

CYPRUS

**NICOSIA WATER SUPPLY
SPECIAL POWERS**

CHAPTER 346 OF THE LAWS

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1959

CHAPTER 346.

NICOSIA WATER SUPPLY (SPECIAL POWERS).

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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.

1949
Cap. 309.

[3rd October, 1932.]

Short title.

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

Interpreta-
tion.

2. In this Law—

“ 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") which shall be constituted as follows—

Establishment and composition of Board.
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- (a) the Commissioner of Nicosia, as chairman, who shall, in the case of equality of votes, have a casting vote in addition to his own vote;
- (b) the Director of the Public Works Department;
- (c) the Chairman of the High Council of Evcaf;
- (d) the Mayor of Nicosia;
- (e) one Councillor appointed by the Municipal Corporation of Nicosia.

2nd Sch. of 24/59.

4. The Governor may by Order in Council to be published in the 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 utilising such supplies or part thereof or for the purpose of causing such supplies or part thereof to be utilised for the benefit of the inhabitants of Nicosia:

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

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 utilise the quantity of water so ensured as aforesaid for any purpose whatsoever.

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

Certain powers to Board.
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- (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.

Board may pay compensation. 3 of 61/32.

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.

(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.

Borrowing powers to Board.

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.

Free access to buildings or land for certain purposes.

8. Any member of the police not below the rank of sergeant authorised 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.

Bar of claims and actions.

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—

(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 Law contained—

- (a) 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 Municipal Corporation of Nicosia into the Nicosia water supply fund.

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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 except the water supply known as the Makedhonoritissa water;

- (b) the Governor may, upon a resolution of the Municipal Corporation of Nicosia, by Order, and subject to the terms and conditions that may be imposed by such Order, authorize the Municipal Corporation—

(i) to borrow moneys from the Loan Commissioners or any other person for the purpose of complying with the request of the Governor made under paragraph (a) hereof; and

(ii) for the purpose of securing the payment of the principal and interest of any such loan, to mortgage to the lender any rates, fees or duties levied by the Municipal Corporation;

- (c) if the Municipal Corporation of Nicosia neglects or refuses to pay such moneys as the Governor may request, the Governor may appoint one or more Special Commissioners to perform the duty of the Municipal Corporation in that behalf and such Commissioners shall, in the exercise and for the purposes of such duty, be vested with all the powers of the Municipal Corporation, and in particular with the power of borrowing money upon the security of any rates, fees or duties levied by the Municipal Corporation.

(2) In this section, the expression “capital expenditure” shall mean any expenditure for the permanent improvement of the Nicosia water supplies or any part thereof or for an improvement which will continue to benefit such supplies or part thereof after the expiration of the control and management thereof by the Board, but shall not include any expenditure incurred in connection with the purchase or laying of pipes or the construction of channels or the use of any other appliances for the conveyance or distribution of water to or from the Nicosia water supplies or any part thereof.

Delivery of pipes and works to Municipal Corporation of Nicosia.
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11. At the expiration of the period prescribed in an Order made under section 4 of this Law, the Board shall deliver to the Municipal Corporation of Nicosia without payment any pipes purchased and any works executed with any moneys provided by the Municipal Corporation under section 10 (1) of this Law.

Property in pipes and works after delivery to Municipal Corporation of Nicosia.
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12. All pipes and works delivered to the Municipal Corporation of Nicosia under section 11 of this Law shall, after delivery thereof, be the property of the Municipal Corporation and may be disposed of in such manner as the Municipal Corporation may determine or may be repaired and maintained by the Municipal Corporation at its expense and provision for such expense may be made in the annual estimates of the Municipal Corporation.

Power of Municipal Corporation of Nicosia to assess, etc., moneys paid into Nicosia water supply fund.
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Schedules.

13. (1) Whenever the Municipal Corporation of Nicosia has paid any moneys into the Nicosia water supply fund under the provisions of section 10 (1) of this Law, it shall be lawful for the Municipal Corporation—

(a) to assess the amount of moneys so paid—

(i) on the persons and in the proportions specified in the First Schedule to this Law, and

(ii) in manner in the Second Schedule to this Law prescribed; and

(b) to recover and apply the amount so assessed in manner in the Third Schedule to this Law prescribed.

(2) If any moneys paid by the Municipal Corporation of Nicosia into the Nicosia water supply fund have been borrowed under the authority of an Order of the Governor issued under section 10 (1) (b) of this Law and such moneys carry interest, the amount of such interest shall, for the purposes of this section, be deemed to be moneys paid into the Nicosia water supply fund.

14. The Council of the Municipal Corporation of Nicosia shall exercise all the powers vested in, and shall perform all duties imposed on, the Municipal Corporation under this Law.

Municipal Corporation of Nicosia to act by its Council.
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15. (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.

Establishment of fund.

(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.

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

Board to make Regulations.

- (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.

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

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

17. 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 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.

Offences and
penalties.

18. 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
- (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.

FIRST SCHEDULE.

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(Section 13 (1) (a) (i).)

1. The persons to be assessed shall be the following—
 - (a) individuals residing or carrying on any trade, business or occupation within the municipal limits of Nicosia (hereinafter in this Schedule called “ residents ”);
 - (b) companies, partnerships, associations, clubs and other corporate bodies owning, possessing or occupying premises within the municipal limits of Nicosia (hereinafter in this Schedule called “ corporate bodies ”);
 - (c) churches, monasteries and thrones of the Greek-Orthodox Church owning or possessing immovable property situated within the municipal limits of Nicosia (hereinafter in this Schedule called “ Orthodox-Christian Institutions ”);
 - (d) churches, monasteries and places of worship of communities other than the Greek-Orthodox or Moslem community owning or possessing immovable property situated within the municipal limits of Nicosia (hereinafter in this Schedule called “ Religious Institutions ”);
 - (e) mosques and tekyes owning or possessing immovable property within the municipal limits of Nicosia (hereinafter in this Schedule called “ Moslem Institutions ”); and
 - (f) the Evcaf Office.
2. The total amount to be assessed shall be contributed in the following proportions—
 - (a) by residents belonging to the Greek-Orthodox Church and corporate bodies the majority of the shareholders or members of which belong to the Greek-Orthodox Church, and Orthodox-Christian Institutions 60 per centum;
 - (b) by residents who profess the Moslem faith and corporate bodies the majority of the shareholders or members of which profess the Moslem faith, and Moslem Institutions, and the Evcaf Office 30 per centum;
 - (c) by residents other than Greek-Orthodox Christians or Moslems and corporate bodies the majority of the shareholders or members of which are neither Greek-Orthodox Christians nor Moslems, and Religious Institutions 10 per centum.

SECOND SCHEDULE.

(Section 13 (1) (a) (ii).)

1. Within such time of the date of payment of any moneys by the Municipal Corporation of Nicosia into the Nicosia water supply fund under the provisions of section 10 (1) of this Law as the Municipal Corporation may determine, the amount thereof shall be assessed by the Municipal Corporation on the residents, corporate bodies, Orthodox-Christian Institutions, Moslem Institutions, Religious Institutions and the Evcaf Office. 6 of 38/33.
2. Every amount so paid shall be divided by the Municipal Corporation of Nicosia into three equal parts and the first part thereof shall be assessed in the year in which payment has been made or in such year as the

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Municipal Corporation may determine and the second and third parts thereof in each succeeding year, respectively.

3. A list of such assessments, (hereinafter in this Schedule called "the assessment list"), shall be prepared and signed by the Mayor and the Town Clerk and Treasurer of Nicosia and shall be sealed with the corporate seal.

4. In the making of the assessment list the following provisions shall apply—

(a) every resident shall be assessed according to his means:

Provided that—

(i) the maximum sum to be assessed on any resident shall not in any year exceed the sum of one pound, and

(ii) no resident who is less than eighteen years of age or whose means are such as not to justify an assessment on him of an annual sum of not less than one hundred mils shall be included in the assessment list;

(b) corporate bodies shall be assessed according to the value of the premises, situated within the municipal limits of Nicosia, they own, possess or occupy;

(c) Orthodox-Christian Institutions, Religious Institutions, Moslem Institutions and the Evcaf Office shall be assessed according to the value of the immovable property, situated within the municipal limits of Nicosia, they own or possess.

5. (1) The assessment list shall, as soon as possible after the making thereof, be deposited by the Mayor of Nicosia at the offices of the Municipal Corporation in some conspicuous place, where it shall be open to public inspection, and the Mayor shall give public notice of the deposit of the assessment list by affixing a notice in writing thereof at the place where municipal notices are usually affixed.

(2) A copy of the assessment list so deposited certified by the Mayor as a true copy, shall be forwarded by the Mayor to the Commissioner of Nicosia within three days of such deposit.

6. (1) Any resident, corporate body, Orthodox-Christian Institution, Religious Institution or Moslem Institution whose name appears in the assessment list, and the Evcaf Office, who or which may feel himself or itself aggrieved by the assessment list on the ground of his or its inclusion therein, or of the amount for which he or it is assessed, may, within seven days of the deposit of the assessment list as in paragraph 5 (1) of this Schedule prescribed, give notice of appeal therefrom to the Commissioner of Nicosia, and shall in such notice state the grounds of his or its appeal:

Provided that no appeal shall lie where a resident, corporate body, Orthodox-Christian Institution, Moslem Institution or Religious Institution has been assessed at an amount not exceeding five shillings.

(2) Within fourteen days of the giving of such notice, the Commissioner shall hear and determine such appeal, and his decision shall be final and conclusive.

(3) When all such appeals have been heard and determined by the Commissioner, he shall—

(a) amend in red and initial the copy of the assessment list forwarded

to him under the provisions of paragraph 5 (2) of this Schedule;
and

(b) return the copy to the Mayor of Nicosia.

7. Upon the eighth day after the deposit of the assessment list if there are no appeals therefrom, or if there are appeals therefrom upon the day after the copy of the assessment list has been returned by the Commissioner of Nicosia to the Mayor of Nicosia, a copy of the assessment list shall be posted by the Mayor at the place where municipal notices are usually affixed, and every resident, corporate body, Orthodox-Christian Institution, Moslem Institution or Religious Institution whose name appears therein and the Evcaf Office shall pay to the Town Clerk and Treasurer of Nicosia within eight days of the posting of such copy the amount appearing against his or its name.

8. (1) In the making of the assessment list the Mayor of Nicosia may request in writing all or any of the mukhtars of any quarter of Nicosia to attend at the offices of the Municipal Corporation and furnish such information and render such assistance and so such work in relation to the assessment list as may be reasonably required in respect thereof.

(2) Upon such a request having been made, the mukhtar to whom the request is addressed shall attend at the offices of the Municipal Corporation as often as may be necessary for the purposes aforesaid.

(3) It shall be lawful for the Mayor of Nicosia to pay to any mukhtar attending as aforesaid such remuneration as the Mayor may determine, and every such payment shall be a charge on the revenues of the Municipal Corporation.

9. For the purposes of this Schedule the expressions—

(a) "residents,"

(b) "corporate bodies,"

(c) "Orthodox-Christian Institutions,"

(d) "Moslem Institutions," and

(e) "Religious Institutions,"

shall have, respectively, the same meanings as in the First Schedule to this Law.

THIRD SCHEDULE.

(Section 13 (1) (b).)

1. (1) If any resident, corporate body, Orthodox-Christian Institution, Moslem Institution, Religious Institution or the Evcaf Office (hereinafter in this Schedule, unless the context otherwise requires, called "person in default"), shall refuse or neglect to pay any amount which has been assessed upon and has become payable by such person in default under the provisions of the Second Schedule to this Law, the Mayor of Nicosia shall issue a warrant under his hand and the corporate seal directed to the town bailiff requiring and commanding him to recover the amount on the property of such person in default, and every such warrant shall be executed in accordance with the provisions in this Schedule contained:

Provided that the Mayor may, in lieu of issuing separate warrants in respect of each person in default, issue under his hand and the corporate seal one warrant and annex or subjoin to such warrant a schedule of the names of the persons in default for which it is issued, and such warrant shall be taken to apply in respect of each of the persons in default named in the schedule annexed or subjoined thereto.

(2) The Municipal Corporation of Nicosia shall be liable for all acts done by the bailiff in the execution of any warrant issued under the provisions of this Schedule.

2. The town bailiff upon receiving a warrant (which for the purposes of this Schedule shall include a schedule annexed or subjoined to the warrant) issued by the Mayor under the provisions of paragraph 1 (1) of this Schedule, shall proceed to the due execution of the same.

3. Every such warrant shall be executed by the town bailiff after sunrise and before sunset by the seizure of so much of the movable property of the person or persons in default named in the warrant as would in his opinion be amply sufficient to satisfy the amount due by such person in default or severally due by each one of such persons in default.

4. For the purposes of executing any such warrant the town bailiff shall have power to enter if need be by breaking open the house, office or premises or by forcible entry upon the lands in the possession, occupation or use of the person in default.

5. It shall be the duty of the town bailiff to keep in safe custody all such movable property as may have been so seized and, unless the amount due has been in the meantime paid, to sell the same by public auction to the highest bidder within three days from the date of the seizure.

6. (1) In case no bid is made for the movable property so put up to auction or in case the price bid is manifestly too low and inadequate the town bailiff may adjourn the sale to another day being not more than three days from the day of the adjourned sale.

(2) The town bailiff shall post a notice containing the date for such adjourned sale and a description of the movable property to be sold thereat at some conspicuous place within the municipal limits.

(3) On the date fixed for the adjourned sale the town bailiff shall sell the movable property by public auction to the highest bidder.

7. The following sums shall be paid by every person in default whose name is included in the warrant as costs in connection with the execution thereof and shall be paid and recovered in addition to and in the same manner and at the same time as the amounts due under the warrant:—

Where the amount to be recovered—

(a) does not exceed 150 mils.	a sum of 50 mils.
(b) exceeds 150 mils but does not exceed 500 mils.	„ 100 mils.
(c) exceeds 500 mils. but does not exceed £1	„ 150 mils.
(d) exceeds £1 but does not exceed £3	„ 250 mils.
(e) exceeds £3 but does not exceed £6	„ 400 mils.
(f) exceeds £6	„ 500 mils.

8. Upon the completion of the sale the town bailiff shall pay to the Mayor of Nicosia such parts of the proceeds of the sale as may be sufficient to cover the amount due together with the costs of seizure and sale and shall pay any surplus thereof to the owner of the movable property and obtain from such owner a receipt therefor.

9. It shall not be lawful to seize or sell by virtue of any warrant—

(a) the necessary wearing apparel of the person in default and his

- family, and the necessary beds and bedding thereof not exceeding the value of five pounds;
- (b) the necessary baking and cooking utensils of the person in default and his family;
 - (c) the books, tools, implements, vessels and receptacles absolutely necessary for the science, art, industry and trade of the person in default, not exceeding in the whole the value of five pounds;
 - (d) one pair of neat cattle, or one mule and one ass, or two asses at the option of the person in default;
 - (e) every article which is indispensable to the use of the exempted animals;
 - (f) the chopped straw required to feed the exempted animals for three months;
 - (g) provisions for three months for the person in default and his family.

10. If no sufficient movable property of the person in default is found within the town of Nicosia but it appears that he has movable property, liable to seizure, in any other place the warrant shall be transmitted by the town bailiff to the Commissioner of the district wherein such movable property is found and the warrant shall thereupon be executed and the amount therein collected and recovered in the same manner as Government taxes are collected and recovered.

11. If no sufficient movable property can be found from which the amount due by a person in default may be collected and recovered it shall be lawful for the District Court of the district in which the person in default resides, upon the application of the Mayor, upon production of the warrant and upon proof of such insufficiency as aforesaid, but without further proof of the amount due, to summon the person in default before such Court and to make inquiry as to his circumstances and means of livelihood, and to make such order for the payment of the sum due, either forthwith or by instalments as the Court shall think fit; and, in default of payment either of the sum due or of the instalment thereof, without further process to commit the person in default to prison, there to be kept without bail for any term not exceeding three months unless payment shall be made before the expiration of that period:

Provided always that no imprisonment under this paragraph shall operate as a discharge of the liability of the person in default to pay any sum or instalment in respect of which the imprisonment was awarded.

12. If on an inquiry under paragraph 11 hereof it shall appear to the Court that the person in default has immovable property capable of being sold for the payment of the sum due, it shall be lawful for the Court without further process to issue its warrant for the sale of such immovable property or a sufficient part thereof in like manner as if it were sold by order of a competent Court for the payment of a judgment debt, and the proceeds of such sale shall be applied in payment of the sum due; and the surplus thereof, after deducting the sum due and also the reasonable costs and charges of the sale and of all the proceedings prior thereto, shall be paid to the person in default.

13. It shall not be lawful for the Court in any such inquiry as herein-before mentioned to inquire into the justice of the assessment or the correctness of the amount due; but the Court shall proceed to make its order as aforesaid, unless the person in default shall show that the warrant

was issued wrongly or by mistake or that he is not the person mentioned therein.

14. (1) A special account shall be kept by the Municipal Corporation of Nicosia—

(a) of all moneys paid by the Municipal Corporation into the Nicosia water supply fund under the provisions of section 10 (1) of this Law, and

(b) of all amounts (except costs of execution) recovered under any warrant issued by the Mayor under the provisions of paragraph 1 (1) of this Schedule.

(2) All amounts (except costs of execution) recovered under any such warrant shall be applied by the Municipal Corporation to the credit of the special account aforesaid.

(3) All costs of execution of any such warrant shall form part of the revenue of the Municipal Corporation and shall be subject to the provisions of the Municipal Corporations Law.

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(4) The special account aforesaid shall be subject to audit under the provisions of the Municipal Corporations Law.

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15. In this Schedule—

(a) the expressions—

- (i) "resident,"
- (ii) "corporate body,"
- (iii) "Orthodox-Christian Institution,"
- (iv) "Moslem Institution," and
- (v) "Religious Institution,"

shall have, respectively, the same meanings as in the First Schedule to this Law, and

(b) the expression "town bailiff" shall mean the town bailiff appointed under the provisions of the Municipal Corporations Law.

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