



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3454 OF 25TH AUGUST, 1949.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 26 OF 1949.

**A LAW TO MAKE PROVISION FOR THE FORMATION OF
ASSOCIATIONS FOR THE BETTER REGULATION
AND USE OF COMMON WATERS.**

A. B. WRIGHT,]
Governor.

[22nd August, 1949.

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 Irrigation (Private Short title,
Water) Association Law, 1949.

Interpre-
tation.

2. In this Law—

“Commissioner” means the Commissioner of the district within which the irrigation association is being or has been formed ;

“committee” means a committee of an irrigation association formed under the provisions of this Law ;

“irrigation association” means an irrigation association formed under the provisions of this Law by the proprietors of water held, possessed or used by them in common ;

“irrigation works” include all wells, bores, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, channels, engines and all other structures or appliances used or constructed under the provisions of this Law for the storage, conveyance, supply, distribution, measurement or regulation of water ;

“land” means land (with grazing rights over such land), buildings, trees, easements, standing crops and water or water rights and includes land belonging to any ecclesiastical or pious foundation ;

“proprietor” means a person entitled to be registered as the owner of a share in water held, possessed or used in common with any other person or persons, whether he is so registered or not, and includes a person entitled *ab antiquo* in common with any other person or persons to the enjoyment or use of any such water ;

“water” includes any stream, spring, well and any water rights, whether held together with, or independently of, any land.

Meeting of
proprietors.

3. It shall be lawful for the Commissioner, on the application in writing of not less than seven proprietors, to call a meeting of the proprietors of a common water for the purpose of determining whether an irrigation association shall be formed for all or any of the following purposes :—

- (a) the construction, improvement, maintenance or repair of any irrigation works in connection with the common water ;
- (b) the protection of the common water or water-courses and for the regulation of the use thereof ;
- (c) the maintenance or protection of the water rights of the proprietors,

4.—(1) The Commissioner shall, not less than one month before the holding of the meeting as in section 3 provided, cause a written notice thereof to be—

Notice of meeting.

- (a) published in a newspaper or newspapers ; and
- (b) posted in a conspicuous place in the town, village or quarter in which the water is situate.

(2) All expenses connected with the notices shall be paid for by the proprietors who have made the application as in section 3 provided but may be recovered by them from the funds of the irrigation association, if such association is eventually formed.

5.—(1) The Commissioner shall preside at every meeting so convened and if any question is raised as to the right of a person to attend thereat or to vote, the Commissioner may there and then make such enquiry as he may deem requisite and declare whether such person has a right to attend or to vote or not and the decision so made shall be final ; and an entry shall be made in the minutes of the meeting of any such question and of the decision thereon.

Proceedings at the meeting.

(2) Subject to the provisions of section 6, no business shall be transacted at any such meeting and no decision shall be taken thereat, unless more than one half of the aggregate number of the proprietors are present in person or are represented by a proxy appointed by an instrument certified by a mukhtar.

(3) The Commissioner shall call the persons who are present at the meeting and entitled to vote to decide whether an irrigation association shall be formed, the purpose or purposes for which such association shall be formed and the name of such association.

(4) All questions or resolutions proposed at any meeting shall be determined by a majority of the persons present and entitled to vote :

Provided that a proxy holding authority from more than one proprietor shall be entitled to vote in respect of every proprietor from whom he holds authority.

(5) If the persons who are present at the meeting and entitled to vote decide to form an irrigation association, they shall proceed to elect by an open vote to be taken by the Commissioner, as to him shall appear convenient, a committee of not less than three and not more than five persons from among the proprietors. Every candidate for such election shall be properly proposed and seconded at the meeting.

(6) Every proprietor present shall be entitled to give one vote for each candidate and every authorized proxy shall be similarly entitled to give one vote in respect of every proprietor from whom he holds authority.

(7) At the conclusion of the voting the Commissioner shall count the votes and the candidates who have received the greatest number of votes shall be declared to be elected as the committee and shall hold office for such period, not exceeding three years, as the committee may by Rules prescribe.

(8) In case a person elected as a member of the committee declines to act, the person who received the greatest number of votes next to such candidate shall be appointed by the Commissioner to be a member of the committee in the place of the candidate so declining to act.

(9) In case the number of candidates proposed and elected as members of the committee is not greater than the number of persons required as members of the committee and one or more of them declines to act, the Commissioner shall nominate another proprietor or proprietors to be a member or members of the committee in his or their place.

(10) The Commissioner shall keep or cause to be kept minutes of the proceedings at every meeting and shall enter or cause to be entered therein the questions or resolutions proposed thereat and the number of votes given for and against them and shall at the close of the meeting sign the minutes and declare the result of votes given.

(11) The Commissioner may at his discretion adjourn any meeting from time to time to a date and place to be declared by him at the meeting or the adjourned meeting and no further notice thereof shall be necessary :

Provided that, unless special notice is given therefor, no subject which was not contained in the notice convening the public meeting shall be discussed or considered at any adjourned meeting.

(12) The provisions of this section shall apply *mutatis mutandis* to any meeting convened by the Commissioner under the provisions of this Law.

Power to
Commissioner to
ascertain
views when
meeting
insufficiently
attended.

6. If at any meeting of the proprietors, a quorum is not present, the Commissioner may ascertain the views of the proprietors on any subject for which the meeting has been convened by calling on each one of them to state in writing his views thereon and if, as a result of such an enquiry, more than one half of the aggregate number of the proprietors express themselves in favour of such subject the same shall be carried out as if decided upon at any public meeting.

Chairman
of the
Committee.

7. The Commissioner shall be the chairman of the committee with a right to vote on all questions and in case of equality of votes he shall have a casting vote in addition to his own vote.

8. If any vacancy occurs in a committee it shall be filled by the election of a proprietor by the remaining members thereof. Vacancies.

9. The Committee shall have the general supervision and control of the irrigation works and shall, subject to the provisions of paragraph (f) of sub-section 2 of section 12, regulate the use of the water and may, with the consent of the Commissioner— General powers of committee.

- (a) contract a loan for any purpose approved by the Commissioner in connection with the operations of the irrigation association;
- (b) appoint fit and competent persons to carry out any work in connection with the irrigation works of the irrigation association.

10. Upon its formation the committee shall prescribe— Procedure, etc., at the meetings of the committee.

- (a) the procedure to be followed; and
- (b) the practice to be observed; and
- (c) the number of persons required to form a quorum, at the meetings thereof.

11.—(1) The committee shall, as soon as possible after its formation, prepare a list (hereinafter referred to as "the list") of the names and residences of the proprietors and of the extent of the interest of each proprietor in the water. List of proprietors.

(2) The list, when made, shall be signed by the chairman and the committee and shall be posted in a conspicuous place in the town, village or quarter in which the water is situate.

(3) Any person who objects to the list or whose rights are affected thereby may, at any time within ten days from the date on which the list has been posted as aforesaid, lodge his objection in writing with the Commissioner who shall decide upon the same and such decision shall be final and conclusive unless the person making the objection applies, within one week from the notification to him of the decision of the Commissioner, to the Governor for revision of same. The decision of the Governor on any such application for revision shall be final and conclusive.

(4) After all objections, if any, have been heard and determined, the list shall, subject to the provisions of sub-section (5), be final and conclusive in respect of all matters therein, and a copy thereof signed by the chairman and the committee shall be kept by the Commissioner.