



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 2827 OF 10TH APRIL, 1940.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 12 OF 1940.

**A LAW TO PROVIDE FOR THE RELIEF OF INDEBTEDNESS
OF AGRICULTURAL DEBTORS IN THE COLONY.**

W. D. BATTERSHILL,]
Governor.

[*9th April, 1940.*

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

1. This Law may be cited as the Agricultural Debtors **Short title,**
Relief Law, 1940.

Interpre-
tation.

2. In this Law—

“action” includes all proceedings of a civil nature before any Court of Law ;

“agriculture” includes horticulture, sericulture and dairy farming and the use of land for any purpose of husbandry inclusive of the keeping or breeding of live stock, poultry or bees and the growing of fruits, vegetables and the like ;

“amount payable under an award” means an amount included under section 24 (1) (e) in an award as payable by a debtor in respect of any debt or any part of such amount which remains unpaid, together with any interest on such amount or part thereof which is due under the award ;

“award” means an award as made by a Board under section 21 (5) or section 23 ;

“Board” means the Debt Settlement Board established under the provisions of section 3 (1), and includes any members of the Board authorized under the provisions of section 8 ;

“Co-operative Society” means a co-operative society registered or deemed to be registered under the provisions of the Co-operative Societies Law, 1939 ;

“debt” includes all liabilities of a debtor in money or in kind secured or unsecured, whether payable under a judgment or order of a Court of Law or under any agreement for the sale of immovable property or otherwise, and whether payable presently or in future, and all liabilities of a debtor arising out of any transaction which is, in the opinion of the Board, in substance a loan : Provided that it shall not include the following :—

(a) any amount the liability for the payment of which is only contingent ;

(b) any share of the produce of land payable on account of land cultivated in partnership ;

(c) any amount recoverable—

(i) as a tax or duty under the Tax Collection Law, 1932, or

(ii) as a penalty under the Fines and Penalties Recovery Law, 1883 ;

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70 of 1932

3 of 1883

(d) any amount an action for the recovery of which is barred by lapse of time under the provisions of any law in force for the time being;

(e) any loan made by the Agricultural Bank of Cyprus Limited;

(f) any Government loan assigned to the Agricultural Bank of Cyprus Limited under the provisions of the Agricultural Bank of Cyprus Limited (Special Privileges) Laws, 1939, which Government loan when so assigned shall, for all the purposes of this Law, be deemed to be a loan made by the Agricultural Bank of Cyprus Limited;

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15 of 1939

(g) any loan made by a Co-operative Society;

(h) all wages or salary of any clerk or servant in respect of services rendered to the debtor during two months next preceding the date of an application under section 9, not exceeding ten pounds;

(i) all wages of any labourer or workman not exceeding three pounds, whether payable for time or for piece-work, in respect of services rendered to the debtor during one month before the date of an application under section 9;

(j) all amounts, not exceeding in any individual case twenty pounds, due in respect of compensation under the Mines Regulations (Amendment) Law, 1925, the liability whereof accrued before the date of an application under section 9;

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“debtor” means a debtor—

(a) whose primary means of livelihood is agriculture; and

(b) who cultivates land by himself or by members of his family or by hired labourers; and

(c) who is the owner of immovable property the assessed value of which as shown in the books of the Land Registry Office does not in the aggregate exceed the sum of one thousand and five hundred pounds,

and includes a group of persons who join in making an application under section 10 (1);

“family” means the spouse, son, daughter, father and mother of the debtor, or any of them, who may be wholly or in part dependent upon the earnings of such debtor;

“member of the Board” and “members of the Board” include the Chairman of the Board and every Vice-Chairman of the Board;

“settlement” includes an amicable settlement and a compulsory settlement or adjustment made by order of the Board ;

“supplementary income” means any income derived by the debtor from any source other than agriculture.

Establishment of Debt Settlement Board.

3.—(1) The Governor may by notification in the *Gazette* establish a Debt Settlement Board for the purposes of this Law.

(2) The Board shall consist of such members as the Governor may from time to time determine to be appointed by the Governor: Provided that the majority of the members of the Board holding office for the time being shall possess legal qualifications or shall have experience in judicial proceedings.

(3) From among the members of the Board, the Governor—

(a) shall appoint a Chairman, and

(b) may appoint such number of Vice-Chairmen as he may from time to time determine.

(4) Every member of the Board shall hold office during the pleasure of the Governor who may at any time revoke any appointment made under sub-section (2) or (3).

(5) Every appointment or revocation of appointment made under this section shall be published in the *Gazette*.

(6) Every member of the Board may receive such remuneration or salary as the Governor may determine.

Principal office of Board to be at Nicosia.

4. The principal office of the Board shall be situated at Nicosia, and the Governor may from time to time by notification in the *Gazette* appoint towns or villages at which sub-offices of the Board shall be established.

Appointment of officers and servants of the Board.

5. The Governor may from time to time appoint officers and servants of the Board who shall perform such duties as may be assigned to them by the Chairman of the Board and who may receive such remuneration or salary as the Governor may determine.

Jurisdiction of Board.

6. In the exercise of the powers conferred upon the Board by this Law the Board shall have jurisdiction throughout the Colony, and for this purpose the Board shall hold sittings at such towns or villages as the Chairman may from time to time direct.

Powers of Chairman to regulate duties of members of Board.

7. The disposition and distribution of the duties of the several members of the Board shall be regulated from time to time by the Chairman.

8.—(1) Every application or matter which by this Law the Board is empowered to hear or determine shall be heard and determined by the Chairman and not less than two members of the Board :

Quorum of Board.

Provided that any two or more members of the Board if authorized in that behalf by the Chairman by an instrument in writing under his hand may hear and determine any such application or matter and in every such case every order, decision or award made in respect thereof by such members shall be deemed to have been made by the Board :

Provided further that whenever any application or matter is heard by two members of the Board and the two members differ in opinion, such difference shall be reported by them to the Chairman of the Board who shall thereupon authorize by an instrument in writing under his hand any other member of the Board to hear and determine, together with the original two members, such application or matter.

(2) At least one of the members of the Board who possess legal qualifications or have experience in judicial proceedings shall be present at every sitting of the Board at which any application or matter is being heard or determined.

9.—(1) Subject to the provisions of section 10, a debtor may make an application for the settlement of his debts to the Board within a period of one year after the establishment of the Board.

Application to Board for settlement of debts.

(2) Unless the debtor has already made an application under sub-section (1), any of his creditors may make, within the period in that sub-section mentioned, an application to the Board.

(3) Notwithstanding anything contained in sub-section (1), a Board may for good and sufficient reason entertain a further application in respect of any debt incurred before the date of a first application under sub-section (1) or sub-section (2), except when such application under either of the said sub-sections has been dismissed under section 15 (3) or under section 19 (1) (b) (ii) or section 19 (2).

(4) The Board shall not entertain any further application for the settlement of any debt which has been incurred by a debtor after the date of an application under sub-section (1) or sub-section (2).

10.—(1) An application may be made under section 9 (1) for the settlement of—

Application for settlement of joint debts.

(a) a debt for which two or more persons are jointly liable or jointly and severally liable either as