

CAP. 349.

CYPRUS

**WATER (DOMESTIC PURPOSES)
VILLAGE SUPPLIES**

CHAPTER 349 OF THE LAWS

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1959

CHAPTER 349.

WATER (DOMESTIC PURPOSES) VILLAGE
SUPPLIES.

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A LAW TO MAKE PROVISION FOR THE SUPPLY, MAINTENANCE
AND CONTROL OF WATER SUPPLIES IN VILLAGES FOR
DOMESTIC PURPOSES.

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[29th July, 1948.]

1. This Law may be cited as the Water (Domestic Purposes) Village Supplies Law. Short title.

PART I.

PRELIMINARY.

2. In this Law—

Interpreta-
tion.

“ Commissioner ” means the Commissioner of the district in which the village is situated and includes an Assistant Commissioner;

“ the Court ” means the District Court of the district in which the village is situated;

“ domestic purposes ” means any purposes which, according to the ordinary habits of life, are commonly satisfied in a village home but shall not include the use of water for irrigation or for any trade, manufacture or business;

“ group of villages ” means two or more villages grouped together for the purposes of this Law, by a notice of the Commissioner;

“ householder ” includes every male inhabitant of the village of not less than eighteen years of age whether assessed for taxation or not and every female inhabitant of a like age who is assessed for any form of taxation;

“ 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, bores, 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

(2) The Commissioner shall cause a copy of such list to be posted in a conspicuous place in the village 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 a final list of the householders of the village for the purposes of the proposed public meeting; and the Commissioner shall give written notice to every person whose name has been either added or deleted from the list.

Public
meeting of
house-
holders.

9. (1) Upon the completion of the final list of householders as in section 8 provided, the Commissioner shall call a public meeting of such householders by causing a written notice to be posted in a conspicuous place in the village not less than fifteen days before the meeting, stating the day, time, place and object of the meeting and calling upon such householders to attend thereat either in person or by proxy appointed by an instrument certified by the mukhtar.

(2) Subject to subsection (7) of this section, no business shall be transacted at such meeting and no decision shall be taken thereat, unless more than one half of the aggregate number of the householders of the village are present in person or are represented by proxy as hereinbefore provided.

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

(4) The Commissioner shall lay before the householders the plans, specifications, estimates, report and proposals relating to the intended work.

(5) All questions or resolutions proposed at any public meeting shall be determined by the majority of the persons present and entitled to vote.

(6) The Commissioner shall keep or cause to be kept minutes of the proceedings of any public meeting and shall enter or cause to be entered therein the questions or resolutions proposed thereat and the number of votes given for or against them and shall, at the close of the meeting, sign the minutes and publicly declare the result of votes given.

(7) If, at any public meeting, a quorum is not present, the Commissioner may ascertain the views of the householders by calling on each one of them to state in writing whether he is in favour of the intended work or not and, if as a result of such an inquiry, more than one half of the aggregate number of the householders express themselves in favour of such work the same shall be carried out as if decided upon at a public meeting.

(8) The Commissioner may, at his discretion, adjourn any public meeting to a day and place to be publicly declared by him at the meeting and no further notice thereof shall be necessary:

Provided that no subject which was not contained in the notice convening the public meeting shall be discussed or considered at any adjourned meeting unless due notice of the subject is given as provided in sub-section (1) of this section.

10. (1) The intended work as approved at the public meeting shall constitute a scheme (in this Law referred to as "the scheme") to be carried out under the provisions of this Law.

Scheme to be carried out.

(2) The scheme shall be carried out by the Village Water Commission under the supervision of the Director of Water Development.

PART III.

ACQUISITION OF IMMOVABLE PROPERTY.

11. Whenever, in carrying out a scheme under this Law, any immovable property is required in connection therewith, the Village Water Commission may acquire such immovable property by agreement on such terms and conditions as the Commissioner may approve.

Acquisition of immovable property by agreement.

12. (1) If any immovable property required in connection with any scheme cannot be acquired by agreement, the

Compulsory acquisition of land.

PART IV.

MISCELLANEOUS.

Obligations
and
contracts.

16. The mukhtar, together with any two members of the Village Water Commission, may, on behalf of the village, enter into any obligation and execute any contract which may be necessary for carrying out the purposes of this Law and their duties thereunder.

Assessment
of pecuniary
liability and
assessment
list.

17. (1) In every case in which the Village Water Commission operating under this Law incurs any pecuniary liability, it shall be its duty to assess any amount required for meeting such liability, together with a fee of five hundred mils for the mukhtar, on the householders according to the means of each of them, but in no case exceeding a maximum of ten pounds, and to prepare a list of the names of such householders showing the amount so assessed:

Provided that the Governor in Council may, at any time by Order published in the Gazette, increase the maximum aforesaid to twenty pounds.

(2) A copy of the list shall be posted or caused to be posted by the mukhtar in a conspicuous place in the village and at the same time the mukhtar shall forward to the Commissioner two copies of the list accompanied by a certificate signed by the mukhtar that a copy has been so posted.

(3) Any person who objects to any assessment made upon him under the provisions of this section may appeal to the Commissioner in writing within ten days of the posting of the list in the village, stating the grounds of his objection.

(4) The Commissioner shall, as soon as possible, proceed to inquire into any appeals that have been made and into the justice of the assessment and shall make such alterations and amendments, including the rectification of any omission in the assessment list, as he shall think just and shall make such adjustments in all or any of the assessments as such alterations, amendments or rectification may necessitate.

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(5) The Commissioner, after proceeding as in subsection (4) of this section provided or if after the expiration of the period prescribed in subsection (3) of this section no appeal has been made as in such subsection provided, shall sign the list and thereupon such list shall be final and conclusive in respect of all matters therein and the sum assessed on

each person shall be payable by every such person and his heirs and, if not so paid, it shall be increased by twenty-five per centum and the original sum, together with such increase, shall be recoverable in the same manner as Government taxes may be recovered.

(6) The list when signed by the Commissioner shall be deposited at his office and a copy thereof shall be forwarded to the mukhtar and shall be open to inspection by any person interested at all reasonable hours.

(7) (a) Where any pecuniary liability incurred by a Village Water Commission extends over a period exceeding one year, the list shall, during the continuance of such liability, be brought up to date and revised by the Village Water Commission in every year during such period on a date not being later than thirteen months from the date of the last list as finally approved by the Commissioner:

Provided that the fee for the mukhtar to be included in the revised list shall be only two hundred and fifty mils;

(b) the procedure provided in this Law for the making of, and the objections to, the original list shall be observed in all respects in the case of every annual revision;

(c) the Village Water Commission may, at such annual revision, apportion and assess as they shall think fit any irrecoverable amounts from past assessments upon the persons whose names are included in the list for the year of revision.

(8) Any amount paid or recovered under any assessment under the provisions of this section shall be deposited into the Department of the Accountant-General to the credit of the village concerned for the purpose for which it is raised:

Provided that any additional amounts recovered from any defaulters, as in subsection (5) of this section provided, shall be paid into public revenue.

18. Notwithstanding anything in this Law contained, a Village Water Commission may, with the consent of the Commissioner and subject to any terms or conditions he may deem fit to impose, sell or otherwise dispose of, either for any purposes other than domestic purposes within the village or for the domestic purposes of any other village,

Sale of
surplus
water.

Accounts
to be kept.

25. (1) Every Village Water Commission shall cause a true account to be kept by the mukhtar or such other person as may be approved by the Commissioner of all moneys received and paid by, or on behalf of, the Village Water Commission.

(2) Within thirty days of the 31st day of December of every year, the accounts of every Village Water Commission up to and including such day shall be closed and shall be certified by the mukhtar.

Account to
be audited.

26. (1) The accounts mentioned in section 25 of this Law shall be audited by such person or persons as the Commissioner shall appoint who shall examine the account and make a report thereon to the Commissioner.

(2) The auditor or auditors may be paid such reasonable remuneration as the Commissioner shall approve, and such remuneration shall be a charge upon the Water Commission fund of the village.

(3) The Commissioner shall publish the audited account by causing a copy thereof to be posted in a conspicuous place in the village concerned or, in the case of a group of villages, a copy thereof in a conspicuous place in each of the villages in the group.

Power of
Commissioner to
surcharge
improper
payments.

27. If after the receipt of the auditor's report it appears to the Commissioner that any sum forming part of the Water Commission fund has been improperly expended, he may surcharge the person, who in his opinion is responsible for the improper expenditure, with the repayment of such sum to the Water Commission fund and shall, by notification in writing, call upon the person surcharged to make good the sum surcharged within such period of time as may be specified in the notification and if the person surcharged makes default in making good the sum surcharged within the period of time specified in the notification, the sum surcharged shall be recoverable from the defaulter as a civil debt at the suit of the Commissioner.

Power of
Commissioner to
depute
duties,
powers and
authorities.

28. The Commissioner 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.

Remedy in
case of
default of

29. (1) Where the Commissioner is satisfied that a Village Water Commission has made default in the performance of

any of its duties under this Law, he may appoint a temporary commission consisting of three persons to perform such duty and shall, by order, direct that the expenses of performing the same shall be paid by the Village Water Commission in default and, upon the filing with the Registrar of the Court of a copy of the order together with a certificate signed by the Commissioner verifying such expenses, the order made for the payment of such expenses shall be enforced in the same way as if the same were an order of such Court.

performance
of duty by
Village
Water
Commission.

The Commissioner may, from time to time, change the constitution of such temporary commission.

(2) Any temporary commission appointed under this section shall, in the performance of such duty, be invested with all the powers necessary for the performance of such duty.

30. (1) A Village Water Commission may make bye-laws for any of the following purposes, that is to say—

Bye-laws.

(a) regulating the use of the water and preventing any waste, undue consumption, misuse or contamination of such water;

(b) providing for the maintenance of the water supply in the village and of any waterworks connected therewith and prescribing the rates or charges to be levied on the householders for such maintenance, the date or dates upon which such rates or charges shall be levied and paid and, if not paid by such date or dates, that they may be increased by twenty-five per centum and further prescribing the manner of the collection and payment of the original sum of such rates or charges together with such increase;

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(c) regulating the supply of water to any premises in the village and prescribing the rates or charges to be paid by any person in connection therewith;

(d) generally for the better carrying out of the provisions of this Law.

(2) Bye-laws under this section shall not be inconsistent with the provisions of this or any other Law and shall be subject to the approval of the Commissioner and shall not come into operation until they have been approved by him and published in the Gazette.

SCHEDULE.
(Section 12 (2).)

WATER (DOMESTIC PURPOSES) VILLAGE SUPPLIES LAW, CAP. 349.

Notice is hereby given that the immovable property, as hereinafter, is required by the Water Commission of _____ in connection with a scheme for the supply and/or maintenance of a supply of water for the domestic purposes of the inhabitants of the said village under the provisions of the Water (Domestic Purposes) Village Supplies Law, Cap. 349.

Any person claiming to have any right or interest in the immovable property to which this notice relates, who objects to the acquisition of any such property, 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 Water Commission of _____ is willing to treat for the acquisition of the immovable property to which this notice relates.

The immovable property to which this notice relates is as follows (a plan showing the same being available for inspection during a period of six weeks from the date of this notice, at _____ from to _____):—

Dated this _____ day of _____, 19 .
Commissioner of