



**SUPPLEMENT No. 2**

TO

THE CYPRUS GAZETTE No. 2873 OF 11TH SEPTEMBER, 1940.

LEGISLATION.

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**THE STATUTE LAWS OF CYPRUS**

**No. 24 OF 1940.**

A LAW TO PROVIDE FOR COMPENSATION IN RESPECT OF ACTION TAKEN ON BEHALF OF HIS MAJESTY OR THE GOVERNMENT IN THE EXERCISE OF CERTAIN EMERGENCY POWERS; AND FOR PURPOSES CONNECTED WITH THE MATTER AFORESAID.

W. D. BATTERSHILL,]

[7th September, 1940.

*Governor.*

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

PART I.

PRELIMINARY.

1. This Law may be cited as the Compensation (Defence) Short title.  
Law, 1940.

Interpre-  
tation.

2.—(1) In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say—

“agricultural land” means any land used as arable, meadow or pasture land, land used for a plantation or a wood or for the growth of saleable underwood, or land used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family;

“aircraft” means any flying machine, glider or airship or any balloon (whether fixed or free);

“emergency powers” means any power conferred by—  
(a) regulations made by the Governor under the Emergency Powers (Defence) Act, 1939, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939,

(b) section 6 of the Telegraphs Law, 1933,

(c) section 7 of the Air Navigation Act, 1920, as extended to the Colony by the Colonial Air Navigation (Application of Acts) Order, 1937,

or any power exercisable by virtue of the prerogative of the Crown;

“exercise” includes purported exercise;

“fair wear and tear” in relation to any property of which possession is taken, or which is requisitioned, in the exercise of emergency powers, means such fair wear and tear as might have been expected to occur but for the fact that possession of the property was so taken or that the property was so requisitioned, as the case may be;

“goods” means chattels other than vessels, vehicles and aircraft;

“hire-purchase agreement” means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, and where by virtue of two or more agreements, none of which by itself constitutes a hire-purchase agreement, there is a bailment of goods, or the property therein will or may pass to the bailee, the agreements shall be treated for the purposes of this Law as a single agreement made at the time when the last of the agreements was made;

29 of 1933.

“land” includes—

- (a) land with the grazing rights on or over such land,
- (b) land with all water and water rights on, over or under such land,
- (c) buildings and other erections,
- (d) trees, vines and standing crops,
- (e) easements, privileges and liberties appertaining or reputed to appertain to land;

“owner” means—

- (a) in relation to land, the person who is receiving the rackrent of the land, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent of the land if it were let at a rackrent, or
- (b) in relation to any property other than land, the person entitled to sell the property, it being assumed not to be subject to any mortgage, pledge, lien or other similar obligation;

and in this definition the expression “rackrent” means, in relation to any land, a rent which is not less than two-thirds of the rent at which the land might reasonably be expected to let from year to year, deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the same in a state to command such rent;

“requisition” means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

“ship” and “vessel” have respectively the same meanings as in the Merchant Shipping Act, 1894; and

“war operations” means action taken by an enemy, or action taken in combating an enemy or in repelling an imagined attack by an enemy.

57 & 58 Vict.  
C. 60.

(2) For the purposes of this Law, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in the exercise of emergency powers.

## PART II.

### RIGHT TO, AND MEASURE OF, COMPENSATION.

3.—(1) Where, in the exercise of emergency powers during the period beginning with the twenty-sixth day of August, nineteen hundred and thirty-nine, and ending with such day as His Majesty may by Order in Council declare to be the day on which the emergency came to an end,—

Compensation for action taken in the exercise of emergency powers.

- (a) possession of any land has been taken on behalf of His Majesty or the Government, or
- (b) any property other than land has been requisitioned or acquired on behalf of His Majesty or the Government, or
- (c) any services have been requisitioned or any person has been required to afford, carry out or render any service under emergency powers, or
- (d) any work has been done on any land on behalf of His Majesty or the Government, otherwise than by way of measures taken to avoid the spreading of the consequences of damage caused by war operations, then, subject to the following provisions of this Law, compensation assessed in accordance with those provisions shall be paid by the Government in respect of the taking possession of the land, the requisition or acquisition of the property, the requisition or the requiring of the services, or the doing of the work, as the case may be :

Provided that the provisions of this sub-section shall not apply in respect of any such taking possession of land, requisition or acquisition of property, requisition or requiring of services, or doing of work, if and so far as the amount of compensation to be paid has been determined by a board appointed for such purpose, or by agreement, prior to the date of the passing of this Law.

(2) For the purposes of this section, a requirement that any space or accommodation in a ship or an aircraft be placed at the disposal of any authority shall be deemed to be a requisition of property.

4.—(1) The compensation payable under this Law in respect of the taking possession of any land shall be the aggregate of the following sums, that is to say,—

- (a) a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the land, during the period for which possession of the land is retained in the exercise of emergency powers, under a lease granted immediately before the beginning of that period, whereby the tenant undertook to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent, and
- (b) a sum equal to the cost of making good any damage to the land which may have occurred during the period for which possession thereof is so retained (except in so far as the damage has been made good

Compensation in respect of taking possession of land.

during that period by a person acting on behalf of His Majesty or the Government), no account being taken of fair wear and tear or of damage caused by war operations, and

- (c) in a case where the land is agricultural land, a sum equal to the amount (if any) which might reasonably have been expected to be payable in addition to rent by an incoming tenant, in respect of things previously done for the purpose of the cultivation of the land, and in respect of seeds, tillages, growing crops and other similar matters, under a lease of the land granted immediately before possession thereof was taken in the exercise of emergency powers, and
- (d) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of His Majesty or the Government, for the purpose of compliance with any directions given on behalf of His Majesty or the Government in connection with the taking possession of the land :

Provided that—

- (i) in computing for the purposes of paragraph (a) of this sub-section the rent which might reasonably be expected to be payable in respect of any land, and in computing for the purposes of paragraph (c) of this sub-section any amount which might reasonably have been expected to be payable in addition to rent by an incoming tenant, no account shall be taken of any appreciation of values due to the emergency ; and
- (ii) there shall not, by virtue of paragraph (b) of this sub-section, be payable in respect of damage to any land a sum greater than the value of the land at the time when possession thereof was taken in the exercise of emergency powers, no account being taken of any appreciation in the value thereof due to the emergency.

(2) Any compensation under paragraph (a) of the preceding sub-section shall be considered as accruing due from day to day during the period for which the possession of the land is taken in the exercise of emergency powers, and be apportionable in respect of time accordingly, and shall be paid to the person who for the time being would be entitled to occupy the land but for the fact that possession thereof is retained in the exercise of such powers ; but this paragraph shall not operate so as to require the making of payments at intervals of less than one month,