

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.
2 of 38/33.

- (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.
2 of 61/32.

- (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 com-
pensation.
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.

Cap. 240.
3 of 38/33.

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 Makedhonitissa 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.