering the Government.

BE it enacted:—

1. This Law may be cited as the Nicosia Water Supply (Special Powers) Law, 1932. Short title.

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

“Building” includes any structure of whatsoever materials constructed.

“Land” includes building-sites, gardens and yards.

“Nicosia Town” means that part of Nicosia comprised within the old walls or ramparts.

“Nicosia Water Supplies” means all water (whether brought to or running on the surface or not) and all sources, springs, streams or wells bearing or conveying water, whether the subject of private rights or otherwise, found or to be found in Nicosia Town or within a radius of five miles therefrom.

3. There shall be a board (in this Law called “the Board”) constituted as follows:— Establishment of Board.

- (a) The Commissioner of Nicosia, as Chairman,
- (b) The Director of the Public Works Department,
- (c) The Mayor of Nicosia,
- (d) One Councillor appointed by the Municipal Corporation of Nicosia,

Power to
Governor to
authorize
the Board
to take,
manage and
control water
supplies.

4. The Governor may by Order in Council to be published in the *Cyprus Gazette* authorize the Board to take, manage and control for a period not exceeding twelve months from the date of such Order the Nicosia Water Supplies or such part thereof as may be specified in the Order for the purpose of utilizing such supplies or part thereof or for the purpose of causing such supplies or part thereof to be utilized for the benefit of the inhabitants of Nicosia :

Provided that where such supplies or part thereof are the subject of private rights, the Board shall ensure that there shall be available from such supplies or part thereof such quantity of water as may in the opinion of the Board be sufficient for the reasonable daily domestic needs of the persons having such rights, free of any charge under this Law :

And provided further that such persons shall be at liberty to utilize the quantity of water so ensured as aforesaid for any purpose whatsoever.

Certain
powers to
Board.

5. From and after the date of the publication in the *Cyprus Gazette* of an Order made under section 4* of this Law—

(a) The Nicosia Water Supplies or such part thereof as may be specified in such Order shall pass under the absolute management and control of the Board ; and

(b) The Board may at any time—

(i) Authorize any person to enter at all reasonable times, with or without any vehicle or animal, upon any land for the purpose of taking water from the Nicosia Water Supplies or such part thereof as may be specified in the Order, and

(ii) Open or break up any drain, road, sewer, square, street, or tunnel :

Provided that the Board shall restore to its former state with all convenient speed every drain, road, sewer, square, street or tunnel so opened or broken up ; and

(c) The Board shall forthwith be entitled to enter at all reasonable times upon the land of any person for the purpose of doing any act or executing any works thereon or therein as may be necessary to give effect to such Order.

* Substituted by Law 61 of 1932.

6.—(1) If the Board shall, while exercising the powers conferred on them by section 5 (c) * of this Law, cause any direct loss or damage to the land in or upon which any act is done or any works are executed in pursuance thereof, the Board may at its discretion pay to the owner of such land compensation for the loss or damage so caused and may fix the amount of such compensation.

Board may pay compensation.

(2) Any owner of land who considers himself aggrieved by any refusal of the Board to pay him compensation under this section or by the amount of compensation fixed by the Board, may appeal in writing to the Governor in Council whose decision on every such appeal shall be final and conclusive.

7. The Board may, under the authority of an Order made by the Governor in Council and subject to such terms and conditions as may be prescribed therein, borrow money for carrying out any of the purposes of this Law.

Borrowing powers to Board.

8. Any member of the Police not below the rank of Sergeant, authorized in writing by the Board, shall have free access to and may enter in or upon any building or land for the purpose of ascertaining whether the provisions of this Law or any regulations made thereunder are being complied with.

Free access to buildings or land for certain purposes.

9. No claim shall be made and no action or other civil proceeding shall be instituted in or entertained by any Court in Cyprus against the Board or any person duly authorized by the Board in respect of—

Bar of claims and actions.

(a) Any water or the value thereof or damages therefor or otherwise taken, managed or controlled by the Board under the provisions of this Law or any regulations made thereunder ; or

(b) Any act done or works executed by the Board or such person in pursuance of the provisions of this Law or any Order or regulations made thereunder.

10.—(1) Notwithstanding anything in the Municipal Corporations Laws, 1930 and 1932 contained, the Municipal Corporation of Nicosia shall, at the request of the Governor, pay into the Nicosia Water Supply Fund such moneys as may be required to enable the Board to carry out the provisions of this Law or of any Order in Council made thereunder :

Payments by the Municipality of Nicosia into the Nicosia Water Supply Fund.

Provided that no moneys so paid shall be applied or used by the Board for any capital expenditure upon the Nicosia Water Supplies or any part thereof.

* Substituted by Law 61 of 1932.

(2) In this section, "capital expenditure" shall mean any expenditure for the permanent improvement of a water supply or for an improvement which will continue to benefit such supply after the expiration of the control and management by the Board of such water supply.

Establishment of Fund.

11.—(1) The Board shall establish a Fund to be called the Nicosia Water Supply Fund into which all payments made by the Municipal Corporation of Nicosia and all charges levied and taken by the Board pursuant to regulations made under this Law and all other moneys received by the Board shall be paid.

(2) Any moneys in the Nicosia Water Supply Fund shall be applied by the Board in the following priority:—

(a) For the repayment of any loan contracted by the Board under section 7.

(b) For the payment of compensation under section 6 or of any expenses incurred in connection with this Law.

(c) For the repayment of any moneys received from the Municipal Corporation of Nicosia under section 10.

Board to make Regulations.

12.—(1) It shall be the duty of the Board to make regulations for all or any of the following matters:—

(a) The administration of the Nicosia Water Supply Fund and the manner of keeping, closing and auditing its accounts.

(b) The fixing of—

(i) The percentage of any water the subject of private rights which may be taken, managed and controlled by the Board; and

(ii) The quantity of water to be supplied free of charge to any person or class of persons.

(c) The mode of managing and controlling the Nicosia Water Supply or any part thereof.

(d) The prevention of misuse, pollution or waste of the Nicosia Water Supplies or any part thereof.

(e) The scale of charges to be levied on and taken from any person for the use of water.

(f) The use of water for drinking and other domestic purposes.

When Regulations valid and effective.

(2) Regulations made under this section shall not be valid and effective until they are approved by the Governor and published in the *Cyprus Gazette*.

13. If at any time it is shown to the satisfaction of the Governor that by reason of any quarrying or for any other reason whatsoever such Nicosia Water Supplies or any part thereof as may be used for drinking purposes are or are likely to be contaminated or otherwise affected, the Governor may by Order published in the *Cyprus Gazette* order that such quarry be closed or that such works be executed as will prevent contamination of such water supply, by or at the expense of the person who is responsible for any contamination or a probable contamination of such water supply.

Power to Governor to order the closing of a quarry, etc.

14. Every person who—

(a) Prevents or obstructs the Board or any person duly authorized by the Board from doing any act or exercising any power imposed or conferred on the Board or such person by this Law or any Order or regulations made thereunder, or

Offences and penalties.

(b) Acts in contravention of any of the provisions of this Law or any Order or regulations made thereunder, shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding five pounds, and in case of a continuing offence to a further fine not exceeding one pound for each day during which the offence continues.

This Law was published in the Cyprus Gazette No. 2243 of the 3rd October 1932.

Repealed by Law 12 of 1946

No. 50 OF 1932.

A LAW FURTHER TO AMEND THE CONSTRUCTION OF BUILDINGS, STREETS AND WELLS ON ARAZI MIRIE LAW, 1927.

A.D. 1932.
50 of 1932.

H. HENNIKER-HEATON,] [8th October, 1932.
Officer Administering the Government.

1. This Law may be cited as the Construction of Buildings, Streets and Wells on Arazi Mirié (Amendment, No. 2) Law, 1932, and shall be read as one with the Construction of Buildings, Streets and Wells on Arazi Mirié Law, 1927, (hereinafter called "the Principal Law") and the Construction of Buildings, Streets and Wells on Arazi Mirié (Amendment) Law, 1932.

Short title.

2. Section 3 (a) of the Principal Law is hereby amended by the addition immediately after the words "the Director of Public Works" of the following words:—
"the Director of Health,".

Amendment of section 3 (a) of the Principal Law.

This Law was published in the Cyprus Gazette No. 2245 of the 13th October, 1932.