

## No. 26 OF 1945.

A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING  
TO TENURE, REGISTRATION AND VALUATION OF  
IMMOVABLE PROPERTY.

R. E. TURNBULL,]

[7th December, 1945.

*Officer Administering the Government.*

**B**E 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 Immovable Property Short title.  
(Tenure, Registration and Valuation) Law, 1945.

## PART I.—PRELIMINARY.

Interpre-  
tation.

2.—In this Law, unless the context otherwise requires—  
 “adverse possession”, with its grammatical variations and cognate expressions, means a possession by a person not entitled thereto where the express or implied consent or permission of the person so entitled has not been given or obtained for such possession ;

“the Court”, in connection with any matter relating to immovable property, means the District Court of the District in which such property is situate ;

“Director” means the Director of Land Registration and Surveys and includes any officer appointed by the Director for all or any of the purposes of this Law either generally or for any particular purpose ;

“dealing”, with its grammatical variations and cognate expressions, in relation to immovable property, means the voluntary transfer or mortgage of immovable property and any other voluntary charge or transaction affecting immovable property required by any law in force for the time being to be carried out in a Land Registry Office ;

“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, wells, water and water rights whether held together with, or independently of, any land ;
- (e) 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.

“Land Registry Office” means the office of the Department of Land Registration and Surveys for the District and includes any sub-office in the District :

Provided that only such transactions shall be carried out in a sub-office as may be authorized from time to time by the Director ;

“owner” means the person entitled to be registered as the owner of any immovable property whether he is so registered or not ;

“public road” means any street, square, pathway, open place or space over which the public has a right of

way and includes any land set apart by, or with the consent of, the appropriate authority as a public road ;  
 “registered”, with its grammatical variations and cognate expressions, means recorded in the Land Register kept under the provisions of this Law ;

“registration fee” means the fee payable in respect of the registration of title to immovable property under any law in force for the time being ;

“religious corporation” includes any religious establishment or religious institution belonging to any denomination and any throne, church, chapel, monastery, mosque, tekyé, shrine or synagogue.

3.—(1) The categories of immovable property hitherto known under the Ottoman Land Code as “Mulk”, “Arazi Memlouké”, “Arazi Mirié”, “Arazi Metrouké” or “Arazi Mevat” shall be abolished and thereafter all immovable property whatsoever shall be owned, held and enjoyed subject to and in accordance with the provisions of this Law or any other law in force for the time being.

Categories of immovable property under Ottoman Laws, abolished.

(2) All immovable property hitherto known as “Mulk” or “Arazi Memlouké” and privately owned as such at the date of the coming into operation of this Law shall continue to be owned, held and enjoyed as private property.

(3) All immovable property known as “Arazi Mirié” and privately possessed as such at the date of the coming into operation of this Law shall be owned, held and enjoyed as private property.

(4) All immovable property which at the date of the coming into operation of this Law is held, administered and enjoyed as Vakf property in accordance with the provisions of the Cyprus Evcaf (Mohammedan Religious Property Administration) Order and Law, 1928 and 1934, shall continue to be so held, administered and enjoyed as if this Law had not been passed subject only to the provisions of sections 35, 36 and 37 of this Law.

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(5) All immovable property hitherto known as “Arazi Metrouké” lawfully held or enjoyed communally by a town, village or quarter at the date of the coming into operation of this Law shall continue to be held or enjoyed as the communal property of such town, village or quarter.

(6) All immovable property hitherto known as “Arazi Mevat” and all immovable property other than that specified in sub-sections (2) to (5) of this section and all vacant or unoccupied immovable property not privately owned or lawfully possessed at the date of the coming into operation of this Law shall be owned, held and enjoyed by the Crown as Crown Property.

## PART II.—TENURE.

CHAPTER I.—*Provisions relating to Immovable Property other than Vakf Property.*

Extent of private ownership of land.

4.—(1) Private ownership of any land shall, subject to the provisions of this Law or any other law in force for the time being, extend to the surface and to the substance of the earth beneath the surface and to the space above the surface, reasonably necessary for the enjoyment thereof, but shall not extend to minerals :

Provided that the private ownership of any land being land which lies within the areas specified, for the purposes of this section, on the survey map signed by the Director and deposited in the Land Registry Office before the coming into operation of this Law, shall extend to the substance of the earth beneath the surface without any restriction as aforesaid.

(2) For the purposes of this section—

“minerals” includes all materials of economic value forming part of, or derived naturally from, the crust of the earth including mineral oil, pitch, asphalt and natural gas but not minerals whilst in solution or peat, trees, timber and similar kinds of forest produce.

(3) Nothing contained in this section or in any survey map deposited in the Land Registry Office under the proviso to sub-section (1) of this section shall diminish or enlarge any rights, conferred under a mining lease granted by or on behalf of the Government under any law relating to mines in force for the time being and subsisting at the date of the coming into operation of this Law ; but such rights shall continue to be enjoyed, during the continuance of such lease, to the same extent as if this Law had not been enacted.

Ownership of storeys of a building.

5.—(1) When a building consists of more than one storey, each storey which can properly and conveniently be held and enjoyed as a separate and self-contained tenement, may be owned, held and enjoyed separately as private property.

(2) The site on which the building is standing, the foundations thereof, the main walls supporting the whole building, its roof, the main staircase leading to the various storeys, the main corridors thereof and any other part of the ground or building which is of common use to the owners of the various storeys, shall be owned, held and enjoyed by all of them in undivided shares.

(3) The owner of each storey may make any alterations, additions or repairs to his storey provided that they do not

prejudice the rights of the owner of any other storey and they do not unduly interfere with the enjoyment thereof by the owner of such other storey.

(4) Subject to any agreement between themselves, the owners of the several storeys shall maintain, repair, or restore any part owned, held and enjoyed by them in undivided shares as in sub-section (2) of this section provided and the cost thereof shall be borne by every such owner in proportion to the value of his storey as registered or recorded immediately before the need for incurring such cost had arisen :

Provided that, if any owner fails or neglects to comply with the requirements of this sub-section, any other owner may do all such acts and incur such expense as may be reasonably necessary for the purpose and may recover the amount for which the owner in default may be liable, by civil action.

6. All lakes, rivers, streams and natural watercourses which are not privately owned at the date of the coming into operation of this Law and the basins, beds, or channels thereof, and any land from which the sea or the water of any such lake, river, stream or watercourse has receded, with the exception of any such land as is privately owned at the date aforesaid, shall be vested in the Crown :

Lakes, etc., not privately owned to be vested in the Crown.

Provided that nothing in this section contained shall be construed as affecting any rights over any lake, river, stream or natural watercourse which—

- (a) have been exercised without interruption for the full period of thirty years before the date aforesaid ;  
or
- (b) have been conferred by a Firman or other valid document of title made before the 4th June, 1878, which has been acted upon from the time when it was made ; or
- (c) are exercised under the provisions of any law in force for the time being.

7. All public roads and such part of the foreshore as is not privately owned at the date of the coming into operation of this Law shall be vested in the Crown for the use of the public.

Public roads and foreshore.

8. No title to immovable property shall be acquired by any person by adverse possession as against the Crown or a registered owner.

No title by adverse possession as against Crown or registered owner