



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3866 OF 29TH SEPTEMBER, 1955.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 43 of 1955.

A LAW TO MAKE PROVISION FOR THE ESTABLISHMENT OF A TRIBUNAL TO DETERMINE COMPENSATION FOR THE COMPULSORY ACQUISITION OF LAND AND OTHER MATTERS.

R. P. ARMITAGE,]

[20th September, 1955.

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 Compensation Assessment Tribunal Law, 1955. Short title,

Interpretation.

Cap. 3.

Cap. 233.
26 of 1952.

Establishment and jurisdiction of the Tribunal.

Members, officers and expenses of the Tribunal.

2. In this Law, unless the context otherwise requires—

“advocate” has the same meaning as in section 2 of the Advocates Law, or any other Law amending or substituted for the same ;

“land” has the same meaning as in section 2 of the Land Acquisition Law or any other Law amending or substituted for the same ;

“President” means the President of the Tribunal and includes any person acting under the provisions of this Law as such ;

“Tribunal” means the Tribunal set up under section 3.

3. There shall be set up, to exercise the jurisdiction hereafter mentioned in this Law, a Compensation Assessment Tribunal to which shall be referred for determination all matters concerning the assessment of compensation for compulsory acquisition of land, which is by any Law directed, in whatever terms, to be determined by arbitrators or a District Court either in the first instance or sitting as an umpire or which is so directed to be determined in the absence of agreement to the contrary, and any other matter of disputed compensation for injurious affection of any land.

4.—(1) The Tribunal shall consist of a President and such number of other members as the Chief Justice may determine, to be appointed by the Chief Justice by notification in the *Gazette*.

(2) The President shall be either a person who holds or has held judicial office under the Crown or an advocate of at least fifteen years' standing, and of the other members of the Tribunal such number as the Chief Justice may determine shall be advocates and the others shall be persons who have had experience in the valuation of land.

(3) In the case of the temporary absence or inability to act of the President, the Chief Justice may appoint another member of the Tribunal to act as deputy for the President, and a member so appointed shall, when so acting, have all the functions of the President.

(4) If a member of the Tribunal becomes, in the opinion of the Chief Justice, unfit to continue in office or incapable of performing his duties, the Chief Justice shall forthwith declare his office to be vacant and shall notify the fact in the *Gazette*, and thereupon the office shall become vacant.

(5) Subject to sub-section (4), the appointment of a member of the Tribunal shall be for such term as may be determined by the Chief Justice, with the approval of the Governor, before his appointment, and shall be subject to such conditions as may be so determined, and a person who ceases to hold office as a member of the Tribunal shall be eligible for re-appointment thereto.

(6) There may be paid to the President and the other members of the Tribunal such remuneration, and such travelling and subsistence allowances, as the Chief Justice may, with the approval of the Governor, determine.

(7) The Chief Justice may appoint such officers and servants of the Tribunal as he may, with the approval of the Governor as to numbers and remuneration, determine.

(8) The remuneration and allowances of the President and the other members of the Tribunal, the remuneration of the officers and servants appointed by the Chief Justice, and such other expenses of the Tribunal as the Governor may determine, shall be defrayed out of Government funds.

5.—(1) Subject to any other direction of the Chief Justice, the jurisdiction of the Tribunal may be exercised by the President and any two of its members, and references in this Law to the Tribunal shall be construed accordingly.

Quorum
and decision
of Tribunal.

(2) The members who are to deal with any case shall be selected as follows :—

(a) the Chief Justice may select two members to deal with a particular case or class or group of cases ; or

(b) the Chief Justice may select for a class or group of cases members from amongst whom two members to deal with any particular case shall be selected, and the selection from amongst those members of two members to deal with a particular case shall then be made by the President.

(3) The President or, in the case of his temporary absence or inability to act, the member appointed under the provisions of sub-section (3) of section 4 to act as his deputy shall be the third member of the Tribunal when dealing with any case and shall preside at the hearing.

(4) A decision shall be taken, in the event of a difference between the members dealing with the case, by the votes of the majority and, in the event of an equality of votes, the person presiding at the hearing shall be entitled to a second or casting vote.

(5) Subject to section 7, a decision of the Tribunal shall be final.

6. The Tribunal shall have power to do all things which it is required or empowered to do by or under the provisions of this Law, and in particular shall have power—

Powers of
Tribunal.

(a) to hear and determine any case or proceedings for the purpose of assessing the compensation payable in respect of compulsory acquisition of land or any injurious affection to land and any matter relating thereto ;

(b) to examine any witness on oath, to summon and compel the appearance of any witness before it and to require any interested party or witness to produce any relevant document, as the Tribunal may think fit ;

(c) to give directions as to the service of any document in connection with any proceedings before it and as to the representation and appearance of any party to such proceedings ;

(d) to award costs of any proceedings before it.

Case stated.

7.—(1) Any person aggrieved by any decision of the Tribunal on the ground that it is wrong on a point of law may, subject to any Rules of Court, apply to the Tribunal to state a case for the opinion of the Supreme Court.

(2) Subject to any Rules of Court, the Tribunal shall, on an application being made under sub-section (1), state a case on any question of law involved for the opinion of the Supreme Court and such case stated shall be heard and determined by the Supreme Court, and thereupon shall be remitted to the Tribunal with the opinion of the Supreme Court thereon and such opinion shall be binding on the Tribunal.

(3) Subject to any Rules of Court, the Tribunal may on its own motion and at any stage of the proceedings reserve for the opinion of the Supreme Court any question of law arising in such proceedings in the form of a case stated and thereupon the provisions of sub-section (2) shall apply *mutatis mutandis*.

Enforcement of decision of Tribunal.

8. Any decision of the Tribunal shall, upon a copy thereof (being certified by the President as a true copy) being filed with the Registrar of the District Court of the District within which the land affected by the decision is situate, be executed and obedience thereto enforced as if it were a judgment of the Court.

Power to add to jurisdiction of the Tribunal.

9.—(1) The Governor-in-Council may, by an Order to be published in the *Gazette*, direct that questions which are required or authorised by any Law, Regulations, bye-laws or other public instrument made under any such Law, to be determined by any statutory tribunal shall or may be determined instead by the Tribunal if it appears to the Governor—

- (a) that the questions are appropriate for the Tribunal as involving valuation of land or for other reasons ; and
- (b) that it is desirable to transfer the jurisdiction to determine those questions from the first-mentioned tribunal to the Tribunal either—

- (i) to promote uniformity of decision ; or
- (ii) to use economically the services of those having experience in the valuation of land or other special qualifications ; or
- (iii) to make possible the winding up of a statutory tribunal having little work to do.

(2) Sub-section (1) shall authorise a transfer of the jurisdiction conferred on a statutory tribunal by or under a Law passed after this Law unless that Law contains a direction to the contrary.

(3) An Order-in-Council under this section may contain such supplementary and consequential provisions as appear to the Governor-in-Council to be expedient, and any such provisions may be revoked or varied by a subsequent Order-in-Council or, if the Order-in-Council so provides, by Rules made under this Law.