



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3151 OF 30TH NOVEMBER, 1944.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 41 OF 1944.

A LAW TO AMEND THE MUNICIPAL CORPORATIONS LAWS,
1930 TO (No. 2) 1943.

H. M. FOOT,]

[27th November, 1944.

Officer Administering the Government.

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

1. This Law may be cited as the Municipal Corporations (Amendment) Law, 1944, and shall be read as one with the Municipal Corporations Laws, 1930 to (No. 2) 1943, (hereinafter referred to as "the principal Law"), and the principal Law and this Law may together be cited as the Municipal Corporations Laws, 1930 to 1944.

Short title.
26 of 1930.
23 of 1942.
29 of 1942.
12 of 1943.
25 of 1943.

Repeal of sections 90 to 106 and substitution of new sections.

2. Sections 90 to 106 of the principal Law, both inclusive, are hereby repealed and the following sections substituted therefor :—

“ Interpretation.

90. For the purposes of sections 91 to 106F of this Law, both inclusive, unless the context otherwise requires—

‘ annual value ’ means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for any immovable property if the tenant undertook to pay all public rates and taxes, and if the landlord undertook to bear the cost of repairs, maintenance, and upkeep, if any, necessary to maintain the immovable property in a state to command that rent and includes the annual value determined by a council under the provisions of section 105 of this Law :

Provided that in the computation and assessment of annual value no allowance or reduction shall be made for any period of non-tenancy whatsoever ;

‘ Court ’ means the District Court of the District in which the immovable property is situate ;

‘ immovable property ’ includes :—

- (a) land ;
- (b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure ;
- (c) trees, vines, and any other thing whatsoever planted or growing upon any land and any produce thereof before severance ;
- (d) springs and wells in any land ;
- (e) water rights, privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure ;
- (f) an undivided share in any property hereinbefore set out ;

‘ occupier ’ includes any person occupying any immovable property without regard to the title under which he occupies the same ;

‘owner’ includes any person receiving rent or profits for any immovable property from any tenant or occupier or who would receive such rent or profits if such property were let, whether on his own account or as agent for any other person.

Power of council to make and levy town rate.

91.—(1) Subject to the provisions of sub-sections (4) and (5) of this section, every council shall make and levy by writing, under the corporate seal, in respect of all immovable property situated within the municipal limits in which the council operates, an annual rate which shall be termed the ‘town rate’ the proceeds of which shall be paid into the town fund.

(2) The town rate shall be assessed on the annual value of the immovable property mentioned in sub-section (1) of this section and shall be paid either by all the owners or by all the occupiers thereof, as the Council making and levying such rate may in any year determine.

(3) The town rate shall be payable at such time or times and at such place or places as the Council making and levying such rate may in any year direct.

(4) No town rate shall be made or levied on any immovable property as follows:—

- (a) any public burial ground ;
- (b) any church, chapel, mosque, meeting house or premises or such part thereof as shall be exclusively appropriated to public religious worship ;
- (c) any premises used as public hospitals ;
- (d) any immovable property—
 - (i) held and registered in the books of the office of Land Registration and Survey in trust for any school operating under any law in force for the time being relating to elementary or secondary education, where the town rate is paid by the owners ;
 - (ii) used or occupied exclusively for educational services connected with any school operating under any law in force for the time being relating to elementary or secondary education where the town rate is paid by the occupiers ;

(e) any immovable property—

(i) belonging to His Majesty or to the Government, where the town rate is paid by the owners;

(ii) occupied by or on behalf of His Majesty or the Government for public purposes, where the town rate is paid by the occupiers:

Provided that the Governor in Council may by order direct that such contribution shall be made to any council as may be mentioned in the order, in aid of the town rate, in respect of any property belonging to, or occupied by or on behalf of, the Government.

(5) The Governor in Council may order that sections 90 to 106F, both inclusive, shall not apply to any council named in the order and upon the making of such order no council named therein shall make and levy a town rate.

Town rate to be uniform amount per pound.

92. The town rate shall be a rate at such uniform amount per pound, not exceeding five shillings in the pound, as may be determined from time to time by the council by a resolution of a majority composed of not less than two-thirds of the members actually holding office, assessed on the annual value of the immovable property in respect of a period of twelve months commencing on the 1st day of January in every year:

Provided that where a council has determined the annual value in accordance with the provisions of section 105 of this Law:—

(a) the amount of the town rate shall be determined by the council and communicated to the Colonial Secretary not later than the 31st December in the year immediately preceding the year in respect of which such rate is made and levied; and

(b) the uniform amount per pound of the town rate shall be a multiple of four and one half piastres.

Revision committee.

93. Any council may, by a resolution of a majority composed of not less than two-thirds of the members actually holding office, cause a valuation to be made of the immovable property situate within the municipal limits in which the council operates and thereupon the mayor shall transmit a copy of such resolution

to the Governor who shall appoint a revision committee consisting of not less than three and not more than five members, including a chairman; such committee shall perform the duties and exercise the powers conferred upon it under the provisions of this Law.

Valuers.

94.—(1) For the purpose of finding the annual value of any immovable property the council shall appoint one or more persons as valuers to prepare a valuation list of all immovable property within the municipal limits.

(2) Every person appointed as valuer shall, before performing any duty of his office, take an oath before a member of the Court in the form set forth in Part I of the Eighth Schedule to this Law.

Valuation list.

95. The valuation list shall be in the form set forth in Part II of the Eighth Schedule to this Law and shall be signed by the valuer or valuers :

Provided that where the name of any person liable to be rated as occupier is not known or for any reason cannot be stated with certainty, it shall be sufficient to include him in the valuation list by the description of the 'occupier' of the immovable property in respect of which the assessment is made, without further name or description.

Valuer may enter, examine immovable property, etc.

96. For the purpose of making the valuation list it shall be lawful for the valuer or valuers with his or their assistants and servants at all reasonable times, until the same be completed, to enter, view, examine, survey and admeasure all and every part of any immovable property, and to do or cause to be done any act or thing necessary for the purpose of making such list :

Provided that no entry shall be made under this section into any dwelling house in actual occupation without the consent of the occupier unless twenty-four hours' previous notice in writing shall have been given to such occupier, specifying as near as may be the hour of such intended entry.

Valuer may inspect books, etc.

97. The council and every owner or occupier shall give the valuer or valuers every facility, by allowing him or them to inspect any books and take any copies or extracts or do any other thing necessary to enable him or them to make the valuation list.