

- (ii) in the case of a permit relating to a building such terms and conditions may include provision in respect of the purpose for which such building may be used and for a certificate of occupancy to be obtained from the Building Committee by the holder of the permit before the building to which the permit relates is occupied, and the form of such certificate for occupancy; and
- (iii) in the case of a permit relating to the division or subdivision of land for building purposes such terms and conditions may include provision for the laying out and construction of streets on the land to be divided or subdivided for building purposes at the cost of the person to whom the permit is granted;”

No. 11 OF 1938.

A LAW TO AMEND AND CONSOLIDATE THE IRRIGATION LAWS, 1931 AND 1934.

H. R. PALMER,]
Governor.

[21st April, 1938.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows:—

Short title.

1. This Law may be cited as the Irrigation Divisions (Villages) Law, 1938.

Interpre-
tation.

2. In this Law—

“Commissioner” means the Commissioner of the district within which the irrigation division has been formed;

“committee” means a committee formed under the provisions of this Law to act in the irrigation division for which it has been so formed;

“irrigation division” means an irrigation division formed by the proprietors in a village or quarter of a village or group of villages under the provisions of this Law, operating within such village or quarter or group of villages;

“irrigation works” 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 under the provisions of this Law for the storage, conveyance, supply, distribution, measurement or regulation of water;

“land” means land (with grazing rights over such land), buildings, trees, easements, standing crops and water or water rights and includes land belonging to any ecclesiastical or pious foundation ;

“proprietor” means an owner of land situated within a village or quarter of a village or group of villages which is benefited or is capable of being benefited by any irrigation works.

3. It shall be lawful for the Commissioner of any district at his own instance or on the application in writing of not less than ten proprietors in any village or quarter of a village or group of villages as to him may appear likely to be benefited by any irrigation works, to call a public meeting of the proprietors of such village or quarter or group of villages for the purpose of determining whether an irrigation division shall be formed for all or any of the following purposes :—

Meeting of proprietors.

- (a) The construction, improvement, maintenance or repair of any irrigation works lying wholly or in part within the lands of such village or quarter or group of villages ;
- (b) The protection of common waters or watercourses and for the regulation of the use thereof ;
- (c) The maintenance or protection of the water rights of the proprietors.

4. The Commissioner shall at least one month before the holding of a public meeting cause a notice to be posted in a conspicuous place in every village or quarter of a village likely to be affected by any irrigation works, stating the day and place appointed for holding the meeting and the object thereof, and calling upon all proprietors in such village or quarter to attend in person or by proxy appointed in writing, at the meeting.

Notice of public meeting.

5. The Commissioner shall preside at every public meeting so convened which shall be held at the time and place appointed, and at such a meeting the proprietors or the authorized proxies thereof who are present shall decide by majority as provided in section 7—

Proceedings at the public meeting.

- (a) whether an irrigation division shall be formed, and
- (b) the purpose or purposes for which such division shall be formed, and
- (c) the village or quarter of a village or villages which shall be comprised in the irrigation division.

Right to
vote.

6. If at any public meeting any question is raised as to the right of any person to vote, the Commissioner may there and then make such inquiry as he may deem requisite and declare whether the person has the right of voting or not and the decision so made shall be final and an entry shall be made in the minutes of the meeting of any such question and of the decision thereon.

Majority
required
at a public
meeting.

7. All questions or resolutions proposed at any public meeting shall be determined by a majority of the persons present and entitled to vote.

Power to
Commis-
sioner to
adjourn
public
meeting.

8. The Commissioner may at his discretion adjourn any public meeting from time to time to a date and place to be publicly declared by him at the meeting or the adjourned meeting and no further notice thereof shall be necessary :

Provided that at any adjourned meeting no object which was not contained in the notice convening the public meeting shall be discussed or considered.

Record of
proceedings
at a public
meeting.

9. The Commissioner shall keep or cause to be kept minutes of the proceedings at every public meeting and shall enter or cause to be entered therein the questions or resolutions proposed thereat and the number of votes given for and against them and shall at the close of the meeting sign the minutes and publicly declare the result of votes given and shall cause copies of the minutes certified under his hand to be transmitted to the Colonial Secretary.

Election of
committee.

10.—(1) If the proprietors or the authorized proxies thereof decide at a public meeting to form an irrigation division, they shall proceed as hereinafter provided to elect a committee of not less than three and not more than five persons from among the proprietors in such village or quarter of a village or villages as may be comprised in the irrigation division, to serve upon the committee.

(2) Every election for a proprietor who may be proposed and seconded as a candidate at the meeting at which the election is held, shall be by open vote to be taken by the Commissioner in such manner as to him shall appear convenient.

(3) All proprietors present or the authorized proxies thereof shall be entitled to give one vote for each candidate whom they wish to be elected.

(4) At the conclusion of the voting the Commissioner shall count the votes and the candidates who have received the greatest number of votes shall be declared to be elected as the committee and shall hold office for such period, not exceeding three years, as the committee may by Rules prescribe.

(5) In case a person elected as a member of the committee declines to act, the person who received the greatest number of votes next to such candidate shall be appointed by the Commissioner to be a member of the committee in the place of the candidate so declining to act.

(6) In case the number of candidates proposed and elected as members of the committee is not greater than the number of persons required as members of the committee and one or more of them declines to act, the Commissioner shall nominate another proprietor or proprietors to be a member or members of the committee in his or their place.

(7) In addition to the elected members the Mukhtar of the village shall be an *ex officio* member of the committee :

Provided—

(a) that where there is in a village a Christian and a Moslem Mukhtar, both such Mukhtars shall be *ex officio* members of the committee ; and

(b) that where there are in a village more than one Christian Mukhtar or more than one Moslem Mukhtar or where an irrigation division is formed by a group of villages, the Commissioner may appoint such Mukhtar or Mukhtars of the village or villages concerned as to him may seem fit to be *ex officio* member or members of the committee.

(8) The Commissioner shall be the chairman of the committee with a right to vote on all questions and in case of equality of votes he shall have a casting vote in addition to his own vote.

11. If it appears to the Commissioner that a committee elected under the provisions of section 10 or any member thereof has been guilty of a grave breach of duty he may dismiss such committee or member from office and appoint such person or persons as he may think fit to fill any vacancy thereby caused and such person or persons shall hold office until such time as a new committee may in due course be elected in accordance with the Rules of the irrigation division,

Power to
Commis-
sioner to
dismiss com-
mittees or
any member
thereof.

Vacancies in
a committee.

12. If any vacancy occurs in a committee otherwise than through the dismissal by the Commissioner of a member under the provisions of section 11, it shall be filled by the election of a proprietor by the remaining members thereof.

General
powers of
committee.

13. The Committee shall have the general supervision and control of the irrigation works and may, subject to the consent of the Commissioner—

(a) contract a loan for any purpose approved by the Commissioner in connection with the operations of the irrigation division ;

(b) appoint fit and competent persons to carry out any work in connection with the irrigation works within the irrigation division.

Commis-
sioner to
prescribe the
procedure,
etc., at the
meetings
of the
committee.

14. Upon the formation of a committee the Commissioner shall prescribe—

(a) the procedure to be followed, and

(b) the practice to be observed, and

(c) the number of persons required to form a quorum, at the meetings thereof.

Committee
to prepare
list of
proprietors
and lands.

15. The committee as soon as possible after its formation shall prepare a list of the names and residences of the proprietors and of the lands and extent thereof which are to be benefited or are capable of being benefited by the irrigation works.

List to be
signed and
posted.

16.—(1) The list in section 15 mentioned, when made, shall be signed by the chairman and the committee and shall be posted in a conspicuous place in the village or quarter of a village or villages affected thereby.

(2) Any person who objects to such list or whose rights are affected thereby may at any time within ten days from the date on which the list has been posted as aforesaid lodge his objection in writing with the Commissioner who shall decide upon the same and such decision shall be final and conclusive unless the person making the objection applies, within one week from the notification to him of the decision of the Commissioner, to the Governor for revision of same.

(3) The decision of the Governor on any such application for revision shall be final and conclusive.