



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3106 OF 30TH MARCH, 1944.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 12 OF 1944.

A LAW TO AMEND THE LAW RELATING TO THE ACQUISITION
OF LAND AND OTHER IMMOVABLE PROPERTY FOR
PUBLIC PURPOSES.

C. C. WOOLLEY,
Governor.

[*23rd March, 1944.*]

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

1. This Law may be cited as the Land Acquisition (Amendment) Law, 1944, and shall be read as one with the Land Acquisition Laws, 1899 to 1936, (hereinafter referred to as the "principal Law") and the principal Law and this Law may together be cited as the Land Acquisition Laws, 1899 to 1944.

Short title.

6 of 1899
2 of 1928
29 of 1936.

Insertion of
new section
3A in the
principal
Law.

2. The principal Law is hereby amended by the insertion therein immediately after section 3 of the following section :—

“Preliminary
investiga-
tion.

3A.—(1) Whenever any land is needed for any undertaking of public utility it shall be lawful for the Governor and his servants and workmen to do all or any of the following things :—

- (a) to enter upon and survey and take levels of any such land ;
- (b) to dig or bore into the subsoil ;
- (c) to do all other acts necessary to ascertain whether the land is suitable for such purpose and the value of the land and of the buildings, trees and crops thereon ;
- (d) to clear the land proposed to be acquired and to set out and mark the boundaries of such land and the work, if any, proposed to be made thereon :

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice of his intention to do so.

(2) As soon as conveniently may be after any entry made under sub-section (1) the Governor shall pay for all damage done, and in case of dispute as to the amount to be paid either the Governor or the person claiming compensation may refer such dispute to the Court whose decision shall be final.”

Repeal of
section 5 of
the principal
Law and sub-
stitution of
new section.

3. Section 5 of the principal Law is hereby repealed and the following section substituted therefor :—

“ Notice
to persons
interested.

5.—(1) The Commissioner before submitting the recommendations and plans or particulars to the consideration of the Governor shall cause a public notice in the form set out in the Schedule hereto to be published in the *Gazette* and also to be posted at convenient places on or near the land to be acquired :

Provided that the period set out in such schedule may, with the approval of the Governor be abridged to ten days.

(2) At the expiration of the period set out in the notice the Commissioner shall forward to the

Governor the recommendations and plans or particulars, together with the objections made, if any."

4. The principal Law is hereby amended by the insertion therein immediately after section 9 of the following section :—

Insertion of new section 9A in the principal Law.

" Rules for assessment of compensation.

9A. In estimating the compensation to be awarded for any land, the arbitrators or the Court, as the case may be, (hereinafter in this section referred to as "the Assessing Authority") shall, subject to the provisions of section 14 of this Law, act in accordance with the following rules :—

(a) no allowance shall be made on account of the acquisition being compulsory ;

(b) the value of the land shall, subject as hereinafter provided, be taken to be the amount which the land, if sold in the open market by a willing seller, might be expected to realize :

Provided that the Assessing Authority in estimating such compensation shall assess the same according to what it shall find to have been the value of such land at the time when the notice under section 5 of this Law is published and without regard to any improvements or works made or constructed thereafter or to be made or constructed thereafter on the said land :

Provided further that where His Majesty's Naval, Military or Air Force Authorities or any Department has been in possession of the land, by virtue of a title less than absolute ownership, compensation shall be estimated without regard to any increase in value on account of works constructed on the said land by the said Authorities or any of them or by any Department :

Provided further that the Assessing Authority, in estimating such compensation, shall give consideration to all returns and assessments of capital or rental value for taxation made by or acquiesced in by the claimant ;

(c) the special suitability or adaptability of the land for any purpose shall not be taken into account if it is a purpose to which it could be applied only in pursuance of powers derived from legislation or for which there is no

market apart from the special needs of a particular purchaser or the requirements of the Governor ;

- (d) where the land is and but for the compulsory acquisition would continue to be devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the Assessing Authority is satisfied that re-instatement in some other place is *bona fide* intended, be assessed on the basis of the reasonable cost of such equivalent re-instatement ;
- (e) where part only of the land belonging to any person is acquired under this Law the Assessing Authority shall take into consideration any enhancement of the value of the residue of the land by reason of the proximity of any improvements or works made or constructed or to be made or constructed by the Governor ;
- (f) the Assessing Authority shall also have regard to the damage, if any, to be sustained by the owner by reason of the severance of the land acquired for public purposes from other land belonging to such owner or other injurious effect on such other land by the exercise of the powers conferred by this Law.”

Repeal of section 14 of the principal Law and substitution of new section.

5. Section 14 of the principal Law is hereby repealed and the following section substituted therefor :—

“Betterment charge where land taken for making or widening roads.

14.—(1) Where, by the acquisition of any land under this Law for the purpose of making a new road or of widening an existing road or part of it, any land is increased in value, the Governor shall, if he makes a claim for that purpose within one year of the execution of the work, be entitled to recover from any person whose property is so increased in value a contribution towards the cost of the work, not exceeding one fourth of the amount of that increase :

Provided that, where a contribution is imposed under this section, compensation shall

be paid for any land so taken ; and the amount of compensation may be set off against the contribution due under this section.

(2) Any question whether any land is increased in value within the meaning of this section and as to the amount of such increase shall, in default of agreement, be determined by the Court.

(3) In default of agreement, the contribution due from the owner towards the cost of the work shall be payable in not less than four equal annual instalments and shall be recoverable as a civil debt by the Governor from the owner of the land for the time being."

6. The principal Law is hereby amended by the insertion therein at the end thereof of the following Schedule :—

Insertion of
Schedule in
the principal
Law.

" SCHEDULE.

(Section 5.)

LAND ACQUISITION LAWS, 1899 TO 1944.

Notice is hereby given that the following lands (describe lands, giving measurements and showing boundaries whenever practicable) are required by the Governor for an undertaking of public utility.

Any person claiming to have any right or interest in the said lands is required within six weeks from the date of this notice to send to me a statement of his right and interest and of the evidence thereof, and of any claim made by him in respect of such right or interest.

The Governor is willing to treat for the acquisition of the said lands.

A plan showing the land described above is available for inspection at.....

The day of

.....
Commissioner of....."

H. M. Foot,

Colonial Secretary.

23rd March, 1944.