

2. Whenever any fee is payable to, or is levied or received by, any Mukhtar or Aza under any law in force for the time being, such fee may be increased, decreased or cancelled by an order of the Governor in Council to be published in the *Gazette*.

Fees to be increased, decreased or cancelled by Order in Council.

3. During the continuance in force of an Order in Council made under the provisions of section 2 of this Law, the fees set out therein shall be payable to, and shall be levied or received by, Mukhtars and Azas in lieu of the fees set out in the law affected by such order.

Fees in the Order in Council to be payable, etc., to Mukhtars and Azas.

H. G. RICHARDS,
Acting Colonial Secretary.

16th March, 1943.

No. 4 OF 1943.

A LAW TO AMEND THE AGRICULTURAL DEBTORS RELIEF LAWS, 1940 AND 1942.

J. V. W. SHAW,]

[17th March, 1943.

Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering the Government and Commander-in-Chief of the Colony of Cyprus as follows :—

1. This Law may be cited as the Agricultural Debtors Relief (Amendment) Law, 1943, and shall be read as one with the Agricultural Debtors Relief Laws, 1940 and 1942, (hereinafter referred to as “ the principal Law ”), and the principal Law and this Law may together be cited as the Agricultural Debtors Relief Laws, 1940 to 1943.

Short title.
12 of 1940
12 of 1942

Repeal of paragraph (d) of section 2 of the principal Law and substitution of new paragraph.

2. Paragraph (d) of section 2 of the principal Law is hereby repealed and the following paragraph substituted therefor :—

“(d) any amount an action for the recovery of which is barred by lapse of time under the provisions of any law in force for the time being, except where such amount can be recovered by proceedings taken or which may be taken under the provisions of the Sale of Mortgaged Property Law, 1890 ;”.

13 of 1890

Amendment of section 8 of the principal Law.

3. Section 8 of the principal Law is hereby amended as follows :—

(a) by the insertion immediately after sub-section (1) thereof of the following sub-section :—

“(2) Where an instrument in writing has been issued or made by the Chairman under the first proviso to sub-section (1) of this section, the Chairman may, in the manner therein set out, vary such instrument or substitute another therefor :

Provided that every variation or substitution made under this sub-section shall be without prejudice to anything done or left undone under the previous instrument.” ;

(b) by the re-numbering of sub-section (2) as sub-section (3).

Amendment of section 10 of the principal Law.

4. Section 10 of the principal Law is hereby amended as follows :—

(a) by the deletion from paragraph (d) of the proviso to sub-section (2) thereof of the words from “save where”, which appear in line 9, to the end of the paragraph and the substitution therefor of the words “save where execution for any such debt can be levied upon any immovable or movable property of the surety which is not made security under the award for the amounts payable thereunder or where the award has ceased to subsist under section 28 (4) of this Law.” ;

(b) by the addition thereto of the following sub-section :—

“(3) Where any person has failed to join with any other person in making an application as required by sub-section (1) of this section and it is proved to the satisfaction of the Board that such failure is due to absence from

the Colony or minority or unsoundness of mind or any other disability and that such person has no duly appointed representative, or guardian in the Colony, the Board may, notwithstanding such failure, determine the liability of such person in respect of any joint debt to which such application relates and may settle such joint debt, and for any of the purposes aforesaid the Board may make such amendments to the application as the Board may think fit.”

5. The principal Law is hereby amended by the insertion immediately after section 12 thereof of the following sections :—

Insertion of new sections 12A, 12B and 12C in the principal Law.

“Application may be withdrawn with leave of the Board.

12A. No debtor shall withdraw an application made under section 9 of this Law except with the leave of the Board and subject to such terms and conditions as the Board may think fit to impose.

Application not to abate by reason of death or bankruptcy.

12B.—(1) An application made under section 9 of this Law shall not abate by reason of the death of the debtor or of the death or bankruptcy of any creditor.

(2) Where by reason of death, bankruptcy or other event occurring after the date of an application made under section 9 of this Law, the interest or liability of the debtor or any creditor devolves upon any other person, the Board may direct the continuance of the application between such persons and in such capacities as may seem necessary, and for any of the purposes aforesaid the Board may make such amendments to the application as the Board may think fit.

General power of Board to amend application.

12C. The Board may at any time amend any defect, error or misdescription in any application made under section 9 of this Law, and all necessary amendments shall be made for the purpose of enabling the Board to determine and settle all debts which can be determined and settled under the provisions of this Law.”

6. Section 19 of the principal Law is hereby amended by the insertion therein immediately after sub-section (2) of the following sub-section :—

Insertion of new sub-section (3) in section 19 of the principal Law.

“(3) An application under section 9 of this Law shall also be dismissed by the Board in any of the following cases, that is to say,—

- (a) when the application is withdrawn by the applicant with the leave of the Board ; or
- (b) where the applicant satisfies the Board that he has settled all his debts.”

Repeal of section 24 of the principal Law and substitution of new section.

7. Section 24 of the principal Law is hereby repealed and the following section substituted therefor :—

“ Awards.

24.—(1) An award shall be in the prescribed form and shall contain the following particulars and such other particulars as may be prescribed :—

- (a) a list of the movable properties of the debtor on which any attachment, lien or charge subsists on the date on which the award is made, with particulars of such attachment, lien or charge ;
- (b) the names of the towns, villages or quarters within the boundaries of which all the immovable properties belonging to the debtor on the date on which the award is made are situated ;
- (c) an order that—
 - (i) all the immovable properties belonging to the debtor on the date on which the award is made and situated within the boundaries of the towns, villages or quarters named in the award, and
 - (ii) all the movable properties of the debtor mentioned in the list referred to in paragraph (a) of this sub-section, except such immovable and movable properties as may be exempted by the Court under the provisions of section 27 (3) of this Law, shall, subject to any mortgage, attachment, lien or charge subsisting thereon on the date on which the award is made, be security for the amounts payable under the award ;
- (d) an order that—
 - (i) where any immovable property belonging to the debtor in respect of which a mortgage subsists in favour of the Agricultural Bank of Cyprus Limited or of any Co-operative Society, as the case may be, has been sold after the date on which the award is made at the instance of the mortgagee, and

(ii) where after satisfying the loan in respect of which such immovable property has been sold, there remains any surplus of the proceeds of such sale, such surplus shall be paid into the Court in which the award was lodged and shall be utilized by the Court in payment or part-payment, as the case may be, of any amount due and remaining unpaid under the award.

(2) At a place and time of which notice shall be given to the debtor and his creditors in the prescribed manner the award shall be explained to the debtor and the creditors present and shall, upon payment of the prescribed fee, be signed by at least two members of the Board :

Provided that the award may be explained to the debtor and his creditors present at the sitting of the Board at which all the debts have been determined and settled :

Provided further that the validity of the award shall not be affected by the absence of the debtor or any of his creditors.

(3) From the date of the signing of the award under sub-section (2) of this section it shall, in supersession of all previous judgments or orders of a Court of Law in respect of the debts mentioned in it, be binding on the debtor and his creditors and on the successors in interest of such debtor and creditors."

8. Section 26 of the principal Law is hereby amended as follows :—

Amendment
of section 26
of the
principal
Law.

- (a) by the deletion from paragraph (b) of sub-section (3) thereof of the words "mentioned in the award", which appear in line 4, and the substitution therefor of the words "which is security for the amounts payable under the award";
- (b) by the deletion from sub-section (4) thereof of the words "mentioned in the award as security for the amounts payable under the award to the extent specified therein", which appear in lines 4 and 5, and the substitution therefor of the words "which are security for the amounts payable under the award".

Amendment
of section 27
of the
principal
Law.

9. Section 27 of the principal Law is hereby amended as follows :—

- (a) by the insertion in sub-section (1) thereof immediately after the words “ amounts payable under the award ”, which appear in lines 12 and 13, of the words “, after deducting therefrom unaccrued interest,”;
- (b) by the deletion from sub-section (2) thereof of the words “ mentioned in the award ”, which appear in line 5, and the substitution therefor of the words “ which are security for the amounts payable under the award ”;
- (c) by the deletion from paragraph (c) of sub-section (3) thereof of the words “ as shown in the special list included in the award under section 24 (1) (c) ”, which appear in lines 4, 5 and 6;
- (d) by the deletion from paragraph (b) of sub-section (4) thereof of the words “ is shown as subsisting in the lists included in the award under section 24 (1) (a) and section 24 (1) (b) ”, which appear in lines 3, 4 and 5, and the substitution therefor of the words “ (other than a mortgage, attachment, lien or charge in favour of the Agricultural Bank of Cyprus Limited or of any Co-operative Society, as the case may be) subsisted on the date on which the award was made ”;
- (e) by the deletion from paragraph (c) of sub-section (4) thereof of the words “ is shown as subsisting in the special list included in the award under section 24 (1) (c) ”, which appear in lines 3 and 4, and the substitution therefor of the words “ in favour of the Agricultural Bank of Cyprus Limited or of any Co-operative Society, as the case may be, subsisted on the date on which the award was made ”.

Amendment
of section 28
of the
principal
Law.

10. Section 28 of the principal Law is hereby amended as follows :—

- (a) by the deletion from paragraph (a) of sub-section (2) thereof of the words “ or under a judgment or order of a Court of Law ” which appear in lines 6 and 7;

(b) by the deletion from paragraph (c) of sub-section (2) thereof of the words “ and any amount payable on account of an unsecured debt for the recovery of which a judgment or order has been passed by a Court of Law, and of which details are given in the award under section 24 (1) (d),”, which appear in lines 8, 9, 10 and 11 ;

(c) by the deletion from sub-section (4) thereof of the words “ mentioned in the special list included in the award under section 24 (1) (c) ”, which appear in lines 3 and 4, and the substitution therefor of the words “ which are subject to a mortgage in favour of the Agricultural Bank of Cyprus Limited or of any Co-operative Society, as the case may be ”.

11. Sub-section (2) of section 30 of the principal Law is hereby amended by the deletion therefrom of the words “ either jointly or ”, which appear in line 3.

Amendment
of section
30 (2) of
the principal
Law.

12. Section 32 of the principal Law is hereby amended as follows :—

Amendment
of section 32
of the
principal
Law.

(a) by the deletion therefrom of the word “ Notwithstanding ”, which appears in line 1, and the substitution therefor of the words “ Subject to the provisions of section 28 (4) but notwithstanding ” ;

(b) by the deletion of paragraph (a) thereof and the substitution therefor of the following paragraph :—

“ (a) for the recovery of a debt included in an application under section 9 of this Law or in a statement under section 15 (1) of this Law, until the application has been dismissed by the Board in respect of such debt ; or ” ;

(c) by the deletion from paragraph (b) thereof of the words “ not included in the lists mentioned in section 24 (1) (a), (b) and (c) ”, which appear in lines 8 and 9, and the substitution therefor of the words “ which is not security for the amounts payable under the award ”.

Date of
commence-
ment and
saving.

13. This Law shall be deemed to have come into operation on the 1st day of June, 1940 :

Provided that nothing in this Law contained shall affect—

- (a) the validity of any act done by the Board under the provisions of the principal Law before the date of the enactment of this Law ;
- (b) the validity of any judgment or order of any Court of Law delivered or made before the date of the enactment of this Law.

R. G. RICHARDS,

17th March, 1943.

Acting Colonial Secretary.