

## No 26 OF 1928.

TO PROVIDE FOR THE VESTING AND CONTROL OF WATER, A.D. 1928.  
 THE CONSTRUCTION OF WATERWORKS, AND FOR 26 of 1928.  
 OTHER PURPOSES RELATING THERETO.

RONALD STORRS.]

[May 9, 1928.]

BE it enacted :—

1. This Law may be cited as the Government Water- Short title.  
 works Law, 1928.

2. In this Law, unless the context otherwise requires :— Interpretation.

“ Person ” includes any body of persons, corporate or unincorporate, and any ecclesiastical or pious foundation ;

“ Persons interested ” include all persons claiming an interest in compensation to be made on account of the acquisition of land under this Law ; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land ;

“ Water ” means water for which provision is made in section 3 of this Law ;

“ Waterworks ” include all wells, bores, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, channels, engines, and all other structures or appliances used or constructed for the storage, conveyance, supply, distribution, measurement or regulation of water which are so used or have been constructed by or on behalf of the Government under this Law ;

“ Land ” includes land (with the grazing rights over such land) buildings, trees, easements, standing crops and water or water rights other than water or water rights deemed to be the absolute property of the Government under this Law ;

“ Government ” means the Government of the Colony of Cyprus ;

“Commissioner” means the Commissioner of the District within which any waterworks constructed or to be constructed and any land acquired or to be acquired are situated.

Vesting of  
water in  
Government.

3.—(1) Notwithstanding anything to the contrary contained in any other law now in force in the Colony—

(a) All underground water (including second water) for which no measures have hitherto been taken enabling such water to be brought or raised to the surface or to run on the surface; and

(b) All water running to waste from any river, spring, stream or watercourse; and

(c) All other waste water, shall be deemed to be the absolute property of the Government, and no person shall take or utilize or take measures to utilize such water without the written permission of the Commissioner first obtained.

Provided that nothing in this sub-section shall be deemed to affect the provisions of the Construction of Buildings, Streets and Wells on Arazi Mirié Law, 1927.

(2) All water in any river, spring, stream or watercourse, whether the subject of private rights or otherwise, in respect of which any waterworks are undertaken shall, after making such provision as is in this Law enacted for the supply of water to persons or lands possessing the right to take water from such river, spring, stream or watercourse, be deemed to be the absolute property of the Government, and no person shall take or utilize such water save as is hereinafter provided.

Powers of  
Government  
to take, store  
or divert  
water, to  
construct  
waterworks,  
acquire land  
and remove  
obstructions.

4. For the purpose of taking or utilizing water, the Government may—

(1) Store, divert, or otherwise deal with or control such water as may appear to the Government expedient;

(2) Construct any waterworks;

(3) Acquire any land for the construction and maintenance of any waterworks;

(4) Remove or interfere with any building or structure or other obstruction to any waterworks.

5. The Governor shall from time to time determine the waterworks to be undertaken under the provisions of this Law, and the Legislative Council may, by resolution, recommend to the Governor the undertaking of any waterworks which may appear desirable.

Governor to order execution of waterworks.

6. Whenever it appears that any existing water rights will or may be injuriously affected by the carrying out of any waterworks under this Law, the Governor shall nominate and appoint three Water Commissioners in order to ascertain and record the nature, extent and situation of the said rights in the manner hereinafter provided.

Water Commissioners to record water rights.

7. The Water Commissioners shall ascertain and record in a book, in this Law referred to as "the Register,"—

Registration of water channels.

(1) Every channel used at the date of the inquiry by any person in the exercise of a water right which, in the opinion of the Water Commissioners, is liable to be so injuriously affected as aforesaid ;

(2) The average area which, during the five years immediately preceding the date of the inquiry, has been lawfully watered by each channel, such average being computed on the basis of the three years in which the most extensive area has been watered ;

(3) The average number of times such area has been watered in each year during the said period, and whether the waterings have been used for winter or summer cultivation ;

(4) Every channel the use of which has been abandoned at the date of inquiry, and the average area of land lawfully watered by such channel, and whether the land has been watered for winter or summer cultivation, if it is proved—

(a) That the channel has, at any time during the ten years immediately preceding the date of the inquiry, been used in the exercise of a water right ;

(b) That the abandonment thereof has been caused by the minority, mental or physical incapacity, absence from Cyprus of lack of means on the part of the person entitled to use it ;

(c) That the channel is liable to be affected by the proposed waterworks.

(5) Every right to take water for the service of any mill or machine or for any purpose, and the nature and extent of the right.

The Water Commissioners shall cause to be prepared and attached to the Register a plan showing the position and course of each channel and the situation and extent of the land watered by each channel as aforesaid.

Power to  
compel  
attendance  
of witnesses.

8. The Water Commissioners shall, at least one month before the holding of an inquiry, cause a notice to be published in every village likely to be affected by the inquiry, calling upon all interested persons to appear before the Water Commissioners with the evidence upon which they rely to support their claims; and, for the purposes of the above inquiry, the Water Commissioners may require by summons the attendance of any person whose presence or evidence they may consider necessary for the investigation or settlement of any question arising during the inquiry, and any person refusing to attend on such summons or to answer any question material for the purpose of the inquiry, or to produce any document he may be required to produce, shall be liable to a fine not exceeding ten pounds.

The Water Commissioners may, for the purpose of the inquiry, take evidence on oath or affirmation; and any person wilfully giving false evidence upon such oath or affirmation shall be liable to the same penalties as if he had given false evidence in a judicial proceeding.

Deposit of  
Register  
with Com-  
missioner.

9. On the completion of the inquiry with reference to any waterworks under this Law, the Water Commissioners, or, if they disagree, the majority of them, shall sign the Register and deposit one copy of it with the Commissioner, and another copy with the Mukhtar of every village in which any water right is found to exist, and shall cause to be posted in every such village a notice stating that copies of the Register have been so deposited, and that all persons objecting to the rights as therein recorded must carry in their objections within two months from the date of the notice.

Power to  
object to  
Register.

10. The Director of Land Registration and Surveys on behalf of the Government, or any persons whose rights are affected by the record in the Register contained, may, at any time within two months from the date of the notice of the deposit of the Register with the Commissioner, object to the Register in the manner hereinafter provided.

Provided that, with the consent of any interested party, the Director of Land Registration and Surveys may, in his discretion, amend the Register at any time.

**11.** Every such objection shall be brought by an application claiming the rectification of the Register, to be commenced in the District Court of the District in which the Register is deposited, by the person objecting to the Register as Applicant against the Water Commissioners signing the Register as Respondents, and the decision of every such Court on any such objection may be appealed from in the same manner and subject to the same restrictions as though it was a decision in an ordinary civil action.

Hearing of  
objection.

Provided that the District Court shall have unlimited jurisdiction to hear and dispose of all applications under this section.

**12.** At the expiration of two months from the deposit of the Register as aforesaid, the Register, except so far as it may have been thus objected to, and subject to the powers of rectification conferred upon the Director of Land Registration and Surveys by section 10, shall be binding and conclusive on all persons, and shall, for the purposes of this Law, be deemed to be final and conclusive evidence of all matters therein recorded.

Register  
when  
binding.

**13.** The Government shall provide for the satisfaction of water rights with reference to any waterworks under this Law by providing that the water rights recorded in the Register shall be satisfied to the extent of the water hitherto enjoyed.

Method of  
satisfying  
water rights.

No person shall be entitled, in respect of any water right, to receive, except upon payment, any water in addition to the amount above mentioned.

**14.** Subject to the provisions of the last preceding section for the due supply of water to persons whose rights have been ascertained and registered in accordance with this Law, all water in respect of which any waterworks have been undertaken may be sold or disposed of by the Government.

Sale or  
disposal of  
water by  
Government.

**15.** As soon as possible on the completion of any waterworks the Water Commissioners appointed under section 6, or specially appointed for the purposes of this section, shall from time to time as occasion may require, draw up a record, in this Law referred to as "the Specification," specifying—

Specification  
to be pre-  
pared by  
Water Com-  
missioners.