



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3675 OF 4TH MARCH, 1953.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 8 of 1953.

A LAW TO AMEND THE IMMOVABLE PROPERTY (TENURE, CAP. 231
REGISTRATION AND VALUATION) LAW.

A. B. WRIGHT,]

[4th March, 1953.

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 Immovable Property Short title.
(Tenure, Registration and Valuation) (Amendment) Law, 1953, and shall be read as one with the Immovable Property
(Tenure, Registration and Valuation) Law (hereinafter Cap. 231.
referred to as "the principal Law").

Amendment of section 2 of the principal Law.

2. Section 2 of the principal Law is hereby amended by the insertion therein and in its proper alphabetical place of the following definition:—

“ ‘value’, in connection with immovable property, means the amount which the immovable property if sold in the open market by a willing seller to a willing purchaser might be expected to realize.”

Amendment of the principal Law by the insertion of new section 3A.

3. The principal Law is hereby amended by the insertion therein, immediately after section 3, of the following section:—

“No right, etc., on immovable property except under this Law.
Cap. 11.
2 of 1952.
29 of 1952.”

3A. Notwithstanding anything in paragraph (c) of sub-section (1) of section 28 of the Courts of Justice Law contained and subject to the law relating to trusts, the law relating to wakfs and the provisions of any other Law in force for the time being, no estate, interest, right, privilege, liberty, easement or any other advantage whatsoever in, on or over any immovable property shall subsist or shall be created, acquired or transferred except under the provisions of this Law.”

Amendment of section 10 of the principal Law.

4. Sub-section (1) of section 10 of the principal Law is hereby amended as follows:—

(a) by the insertion therein at the end of paragraph (d) of the word “or” (the full stop at the end thereof being replaced by a semi colon);

(b) by the insertion therein, immediately after paragraph (d), of the following paragraph:—

“(e) where the same has been created and acquired under the provisions of the Land Acquisition Law or of any other Law under which immovable property can be compulsorily acquired.”

Cap. 233.
26 of 1952.

Repeal of section 18 of the principal Law and substitution of new section.

5. Section 18 of the principal Law is hereby repealed and the following section substituted therefor:—

“Provisions as to communal property.”

18. Where by law or custom any immovable property (in this section referred to as ‘the communal property’) is held or enjoyed communally by any town, village or quarter, the following provisions shall have effect, that is to say:—

(a) the inhabitants of such town, village or quarter shall have in common, to the exclusion of all persons not being inhabitants thereof, the right of holding or enjoying the communal property subject

to any conditions under which the communal property is by law or custom held or enjoyed ;

(b) no person shall have or acquire at any time any private or exclusive right to the communal property or to any part thereof ;

(c) where the communal property or any part thereof is required for any of the following purposes, that is to say—

(i) the formation of a village or quarter ;

(ii) reclamation ;

(iii) soil conservation ;

(iv) mining ;

(v) an undertaking of public utility,

the Governor may, by notice in the *Gazette*, declare that such property or part thereof shall cease to be communal property :

Provided that in every such case Crown property of equal utility as the communal property shall, if available, be assigned in lieu thereof or, if Crown property is not available, a sum equal to the value of the communal property, as determined by the Director, shall be provided and disposed of for the benefit of such town, village or quarter ;

(d) where by law or custom the communal property is held or enjoyed by any town, village or quarter for any particular use, the Governor may, upon a request from at least two-thirds of the male inhabitants of such town, village or quarter, who have attained the age of twenty-one years, and upon being satisfied that such use is no longer in the interest of such town, village or quarter, terminate such use and either substitute some other use therefor or dispose of the property in such manner as he may deem fit :

Provided that any such alternative use or the proceeds of any such disposal shall be or disposed of for the benefit of such town, village or quarter.”

Repeal of section 20 of the principal Law and substitution of new section.

6. Section 20 of the principal Law is hereby repealed and the following section substituted therefor:—

“Erections, etc., on immovable property held in undivided shares.

20. Where any immovable property is held in undivided shares, all the co-owners shall be entitled, in proportion to their respective shares, to—

- (a) any building or other erection or structure erected upon, or affixed to, the property;
- (b) any tree or vine planted or any well sunk therein;
- (c) any permanent improvement effected therein, whether erected, affixed, planted, sunk or effected by a co-owner or by any other person.”.

Amendment of section 23 of the principal Law.

7. Section 23 of the principal Law is hereby amended as follows:—

(a) by the insertion in paragraph (b) of sub-section (1), after the words “advertises the proposed sale thereof” (lines 1 and 2), of the words “or brings it to the knowledge of the other owner”;

(b) by the insertion in sub-section (2), after the words “as the Director may require” (line 2), of the words “or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require”;

(c) by the insertion in sub-section (2), after the words “within thirty days of the advertisement” (line 4), of the words “or the service of the notice”;

(d) by the insertion therein, immediately after sub-section (3), of the following sub-section:—

“(4) For the purposes of this section, ‘land’ includes any trees, vines or other thing or any buildings or other erections or structures, planted, growing or erected upon any land and belonging to the owner of such land.”.

Amendment of section 24 of the principal Law.

8. Section 24 of the principal Law is hereby amended as follows:—

(a) by the insertion in paragraph (b) of sub-section (1), after the words “advertises the proposed sale” (line 1), of the words “thereof or brings it to the knowledge of the other owner”;

(b) by the insertion in sub-section (2), after the words “as the Director may require” (line 2), of the words “or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require”;

- (c) by the insertion in sub-section (2), after the words
 “within thirty days of the advertisement” (line 4),
 of the words “or the service of the notice” ;
 (d) by the repeal of sub-section (3).

9. Section 27 of the principal Law is hereby amended as follows :—

Amendment
 of section 27
 of the
 principal
 Law.

- (a) by the insertion in sub-section (1), after the words
 “distribute the proceeds” (line 18), of the words
 “, after deducting the expenses of such sale,” ;
 (b) by the insertion at the end of sub-section (1) of the
 following proviso (the full stop at the end thereof
 being replaced by a colon):—

“ Provided that where, by reason of the value
 of the property or of the number of the co-owners
 or for any other reason, it appears to the Director
 that the service of the notice and copy of the
 certificate aforesaid on the other co-owners in
 Cyprus can be dispensed with, there may be
 published in lieu thereof, at the expense of any
 co-owner, a notice to the other co-owners in such
 form and in such newspaper or newspapers as
 the Director may require ; and the date of publica-
 tion in the newspaper or the last of the newspapers,
 as the case may be, shall be deemed to be the
 date of service of the notice for the purposes of
 this sub-section.”;

- (c) by the insertion therein, immediately after sub-
 section (2), of the following sub-section :—

“(3) The provisions of sub-sections (1) and
 (2) of this section shall apply to any immovable
 property which is held in undivided shares but
 cannot be partitioned among the co-owners
 without contravening the provisions of section 26
 of this Law, notwithstanding that such property,
 together with other properties held in undivided
 shares by the same co-owners, might be partitioned
 as in sub-section (2) of section 28 of this Law
 provided.”.

10. Sub-section (1) of section 32 of the principal Law is
 hereby repealed and the following sub-section substituted
 therefor :—

Amendment
 of section 32
 of the
 principal
 Law.

“Compul-
 sory acqui-
 sition where
 re-adjust-
 ment impos-
 sible.

32.—(1) Where on any land there are trees,
 vines, buildings or other erections or structures
 belonging to a person other than the owner of
 the land and it is found impossible by the
 Director to make a re-adjustment under the