

(4) Any person who contravenes an Order made under this section shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(5) No compensation shall be payable for any loss or damage suffered in consequence of an Order made under this section whereby a restriction only is imposed.

(6) Any person suffering loss or damage in consequence of an Order made under this section, whereby a prohibition or a prohibition and restriction are imposed, shall be paid compensation therefor and, in default of agreement, the amount of such compensation shall be fixed by single arbitrator appointed by the Chief Justice.

25th March, 1955.

J. FLETCHER-COOKE,  
*Colonial Secretary.*

## No. 9 OF 1955.

A LAW TO MAKE PROVISION FOR THE CONSERVATION AND USE OF WATER RESOURCES, FOR THE BETTER DISTRIBUTION OF WATER SUPPLIES AND FOR PURPOSES CONNECTED THEREWITH.

R. P. ARMITAGE,]  
*Governor.*

[28th March, 1955.

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

Short title.

1. This Law may be cited as the Water (Development and Distribution) Law, 1955.

## PART I.—PRELIMINARY.

2. In this Law, unless the context otherwise requires— Interpretation.  
 “area” means a water development area declared under the provisions of this Law;

“Chairman” means the Chairman of a Committee;

“Committee” means a Water Development Committee established under this Law;

“Court” means the President of the District Court of the district within which the area or part of the area of a Committee, a party to the proceedings, is situated;

“domestic purposes” means any purposes which, according to the ordinary habits of life, are commonly satisfied in a home in Cyprus but shall not include the use of water for irrigation or for any trade, manufacture or business;

“immovable property” has the same meaning as in section 2 of the Immovable Property (Tenure, Registration and Valuation) Law;

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“private water rights” includes a right to take or utilize water irrespective of whether such right is held or enjoyed together with or independently of land;

“property” includes movable and immovable property;

“statutory water undertaker” means a Water Board established under the provisions of the Water Supply (Municipal and Other Areas) Laws, 1951 and 1954;

20 of 1951  
21 of 1952  
52 of 1954

“supply of water in bulk” means a supply of water for distribution by the undertakers taking the supply;

“water” means any water privately owned and not vested in the Government;

“water undertaker” means any company, partnership, board, commission, committee or other person supplying water within the area;

“waterworks” means 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 for the storage, conveyance, supply, distribution, measurement or regulation of water which are so used or have been constructed under or for the purposes of any Law, under which a water undertaker is functioning or for the purposes of his undertaking.

## PART II.—DEVELOPMENT AREAS AND COMMITTEES.

3.—(1) If it appears to the Governor-in-Council that the conservation and better use of water resources within a certain area, the provision of sufficient water supplies therein and their equitable distribution and availability at fair prices

Power to Governor-in-Council to declare areas.

or the effective execution of an island-wide policy relating to water, may thereby be more effectively secured, the Governor-in-Council may, by Order (hereinafter referred to as the "development Order") declare such area to be a development area and thereupon the provisions of this Law shall apply to this area.

(2) Any development Order may contain such incidental, consequential and supplementary provisions, as the Governor-in-Council may consider necessary or expedient for the effective carrying out of the Order.

Establishment of Water Development Committees.

4.—(1) On the declaration of an area under section 3, the Governor shall, by Order, establish a Water Development Committee in respect of that area.

(2) A Committee shall consist of—

(a) a Chairman and not more than five other members to be appointed by the Governor to hold office in accordance with the terms of the appointment for four years after the date of their appointment, unless such appointment is previously terminated by the Governor;

(b) where in any area there is functioning any statutory water undertaker such undertaker shall be entitled to be represented on the Committee by a person nominated by him as a member of the Committee to hold office for such period as may be specified in the nomination.

(3) The Governor may, by an Order made under sub-section (1), make further provision as to the method and procedure of nomination of members under paragraph (b) of sub-section (2).

(4) A Committee may make rules governing its own proceedings, the convening of its meetings, the quorum thereof, the appointment of sub-committees for certain purposes, and providing, subject to the approval of the Governor, for the payment of any allowances to any of its members.

(5) A Committee may act notwithstanding a vacancy among the members thereof.

Water Development Committee a body corporate.

5. A Committee, established under the provisions of this Law, shall be a body corporate by the name of "Water Development Committee of....." (*inserting a name indicating the area*) and by that name it shall have perpetual succession and a corporate seal in such form as may be approved by the Governor, with power to hold property, to enter into contracts, to institute or defend suits and other legal proceedings, and, generally, to do all things which may be necessary for the purpose of its establishment.

6.—(1) From and after the date of the establishment of a Committee in an area—

Effects of  
establish-  
ment of a  
Committee.

(a) all water, private water rights and waterworks within the area shall, subject to the provisions of this Law, be transferred to and be vested in the Committee without any conveyance, assignment or transfer whatsoever, free from all charges, encumbrances, rights or liabilities of any nature notwithstanding anything contained in any provision of the Immovable Property (Tenure, Registration and Valuation) Law or any contract or agreement and the Director of Lands and Surveys shall cause any necessary amendment of any registration of any such water, private water rights or waterworks to be made:

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4 of 1954.

Provided that any water, water rights or waterworks, vested in any statutory water undertaker operating within the area, or governed and regulated by a special Law in force for the time being, shall not be transferred to or vested in the Committee but shall continue to be vested in and be the property of such undertaker:

Provided further that the owner of any water or waterworks or the beneficiary of any water rights vested under this paragraph in the Committee shall, for a period of three months from the date of such vesting or, in case of an application under section 26, until his application is disposed of, continue to exercise the same rights and perform the same acts in connection with that water, water rights or waterworks as on the date of the vesting;

(b) any statutory water undertaker functioning within the area shall, subject to the provisions of this Law, continue to function under the provisions of the Law under which he was functioning;

(c) any water undertaker, other than a statutory water undertaker, operating within the area may, subject to the provisions of this Law, continue to operate for one month after the date of the establishment of the Committee but if he desires to continue operating as such thereafter he shall, within the aforesaid period of one month apply, in the prescribed form to the Committee for a permit to continue and the Committee, if satisfied that he was actually operating on the date of the Committee's establishment, may grant the permit under such terms and conditions as the Committee may deem fit:

Provided that the Committee may, pending consideration of an application for a permit under this

paragraph, grant to the applicant an interim permit until the application is disposed of :

Provided further that any person aggrieved by the refusal to grant such permit or by the terms and conditions imposed by the Committee may appeal to the Tribunal, whose decision shall be final and conclusive.

For the purposes of this proviso "Tribunal" means a tribunal consisting of two persons appointed by the Governor under the chairmanship of a judicial officer appointed by the Chief Justice ;

- (d) subject to the provisions of the Wells Law and subject to paragraphs (b) and (c) of this sub-section, no person shall acquire, transfer, enjoy or operate any water, water rights or waterworks within the area, or shall convey or bring thereto or distribute thereto, therefrom or therein any water save under a permit, and subject to such terms and conditions as the Committee may impose.

(2) Any person who acts in contravention of paragraph (d) of sub-section (1) shall be liable to imprisonment not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine and any waterworks, other than waterworks consisting of immovable property, used in connection with the water in respect of which the offence was committed shall be forfeited.

Minutes.

7. Minutes of the proceedings of every meeting of a Committee shall be drawn up correctly and entered in a book kept for that purpose and shall be signed by the Chairman and, when so signed, shall be received in evidence in all proceedings without further proof.

Executing  
decisions of  
Committee.

8.—(1) It shall be the duty of the Chairman to see that all and every decision of the Committee is duly executed and, where such decision necessitates the expenditure of funds, to see that such expenditure is in accordance with the approved estimates.

(2) Notices and all documents and communications from the Committee shall be signed by the Chairman and communications to the Committee shall be addressed to the Chairman.

### PART III.—FUNCTIONS OF THE COMMITTEE.

Functions of  
a Committee.

9. Subject to the provisions of this Law, a Committee shall, within its area, have power to perform all or any of the following functions :—

- (a) to promote the conservation and develop the use of water resources and co-ordinate the distribution of water supplies ;