

No. 27 of 1945.

A LAW TO MAKE BETTER PROVISION FOR THE SINKING OR CONSTRUCTION OF WELLS AND THEIR PROTECTION AND THE PROTECTION OF WATER RIGHTS.

R. E. TURNBULL,]

[17th December, 1945.

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 Wells Law, 1945,

Short title.

Interpre-
tation.

2. In this Law, unless the context otherwise requires—
“local authority” means a municipal authority or a village authority and any Board or body, constituted under any Law in force for the time being, charged or having power to deal with the supply of water in any town or village ;

“well” means any shaft or borehole sunk on any land for obtaining underground water and includes a line of wells.

Permit for
the sinking
or construc-
tion of wells.

3.—(1) No well shall be sunk or constructed in or upon any land unless the person proposing to sink or construct the well applies for, and obtains, a permit from the Commissioner of the district in which such well is to be sunk or constructed :

Provided that, where the applicant is not the owner of the land on which the well is to be sunk or constructed, no permit shall be granted by the Commissioner unless the applicant obtains therefor the written permission of the owner of the land, duly certified by a certifying officer.

(2) Every application for a permit to sink or construct a well shall be in the form and shall contain the particulars set out in the Schedule to this Law.

Schedule.

(3) In granting a permit under the provisions of sub-section (1) of this section, the Commissioner may impose such terms and conditions as to him may seem necessary or desirable :

Provided that no term or condition shall be imposed by the Commissioner which is inconsistent with any term or condition contained in the permission of the owner of the land.

(4) Every permit granted under the provisions of this section shall be valid and effective for a period of one year from the date thereof and no longer :

Provided that if the sinking or construction of the well, in respect of which the permit was granted, is not completed within the aforementioned period, such permit may be renewed by the Commissioner for a further period of one year upon payment of the fee prescribed in sub-section (5) of this section.

(5) A fee of two shillings in stamps to be affixed on the application shall be paid for every application made under this section.

Protection
of wells
in certain
cases.

4. Notwithstanding that a permit may have been granted by the Commissioner under section 3 or 11 of this Law, no well shall be sunk or constructed within a distance of six hundred feet of any point of any chain or system of wells whereby underground water flows to the surface or

of any spring or source of any water which flows naturally to the surface or within eighty feet of any other well from which water is raised to the surface by any means whatsoever if, by the sinking or the construction of any such well, the amount of water in any such chain or system of wells or spring or source or other well is or is likely to be substantially diminished.

5.—(1) If a person, beneficially interested in any chain or system of wells or in any spring or source of water or in any other well, brings an action against any person who has sunk or constructed a well contrary to the provisions of section 4 of this Law, the Court may—

Remedies
by person
beneficially
interested.

(a) make such order (including the filling in or closing of such well) as may be required to prevent damage to the plaintiff and may award to the plaintiff such compensation as may appear reasonable and just:

Provided that the Court shall not order the filling in or closing of any such well, unless it is satisfied that there is a reasonable probability that its filling in or closing will prevent the continuation of the damage complained of;

(b) order the person who has sunk or constructed the well to provide the plaintiff with such supply of water, continuous or periodical, as the Court may think reasonable and just.

(2) No action shall be brought under this section unless such action be commenced within two years of the completion of the sinking or construction of the well in respect of which the claim is made.

6. Notwithstanding anything in section 5 of this Law contained, no order shall be made by any Court for the filling in or closing of any well sunk or constructed by any local authority or any department for the supply of water to the residents of any town or village, if it appears that—

Wells
sunk or
constructed
by local
authority or
department.

(a) the sinking or construction of the well was absolutely necessary for the supply of drinking water or water for the domestic use of the residents or for any other public purpose; and

(b) there was no other reasonably accessible means of supplying water for the above-mentioned purposes; and

(c) the sinking or construction of the well does not substantially diminish the supply of water required by the residents of any other town or village for any of the purposes enumerated in paragraph (a) of this section: