

No. 10 OF 1950.

A LAW TO AMEND THE STREETS AND BUILDINGS
REGULATION LAW, 1946.

A. B. WRIGHT,]

[27th May, 1950.

Governor.

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

Short title.

12 of 1946

1. This Law may be cited as the Streets and Buildings Regulation (Amendment) Law, 1950, and shall be read as one with the Streets and Buildings Regulation Law, 1946 (hereinafter referred to as "the principal Law"), and the principal Law and this Law may together be cited as the Streets and Buildings Regulation Laws, 1946 and 1950.

2. The definition "alteration", "addition" or "repair" in section 2 of the principal Law is hereby amended as follows:—

Amendment of section 2 of the principal Law.

(a) by the deletion from paragraph (d) thereof of the word "plastering";

(b) by the insertion therein after paragraph (e) of the following paragraph:—

"(f) the plastering of any wall or ceiling in any building:

Provided that nothing in this paragraph contained shall extend to the plastering of any wall abutting in whole or in part on any street to which section 12 of this Law and paragraphs (ii) and (iii) of section 23 of this Law apply".

3. Section 3 of the principal Law is hereby amended by the insertion therein, immediately after sub-section (3), of the following sub-sections:—

Insertion of new sub-sections in section 3 of the principal Law.

"(4)—(a) Where the appropriate authority is the municipal council of a municipal corporation, the mayor or the deputy mayor of such corporation or any other person authorized by such corporation in that behalf shall have, and shall always be deemed to have had, power to issue any permit, notice or any other instrument or document which such appropriate authority has power to issue under the provisions of this Law;

(b) where the appropriate authority is a body appointed by the Governor as in sub-section (2) provided, the chairman thereof or any other person authorized by the chairman in that behalf shall have, and shall always be deemed to have had, power to issue any permit, notice or any other instrument or document which such appropriate authority has power to issue under the provisions of this Law;

(c) any permit, notice or other instrument or document issued as in paragraph (a) or (b) of this sub-section on and after the 1st day of September, 1946, shall be deemed to have been properly issued under the provisions of this sub-section.

(5) Where the appropriate authority is the municipal council of a municipal corporation, such council may, from time to time, delegate to an executive

committee consisting of not more than three members of such council all or any of the powers conferred upon the council under the provisions of this Law.

(6) Where for any reason a body is appointed to have the powers and perform the duties of a municipal council in respect of any municipal corporation, such body shall be, during its term of appointment, the appropriate authority for the purposes of this Law as respects such corporation and, in any such case, the powers and duties of the mayor and deputy mayor of such corporation, as in this Law provided, shall vest in and be exercised respectively by the Chairman and Deputy Chairman of such body."

Repeal of section 4 of the principal Law and substitution of new section.

4. Section 4 of the principal Law is hereby repealed and the following section substituted therefor :—

"Proposed works to comply with the Law and regulations and remedy with regard to permits not so complying.

4.—(1) No permit shall be granted under section 3 of this Law unless the appropriate authority is satisfied that the contemplated work or other matter in respect of which the permit is sought is in accordance with the provisions of this Law and the regulations in force for the time being.

(2) Where, on the application of any interested person or of the Attorney-General, it is proved to the satisfaction of the court that a permit granted on or after the 2nd February, 1950, under section 3 of this Law is not in accordance with the provisions of this Law or the regulations in force for the time being, and that there was no undue delay in making the application, the court may—

(a) order that, within such time as may be specified in the order, any work or matter carried out or done under such permit shall be pulled down or removed or so altered as to comply with the provisions of the Law and the regulations in force for the time being ;

(b) order that the appropriate authority or any individual members of any such authority who held office at the time of the grant of the permit, whether such members are still holding office or not (hereinafter referred to as 'the defaulting authority' and 'defaulters', respectively) shall pay to the holder of the permit affected by an order made under

paragraph (a) hereof, such compensation for any loss or damage sustained by such holder in consequence of anything done under such order, as the court may direct :

Provided that no compensation shall be ordered to be paid under this paragraph, if in the opinion of the court the holder of the permit by his conduct or otherwise had contributed directly or indirectly to the grant of the permit concerning which the application is made ;

- (c) order that the costs of the pulling down or removal shall be paid by the holder of the permit or by the defaulting authority or the defaulters or by such of them in such proportion as the court may direct ;
- (d) notwithstanding that the court is of opinion that the point raised in the application might be decided in favour of the applicant, dismiss the application if satisfied that the contravention is of a minor nature and that it would cause disproportionate hardship on the holder of the permit if the application were granted ;
- (e) make such other order as the justice of the case may require :

Provided that the applicant shall give to the appropriate authority concerned not less than ten days' notice of his intention to apply to the court as in this section provided :

Provided further that no order shall be made under this sub-section against any individual member of an appropriate authority who proves to the satisfaction of the court that he objected to the issue of the permit in respect of which the application is made.

(3) An application under sub-section (2) shall be made by summons citing as respondents the holder of the permit and the defaulting authority or the defaulters or both such authority and defaulters and the procedure prescribed by the Rules of Court in force for the time being relating to civil proceedings shall apply :

Provided that, where the appropriate authority is the Commissioner or a board of which the Commissioner is the chairman, no application shall be made except by or with the consent of the Attorney-General :