

CYPRUS

**RECOVERY OF COMPENSATION FOR
INJURY TO PROPERTY**

CHAPTER 84 OF THE LAWS

1959 EDITION

PRINTED BY

C. F. ROWORTH LIMITED, 54, GRAFTON WAY, LONDON, W.1.

*[Appointed by the Government of Cyprus the Government Printers of this Edition
of Laws within the meaning of the Evidence (Colonial Statutes) Act, 1907.]*

1959

CHAPTER 84.

INJURY TO PROPERTY.

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY.

Section	Page
1 Short title ...	2
2 Interpretation ...	3

PART II.

RECOVERY OF COMPENSATION AND PROCEDURE.

3 Persons liable to pay compensation ...	4
4 Notice of injury to be given to mukhtar and police ...	4
5 Mukhtar and complainant to inspect damage ...	5
6 Mukhtar and Commission to estimate damage ...	5
7 Duties of Mukhtar ...	6
8 Objections list and limitations thereof ...	7
9 Powers and duties of Commissioner ...	8
10 Commissioner to take evidence ...	9
11 Recovery of compensation ...	10
12 Disposal of compensation, costs and fees recovered ...	11

PART III.

GENERAL PROVISIONS.

13 Limitation of amount of compensation recoverable ...	11
14 Adjustment of amounts allocated when not represented by coin current in Cyprus ...	11
15 Remedy when persons causing damage or destruction are discovered...	12
16 When both Christian and Moslem mukhtar in a village or quarter ...	12
17 Defaulting mukhtars and members of Village Commissions ...	12
18 Commissioner may take directions of Attorney-General ...	12
19 Power to Governor to appoint persons to exercise powers, etc., of Commissioner ...	13
20 Offences and penalties ...	13
21 Power to Governor in Council to make Regulations ...	13
22 Non-application of this Law to towns, but power to Governor in Council to apply it to towns or quarters ...	14

TO MAKE PROVISION FOR THE RECOVERY OF COMPENSATION FOR INJURY CAUSED TO PROPERTY.

1949
Cap. 146.
38 of 54.
24 of 58.

[21st May, 1930.]

PART I.

PRELIMINARY.

Short title.

1. This Law may be cited as the Recovery of Compensation for Injury to Property Law.

2. In this Law—

Interpreta-
tion.

“ animals ” means any camel, horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, donkey, hog, pig or sow ;

“ Commissioner ” means the Commissioner of the District in which the property damaged or destroyed is situated or the damage or destruction has been caused, and includes any person appointed by the Governor under the provisions of section 19 of this Law ;

“ complainant ” means the owner or occupier, or his representative, of any property to which any damage or destruction has been caused by persons unknown or by undetected animals or by undetected sheep or goats ;

“ damage or destruction ” includes the abstraction, detachment or uprooting of property capable of being abstracted, detached or uprooted ;

“ owners of sheep or goats ” means every inhabitant who is an owner of sheep or goats, and every owner of sheep or goats who within seven days prior to the date of a discovery of any damage or destruction is known to have grazed sheep or goats, either personally or through a shepherd, within the lands of the village in which the said damage or destruction is discovered ;

“ property ” means any tree, plant, vine, fruit, vegetables, crops (whether standing or otherwise) or other agricultural produce whether raw or partly or wholly treated or manufactured ; any mandra, fence, wall or boundary mark ; any beehive ; any weir, dam, sluice, aqueduct or other construction or article made or used for the purpose of irrigation or drainage ; any animals as defined in this section ; and any ram, sheep or goat ; 2 of 26/33.

“ tax-paying inhabitants ” includes—

- (a) every inhabitant of not less than eighteen years of age who is assessed for any form of taxation ;
- (b) every male inhabitant of a like age who is not assessed for any form of taxation ;
- (c) the superintendent of any monastery, metochi or teké and the occupier of any chiftlik situated within the lands of any village ;

“ village ” means any village and includes any town or quarter of any town to which this Law or any of the

provisions of this Law, whether partly or wholly, have been made applicable by an Order of the Governor in Council.

PART II.

RECOVERY OF COMPENSATION AND PROCEDURE.

Persons
liable to pay
compensa-
tion.

3. (1) Where any damage or destruction has been caused to property by persons unknown or by undetected animals the tax-paying inhabitants of the village or villages within the lands of which the property is situated or the damage or destruction has been caused shall be liable to pay compensation to the complainant as hereinafter provided:

Provided that where property situated within the lands of a village has been deliberately removed to the lands of another village for the purpose of causing damage or destruction thereto within the lands of the last mentioned village, then and in every such case the damage or destruction shall be deemed to have been caused within the lands of the village from which such property was removed:

2 of 24/35.

Provided also that no compensation shall be payable where the damage or destruction caused to such property is under one pound in value.

2(a) of 38/54.

(2) Where any damage or destruction has been caused to trees, fruit or crops by undetected sheep or goats, the owners of sheep or goats of the village within the lands of which the damage or destruction has been caused shall be solely liable to pay compensation to the complainant as hereinafter provided :

3 of 24/35.

Provided that no compensation shall be payable where the damage or destruction caused to such trees, fruit or crops is under five hundred mils in value.

2 (b) of 38/54.

Notice of
injury to be
given to
mukhtar and
police.

4. Where any damage or destruction has been caused to property by persons unknown or by undetected animals or to trees, fruit or crop by undetected sheep or goats and the complainant desires to obtain compensation under this Law, notice in writing of the damage or destruction shall be given by him or on his behalf as soon as possible by the mukhtar or any two members of the Commission of the village within the lands of which the property is situated or the damage or destruction has been caused and to the police at the nearest police station. Should the damage or destruction be caused to property situated within the lands

of more than one village notice shall be given to the mukhtar or any two members of each of the Commissions of every such village.

5. Upon the receipt of the said notice the mukhtar and any two members of the Commission or such person or persons as may be appointed by them in that behalf shall in company with the complainant forthwith inspect such damage or destruction.

Mukhtar and complainant to inspect damage.

6. (1) Upon such inspection the mukhtar and any two members of the Commission or their representative or representatives as aforesaid shall estimate forthwith the amount which should be payable as compensation in respect of the damage or destruction which has occurred.

Mukhtar and Commission to estimate damage.

(2) Such estimate shall be reduced into writing and shall be signed and sealed by the mukhtar and signed by the complainant if he agrees to such estimate.

(3) When such estimate has been signed by the complainant as aforesaid, it shall be final and conclusive as against the complainant.

(4) If the complainant does not agree with such estimate as aforesaid, the mukhtar shall forthwith furnish the complainant with a copy of such estimate.

(5) If the mukhtar and any two members of the Commission or their representative shall refuse to estimate any amount of compensation in accordance with the provisions of subsection (1) hereof on the ground that the damage or destruction was not caused by persons unknown, or by undetected animals or by undetected sheep or goats the complainant may thereupon apply to the Commissioner who shall inquire into the matter and if satisfied that the damage or destruction was so caused shall order the mukhtar and any two members of the Commission to estimate the compensation payable in accordance with the provisions of this section.

(6) If the mukhtar and any two members of the Commission or their representative estimate the compensation as being under the limits prescribed under subsection (1) or (2) of section 3 of this Law, as the case may be, the complainant may apply to the Commissioner who shall inquire into the matter and if satisfied that the damage or destruction was of such an amount as would entitle the complainant to compensation the Commissioner shall reassess the compensation and shall notify the mukhtar who shall revise accordingly the estimate previously made.

4 of 24/35.