

## 4 OF 1886.

## TO AMEND THE LAW AS TO THE ACQUISITION OF TITLE TO IMMOVABLE PROPERTY BY ADVERSE POSSESSION.

HENRY BULWER.]

[April 24, 1886.

Definitions.

## 1. In this Law:—

“ Adverse possession ” means possession by some person not entitled to possession, where the express consent or permission of the person so entitled has not been given or obtained for such possession;

“ Undisputed adverse possession ” means adverse possession as hereinbefore defined which is had without dispute on the part of any person entitled to bring an action for the recovery of the property adversely possessed;

“ Registered ” means registered in the books of the Land Registry Office;

“ The period of prescription ” means the period of undisputed adverse possession of any immovable property which by Law constitutes a valid defence to an action for the recovery of such property.

Period of prescription, how to be computed.

2. The period of prescription shall be computed to commence from the time when the right to bring an action for the recovery of property adversely possessed first arose; and where the person having the right to maintain an action for the recovery of any immovable property is under any of the disabilities hereafter mentioned, that is to say, infancy, idiocy, lunacy, unsoundness of mind or absence from Cyprus, then the period of prescription shall not be deemed to have expired until the expiration of five years from the time when he first ceased to be under the disability or died.

As to adverse possession by person not registered.

3. An action for the recovery of immovable property of which some person in whose name the same has not been registered has had undisputed adverse possession for the period of prescription shall not be maintainable unless the person instituting the action has, during some part of the time of such adverse possession, prior to the expiration of the period of prescription, been lawfully entitled to be and has been actually registered as the owner thereof; but such action shall be maintainable where the person instituting it has during some part of the time aforesaid been lawfully entitled to be and has been actually so registered.

4. If any person shall have undisputed adverse possession of any property for the period of prescription, and shall during the whole of that period have been registered as the owner thereof, no action for the recovery of the property shall be maintainable against him after the expiration of that period.

As to adverse possession by person registered.

5. Until the passing of a special law on the subject of the immovable property of Religious foundations, the managers of such foundations shall have the right, even without a title or registration, to bring an action, before the expiration of the period of prescription, against persons adversely occupying the property.<sup>(1)</sup>

Actions by managers of religious foundations.

6. Save in the case of absence from Cyprus, the time within which an action may be brought for the recovery of immovable property shall not in any case after this Law shall come into force be extended or enlarged by reason of the absence, during all or any part of that time, from the town or village in or in the neighbourhood of which the property is situate, of the person having the right to bring the action, or of any person through whom he claims.

Prescriptions to run against absent persons unless absent from Cyprus.

7. This Law may be cited as the Immovable Property Limitation Law, 1886.

Short title.

### 13 OF 1890.

#### TO AMEND THE LAW RELATING TO THE POWERS OF MORTGAGEES AND ATTORNEYS TO SELL MORTGAGED PROPERTY.

HENRY BULWER.]

[May 20, 1890.

1. Where immovable property is mortgaged for the payment of a debt, whether before or after the passing of this Law, and the person mortgaging it shall have named any person his attorney to sell it if the debt be not paid to the person to whom it is due at the time when it becomes payable, the property may be sold on application to be made either by the person so named attorney as aforesaid or by the person to whom the money is due to the Principal Officer of Land Registration of the District within which the property is situate (hereinafter called the Principal Officer of Land Registration), and on evidence to the satisfaction of the officer being forwarded to him:—

Sale of mortgaged property where attorney to sell named by mortgagor.

(a.) That the debt for the payment of which the property is mortgaged has actually become payable;

<sup>(1)</sup> See 1 of 1893, p. 305.