

No. 41 OF 1935.

A.D. 1935.

A LAW TO CONSOLIDATE AND AMEND THE LAW
RELATING TO ANTIQUITIES.

41 of 1935.

H. R. PALMER,]
Governor.

[30th December, 1935.

BE it enacted :—

Short title.

1. This Law may be cited as the Antiquities Law, 1935.

Interpreta-
tion.2. In this Law unless the context otherwise requires,
“ ancient monument ” means—(a) any object, building or site specified in the First
or Second Schedule to this Law ;(b) any other object, building or site in respect of
which the Governor in Council has made an Order
under section 6 of this Law,and shall include any part of the adjoining land which may
be required for the purpose of fencing, covering, or otherwise
preserving the monument from injury, as also the means of
access to such monument ;

“ antiquity ” means—

any object, whether movable or immovable or a part
of the soil, which has been constructed, shaped,
inscribed, erected, excavated or otherwise produced
or modified by human agency earlier than the year
1700 A.D., together with any part thereof which has
at a later date been added, reconstructed or restored ;

“ Colony ” means the Colony of Cyprus ;

“ Director ” means the Director of Antiquities ;

“ Government ” means the Government of the Colony ;

“ land ” includes land (with the grazing rights, and all
water and water rights on, over or under such land),
buildings, trees, easements and standing crops ;

“ owner ” includes—

(a) in the case of property in the occupation of any
See, Monastery or Church, the Bishop of the Diocese,
the governing body of the Monastery or the duly
constituted Committee of Management of the Church,
for the time being, as the case may be ;

- (b) in the case of property in the occupation of any Mosque, Tekye or other Moslem religious body or institution, the Delegates of Evcaf or other person administering the trusts of the same for the time being, as the case may be.

PART I.
GENERAL.

3. Subject to the provisions of this Law, all antiquities lying undiscovered at the date of the coming into operation of this Law in or upon any land shall be the property of the Government.

Property in
antiquities.

4.—(1) Any person who accidentally discovers an antiquity whether in or upon his own land or land the property of another person or of the Government without being in possession of a licence to excavate in accordance with section 14 of this Law shall forthwith give notice of his discovery and if portable deliver the antiquity, to the Mukhtar of the nearest village or to such other person as the Commissioner of the District may appoint in that behalf or to the Curator of the Cyprus or a District Museum and shall at the same time sufficiently indicate or describe the place where he found it.

Antiquities
accidentally
discovered
by un-
licensed
persons to be
delivered to
the Mukhtar
or other
authorized
person.

(2) The Mukhtar or other person authorized to take delivery of the antiquity shall give to the person who delivers it a receipt containing a full description of such antiquity and shall send a duplicate of the receipt to the Director and shall, pending instructions from him, retain the antiquity in safe custody.

(3) Any person who fails to comply with any of the provisions of sub-section (1) of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both, and any antiquity in respect of which the offence has been committed shall be delivered to the Director and the finder shall not be entitled to any payment therefor.

5.—(1) The Director upon receiving notice of the discovery of an antiquity as in section 4 of this Law mentioned shall consider whether such antiquity should be acquired for the Cyprus Museum or for any District Museum and if it appears to him that the antiquity should be so acquired, he shall pay to the finder such sum as appears to him to be the fair market value for the same.

Disposal of
antiquities
accidentally
discovered.

(2) If the Director decides not to acquire the antiquity he may offer it to the Trustees of the British Museum who if they wish to acquire it, may do so on condition that they pay to the finder such sum as appears to the Director to be the fair market price for the same.

(3) If the finder is dissatisfied with the value fixed by the Director, the value of the antiquity shall be fixed by an arbitrator appointed by the Chief Justice and the decision of the arbitrator shall be binding upon both parties.

(4) If neither the Director nor the Trustees of the British Museum desire to acquire the antiquity, the Director shall deliver it to the finder and shall give him a permit authorizing him to retain, sell or otherwise dispose of the same either within or without the Colony :

Provided that the finder may, with the permission of the Director, deposit such antiquity among the duplicate antiquities exposed for sale at the Cyprus Museum and the price obtained for it, if sold, shall be paid over to him by the Director without any deduction.

PART II.

ANCIENT MONUMENTS.

6.—(1) The Governor in Council may, on the recommendation of the Director, from time to time by Order in the *Cyprus Gazette*—

(a) declare any object, building or site which he considers to be of public interest by reason of the historic, architectural, traditional, artistic or archæological interest attaching thereto to be an ancient monument and shall at the same time declare whether such monument shall be added to the First or to the Second Schedule to this Law, as the case may be ;

(b) direct that any ancient monument specified in, or added to, either Schedule be transferred to the other Schedule to this Law.

(2) No object, building or site shall be declared an ancient monument unless the Director gives notice in the *Cyprus Gazette* of the proposed declaration not less than one month before the making of the Order, and any person whose interests may be prejudicially affected by the proposed declaration may, within the period of one month aforesaid, lodge an objection for consideration by the Governor in Council whose decision thereon shall be final and conclusive.

Power to
Governor
in Council
to declare
ancient
monuments.

7. The ancient monuments specified in the First Schedule to this Law together with such other ancient monuments as may from time to time be added thereto shall be the property of the Government.

Ancient monuments in the First Schedule to be the property of the Government.

8.—(1) No person beneficially interested in any ancient monument specified in the Second Schedule to this Law, or in any other ancient monument as may from time to time be added thereto shall make any alterations, additions or repairs affecting its architectural character to such ancient monument or fell any tree growing within the boundaries of the same save in accordance with the terms of a permit in writing from the Director previously obtained.

Owner not to alter character of ancient monuments in Second Schedule without permission.

(2) The Director may, with the approval of the Governor, grant to any person beneficially interested in any ancient monument to which this section applies, such sum as to the Director may seem fit for the purpose of assisting such person in the maintenance, preservation or restoration of such monument.

(3) Any person who is dissatisfied with any term imposed by the Director in any permit issued under this section may, within one month from the date of notification of the decision of the Director, appeal to the Governor in Council whose decision thereon shall be final and conclusive.

(4) Any person who acts in contravention of sub-section (1) of this section shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds and the ancient monument in respect of which the offence has been committed shall upon conviction vest in the Government.

9. Where any object, building or site which is privately owned is declared to be an ancient monument and inserted in the First Schedule to this Law, or where any ancient monument specified in the Second Schedule is added to the First Schedule compensation shall be payable to the owner in the like manner and in accordance with the provisions of the law for the time being in force relating to the compulsory acquisition of land for public purposes.

Compensation for private property declared an ancient monument.

Provided that in assessing any compensation payable for such monument no regard shall be had to its historic, architectural, traditional, artistic or archaeological value unless the owner can prove that he paid in good faith a higher price for the monument on account of such value.

Offences.

10. Any person whether beneficially interested in it or not who—

- (a) destroys, injures or defaces an ancient monument ;
- (b) writes, draws, or carves any writing, drawing or figure on an ancient monument ;

shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both.

Power to Governor to control the erection, etc., of buildings in the neighbourhood of ancient monument.

11.—(1) The Governor, with a view to ensuring that buildings in the neighbourhood of an ancient monument shall as regards height and style of architecture be in keeping with the character and style of such monument and that the amenities thereof may be preserved, may by notice to be published in the *Gazette* order that, within such area as may be specified in such notice no building shall be erected, reconstructed or repaired and no tree shall be felled save in accordance with the terms of a permit in writing from the Commissioner previously obtained.

(2) Before issuing a permit under this section the Commissioner may require the applicant to submit for the consideration of the Commissioner and the Director such plans, sections and drawings as to them may seem fit and the Commissioner in consultation with the Director may require such modifications to be made in the same as will ensure that the building in respect of which the permit is granted will be in keeping with the character and style of any ancient monument.

(3) Any person who is dissatisfied with any term imposed by the Commissioner in any permit issued under this section may, within one month from the date of notification of the decision of the Commissioner, appeal to the Governor whose decision thereon shall be final and conclusive.

(4) Any person who—

- (a) erects, reconstructs or repairs any building contrary to the provisions of sub-section (1) of this section ;
- (b) in erecting, reconstructing or repairing any building deviates from the approved plan, section or drawing ;

shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds and in addition to such punishment the Court trying the offence shall order such person to demolish or reconstruct in accordance with the