

6. Nothing in this Law shall prevent any person from carrying a clasp-knife provided that it has not a blade of more than four inches in length, and that it is not so constructed as to be convertible by means of a spring or otherwise into a knife with a fixed blade. Clasp-knives.

7. Any dagger or pointed-knife in respect to which any person has been convicted for a breach of this Law shall be forfeited. Forfeiture.

LAND ACQUISITION.

6 OF 1899.

TO FACILITATE THE ACQUISITION OF LAND AND OTHER IMMOVABLE
PROPERTY FOR PUBLIC PURPOSES.

W. F. HAYNES SMITH.]

[April 4, 1899.]

1. This Law may be cited as the Land Acquisition Law, 1899. Short title.
2. In this Law, unless there is something repugnant in the subject or context:— Definitions.

“ Land ” includes land (with the grazing rights, and all water and water rights on, over or under such land), buildings, trees, easements and standing crops;

It also includes other water and water rights when the acquisition thereof is required for the construction or service of any railway or harbour, provided that there shall not be any other reasonably accessible means of obtaining such water as is neces-

Sec.2 of Law 6 of 1899 (at p. 499) the paragraph containing the definition of "Undertaking of public utility" has been repealed and in place thereof the following paragraph shall have effect:-

"Undertaking of public utility" means any undertaking of a public nature, civil, naval, military or air force, which the Governor shall by notification in the Cyprus Gazette declare to be an undertaking of public utility, whether the cost of such undertaking is to be borne by the public funds of Cyprus or by His Majesty's Naval, Military or Air Force Authorities.

Vide Law 2 of 1928 sec.2

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It also includes other water and water rights when the acquisition thereof is required for the construction or service of any railway or harbour, provided that there shall not be any other reasonably accessible means of obtaining such water as is necessary for the purposes of such railway or harbour;

“ Person interested ” includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Law, and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

“ Commissioner ” means the Commissioner of the District within which the land acquired or to be acquired is situate;

“ Court ” means the District Court of the District within which the land acquired or to be acquired is situate;

“ Undertaking of public utility ” means any undertaking of a public nature, civil, naval, or military, which the High Commissioner shall by notification in the *Cyprus Gazette* declare to be an undertaking of public utility, whether the cost of such undertaking is to be borne by the public funds of Cyprus or by His Majesty's Naval or Military Authorities. s. 1918 2.

High Commissioner may authorize public works for which land required.

Recommendation to acquire land.

Notice to persons interested.

Sanction by High Commissioner of acquisition.

Vesting of land.

(As amended by 8. 1918, 3.)

3. Where any land is needed for any undertaking of public utility the High Commissioner may by notification in the *Cyprus Gazette* authorize the carrying out of the undertaking under the provisions of this Law.

4. From and after the publication of the aforesaid notification the Director of Public Works or other officer entrusted by the High Commissioner with the supervision of any undertaking so authorized may recommend that any land he acquired for the purpose of carrying out the undertaking.

On any such recommendation the officer by whom it is made shall forward to the Commissioner a copy of the recommendation, together with a plan or particulars of the land to be acquired.

5. The Commissioner before submitting the recommendation and plan or particulars to the consideration of the High Commissioner shall caused a notice to be served (in manner hereinafter provided) on the persons interested in the land it is proposed to acquire, notifying to them the proposed acquisition, and informing them that they are at liberty to examine the plan or particulars thereof and present any objections they may have to make thereto within six weeks, or in all cases in which it is proposed to acquire land for the purpose of a Government railway within ten days, from the service of the notice. At the expiration of the period of six weeks, or ten days, as the case may be, the Commissioner shall forward to the High Commissioner the recommendation and plans or particulars, together with the objections made, if any.

6. If the High Commissioner approves the plan or particulars submitted and considers it expedient, having regard to all the circumstances of the case, that the land in question shall be acquired, he may by notification in the *Cyprus Gazette* sanction the acquisition of the land; and thereupon the land may be acquired and compensation, which may include compensation for damage occasioned by determination of a lease, may be awarded for its acquisition in manner hereinafter provided.

7. When the High Commissioner has notified his sanction to the acquisition of any land, the land shall thereupon vest absolutely in the Government or His Majesty's Naval, ^{or Air Force} Military Authorities, as the case may be, free from all encumbrances; and the notification of the High Commissioner's sanction shall be sufficient authority to the Registrar-General to cause amendments of registration to be effected in accordance with the plan and particulars so approved by the High Commissioner.

aw 12/1944
action add
3(a)

is repealed and substituted by section 3 of Law 12 of 1944

see Law 2 of 1928 sec. 3

Provided that the High Commissioner, before notifying his sanction to the acquisition of any land, may require the value of the land and the amount to be paid by way of compensation for it to be first ascertained, in manner hereinafter provided; and, on any such requirement of the High Commissioner being intimated to the Commissioner, if the person interested is unable to agree with the Commissioner as to the compensation, the Commissioner shall refer the question to the Court, and it shall be determined thereby in manner provided by this Law.

8.—(1.) If within one month from the date of the notification of such sanction, or from the date of the aforementioned requirement of the High Commissioner being notified to the Commissioner, the persons interested do not agree with the Commissioner as to the compensation for the land so acquired, the Commissioner shall apply to the Court to refer the determination of the amount of the compensation to arbitrators; and the Court shall thereupon order that a notice be served, in manner hereinafter provided, on the persons interested, and shall fix a day for the appearance of the parties before the Court.

Reference to
District
Court.

(2.) Where any land to be acquired under the provisions of this Law has either before or after the coming into operation of this Law⁽¹⁾ by agreement between the Commissioner and the persons interested or by the leave and licence of the persons interested been entered upon prior to the acquirement thereof, but in anticipation of such acquirement, the arbitrators or the umpire may add to the amount of any award in respect of the value of such land such a sum of money as shall compensate the persons interested for the use and occupation of the said land before the acquirement thereof and for the reimbursement of any expenditure incurred immediately prior to the said use and occupation of the land for the user of the same which said expenditure has been rendered fruitless by reason of such use and occupation.

Additional
matters for
which com-
pensation
may be given.

6. 1918, 7.

9. On the day so fixed, if all the parties appear and each party names an arbitrator on his behalf, the Court shall appoint the arbitrators, and, in the event of the arbitrators failing to agree, the Court shall be an umpire to decide between them.

Appointment
of arbitrators
and umpire.

(As amended by
6. 1918, 4.)

If any party fails to appear or refuses to appoint an arbitrator, the Court shall appoint an arbitrator on his behalf; and if the arbitrators fail to file their award within the time or extended time limited by the Court, the Court shall be sole arbitrator.

(1) 17th May, 1918.

On appointing any arbitrator, the Court may limit the time within which the award may be filed and may extend it from time to time.

The award of the arbitrators shall be duly filed as directed by the Court.

Fees to arbitrators or umpire.

(As amended by 6. 1918, 5.)

9(9)
10. The Court may make any order it may think right as to the course and costs of the proceedings, including the amount of fees or expenses to be paid to the arbitrators or umpire in connection with their arbitration and award, and may direct by whom they are to be paid.

Sanction for the acquisition of land to be notified.

(As amended by 6. 1918, 3.)

11. Where the award is made in pursuance of the proviso to section 7, before the High Commissioner has formally notified his sanction for the acquisition of the land referred to in the award, a copy of the award shall be transmitted to the Chief Secretary for the information of the High Commissioner, in order to enable him to determine whether it is in the public interest that the land should be acquired at the cost specified in the award; and if the High Commissioner does not notify his sanction for the acquisition of the land within three months after the date when the copy is so transmitted, it shall be deemed that he does not sanction the acquisition, and that the proceedings are terminated; and, in that case, the costs of the arbitration, including the fees and expenses to be paid to the arbitrators or umpire, shall be paid by the Government or His Majesty's Naval ^{or Air Force} Military Authorities, as the case may be.

Publication of award.

(As amended by 6. 1918, 6.)

12. When the High Commissioner has notified his sanction for the acquisition of any land, the Court shall, on the application of any party to the proceedings, fix a date for the parties to appear before the Court, and for this purpose shall direct a notice to be served on each party interested.

At the time so fixed, the Court shall make known to the parties the award of the arbitrators or umpire, which shall for all purposes be final and conclusive, and shall order the Commissioner to pay the sum awarded in accordance with the terms of the award. Such sum shall be paid from the public funds of Cyprus or by His Majesty's Naval, ^{or Air Force} Military Authorities, as the case may be. The Commissioner, in paying the sum, may make deductions on account of Vergi, which may be due to Government in respect of the land with regard to which compensation is awarded.

Provided that the Court shall order that the whole or any portion of the sum awarded be paid to any mortgagee of the land in satisfaction in whole or in part of the sum secured by the mortgage,

section 9(9) added by Law 12 of 1918

See Law 2 of 1928 sec. 4

See Law 2 of 1928 sec. 5.

or to any lessee of the property, as compensation in respect of the determination of his tenancy, or to any judgment creditor who has registered his judgment in the manner provided by Law, in satisfaction in whole or in part of the sum due under the judgment.

Provided also, that if any person refuses to accept any sum ordered to be paid to him under the provisions of this Law, or is absent from Cyprus, the Commissioner may pay the sum into Court.

13. The Government or His Majesty's Naval or Military authorities, as the case may be, may sell, lease, or exchange any land acquired under the provisions of this Law in excess of the extent actually required for the purpose for which it has been acquired.

Power of Government to sell, etc. (As amended by 6. 1918, 3.)

Provided that the person from whom the land has been acquired shall have the right of pre-emption at the price at which it was acquired from him by the Government or His Majesty's Naval or Military Authorities, as the case may be, and in case the Government, or His Majesty's Naval or Military Authorities, as the case may be, desires to sell only a portion of the land acquired from any individual, he shall have the right of pre-emption at a price proportionate to that at which the whole was acquired from him.

or Air Force

See sec. 6 of Law 2 of 1928

14. Where a notice is required to be served under this Law, service may be effected by delivery of the notice to the person to be served therewith, or, if he cannot be found, by leaving it at his usual place of abode with any adult inmate thereof.

Service of notices. Repealed & substituted by section 5 of Law 12 of 1928

Where it appears, however, that the latter mode of effecting service of the notice is not calculated to bring to the knowledge of the person interested the contents of the notice, the Court may order that the notice be advertised in any newspaper, and that a copy of the notice be posted on some conspicuous part of the land acquired or to be acquired.

15. Whenever it appears to the Court that any person who is interested in any land acquired or to be acquired under the provisions of this Law, is, on account of being absent from Cyprus or on account of being under any disability, likely to be under any disadvantage in bringing forward his claims to compensation under the provisions of this Law, the Court may, on the application of the Commissioner or of its own motion, order that that person be duly represented, and may generally give such directions as may secure the proper and just determination of his claims.

Power to order that persons absent from Cyprus or under disability be represented

16. The provisions of this Law relating to the acquisition of land shall not extend to the acquisition of any building in which public worship is habitually held.

Saving as to places of public worship.

Accommodation work.

17. Whenever the construction of any undertaking authorized under this Law causes the interruption of any right of way or of any right to the passage of water, the High Commissioner, instead of sanctioning the acquisition of the right, shall, whenever he considers it practicable so to do, provide for the construction and maintenance of such crossings, bridges, culverts, watercourses or other passages as may be necessary for the purpose of making good the interruption and enabling the right to be enjoyed as before the construction of the work or as nearly as may be.

For the purpose of furnishing such accommodation the High Commissioner shall have power to acquire land as if it were required for the original undertaking.

Schedule added by Law 12 of 1942

LEPERS, *see* PUBLIC HEALTH.

LICENSING.

10 OF 1889.⁽¹⁾

TO CONSOLIDATE AND AMEND THE LAW WITH REGARD TO THE SALE OF INTOXICATING LIQUORS BY RETAIL.

HENRY BULWER.]

[April 27, 1889.

Definition.

1. The sale of intoxicating liquors in smaller quantities than three okes at a time shall be deemed to be the sale of intoxicating liquors by retail.

No liquor to be sold without licence.

2.—(1.) No person shall sell or expose for sale by retail any intoxicating liquor, without being duly licensed to sell the same, or at any place where he is not duly authorized to sell the same.⁽²⁾

Certificate of Mejlis Idaré. and excise licence.

(2.) In order to enable any person lawfully to sell intoxicating liquors by retail he must obtain:—

(a.) The certificate of the Mejlis Idaré of the Qaza that he is a fit and proper person to hold a licence for the sale of intoxicating liquors by retail, and that the place in which he desires to sell intoxicating liquors by retail is a fit and proper place for such sale;

(b.) The licence of the Government to sell intoxicating liquors in the place specified, hereinafter called an excise licence.

⁽¹⁾ Ss. 17—26 were formerly ss. 18—27.

⁽²⁾ See 13, 1906, 8, p. 277.

Whole law repealed by Law 20 of 1943