

No. 249.
 THE SUPPLIES AND SERVICES (TRANSITIONAL POWERS)
 ACT, 1945.

ORDER MADE BY THE GOVERNOR.

WINSTER,
 Governor.

In exercise of the powers vested in me by the Supplies and Services (Transitional Powers) Act, 1945, as extended to the Colony by the Supplies and Services (Transitional Powers) (Colonies, etc.) Order in Council, 1946, I, the Governor, do hereby order as follows:—

Gazette :
 Supplement
 No. 3 :
 20.5.1943.
 Gazette :
 Supplement
 No. 3 :
 23.2.1946.

1. These regulations shall be cited as the Defence (Building Operations) Control Regulations, 1947, and shall be read as one with the Defence (Building Operations) Control Regulations, 1943, mentioned in item 3 of the Second Schedule to the Supplies and Services (Transitional Powers) (Cyprus) Order, 1946, which have effect by virtue of the Act aforementioned, (hereinafter referred to as "the principal Regulations"), and the principal Regulations and these regulations may together be cited as the Defence (Building Operations) Control Regulations, 1943 and 1947.

2. Regulations 2, 3 and 4 of the principal Regulations shall be varied to read and to have effect as follows, respectively:—

" 2.—(1) The Defence (Building Operations) Control Regulations, 1943 and 1947, shall apply solely to the areas of the several municipal corporations and to such other areas as the Governor may, from time to time by order, declare to be areas to which these regulations should apply.

(2) The terms 'alteration', 'addition', 'repair', 'building' and 'appropriate authority' shall have the same meaning as in the Streets and Buildings Regulation Law, 1946.

3.—(1) Subject to paragraph (3) hereof but notwithstanding anything contained in the Streets and Buildings Regulation Law, 1946, or in any regulations made thereunder—

(a) no permit for the erection, reconstruction, alteration, addition or repair to any building shall be granted or renewed, unless the person applying therefor shall have first obtained from the Commissioner of the District in which a building or building site is situate a certificate (hereinafter referred to as 'a certificate of essentiality') to the effect that such erection, reconstruction, alteration, addition or repair is essentially necessary or that it is desirable that it should be carried out having regard to the materials to be used therefor;

(b) no person shall erect a building or reconstruct or make any alteration, addition or repair to any building, unless such person shall have first obtained from the Commissioner of the District in which the building or building site is situate, a certificate of essentiality.

(2) A certificate of essentiality may be issued or refused at the absolute discretion of the Commissioner and may contain such terms and conditions as the Commissioner issuing the same may think fit to impose.

(3) No certificate of essentiality shall be required—

(a) where the appropriate authority is satisfied that the building in respect of which the permit is sought is intended to be used as a dwelling house and that its floor area will not exceed 2,000 square feet.

For the purposes of this sub-paragraph 'floor area'—

- (i) in the case of a building of one storey, shall be taken to be the area of the ground covered by the building including outer walls, verandahs, terraces and out-buildings ;
 - (ii) in the case of a building of more than one storey, shall be taken to be the aggregate of the areas of all the storeys, the area of each storey being computed in the manner described for a building of one storey ;
- (b) where the permit is sought in respect of any alteration, addition or repair to an existing building used as a dwelling house and the cost of such alteration, addition or repair will not exceed one hundred pounds in any one year.

4.—(1) Any permit granted in contravention of regulation 3 shall be void and of no effect and, in addition, any person who acts in contravention of the provisions of such regulation or of any terms or conditions specified in a certificate of essentiality shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine and any building erected or reconstructed, altered, added to or repaired without such certificate of essentiality or in contravention of any term or condition therein specified shall be ordered by the court trying the offence to be pulled down, demolished or removed at the expense of the person convicted therefor, within such time as shall be specified in the order, but in no case exceeding two months, unless a certificate of essentiality is obtained in respect thereof in the meantime from the Commissioner of the District :

Provided that in any such case the Commissioner, if he decides to grant such certificate, may impose such terms and conditions as to him may seem fit.

(2) If the person against whom an order has been made under the provisions of paragraph (1) hereof shall fail or neglect to comply with such order within the time specified therein, it shall be lawful for the Commissioner of the District to carry out such order and any costs incurred for the carrying out thereof shall be payable to the Commissioner by the person against whom the order was made and such costs shall be deemed to be a penalty within the meaning of the Fines and Penalties Recovery Law, 1883, and payment thereof shall be enforced accordingly. S of 1883.

(3) Any person against whom an order has been made under the provisions of paragraph (1) hereof who refuses or fails to comply therewith shall, notwithstanding that the Commissioner of the District has proceeded to carry out or has carried out such order, be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine."

3. Regulation 6 of the principal Regulations shall be varied to read and to have effect as follows :—

"6. Except as in these regulations provided, nothing herein contained shall affect the operation of the Streets and Buildings Regulation Law, 1946."

4. The Schedule to the principal Regulations shall be deleted.

Ordered this 14th day of August, 1947.

(M.P. 633/42/2.)