

No. 25 OF 1952.

A LAW TO CONTROL AND ENCOURAGE THE MANUFACTURE OF CEMENT IN THE COLONY TO EMPOWER THE GOVERNOR TO GRANT A LICENCE IN RESPECT THEREOF AND IN RESPECT OF OTHER MATTERS CONNECTED THEREWITH AND TO REGULATE CERTAIN MATTERS INCIDENTAL THERETO.

A. B. WRIGHT,]

[7th November, 1952.

Governor.

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

PART I.—PRELIMINARY.

1. This Law may be cited as the Cement Industry (Encouragement and Control) Law, 1952. Short title.

Interpreta-
tion.

2. In this Law—

“cement” means a product consisting principally of lime, silica, alumina and iron oxide or of some of such ingredients which has been calcined and ground to a fine powder that is capable of setting to a hard mass on hydration, but does not include pozzolanas lime mortars and plasters with a lime, gypsum or anhydrite base;

“Commissioner” means the Commissioner of the district in which the land is situate;

“Court” means the District Court of the district in which the land is situate;

“Crown land” includes any land either vested in the Crown, or owned, held and enjoyed by the Crown as Crown property;

“Director” means the Director of Land Registration and Surveys and includes any officer of his Department nominated by the Director for all or any of the purposes of this Law;

“land” includes any building or other structure or erection on any land, or any trees or other thing whatsoever planted or growing upon any land and any produce thereof before severance, or any water, or any right, interest, privilege, liberty or easement in or over any land or anything standing or flowing thereon or thereunder;

“owner” as applied to land means the person entitled to be registered as the owner thereof, whether he is registered or not;

“persons interested” includes all persons claiming an interest in compensation to be made in connection with the acquisition of land, or anything done along, over, across or under any land under this Law, and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

“prospect” and “prospecting” includes all operations connected with the search for quarry materials and reasonably necessary to enable the prospector to test and ascertain the quarrying potentialities of the land;

“quarry” or “quarrying” means any operation for the purpose of obtaining or extracting any quarry materials by any mode or method;

“quarry materials” means the raw materials, excluding fuels, quarried and suitable for use in making cement and includes gypsum and iron ore.

PART II.—LICENSING.

3.—(1) Subject to the provisions of sub-sections (2) and (3), the Governor, when satisfied that for the more effective exploitation of quarry materials and the encouragement of

Power to
Governor
to grant
licence.

the manufacture of cement in the Colony, it is desirable to afford special facilities and in particular sufficient security of tenure in order to attract large capital sums and special technical experience without which the aforesaid purposes cannot be achieved, may, on the application of any person who satisfies the Governor that he commands the requisite capital and technical experience, grant to such person a licence (hereinafter referred to as "the licence") on such terms and conditions, upon the payment of such fees and for such period not exceeding ninety-nine years, as he thinks fit—

- (a) to manufacture cement and by-products and ancillary products of cement ;
- (b) to establish, equip, maintain and operate a plant or plants for the manufacture of cement and of such by-products and ancillary products and to carry on all operations incidental thereto ;
- (c) to prospect for and quarry any quarry materials within the area for which the licence was granted ;
- (d) to load, transport, store, pack, ship, distribute and sell cement and any such by-products or ancillary products ;
- (e) to construct and maintain at such places as the Governor may approve such buildings, structures, erections and works as may be shown to the satisfaction of the Governor to be required in connection with the matters set out in paragraphs (a) to (d) above.

(2) The Governor may, from time to time, with the written consent of the holder of the licence vary or amend any term or condition of the licence or add or cancel any term or condition thereof.

(3) At any time after the grant of the licence and during the currency thereof, no other licence shall be granted to prospect for and quarry any quarry materials within the same area for which the licence was granted.

4. Upon the grant by the Governor of the licence, a notice of such grant shall be published in the *Gazette*.

Notice in
Gazette of
grant of
licence.

5. Notwithstanding anything to the contrary in any other Law contained, the licence may provide for exempting the holder thereof, subject to such conditions as may be specified in the licence, from the payment of any customs duties upon any materials or goods imported into the Colony in respect of any of the purposes or objects of the said licence and upon which the licence was granted and for which such duties would be payable under the provisions of any Law for the time being in force.

Licence may
provide for
exemption
from
customs and
excise duties.

Licence may authorize acts in relation to public roads.

6.—(1) Notwithstanding anything to the contrary in any other Law contained, the licence may authorize the holder thereof, subject to such conditions as may be specified therein, and with the consent of the appropriate authority, for any permitted purpose—

- (a) to erect and maintain along, over or across, any public road any standards, poles, wires, cables, conduits or bridges ;
- (b) to break up the surface of any public road for the purpose of laying, maintaining or repairing, and to lay, maintain and repair under, along or across any such road, any pipes, cables, tunnels or conduits ;
- (c) during the performance of any of the acts referred to in paragraphs (a) and (b) of this sub-section, to obstruct, if necessary, passage over any such road.

(2) In this section—

“appropriate authority” means the authority or body having control of or bearing the expense of maintaining and repairing the public road ;

“permitted purpose” means the conveyance to or from any factory used by the holder of the licence for the manufacture of cement or by-products or ancillary products of any products of such factory, or of any raw material used in, or in connection with, such manufacture or any oil, water, gas or electricity so used, or any waste products resulting from such manufacture.

PART III.—PROSPECTING AND QUARRYING AND ACQUISITION OF LAND FOR QUARRYING OPERATIONS.

Rights to prospect under the licence.

7.—(1) Subject to the terms and conditions of the licence, the holder thereof shall have right to enter upon and prospect for any quarry materials on any Crown land within the area for which the licence was granted, and, subject to sub-section (2) hereof, on any private land within such area.

(2) Before prospecting on any such private land, the holder of the licence shall obtain the previous consent of its owner and, where the owner is not the occupier, the consent of the owner and of the occupier (both being persons interested) and in case such consent or consents is or are unreasonably withheld or it is impossible or impracticable to obtain such consent or consents, the special permission of the Governor :

Provided that the Governor may impose such terms and conditions in any such special permission as he may think fit.

8.—(1) The holder of the licence shall, on demand being made by the persons interested, make to them such payments as shall be a fair and reasonable compensation for any disturbance of the surface rights or any damage to such land or anything built, planted, grown or standing thereon as a result of any prospecting and, if such holder fails to pay compensation when demanded as aforesaid or if the persons interested are dissatisfied with the compensation offered, such persons may apply to the Director who, thereupon, shall assess and determine the amount of the compensation payable and shall notify the parties of the amount so awarded.

Payment of compensation for prospecting by the holder of the licence.

(2) If any of the parties is dissatisfied with the award of the Director, such party may, within fifteen days of such notification, appeal to the Court whose decision thereon shall be final and conclusive and shall, for all purposes, be deemed to be a judgment in a civil action and execution may be issued thereon accordingly as in sub-section (4) hereof provided.

(3) The amount finally awarded under this section, either by the Director or the Court, as the case may be, shall be paid by the holder of the licence to the Director for the account of the person entitled thereto within fifteen days of the date on which the amount of the award is notified to such holder and, if not so paid, the licence in respect of prospecting shall, irrespective of any other remedy, be suspended until the amount awarded has been paid or recovered as in sub-section (4) hereof provided.

(4) If the amount awarded by the Director or the Court is not paid within the time specified in sub-section (3), on filing with the Registrar of the Court a certificate under the hand of the Director or a copy of the order of the Court, as the case may be, specifying the amount of compensation awarded, execution may be issued thereon as on a judgment in a civil action.

9.—(1) Subject to the terms and conditions of the licence, the holder thereof may carry out any quarrying operations in respect of any quarry materials on any Crown land within the area for which the licence was granted and on any private land within such area, provided that the owner of the land on which quarrying operations are to be carried out consents to sell to him such land.

Rights to quarry under the licence.

(2) If the owner of any private land on which quarrying operations are to be carried out refuses to sell such land to the holder of the licence, the holder of the licence shall refer the matter to the Governor who, if satisfied that it is in the public interest that a particular quarrying operation