

CYPRUS

COMPENSATION (DEFENCE)

CHAPTER 173 OF THE LAWS

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1959

CHAPTER 173.

COMPENSATION (DEFENCE).

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A LAW TO PROVIDE FOR COMPENSATION IN RESPECT OF ACTION TAKEN ON BEHALF OF HER MAJESTY OR THE GOVERNMENT IN THE EXERCISE OF CERTAIN EMERGENCY POWERS; AND FOR PURPOSES CONNECTED WITH THE MATTER AFORESAID.

[26th August, 1939.]

PART I.

PRELIMINARY.

Short title.

1. This Law may be cited as the Compensation (Defence) Law.

Interpretation.

2. (1) In this Law—

“ agricultural land ” means any land used as arable,

meadow or pasture land, land used for a plantation or a wood or for the growth of saleable underwood, or land used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family;

“ aircraft ” means any flying machine, glider or airship or any balloon (whether fixed or free);

“ the emergency ” means the emergency that was the occasion of the passing of this Law; ^{2 of 2/46.}

“ emergency powers ” means any power conferred by—

(a) Regulations made by the Governor under the Emergency Powers (Defence) Act, 1939, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939,

(b) section 6 of the Telegraphs Law,

Cap. 305.

(c) section 7 of the Air Navigation Act, 1920, as extended to the Colony by the Colonial Air Navigation (Application of Acts) Order, 1937,

or any power exercisable by virtue of the prerogative of the Crown;

“ exercise ” includes purported exercise;

“ fair wear and tear ” in relation to any property of which possession is taken, or which is requisitioned, in the exercise of emergency powers, means such fair wear and tear as might have been expected to occur but for the fact that possession of the property was so taken or that the property was so requisitioned, as the case may be;

“ goods ” means chattels other than vessels, vehicles and aircraft;

“ hire-purchase agreement ” means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, and where by virtue of two or more agreements, none of which by itself constitutes a hire-purchase agreement, there is a bailment of goods, or the property therein will or may pass to the bailee, the agreements shall be treated for

the purposes of this Law as a single agreement made at the time when the last of the agreements was made;

“ land ” includes—

- (a) land with the grazing rights on or over such land,
- (b) land with all water and water rights on, over or under such land,
- (c) buildings and other erections,
- (d) trees, vines and standing crops,
- (e) easements, privileges and liberties appertaining or reputed to appertain to land;

“ owner ” means—

- (a) in relation to land, the person who is receiving the rackrent of the land, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent of the land if it were let at a rackrent, or
- (b) in relation to any property other than land, the person entitled to sell the property, it being assumed not to be subject to any mortgage, pledge, lien or other similar obligation;

and in this definition the expression “ rackrent ” means, in relation to any land, a rent which is not less than two-thirds of the rent at which the land might reasonably be expected to let from year to year, deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the same in a state to command such rent;

2 of 2/46.

“ prescribed ” means prescribed by Rules made by the Governor;

“ requisition ” means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

“ ship ” and “ vessel ” have respectively the same meanings as in the Merchant Shipping Act, 1894;

“ war operations ” means action taken by an enemy, or action taken in combating an enemy or in repelling an imagined attack by an enemy.

- (2) For the purposes of this Law, the doing of work,

shall in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in the exercise of emergency powers.

PART II.

RIGHT TO, AND MEASURE OF, COMPENSATION.

3. (1) Where, in the exercise of emergency powers during the period beginning with the 26th day of August, 1939, and ending with such day as Her Majesty may by Order in Council declare to be the day on which the emergency came to an end—

Compensation for action taken in the exercise of emergency powers.

- (a) possession of any land has been taken on behalf of Her Majesty or the Government, or
- (b) any property other than land has been requisitioned or acquired on behalf of Her Majesty or the Government, or
- (c) any services have been requisitioned or any person has been required to afford, carry out or render any service under emergency powers, or
- (d) any work has been done on any land on behalf of Her Majesty or the Government, otherwise than by way of measures taken to avoid the spreading of the consequences of damage caused by war operations,

then, subject to the following provisions of this Law, compensation assessed in accordance with those provisions shall be paid by the Government in respect of the taking possession of the land, the requisition or acquisition of the property, the requisition or the requiring of the services, or the doing of the work, as the case may be:

Provided that the provisions of this subsection shall not apply in respect of any such taking possession of land, requisition or acquisition of property, requisition or requiring of services, or doing of work, if and so far as the amount of compensation to be paid has been determined by a board appointed for such purpose, or by agreement, prior to the date of the passing of this Law.

(2) For the purposes of this section, a requirement that any space or accommodation in a ship or an aircraft be