

No. 38 OF 1933.

A LAW FURTHER TO AMEND THE NICOSIA WATER SUPPLY (SPECIAL POWERS) LAW, 1932.

A.D. 1933.
38 of 1933.R. E. STUBBS,
Governor.

[4th October, 1933.]

BE it enacted:—

1. This Law may be cited as the Nicosia Water Supply (Special Powers) Amendment Law, 1933, and shall be read as one with the Nicosia Water Supply (Special Powers) Law, 1932, as amended by the Nicosia Water Supply (Special Powers) (Amendment) Law, 1932, (hereinafter called "the Principal Law"), and the Principal Law and this Law may together be cited as the Nicosia Water Supply (Special Powers) Laws, 1932 and 1933.

Short title.

49 of 1932.
61 of 1932.

2. Section 3 of the Principal Law is hereby repealed and the following substituted therefor:—

Repeal of section 3 of Law 49 of 1932 and substitution of new section.

"Establishment and composition of Board.

3. There shall be a Board (in this Law called "the Board") which shall be constituted as follows:—

- (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 Turkish Delegate of Evcaf,
- (d) The Mayor of Nicosia,
- (e) One Councillor appointed by the Municipal Corporation of Nicosia."

3. Section 10 of the Principal Law is hereby repealed and the following substituted therefor:—

Repeal of section 10 of Law 49 of 1932 and substitution of new section.

"Payments by the Municipal Corporation of Nicosia into the Nicosia Water Supply Fund.

10.—(1) Notwithstanding anything in the Municipal Corporations Laws, 1930 and 1932, 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:

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.

(2) In this section, the expression " capital expenditure " shall mean any expenditure for the permanent improvement of the Nicosia Water Supplies or any part thereof or for an improvement which will continue to benefit such supplies or part thereof after the expiration of the control and management thereof by the Board, but shall not include any expenditure incurred in connection with the purchase or

laying of pipes or the construction of channels or the use of any other appliances for the conveyance or distribution of water to or from the Nicosia Water Supplies or any part thereof."

4. The Principal Law is hereby amended by the insertion immediately after section 10 of the following sections:—

"Delivery of pipes and works to Municipal Corporation of Nicosia.

Property in pipes and works after delivery to Municipal Corporation of Nicosia.

Power of Municipal Corporation of Nicosia to assess, etc., moneys paid into Nicosia Water Supply Fund.

10A. At the expiration of the period prescribed in an Order made under section 4 of this Law, the Board shall deliver to the Municipal Corporation of Nicosia without payment any pipes purchased and any works executed with any moneys provided by the Municipal Corporation under section 10 (1) of this Law.

10B. All pipes and works delivered to the Municipal Corporation of Nicosia under section 10A of this Law shall, after delivery thereof, be the property of the Municipal Corporation and may be disposed of in such manner as the Municipal Corporation may determine or may be repaired and maintained by the Municipal Corporation at its expense and provision for such expense may be made in the annual Estimates of the Municipal Corporation.

10C.—(1) Whenever the Municipal Corporation of Nicosia has paid any moneys into the Nicosia Water Supply Fund under the provisions of section 10 (1) of this Law, it shall be lawful for the Municipal Corporation—

(a) to assess the amount of moneys so paid—

(i) on the persons and in the proportions specified in the First Schedule to this Law, and

(ii) in manner in the Second Schedule to this Law prescribed; and

(b) to recover and apply the amount so assessed in manner in the Third Schedule to this Law prescribed.

(2) If any moneys paid by the Municipal Corporation of Nicosia into the Nicosia Water Supply Fund have been borrowed under the authority of an Order of the Governor issued under section 10 (1) (b) of this Law and such moneys carry interest, the amount of such interest shall, for the purposes of this section, be deemed to be moneys paid into the Nicosia Water Supply Fund.

New sections 10A, 10B, 10C and 10D inserted in Law 49 of 1932.

Municipal Corporation of Nicosia to act by its Council.

10D. The Council of the Municipal Corporation of Nicosia shall exercise all the powers vested in, and shall perform all duties imposed on, the Municipal Corporation under this Law."

5. The following First Schedule shall be inserted in the Principal Law :—

" FIRST SCHEDULE.

(SECTION 10C (1) (a) (i).)

1. The persons to be assessed shall be the following :—

(a) individuals residing or carrying on any trade, business or occupation within the municipal limits of Nicosia (hereinafter in this Schedule called " residents ");

(b) companies, partnerships, associations, clubs and other corporate bodies owning, possessing or occupying premises within the municipal limits of Nicosia (hereinafter in this Schedule called " corporate bodies ");

(c) churches, monasteries and thrones of the Greek-Orthodox Church owning or possessing immovable property situated within the municipal limits of Nicosia (hereinafter in this Schedule called " Orthodox-Christian Institutions ");

(d) churches, monasteries and places of worship of communities other than the Greek-Orthodox or Moslem community owning or possessing immovable property situated within the municipal limits of Nicosia (hereinafter in this Schedule called " Religious Institutions ");

(e) mosques and tekyes owning or possessing immovable property within the municipal limits of Nicosia (hereinafter in this Schedule called " Moslem Institutions "); and

(f) the Evcaf Department.

2. The total amount to be assessed shall be contributed in the following proportions :—

(a) by residents belonging to the Greek-Orthodox Church and corporate bodies the majority of the shareholders or members of which belong to the Greek-Orthodox Church, and Orthodox-Christian Institutions 60%.

(b) by residents who profess the Moslem faith and corporate bodies the majority of the shareholders or members of which profess the Moslem faith, and Moslem Institutions, and the Evcaf Department 30%.

Insertion of First Schedule in Law 49 of 1932.

(c) by residents other than Greek-Orthodox Christians or Moslems and corporate bodies the majority of the shareholders or members of which are neither Greek-Orthodox Christians nor Moslems, and Religious Institutions 10%.”

6. The following Second Schedule shall be inserted in the Principal Law :—

Insertion
of Second
Schedule
in Law 49
of 1932.

“ SECOND SCHEDULE.

(SECTION 10C (1) (a) (ii).)

1. Within such time of the date of payment of any moneys by the Municipal Corporation of Nicosia into the Nicosia Water Supply Fund under the provisions of section 10 (1) of this Law as the Municipal Corporation may determine, the amount thereof shall be assessed by the Municipal Corporation on the residents, corporate bodies, Orthodox-Christian Institutions, Moslem Institutions, Religious Institutions and the Evcaf Department.

2. Every amount so paid shall be divided by the Municipal Corporation of Nicosia into three equal parts and the first part thereof shall be assessed in the year in which payment has been made or in such year as the Municipal Corporation may determine and the second and third parts thereof in each succeeding year, respectively.

3. A list of such assessments, (hereinafter in this Schedule called “ the assessment list ”), shall be prepared and signed by the Mayor and the Town Clerk and Treasurer of Nicosia and shall be sealed with the corporate seal.

4. In the making of the assessment list the following provisions shall apply :—

(a) every resident shall be assessed according to his means :

Provided that—

(i) the maximum sum to be assessed on any resident shall not in any year exceed the sum of one pound, and

(ii) no resident who is less than eighteen years of age or whose means are such as not to justify an assessment on him of an annual sum of not less than two shillings shall be included in the assessment list.

(b) corporate bodies shall be assessed according to the value of the premises, situated within the municipal limits of Nicosia, they own, possess or occupy ;