

No. 26 OF 1952.

A LAW TO AMEND THE LAND ACQUISITION LAW.

CAP. 233

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:—

1. This Law may be cited as the Land Acquisition Short title. (Amendment) Law, 1952, and shall be read as one with the Land Acquisition Law (hereinafter referred to as "the principal Law"). Cap. 233

Amendment of definition of "land" in section 2 of the principal Law.

2. Paragraph (e) of the definition of "land" in section 2 of the principal Law is hereby repealed and the following paragraph substituted therefor:—

"(e) easements, privileges and liberties over any land and rights restrictive of the use of any land which either lawfully subsist at the time of the acquisition or, though not subsisting at such time, are required to be created for any undertaking of public utility ;".

Amendment of definition of "undertaking of public utility" in section 2 of the principal Law.

3. The definition of "undertaking of public utility" in section 2 of the principal Law is hereby amended by the addition therein immediately after the words "or Air Force Authorities" (lines 6 and 7) of the words "or by Her Majesty's Government in the United Kingdom".

Amendment of section 7 of the principal Law.

4. Section 7 of the principal Law is hereby amended by the insertion therein of the following sub-section, the first part thereof being numbered as sub-section (1):—

"(2) Where the land to be acquired is an easement, privilege or liberty over any land or a right restrictive of the use of any land, such easement, privilege, liberty or right shall, if it does not subsist at the date of the sanction, be deemed to be created by such sanction and thereupon the provisions of sub-section (1) of this section relating to acquisition and compensation shall apply."

Repeal of section 8 of the principal Law and substitution of new section.

5. Section 8 of the principal Law is hereby repealed and the following section substituted therefor:—

"Vesting of land.

8. When the Governor has notified his sanction to the acquisition of any land, the land shall thereupon vest absolutely in the Government or Her Majesty's Naval, Military or Air Force Authorities or Her Majesty's Government in the United Kingdom or in the public body concerned, as the case may be, free from all encumbrances; and the notification of the Governor's sanction shall be sufficient authority to the Director of Land Registration and Surveys to cause amendments of registration to be effected in accordance with the plan and particulars so approved by the Governor:

Provided that the Governor may, before notifying his sanction to the acquisition of any land, require the value of the land and the amount to be paid by way of compensation for it to be

first ascertained, in manner hereinafter provided ; and, in any such case, unless agreement is reached between the Director of Land Registration and Surveys and the person interested as to the compensation, the Director of Land Registration and Surveys shall refer the question to the Court, and it shall be determined thereby in manner provided by this Law :

Provided further that the Governor may, in notifying his sanction, prescribe the period within which the works to which the sanction relates shall be completed and may extend such period from time to time as he may deem fit."

6. Section 9 of the principal Law is hereby amended by the deletion therefrom of the word "Commissioner" wherever it occurs (lines 3, 4 and 5 in sub-section (1) and line 3 in sub-section (2)) and the substitution therefor of the words "Director of Land Registration and Surveys".

Tribunal amended by sec. 12 of Law 43/55
Amendment of section 9 of the principal Law.

7. Section 11 of the principal Law is hereby amended as follows :—

- (a) by the insertion in the second proviso to paragraph (b) thereof, immediately after the words "Air Force Authorities" (line 2), of the words "or Her Majesty's Government in the United Kingdom" ;
- (b) by the insertion therein, immediately after paragraph (f) thereof, of the following paragraph (the full stop at the end of paragraph (f) being substituted by a semi colon) :—

Amendment of section 11 of the principal Law.

"(g) where an easement, privilege or liberty over any land or a right restrictive of the use of any land is acquired under this Law, the Assessing Authority shall take into consideration any diminution of the value of the land to which such easement, privilege, liberty or right appertained, or, where such easement, privilege, liberty or right did not subsist at the time of the acquisition, any diminution of the value of the land over which it is required to be exercised."

8. Section 16 of the principal Law is hereby amended as follows :—

- (a) by the deletion therefrom of the words "of the proviso" (line 1) and the substitution therefor of the words "of the first proviso" ;

Amendment of section 16 of the principal Law.