



SUPPLEMENT No. 2
TO
THE CYPRUS GAZETTE No. 3502 OF 9TH JUNE, 1950.
LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 12 OF 1950.

A LAW TO MAKE PROVISION FOR THE ESTABLISHMENT AND
ADMINISTRATION OF IMPROVEMENT AREAS.

A. B. WRIGHT,]
Governor.

[*2nd June, 1950.*

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 Villages (Administration Short title.
and Improvement) Law, 1950.

PART I.
PRELIMINARY.

Interpreta-
tion.

2. In this Law, unless the context otherwise requires—

“ Board ” means a board established under the provisions of section 6 ;

“ Commissioner ” means the Commissioner of the district in which the improvement area is situated ;

“ District Medical Officer ” means the person who is for the time being lawfully discharging the duties of the Government District Medical Officer of the district in which the improvement area is situated and includes his duly authorized representative ;

“ Divisional Engineer ” means the person who is for the time being lawfully discharging the duties of the Government Divisional Engineer of the district in which the improvement area is situated and includes his duly authorized representative ;

“ group ” means two or more villages or areas grouped for the purposes of this Law, such grouping to be made by the Commissioner by notice published in the *Gazette* ;

“ immovable property ” includes—

(a) land ;

(b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure ;

(c) trees, vines and any other thing whatsoever planted or growing upon any land and any produce thereof before severance ;

(d) springs, wells, boreholes, water and water rights whether held together with, or independently of, any land ;

(e) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure ;

(f) an undivided share in any property hereinbefore set out ;

“ improvement area ” means any village, area or group deemed to have been declared or declared to be an improvement area under the provisions of this Law ;

“ mukhtar ” means the mukhtar of the village constituting the improvement area and includes a mukhtar or mukhtars nominated by the Commissioner under the provisions of section 5 ;

“ proprietor ” means any person of not less than twenty-one years of age who owns any immovable property within the improvement area and includes any person of the like age who occupies any immovable property within such area under a written lease or under a written hire-purchase agreement ;

“ street ” includes any square, road, bridle-path, pathway, blind-alley, passage, footway, pavement or public place situated in an improvement area.

PART II.

IMPROVEMENT AREAS AND BOARDS.

Constitution of Improvement Areas and Boards.

3. Every village or area in the Colony which at the date of the commencement of this Law has been declared to be a summer resort or a carob shipping place under the provisions of any of the Laws repealed by this Law shall be deemed to have been declared to be an improvement area under the provisions of this Law and shall be an improvement area for the purposes of this Law.

Application of Law to existing summer resorts and carob shipping places.

4. The Governor may, by order to be published in the *Gazette*, declare—

Power to Governor to declare any village or area to be an improvement area.

(a) any village or any defined area in the Colony to be an improvement area and thereupon such village or area shall be an improvement area for the purposes of this Law ;

(b) any area in the Colony, as shall be defined in the order, to be added to any improvement area and thereupon such additional area shall form part of such improvement area for the purposes of this Law.

5. Where in a village there is more than one mukhtar of the same community or where villages are grouped under the provisions of this Law, the Commissioner shall, for the purposes of this Law, nominate a mukhtar, from amongst the mukhtars of such village or group as a member of the Board in respect of such village or group :

Power to Commissioner to nominate mukhtar or mukhtars for Boards in improvement areas.

Provided that, where in any village or group there are Greek and Turkish mukhtars, the Commissioner shall nominate one Greek and one Turkish mukhtar in respect of such village or group.

6.—(1) There shall be established in every village or group deemed to have been declared or declared to be an improvement area a Board consisting of the Commissioner, as Chairman, the District Medical Officer, the Divisional Engineer and the mukhtar or mukhtars as *ex officio* members

Constitution of Boards in villages or groups.

and of three properly qualified persons elected or nominated in accordance with the provisions of sections 11 to 15 both inclusive (hereinafter in this Law called "the elected members"):

Provided that, where there is a Greek and a Turkish mukhtar on the Board, the number of the elected members shall include such number of Greeks and Turks as the Commissioner may direct.

(2) The Governor may increase at any time the number of the elected members.

(3) Every elected member shall hold office for a period of four years from the date of his election but may resign his membership upon giving notice in writing to the Chairman of the Board.

(4) If any elected member shall wilfully and unjustifiably fail to attend at three consecutive meetings of the Board, he shall thereupon become disqualified to sit as a member of the Board and the Chairman thereof shall declare his place upon such Board to be vacated:

Provided that any member aggrieved by any such decision of the Chairman of the Board may appeal to the Governor whose decision shall be final and conclusive.

(5) If, for any reason, an elected member shall cease to hold office, the Board shall elect another properly qualified proprietor, to be a member thereof in his place for the duration of the unexpired period of such office.

(6) No act or proceeding of the Board shall be deemed to be invalid by reason only of any vacancy in the Board.

Constitution
of Boards
in defined
areas.

7.—(1) For any defined area in the Colony declared to be an improvement area, there shall be established a Board consisting of the Commissioner, as Chairman, the District Medical Officer, the Divisional Engineer, and such number of properly qualified persons not exceeding three at any one time to be appointed by the Governor.

(2) Every member of the Board of any such area appointed by the Governor shall hold office for a period of four years from the date of his appointment, unless the Governor terminates at any time his appointment and appoints another properly qualified person to be member in his place for the duration of the unexpired period of his office.

Meetings of
Boards.

8.—(1) The Chairman of the Board may, whenever he thinks fit, and shall on a requisition in writing by not less than two members thereof, convene a meeting of the Board:

Provided that the meeting in case of requisition shall be held not later than fourteen days from the date of the receipt of such requisition and on a prior seven days notice.

(2) The meetings of the Board shall be held at such time and place as the Chairman may from time to time appoint.

(3) Save as in this Law otherwise provided, no business shall be transacted at any meeting of the Board unless three members, at least, are present. If, on the second successive summons, three members are not present at the time and place appointed for the meeting, the Board may proceed with business if two members only are present.

(4) If, when any meeting is held, the Chairman is absent from the meeting, the members present shall elect one of their members to preside at the meeting.

(5) All questions coming before the Board at any meeting shall be decided by a majority of the members present and, in case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

9. Minutes of the proceedings of every meeting of the Board shall be drawn up correctly and entered in a book kept for that purpose and shall be signed by the Chairman, and when so signed, shall be received in evidence in all proceedings without further proof. Minutes of the Board.

10. It shall be the duty of the Chairman to see that all and every decision of the Board is duly executed and, where such decision necessitates the expenditure of funds, to see that such expenditure is in accordance with the approved estimates. Executing decisions of Boards.

Election of Members of Boards.

11. For the purpose of electing the elected members of a Board, the Commissioner shall, subject to the provisions of section 12, call a public meeting of the proprietors as hereinafter provided: Power to Commissioner to call public meetings.

Provided that every such public meeting, other than the first, shall be held at such time as to enable the members elected thereat to assume office on the expiration of the term of the elected members then holding office.

12.—(1) The Commissioner, before calling a public meeting, shall request the mukhtar in writing to prepare a list of the proprietors and such mukhtar shall thereupon prepare, sign and seal such list in duplicate and shall forward it to the Commissioner within thirty days from the day on which he was requested so to do: List of proprietors.

Provided that, where in an improvement area there is a Greek and a Turkish mukhtar, the Turkish mukhtar shall prepare the list of the Turkish proprietors and the Greek mukhtar the list of all other proprietors :

Provided further that if, for any reason, no such list is prepared by any mukhtar within the aforementioned period, the Commissioner shall prepare or cause to be prepared the list.

(2) The Commissioner shall cause a copy of such list to be posted in a conspicuous place within the improvement area, the person posting the same inserting therein the date of the posting, and any person desiring to make any objection to the list shall apply within ten days of its posting to the Commissioner stating the grounds of his objection.

(3) The Commissioner, after considering the objections, if any, may cause such alterations or additions to be made to the list as he shall deem necessary, and thereupon such list shall be considered as the final list of the proprietors of the village improvement area for the purposes of the proposed public meeting ; and the Commissioner shall give written notice to every person whose name has been either added to or deleted from the list.

Public
meeting of
proprietors.

13.—(1) Upon the completion of the final list of proprietors as in section 12 provided, the Commissioner shall call a public meeting of such proprietors by causing a written notice to be posted in a conspicuous place in the improvement area not less than fifteen days before the meeting, stating the day, time, place and object of the meeting and calling upon such proprietors to attend thereat either in person or by proxy appointed by an instrument certified by a mukhtar.

(2) The Commissioner shall preside at such public meeting and, if any question is raised as to the right of a person to attend and vote thereat, the Commissioner may, there and then, make such enquiry as he may deem requisite and declare whether such person has a right to attend and vote 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.

(3) The Commissioner shall keep, or cause to be kept, minutes of the proceedings of every public meeting.

(4) The Commissioner may adjourn any public meeting from time to time to a day and place to be publicly declared by him at the meeting, and no further notice thereof shall be necessary.

14.—(1) The proprietors or the authorized proxies thereof shall proceed at any such public meeting to elect, as hereinafter provided, the requisite number of elected members from among the proprietors qualified to be elected. Every candidate for such election shall be proposed and seconded in such manner as the Commissioner may direct.

Election of
members of
Board.

(2) The election of a proprietor who has been proposed and seconded as a candidate at the meeting at which the election is held, shall be by such mode of voting as the Commissioner shall determine at the meeting.

(3) Every proprietor present shall be entitled to give one vote for each candidate and every authorized proxy shall be similarly entitled to give one vote in respect of every proprietor from whom he holds authority.

(4) At the conclusion of the voting, the Commissioner shall count the votes and shall declare as first elected member the candidate to whom the greatest number of votes has been given and then as second elected member the candidate to whom the next greatest number of votes has been given and so on in like manner until the number of the elected members of the Board is completed:

Provided that, if for the election of the last elected member two or more candidates receive an equal number of votes, the election of such elected member shall be decided by the drawing of lots by such candidates or their authorized proxies under the supervision of the Commissioner and the candidate upon whom the lot shall fall shall be declared as the member elected.

(5) If a person elected as a member of the Board declines to accept his election, the person who received the greatest number of votes next to such candidate shall be declared by the Commissioner to be a member of the Board in the place of the candidate so declining to accept election.

(6) If the number of candidates is not greater than the number of persons required as members of the Board such candidates shall be considered to have been duly elected as such members and, if one or more of them declines to accept his or their election, the Commissioner shall nominate another properly qualified proprietor or proprietors to complete membership of the Board.

(7) If the number of candidates is less than the number of persons required as members of the Board, the Commissioner shall nominate another properly qualified proprietor or proprietors to complete membership of the Board.

Qualification
of members
of Boards.

15. A person shall not be qualified to be elected, appointed, or nominated as a member of a Board if—

- (a) he is not a British subject ; or
- (b) he is not a person whose name is in the list of proprietors of the village concerned and which is in force for the time being :

Provided that this paragraph shall not apply to appointments under section 7 ; or

- (c) he is an undischarged bankrupt ; or
- (d) he is a person of unsound mind ; or
- (e) within a period of two years next before his election or nomination, he has been, or having been elected or nominated he is, convicted of an offence and sentenced to imprisonment for six months or more without the option of a fine and has not received a free pardon in respect of such offence.

PART III.

DUTIES AND POWERS OF THE BOARD.

General Powers and Duties.

Vesting of
property, etc.

16.—(1) All property vested in or held by, and all rights and liabilities of, any Summer Resort Development Board or Committee of any carob shipping place constituted under the provisions of any of the Laws repealed by this Law shall, without prejudice to the right of any person, vest in the Board established under the provisions of this Law for the improvement area concerned.

(2) All property acquired by or transferred to the Board of an improvement area shall vest in the Board for the improvement area concerned.

Registration
of immovable
property of
improvement
area.

17.—(1) All immovable property vested in a Board which is, by any law or custom, required to be registered in the books of the Land Registry Office shall be registered in the name of the Board for the improvement area concerned.

(2) The Chairman of the Board shall, in all transactions, acts or matters required to be done in any Land Registry Office, be the lawful attorney of the Board.

Sale or
mortgage of
immovable
property by
Board.

18. It shall not be lawful for a Board to sell, mortgage or otherwise deal with any immovable property vested in the Board save upon a resolution of two-thirds of the members actually holding office and with the sanction of the Colonial Secretary and subject to such terms and conditions as the Colonial Secretary may impose.

19.—(1) Contracts on behalf of the Board shall be made in writing under the hand of the Chairman : Contracts.

Provided that contracts incidental to the ordinary conduct of the current business of the Board may, subject to the provisions of the Contract Law, 1930, be made in writing or parol, as the case may be, on behalf of the Board by the Chairman, and any such contract made in writing may be varied or discharged in writing, and any such contract made by parol may be varied or discharged in writing or parol. 24 of 1930

(2) All contracts made in accordance with this section shall be effectual in law and shall bind the Board for the time being and all other parties thereto, their heirs, executors or administrators, as the case may be.

20.—(1) The Board may, from time to time, appoint fit persons to be the Secretary and Treasurer of the Board to perform such duties as the Board may direct. Appointment of Secretary, Treasurer and other officers or servants.

(2) The Board may appoint such other officers and servants as they think necessary for the purposes of this Law.

(3) Every person appointed under this section shall hold office during the pleasure of the Board or during such time as the Board may determine and shall receive such salary or remuneration as the Board may appoint.

(4) The Chairman of the Board may employ at the current rate of daily wages any servants or labourers required in the service of the Board to carry out any work for which provision is made in the current estimates, as approved by the Board, or which has been specially authorized by the Board.

21. Subject to the provisions of this Law and of any other Law in force for the time being, the Board shall, within the limits of the village improvement area and in so far as its resources permit— Duties of the Board.

- (a) prevent the accumulation in any public or private place of any filth, refuse or water in a manner dangerous to the public health ;
- (b) require any building wherein any person has died of any kind of contagious or infectious disease and the clothing in and contents of such building to be disinfected ;
- (c) prevent advertisements or notices being affixed to or inscribed on any building by any person other than the occupier and shall erect or cause to be erected hoardings for the exhibition of advertisements and notices ;
- (d) regulate or prevent the keeping of swine and regulate the keeping of other animals and birds so that their keeping shall not be a public nuisance or injurious to health ;

- (e) ensure that all drains, urinals, latrines and cesspits shall be so constructed and kept as not to be a nuisance or injurious to health ;
- (f) prevent any bar, barber's shop, cake-bakery of any kind, coffee-house, confectioner's shop, cook-shop, dairy, drinking-shop, hotel, khan, pastry shop, public bath-house and any premises in which food-stuffs or liquids of whatever kind or nature intended for human consumption are made or exposed for sale, and any premises of public resort, and any tools, objects or articles used therein, from being in an uncleanly or injurious state, and shall seize and destroy or otherwise deal with any such tools, objects or articles as are likely to be injurious to health or to spread the infection of any disease ;
- (g) provide and maintain in good order and repair public dustbins and other receptacles for the temporary deposit and collection of rubbish and shall cause such public dustbins and other receptacles to be so kept as not to be injurious to health ;
- (h) supervise and control all bakeries and regulate the sale of bread by fixing the weights by which only it shall be sold ;
- (i) control the erection of tents ;
- (j) provide for the licensing and control of dogs and for the destruction of ownerless or stray dogs ;
- (k) provide for the inspection of all food-stuffs of whatever kind or nature, and of liquids intended for human consumption, exposed or intended for sale and for the seizure and destruction of all such food-stuffs or liquids as are unfit for human consumption or the seizure and disposal of any food-stuffs or liquids intended for human consumption as may be exposed for sale in contravention of any bye-laws ;
- (l) regulate and control the licensing of any theatre, building, tent or place used for the performance of any stage play or cinematograph exhibition or for dancing or for any entertainment to which the public is admitted or for any public meeting ;
- (m) regulate and control the keeping of coffee-houses, kilns, khans and threshing floors ;
- (n) regulate, control or prohibit any trade or business which may, in the opinion of the District Medical

Officer, be injurious to public health or a source of danger to the public or which it is otherwise in the public interest expedient to regulate, control or prohibit ;

- (o) provide for the establishment, regulation and use of markets and prohibit or regulate the hawking of any goods in any place other than such markets ;
- (p) provide for the removal of night-soil and refuse from premises ;
- (q) provide for the allotment and use of special places for the sale of animals and of perishable goods and regulate the manner in which such animals and perishable goods shall be sold ;
- (r) provide slaughter-houses and prohibit the slaughter of animals in any place other than such slaughter-houses ;
- (s) keep all streets clean and in good repair and sufficiently drained, lightened and clear of obstructions and prevent obstructions thereover by awnings or otherwise ;
- (t) regulate, control, restrict or prohibit traffic in the streets and fix the places at which carriages, motor cars and other vehicles must stand when not in motion and the number of carriages, motor cars and other vehicles allowed to stand at any time in each place so fixed and prescribe the fares payable by persons hiring or using carriages, motor cars and other vehicles for journeys within the improvement area ;
- (u) provide or cause to be provided, a good and sufficient supply of water for domestic purposes, and keep or cause to be kept cleansed and in good repair all public fountains, drains and aqueducts, and preserve the same from contamination and prohibit or regulate the supply or use of any water, for domestic purposes, other than such water :

Provided that, subject to the inspection of the Board for preserving the water from contamination, nothing in this paragraph contained shall prevent the owner of any water found in the improvement area from using such water for his own domestic purposes ;

- (v) prohibit the deposit of any waste matter or thing in any public or private place in a manner detrimental to the amenities of the improvement area ;

- (z) generally provide for any other purpose and perform any public work, which may be necessary or desirable for the further development of the improvement area, and the preservation and promotion of sanitation and public health therein.

**Powers of
the Board.**

22. Subject to the provisions of this Law, it shall be within the powers of the Board—

- (a)—(i) with the consent and under the authority of an order of the Colonial Secretary and subject to the terms and conditions that may be imposed by such order, borrow money for carrying out any work or measure which the Board is empowered to carry out under the provisions of this Law and, for the purpose of securing the payment of the principal and interest of any such loan, to mortgage any property, rates, fees, rents, tolls or charges to the lender ;
- (ii) to borrow temporarily any money from the Bank at which the account of the Board is kept :
 Provided that the amount so borrowed shall not exceed ten per centum of the estimated revenue of the Board for the period for which the current estimates are made and that the amount so borrowed shall be repaid from the revenue of the Board during such period ;
- (b) to acquire immovable property within the improvement area for any public purpose which shall include—
- (i) the construction of new streets ;
 - (ii) the opening, widening, straightening or improving existing streets ;
 - (iii) the erection of public buildings ; and
 - (iv) such other public purpose as may be approved by the Colonial Secretary ;
- (c) to acquire, with the consent in writing of the Colonial Secretary previously obtained, by agreement between the owner thereof and the Board, water or water rights within or without the improvement area, whether attached to land or held independently of land ;
- (d) to provide, establish, maintain, improve and regulate, within the improvement area, parks, gardens, play-grounds, swimming pools, amusement centres, places of resort or recreation for the use of the public and any other amenities and to contribute

- towards the cost of establishment or maintenance of any parks, gardens, play-grounds, swimming pools, amusement centres, places of resort or recreation or any other amenities, provided by any person for the use of the public ;
- (e) to provide for the advertising of the improvement area either within or without the Colony ;
 - (f) to plant, within the improvement area, trees in any street or public place and to erect tree guards ;
 - (g) to build, within the improvement area, public buildings and to execute other public works ;
 - (h) to contribute towards the cost of maintaining public or rural hospitals, child welfare clinics and maternity services which may be established by the authority of the Director of Medical and Health Services ;
 - (i) with the approval of the Colonial Secretary, to make any payment or contribution to any charitable or philanthropic scheme or institution ;
 - (j) to provide, within the improvement area, for the construction, paving, asphaltting or improvement of streets ;
 - (k) to grant, within the improvement area, licences and permits and, subject to the provisions of this Law, attach to such licences or permits such terms and conditions as to the Board may seem necessary or desirable and suspend or revoke such licences and permits whenever the Board on good cause shown considers it advisable so to do ;
 - (l) to grant gratuities and pensions to officers and servants of the Board and to establish a provident fund for its non-pensionable employees and regulate contributions to be made to such employees in accordance with bye-laws to be made under section 24 ;
 - (m) generally to do such acts and perform such works within the improvement area as may be necessary or desirable for the comfort, recreation, pleasure or amusement of the public.

23. The Governor in Council may assign further specific duties to all or any of the Boards and vest them with the necessary powers for the purpose of carrying out such duties.

Power to
Governor
in Council
to assign
further
duties.

Bye-laws.

Bye-laws.

24.—(1) A Board may, from time to time, make bye-laws not inconsistent with the provisions of this or any other Law in force for the time being, for all or any of the following purposes, that is to say :—

- (a) to enable or assist a Board to perform any of the duties assigned to it by section 21 or 23 and to provide for the payment of any rates, fees, rents, tolls or charges in connection therewith ;
- (b) to enable or assist a Board to carry out any of the provisions of section 22 and to provide for the payment of any rates, fees, rents, tolls or charges in connection therewith ;
- (c) to provide for the payment of fees by any person who carries on, exercises or practises any profession, business, trade or other calling within the improvement area ;
- (d) to provide for the payment of rates or fees by the owner of any premises whether let or in the occupation of the owner :

Provided that no rate or fee shall be payable in respect of premises let or used solely for agricultural purposes ;

- (e) to provide for the payment of fees by the owner or occupier of any premises used as an hotel, boarding-house, lodging-house or khan ;
- (f) to regulate and control the grant or issue of any licence or permit which the Board is empowered to issue or grant under this Law or any bye-law made thereunder and to provide for the payment of any fees or charges in connection therewith ;
- (g) to regulate the weighing, measuring and testing of goods and the payment of fees therefor and to control the collection of fees payable under sections 26 to 29, both inclusive ;
- (h) to provide—
 - (i) for the imposition of an annual rate not exceeding ten pounds upon every occupier in the village to be assessed by the Board according to the means within the village of each such occupier, due regard being always had to any other rates imposed on such occupier by the Board :

Provided that whenever any amount is assessed on any non-resident occupier, a special notice of the amount so assessed shall be immediately forwarded by the Board to such non-resident occupier ;

(ii) for the time at which and the manner in which such annual rate shall be paid and recovered ;

(iii) for the exemption of occupiers from payment of such annual rate on the ground of poverty :

Provided that the Board may, by a notice signed by its Chairman and posted in a conspicuous place within the village improvement area, limit the application of such bye-laws to such part of the improvement area as may be specified in the notices.

(2) No bye-law or revocation, amendment, alteration, variation of any bye-law shall have effect until the same has been approved by the Colonial Secretary and published in the *Gazette*.

(3) Bye-laws made under this section may prescribe a penalty of a fine not exceeding twenty-five pounds for breaches thereof or, in case of a continuing breach, of a fine not exceeding one pound for every day during which such breach continues and also prescribe for the forfeiture to the Board concerned of any articles or goods in respect of which the breach has been committed.

(4) For the purposes of this section—

“occupier” means any person in actual occupation of any immovable property within the improvement area without regard to the title under which he occupies such property or, in the case of an unoccupied immovable property, the person entitled to the occupation thereof and includes the owner of any movable property within the improvement area.

Weighing, Measuring and Testing.

25. The Board shall appoint such number of persons as weighers (hereinafter called “authorized weighers”), as shall be necessary for carrying out the provisions of this Law with regard to weighing, measuring or testing. Such persons shall receive such wages as the Board shall appoint.

Board to
appoint
weighers.

26.—(1) Whenever a sale takes place within the limits of any improvement area or whenever goods, the subject matter of any sale, are delivered or are to be delivered within such limits, the vendor or the purchaser of such goods shall inform an authorized weigher that the same are ready and require to be weighed, measured or tested and shall afford to

Compulsory
weighing,
measuring
and testing.

such weigher every facility to enable such weighing, measuring or testing to take place, and all such goods shall be accordingly weighed, measured or tested by the authorized weigher. Upon such weighing, measuring or testing, the vendor, or the purchaser for the account of the vendor, shall pay to the authorized weigher for such weighing, measuring or testing such fees as may be fixed by bye-laws made under section 24 by the Board of the improvement area concerned :

Provided that the minimum fee to be paid shall be the sum of one piastre :

Provided further that the provisions of this section shall apply only to such goods, not being imported goods, as may be set out in the bye-laws, which in addition may specify the minimum quantity of such goods upon which such fees shall be payable.

(2) Any person contravening sub-section (1) of this section shall be guilty of an offence and shall be liable to a fine not exceeding five pounds :

Provided that, if the authorized weigher, on receipt of notice as herein prescribed, does not, within one hour of the time at which such notice was received, proceed to weigh, measure or test the goods for which he received notice, the vendor or purchaser, or both, may weigh, measure or test the goods without incurring any penalty and without being liable to pay any fees.

Weighing,
etc., for
purposes
of Customs.

27. Whenever any goods within the limits of an improvement area are required to be weighed, measured or tested for any purposes of Customs such goods shall be weighed by the authorized weigher and the fees payable in respect thereof shall be paid to him by the owner of such goods.

Compulsory
weighing
of carobs
brought
within the
limits of an
improvement
area.

28.—(1) Notwithstanding anything in this Law contained, whenever any carobs are brought within the limits of an improvement area the person by whom the carobs are brought in or the person to whom they are brought shall, within twenty-four hours after they are so brought, inform an authorized weigher that the same are ready and require to be weighed and shall afford to the authorized weigher every facility for enabling the weighing to take place and all such carobs shall be accordingly weighed by the authorized weigher.

(2) No fees shall be taken in respect of such weighing but, if any carobs which have been so weighed shall be transported from the improvement area, the provisions of section 29 of this Law shall apply and the fees therein specified shall be paid.

(3) Any person contravening the provisions of sub-section (1) of this section shall be guilty of an offence and shall be liable to a fine not exceeding five pounds :

Provided that if the authorized weigher on receipt of notice as herein prescribed does not, within one hour of the time of which such notice was received, proceed to weigh the carobs for which he received notice, the person by whom the carobs are brought or the person to whom they are brought or both may weigh the carobs without incurring any penalty.

29.—(1) Whenever any carobs are to be transported from the improvement area, whether by land or sea, the person intending to transport such carobs shall—

Notice on transportation of carobs.

(a) in the case of carobs intended for transport by land, inform an authorized weigher or, in his absence, the Treasurer of the Board ;

(b) in the case of carobs intended for transport by sea, inform the authorized weigher or, in his absence, the Treasurer of the Board, and the officer of the Customs in the area concerned,

that the same are ready and require to be weighed and shall afford to the authorized weigher every facility to enable such weighing to take place and all such carobs shall be weighed by the authorized weigher.

(2) A fee at a rate not exceeding six piastres per aleppo cantar on the carobs weighed under the provisions of sub-section (1) of this section as may be fixed by the bye-laws, made under section 24 of this Law, shall be levied and paid to the authorized weigher by the person transporting such carobs and the authorized weigher shall give to such person a receipt showing the quantity of carobs weighed and the amount of fees paid :

Provided that no further fee shall be paid in respect of any other weighing of the same carobs for any revenue purposes.

(3) Any person who—

(a) removes from any improvement area any carobs before the same have been weighed by an authorized weigher ; or

(b) fails or neglects to afford to the authorized weigher every facility for weighing any carobs intended for transport from any improvement area, shall be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds.

Carobs weighed under section 29 to be exempted from further weighing and fees.

26 of 1930 to 34 of 1948

Default by authorized weigher.

Government and His Majesty's Forces to be exempted.

Immovable property tax to be paid into improvement fund.

30.—(1) Where any carobs in respect of which a receipt has been given as in sub-section (2) of section 29 provided are taken into the limits of any municipal corporation or any other improvement area for disposal therein or for transportation therefrom by land or sea to any other place within the Colony or for export therefrom either in their natural state or ground, then, in every such case, upon the production of such receipt to the weigher concerned and upon proof to his reasonable satisfaction that such carobs are the carobs, whether in their natural state or ground, in respect of which the said receipt was given, such weigher shall endorse the receipt accordingly and thereafter, notwithstanding anything contained in the Municipal Corporations Laws, 1930 to 1948, or this Law such carobs shall not be liable to be weighed or to the payment of any fees under the said Laws.

(2) If any dispute arises as to whether the carobs taken into the limits of a municipal corporation or of an other improvement area are the carobs in respect of which the receipt was issued such dispute shall be referred to the Commissioner whose decision thereon shall be final and conclusive and no appeal shall lie therefrom.

31. Any authorized weigher who shall—

- (a) improperly or inaccurately weigh, measure or test any goods which he is required to weigh, measure or test in pursuance of this Law; or
- (b) make any false entry or a false certificate, record or note with regard to such weight, measure or test with intent to defraud,

shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

32. The provisions of sections 26 to 31, both inclusive, shall not apply—

- (a) to any goods or carobs the subject matter of a sale or purchase by or on behalf of the Government nor to any goods brought into the limits of any improvement area by or on behalf of the Government;
- (b) to any goods or carobs the subject matter of any sale or purchase by or on behalf of His Majesty's Forces and duly certified as such by the officer having authority to carry out such sale or purchase.

Immovable Property Tax.

33.—(1) Subject to the provisions of section 34 and unless the Governor in Council may at any time otherwise direct in respect of any improvement area, any immovable property tax raised, levied, assessed or collected under any Law in

force for the time being on any immovable property within an improvement area shall, after collection and after deduction of the costs of collection, be paid into, and form part of, the improvement fund for the area concerned.

Such immovable property tax shall be raised, levied, assessed and collected by the Government as a Government tax and shall, notwithstanding anything in any other Law contained, be at such rate, not exceeding $7\frac{1}{2}$ per thousand of the capital value of immovable property as assessed in accordance with the provisions of any Law in force for the time being, as may be fixed by the Board as in sub-section (2) of this section provided.

(2) Every Board shall, not later than the first day of October in every year, inform the Director of Land Registration and Surveys of the rate per thousand fixed by such Board under sub-section (1) of this section and, if they fail so to do, the rate shall be fixed by the Director of Land Registration and Surveys, subject always to the provisions of sub-section (1) of this section.

34. Nothing in this Law contained shall affect the operation of sections 73 and 74 of the Elementary Education Laws, 1933 to 1949, and any increase of the tax on property directed to be paid thereunder shall, when recovered, be dealt with as in the said sections provided.

Increases of
tax under
Elementary
Education
Laws not
affected.
18 of 1933
to
1 of 1949

Acquisition of Immovable Property.

35. Whenever any immovable property within an improvement area is required for any public purpose within the powers of the Board, the Board may acquire such immovable property by agreement.

Acquisition
of immovable
property by
agreement.

36.—(1) If any immovable property within an improvement area required for any public purpose within the powers of the Board cannot be acquired by agreement, the Board may, by resolution of a majority of not less than two-thirds of the members actually holding office decide that the immovable property be acquired for the public purpose specified therein. A copy of such resolution and of the minutes relating thereto, together with a plan of such immovable property and particulars as regards its owner, estimated value, description and any other matter as may be necessary for the purpose, shall be forwarded to the Commissioner for the consideration of the Governor as hereinafter provided.

Compulsory
acquisition
of immovable
property.

Schedule.

(2) The Commissioner, before submitting for the consideration of the Governor the documents mentioned in sub-section (1) of this section, shall cause a notice in the form set out in the Schedule to this Law to be published in the *Gazette* and also to be posted at a conspicuous place within the improvement area in which the immovable property to be acquired is situate.

(3) At the expiration of the period set out in the notice, the Commissioner shall forward to the Governor the documents mentioned in sub-section (1) of this section together with any objection or statement made against the proposed acquisition.

(4) If the Governor approves the plan submitted and considers it expedient, having regard to all the circumstances that the Board should be permitted to acquire the immovable property in question, he may, by notification published in the *Gazette*, sanction the acquisition of such immovable property; and, thereupon, if the owner of the immovable property does not agree with the Board as to the sum to be paid as compensation for it, the same shall be determined in accordance with the provisions of any law in force for the time being, providing for the acquisition of immovable property for public purposes :

Provided that a Board shall not be permitted to acquire a part only of any building if the owner thereof is willing and able to give a good title to the whole thereof.

(5) On payment of the sum determined to the party entitled to receive as compensation for the acquisition of such immovable property, such property shall vest in the Board by which the sum has been paid free from all encumbrances and the Director of Land Registration and Surveys shall cause registration of such immovable property to be made in the name of such Board in accordance with the plan approved by the Governor :

Provided that the sum determined shall be paid to the party entitled to receive it, or deposited to his account in the District Treasury, within three months from the date of such determination and, if it is not so paid or deposited, the sanction of the Governor for the acquisition of such immovable property as aforesaid shall be deemed to be revoked.

(6) Where immovable property is required by any Board for the opening of a new street, the Board may acquire a sufficient extent of immovable property on each side of the proposed street to admit of the erection thereon of suitable buildings with a frontage on the new street.

37. Any Board may, with the consent of the Colonial Secretary, sell, lease or exchange any immovable property compulsorily acquired under the provisions of this Law in excess of the extent actually required for the purposes in respect of which it has been acquired :

Power to Board to sell, etc., immovable property compulsorily acquired.

Provided that the person from whom the immovable property was acquired shall have the right to pre-emption at the price at which it was acquired from him by the Board or, if only a portion of such immovable property is in excess of requirements, at a price proportionate to that at which the whole was acquired from him.

38. Notwithstanding anything in this Law contained, a Board shall not be compelled to acquire the immovable property, unless it has been registered in their names under the provisions of sub-section (5) of section 36 after payment of the compensation due therefor :

Power to Board to abandon project.

Provided that any costs and expenses incurred by any owner by reason of the proposed acquisition and the failure of the Board to acquire the immovable property shall be paid to such owner by the Board.

PART IV.

ESTIMATES, FINANCES AND ACCOUNTS.

Estimates.

39. The annual estimates of the revenue and expenditure of a Board shall be prepared by the Chairman at such a date as will admit of their consideration and approval by the Board before the beginning of the period to which the estimates relate. The financial year of all Boards shall begin on the first day of January.

Annual estimates.

Improvement Fund.

40. For every improvement area, there shall be a fund to be called the improvement fund which shall consist of—

Improvement fund.

- (a) all rates, fees, rents, tolls or charges collected under the provisions of this Law, or any bye-law made thereunder ;
- (b) all fines, penalties and costs recovered under the provisions of this Law, or any bye-law made thereunder ;
- (c) all rents and profits of and arising out of all property of the Board ;

(d) generally all other moneys received by the Board or by an officer, servant or agent thereof for and on behalf of the Board.

Application of improvement fund.

41. The improvement fund shall be applied to, and charged with, the following payments :—

- (a) the salaries or remuneration of the Secretary, Treasurer and such other officers or servants as the Board may, under the provisions of this Law, appoint or employ;
- (b) all expenses necessarily and lawfully incurred by or on behalf of the Board under the provisions of this Law; and
- (c) all other moneys legally due and owing by the Board :

Provided that no payment shall be made out of an improvement fund, unless the same is authorized under the approved current estimates or is authorized by a special resolution of the Board.

Treasurer to receive and make payments.

42. All payments to and out of an improvement fund shall be made to or by the Treasurer or by any other person authorized by the Chairman of the Board in that behalf.

Moneys to be paid into Bank.

43. All moneys belonging to or received for or on account of a Board shall be paid into the account of the Board at such Bank as the Board shall appoint :

Provided that the Board may, from time to time, authorize the Treasurer or any other officer of the Board to retain in his hands a sum sufficient for the daily expenses of the Board.

Accounts and Audit.

Board to keep accounts.

44.—(1) Every Board shall cause a true account to be kept by the Treasurer of all moneys received and paid by or on behalf of the Board.

(2) Within thirty days of the thirty-first day of December of every year, the accounts of every Board up to and including such day shall be closed, and shall be certified by the Chairman of the Board.

Accounts to be audited.

45. The accounts in section 44 mentioned shall be produced by the Treasurer or any other person authorized by the Board in that behalf for audit by one or two competent persons appointed for that purpose by the Colonial Secretary and all expenses and fees in connection with such audit shall be defrayed out of the improvement fund.

PART V.

MISCELLANEOUS.

46.—(1) If any rates, fees, rents, tolls or charges payable under this Law or any bye-law made thereunder, though properly due, remain unpaid, the Chairman of the Board may forward to the Comptroller of Inland Revenue a certificate under his hand recording the names of the persons who have failed to pay such rates, fees, rents, tolls or charges as specified therein and the Comptroller, upon receipt of such certificate, shall issue a warrant authorizing the collection of such rates, fees, rents, tolls or charges together with any increase as in sub-section (3) provided.

Collection of fees, charges or rates remaining unpaid.

(2) Every such warrant shall be in the like form with the necessary modifications as a warrant issued under the Tax Collection Laws, 1932 and 1944, and shall be enforced and the like proceedings may be had thereon as if it were a warrant issued under the said Laws.

70 of 1932
5 of 1944.

(3) If any rates, fees, rents, tolls or charges payable under this Law or any bye-laws made thereunder are not paid when properly due under the Law or such bye-laws, such rates, fees, rents, tolls or charges shall be increased by twenty-five per centum.

47.—(1) The Chairman of a Board or any person authorized by him in writing in that behalf, or the District Medical Officer or any person authorized by him in writing in that behalf, may without warrant enter any premises other than a dwelling house at any time between the hours of sunrise and sunset or, in the case of any business premises, at any hour when the business is usually carried on, for the purpose of ascertaining whether the provisions of this Law or any bye-law made thereunder are being complied with.

Power to enter premises.

(2) Any person who prevents or obstructs any person mentioned in sub-section (1) of this section in the exercise of the powers conferred upon him by that sub-section shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding ten pounds or to both such imprisonment and fine.

48. Any person who obstructs any officer or servant of the Board in the execution of any of the provisions of this Law or bye-law made thereunder shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding ten pounds or to both such imprisonment and fine.

Obstructing officers or servants of a Board in the execution of their duties.

49. Wherever a person is convicted of an offence against this Law or any bye-law made thereunder, the court trying the offence shall, in addition to any other punishment it may consider fit to impose on such person, order such person to pay any rates, fees, rents, tolls or charges payable in respect of the matter to which the offence relates.

Court to order payment of fees or duties not paid.

Board
may sue and
be sued
in its name.

50.—(1) In all legal proceedings the Board may sue and be sued in its name.

(2) A Board shall, for the purposes of this Law, bear the name “Improvement Board of.....
.....” (*inserting the name of the improvement area*).

Defraying of
legal
expenses.

51. All legal expenses incurred by the Board in carrying out the provisions of this Law or any bye-law made thereunder shall be defrayed out of the improvement fund concerned.

Power to the
Chairman to
compound
offences.

52. Notwithstanding anything in this Law contained, the Chairman of the Board may, at his discretion, compound any offence against the provisions of this Law or of any bye-law made thereunder by accepting from the person who has committed or is reasonably suspected of having committed such offence a payment in money not exceeding the maximum monetary penalty prescribed for the offence by this Law or the respective bye-law made thereunder. The amount so collected shall be paid into the improvement fund concerned and shall form part thereof.

Appeals to
Governor.

53.—(1) Any person aggrieved by—

- (a) the refusal of the Board to grant or renew a licence or permit ; or
- (b) the withdrawal, suspension or revocation of a licence or permit by the Board ; or
- (c) any term or condition attached by the Board to any licence or permit or any renewal thereof ; or
- (d) the imposition or assessment by the Board of any sum exceeding two pounds,

may, within fourteen days from the date of notification of the decision of the Board upon any matter as in this section mentioned, appeal to the Governor, whose decision thereon shall be final and conclusive.

(2) Every such appeal shall be in writing and signed by the appellant ; it shall set out the grounds upon which it is founded and shall be made to the Governor through the Commissioner who shall transmit the appeal together with his observations thereon to the Governor.

Commuta-
tion of court
fees.

54.—(1) Notwithstanding anything in any Law contained, the Governor in Council may, on the application of a Board and on payment by such Board of such annual sum as the Governor in Council may from time to time determine, remit

any court fees payable by the Board in respect of any legal proceedings instituted by such Board for the enforcement of the provisions of this Law or of any bye-law made thereunder, and thereafter no such fees shall be paid by any Board in respect of which such remission has been made.

(2) No advocate's fees shall be awarded by any court against any person in any proceedings instituted by a Board in respect of which the court fees have been remitted under the provisions of sub-section (1) of this section :

Provided that provision may be made in the estimates of such Board for the remuneration of advocates employed for the conduct of prosecutions or to advise the Board in any legal matters.

55. Any Board may appear before any court or in any legal proceedings by their Chairman or by the Secretary or by an officer or member of the Board authorized generally or in respect of any special proceedings by the Board, and service of any summons or order or other proceeding upon the Chairman of the Board shall be deemed effectual service on the Board.

Appearance
in legal pro-
ceedings
and service.

56.—(1) The Chairman 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.

Power
to depute
duties,
powers and
authorities.

(2) The Colonial Secretary 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.

57. Where any village to which the provisions of the Public Health (Villages) Laws, 1936 to 1948, apply has been declared an improvement area by an Order of the Governor made under section 4 of this Law, the provisions of the Public Health (Villages) Laws, 1936 to 1948, shall cease to apply to such village and any moneys in the Village Health Fund thereof shall be transferred by the Village Health Commission to the Board of the improvement area concerned and shall form part of the improvement fund thereof and all other property acquired by or vested in or held by, and all rights and liabilities of, such Village Health Commission, shall, without prejudice to the rights of any person, vest in the Board for the improvement area concerned; and the Governor may give such supplementary directions as he may deem fit for the effective carrying out of the Order.

The Public
Health
(Villages)
Laws, 1936
to 1948, to
cease to
apply to
villages
declared
to be
improvement
areas.

19 of 1936
to
19 of 1948

The provisions of this Law to cease to apply to the improvement areas becoming municipal corporations.

26 of 1930
to
34 of 1948

Power to Governor to abolish an improvement area.

Date of coming into operation, repeal and saving.

8 of 1914
to
17 of 1948
7 of 1938
21 of 1946

58. Where by any proclamation or notice made by the Governor under and by virtue of any of the provisions of the Municipal Corporations Laws, 1930 to 1948, an improvement area becomes a municipal corporation or part of a municipal corporation, the provisions of this Law shall cease to apply to such improvement area and any moneys in the improvement fund thereof shall be transferred by the Board to the council of the municipal corporation concerned and shall form part of the Town Fund thereof and all other property acquired by or vested in or held by, and all rights and liabilities of, such Board shall, without prejudice to the rights of any person, vest in the council of the municipal corporation concerned; and the Governor may give such supplementary directions as he may deem fit for the effective carrying out of the proclamation or notice.

59. The Governor may, by order published in the *Gazette*, abolish any improvement area and give such directions as to him may seem fit for the winding up of the affairs of such area and for the disposal of any assets and liabilities of such area.

60. This Law shall come into operation on a date to be fixed by the Governor by notice to be published in the *Gazette* and thereupon—

(a) the Carob Weighing and Shipping Place Improvement Laws, 1914 to 1948; and

(b) the Summer Resorts (Development) Laws, 1938 and 1946,

shall be repealed :

Provided that—

(i) any moneys in the Improvement Fund of any carob weighing and shipping place and any moneys in the Summer Resort Development Fund of any summer resort, established under the provisions of any of the said Laws, shall vest in the Board established under the provisions of this Law for the improvement area concerned and shall form part of the improvement fund of such improvement area ;

(ii) all loans and all other obligations or liabilities made or incurred by any committee or any board established under the provisions of any of the said Laws shall, without prejudice to the rights of any other party thereto, be deemed to have been made or incurred by the Board under the provisions of this Law ;

- (iii) all bye-laws, rules and regulations made by any Committee or any board established under the provisions of any of the said Laws shall be deemed to be bye-laws made by the Board established under the provisions of this Law for the improvement area concerned and shall, in so far as they are not inconsistent with the provisions of this Law, remain in force until revoked or replaced by bye-laws made under the provisions of this Law ;
- (iv) all Committees appointed under the Carob Weighing and Shipping Place Improvement Laws, 1914 to 1948, and all Summer Resorts Development Boards established under the Summer Resorts (Development) Laws, 1938 to 1946, shall be deemed to be Boards established under and for the purposes of this Law in respect of the villages or areas to which they relate and shall continue to function until new Boards are established in their place as in this Law provided.

SCHEDULE.—(Section 36 (2).)

THE VILLAGES (ADMINISTRATION AND
IMPROVEMENT) LAW, 1950.

Notice is hereby given that the following immovable property (*describe immovable property, giving measurements and showing boundaries whenever practicable*) is required by the Board of the.....improvement area for.....(*set out the public purpose*).

Any person claiming to have any right or interest in the said immovable property, who objects to the acquisition of such property, is required within six weeks from the date of the posting 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 Board of the aforesaid improvement area is willing to treat for the acquisition of the said immovable property.

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

Dated this.... day of.....19....

.....
Commissioner of.....

Posted this.... day of.....19....

(Sgd.).....

O. R. ARTHUR,

Acting Colonial Secretary.

2nd June, 1950.