

ANTIQUITIES.

4 OF 1905.

TO CONSOLIDATE AND AMEND THE LAW RELATING TO ANCIENT
MONUMENTS AND ANTIQUITIES, AND TO PROVIDE MUSEUMS.

C. A. KING-HARMAN.]

[May 10, 1905.]

PART 1.

General.

1. This Law may be cited as the Antiquities Law, 1905. Short title.
 2. In this Law, unless the context otherwise requires:— Definitions.
 - (1.) The expression “ Person ” includes bodies corporate;
 - (2.) The “ owner ” of any property, movable or immovable, means any person whose title to the same is recognized by the Law of Cyprus; and in the case of property in the occupation of any See, Monastery, or Church means the Bishop of the Diocese, the governing body of the Monastery or the duly constituted Committee of Management of the Church, as the case may be; and in the case of Mosques, Tékés, or other Moslem religious establishments means the Delegates of Evkaf or other person administering the trusts of the same;
 - (3.) The term “ ancient monument ” means and includes any object, or building, or locality which, under the provisions of this Law, may be declared to be an ancient monument;
 - (4.) The expression “ Antiquities ” means all works whatever of architecture, sculpture, or any graphic art, or art generally, which date from the most ancient times up to the Turkish conquest of the Island, such as any buildings and architectural memorials, sculptured stones which originally belonged to such memorials, and pedestals, ramparts, tombs, dressed stones, statues, reliefs, statuettes, inscriptions, paintings, mosaics, vases, arms, ornaments, and all other works and utensils of any material, gems for rings, coins, and, generally, all objects of antiquarian interest;
- Provided that coins of Byzantine, Lusignan, and Venetian times shall not be deemed to be antiquities;
- (5.) The expression “ Museum Committee ” means the Committee constituted in accordance with the provisions of section 39;

- (6.) The expression "Land" includes and extends to buildings, trees, grazing rights (where the same are held separately and are not vested in the same person as the ownership of the land), easements, and standing crops.

Antiquities
the absolute
property of
Government.

3.—(1.) No antiquity shall, by reason merely of its being discovered on land in the ownership of any person, be the property of that person; Provided that he shall be deemed to be interested in it when discovered, in accordance with the provisions of this Law.

(2.) All undiscovered antiquities of a movable character, whether lying on the surface of the ground or hidden beneath the surface, are hereby declared to be the property of the Government, subject to the provisions of this Law.

(3.) All antiquities of an immovable character shall be deemed to be the property of the Government, subject to the provisions of this Law, unless in any case some person shall be the owner of them.

Lists of
antiquities to
be furnished.

4. Every person in possession of antiquities at the time of the coming into operation of this Law⁽¹⁾ shall, within a period of six months of that date, furnish to the Museum Committee, or, failing the appointment of such Committee, to the Chief Secretary to Government, a list describing them to the best of his ability.

Inspection of
antiquities.

5. The Museum Committee, with the approval of the High Commissioner, by its members or duly appointed agents, may require, from time to time, the production for inspection at the place where it is deposited or kept, of any antiquity specified in the list, for the purposes:—

- (1.) Of ascertaining the accuracy or otherwise of the list;
- (2.) Of obtaining such fuller description of the antiquity as may be required, and of revising the list, or preparing a new list;
- (3.) Of ascertaining if the antiquity remains in the possession of the person entitled thereto.

Confiscation
of antiquities
not disclosed.

6. After the expiration of the period of six months specified in section 4, any antiquity found in the possession of any person which has not been returned in any list furnished under the said section, and has not been otherwise acquired under the provisions of this Law, may be seized under an order of the District Court and shall, unless such person proves to the satisfaction of the Court that the failure to furnish the return of it was due to no wilful deceit or intended fraud, be confiscated and shall become the property of the Government, subject to the provisions of this Law.

⁽¹⁾ 25th August, 1905.

7. Where any person discovers any antiquity otherwise than in the course of excavations authorized under the provisions of this Law he shall, within five days after finding it, give notice thereof and deliver it over, if portable, at the nearest Police station, and shall indicate precisely the spot where he found it. The officer in charge of the Police station shall give the person who delivers the antiquity an acknowledgment describing it in detail, and shall forthwith forward the antiquity to the Commissioner of the District, or, if it is difficult to transport, shall give the Commissioner notice to that effect, and the Commissioner shall inform the Museum Committee accordingly. Any person discovering any antiquity and failing to comply with the provisions of this section, shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, or to both such penalties, and his interest in the antiquity found shall be forfeited.

Finder, on accidental discovery, to give notice

8. On the discovery as aforesaid by any person other than the Government or Museum Committee of any antiquities other than those of an immovable character, one third part thereof shall be taken by the Government, one third part by the owner of the land where the antiquities have been discovered, and, subject to the provisions of this Law, one third part by the finder.

Antiquities which are not the absolute property of Government

When the finder is himself the owner of the land where the antiquities have been discovered, subject as aforesaid, two third parts shall be taken by him and one third part by the Government.

When any such antiquities are discovered by such finder on land belonging to the Government, two third parts of them shall be taken by the Government, and, subject as aforesaid, the remaining one third part by the finder.

The parties interested in any antiquities in virtue of the provisions of this section may agree to apportion their respective interests in them, as the case may be, either in kind or in value; but on failure to agree as to the manner in which they shall be apportioned, the apportionment shall be referred to arbitration and determined in the manner provided by section 35.

9. Saving as hereinafter provided, any person in possession of, or having under his control, any antiquity, may be required by any Peace Officer or Officer of the Customs to show how it came into his possession or under his control, and, in default of his so doing, or showing that the antiquity was lawfully acquired as in this Law provided for, the antiquity may be seized, and if such person fails to prove to the satisfaction of the Court that the antiquity was lawfully acquired by him, or that it passed lawfully into his control, he

Onus of proof of origin of antiquity.

shall be liable to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding six months, or to both such penalties, and the antiquity shall be confiscated.

Provided that no person shall be liable to conviction under this section if he proves to the satisfaction of the Court that the antiquity was acquired before the coming into operation of this Law, and that it has been duly reported in accordance with the provisions of section 4.

PART 2.

Ancient Monuments.

Ancient
monuments.

10. The High Commissioner, whenever he considers that any structure, erection, monument, or site is of public interest by reason of the historic or traditional interest attaching thereto, may by notification in the *Cyprus Gazette*, declare it to be an ancient monument and subject to the provisions of this Law, and may appoint a Curator to take charge of it.

Provided always that, where such structure, erection, monument, or site is not in the possession or under the control of the Government, no such declaration shall be made unless with the advice of the Museum Committee and, where such ancient monument is in the possession of a private person, a copy of the notification shall be served upon him.

Private owner
not to alter
archæological
character.

11. It shall be unlawful for the owner of or for any person interested in or having the use of any ancient monument to destroy, demolish, or alter the archæological character of it, or to deface it or to modify it in any way, without the permission in writing of the Museum Committee confirmed by the High Commissioner. Every such person who acts contrary to the provisions of this section shall be liable to the penalty provided by section 13, and the ancient monument shall vest in the Government of Cyprus.

But may
obtain aid in
certain cases.

Where the owner so desires, the Museum Committee with the sanction of the High Commissioner may, if it sees fit, from any funds at its disposal for the purpose, and from time to time, grant to any such owner or person money for the purpose of maintaining, preserving, or restoring any such ancient monument.

Provided always that the owner or administrator of any building used or intended to be used for the purpose of religious worship may at all times repair, alter, enlarge or reconstruct the building for the more convenient performance of religious worship.

12. Where an ancient monument does not belong to the Government of Cyprus, the Museum Committee, with the sanction of the High Commissioner, may acquire it or any part of it under the provisions of any Law for the time being in force relating to the compulsory acquisition of immovable property, no regard being had to its archæological value in assessing the compensation.

Power of
Museum
Committee
to acquire
ancient
monuments.

13. Any person who:—

Offences.

- (1.) Destroys, injures or defaces any ancient monument; or
- (2.) Writes, draws or carves thereon any writing, drawing or figure whereby it is disfigured, or its appearance or artistic value or interest is spoilt or impaired; or
- (3.) Without having first obtained permission in writing of the Museum Committee, confirmed by the High Commissioner for the purpose, removes any material or stone, cut or otherwise, from any ancient monument or from any heap or collection of stones forming part of or being adjacent to any ancient monument, or removes any stone bearing an ancient inscription from the place where it is found,

shall be guilty of an offence, whether he is or is not the owner of the ancient monument with respect to which the act is done, and shall be liable to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding two months, or to both such punishments.

14. The High Commissioner, with the advice of the Museum Committee, may cause any work to be carried out which he may consider necessary for the restoration, preservation or protection of any ancient monument, and may excavate in, upon and under any ancient monument.

Restoration,
etc., of
ancient
monuments
and power of
High Com-
missioner to
excavate.

15. The High Commissioner with the advice of the Museum Committee may, by order under his hand, place the ancient monuments in any locality under the care of a Local Committee and depute to such Committee any of the powers hereby given to the High Commissioner for the preservation of such ancient monuments, either generally during the pleasure of the High Commissioner or for a time to be specified in the order. The members of any such Committee shall be appointed by the High Commissioner and shall hold office for two years.

Local Com-
mittee.