

6 OF 1900.⁽¹⁾

TO AMEND AND CONSOLIDATE THE VILLAGE ROADS LAWS.

W. F. HAYNES SMITH.]

[July 28, 1900.

PRELIMINARY.

Short title.

1. This Law may be cited as the Village Roads Law, 1900.

Definitions.

2. In this Law, except where the context otherwise requires, the following words have the following meanings,—

“Able-bodied Inhabitant” means every male between the ages of eighteen and sixty residing within the limits of the village who is not disabled by any mental or bodily infirmity from manual labour, other than ministers of religion of all denominations, Presidents of Municipal Councils, Mukhtars, schoolmasters and persons permanently employed in the public service of the Island.

“Village” means all towns and villages in Cyprus other than the principal towns of Nicosia, Larnaca (including Scala), Famagusta (including Varoshia), Limassol, Ktima (including old Paphos) and Kyrenia, and any two or more villages united into a group under the provisions of this Law.

“Commissioner” includes the Assistant to the Commissioner.

“Commission” means the Azas of any village for the time being.

“Village Authority” in the case of a non-Municipal village means the Mukhtar and Azas of the village for the time being, and in the case of a Municipal Village the Municipal Council.

REQUISITION OF LABOUR FOR WORKS.

Power to group villages.

3. The High Commissioner may order that two or more adjacent villages shall be united into a group for the purposes of this Law.

Power of Village Authority to requisition labour.

4.—(1) The Village Authority of every village shall, subject to the proviso in sub-section 2 of section 10, require every able-bodied inhabitant of the village to labour from time to time as may be convenient upon any work authorized to be undertaken under this Law for a number of days not exceeding six in any one year.

(1) Ss. 2-11 were formerly ss. 3-12; ss. 12-20 were formerly ss. 14-22; and ss. 21-39 were formerly ss. 24-42.

(2.) The Mukhtar or President of a Municipal Council shall make the requisition by posting in some conspicuous place in the village a notice under his hand and seal, which notice shall be in such form as the High Commissioner shall from time to time prescribe, calling upon the able-bodied inhabitants of the village in general terms to labour at the times and places specified in the notice.

Manner of requisitioning.

(3.) The notice shall be posted at least five days before the earliest date at which any person is thereby required to labour.

When notices to be posted.

(4.) Any able-bodied inhabitant of a village who fails to comply with the terms of any notice published in the village under this Law shall be liable to pay to the Mukhtar, or to the President of the Municipal Council in respect of each day on which he has made such default, the sum of one shilling.

5. For the purpose of computing the six days' labour mentioned in the preceding section the year shall be taken to commence on the 1st of May and to end on the 30th of April of the following year.

Computation of six days' labour.

6. Where any able-bodied inhabitant, at the request of the Village Authority, provides any cart or beast of burden for the purposes of this Law, he shall be credited with a corresponding number of days according to the following scale:—

Allowance to be made where animals are supplied.

One ox	1 day.
One mule or horse	1 day.
One donkey	$\frac{1}{2}$ day.
One cart (without animal)	$\frac{1}{2}$ day.
One cart with one animal	$1\frac{1}{2}$ days.
One cart with two animals	2 days.

The Village Authority may make such allowance as they think fit (not exceeding one day) for the driver of a cart or beast of burden.

WORK TO BE UNDERTAKEN.

7. The following works are authorized to be undertaken under the provisions of this Law⁽¹⁾; namely,—

Works authorized by this Law.

- (1.) The construction, maintenance and repairs of any road, track or footpath, the public use of which is lawful to the inhabitants (hereinafter referred to as a village road);
- (2.) The draining of any standing water within the limits of the village;

⁽¹⁾ See also 13 of 1919 s. 6, p. 347.

(3.) The cleansing of public drains, pools or watercourses in, or in the vicinity of, any village whenever they are in such a state as to be injurious to the health of the inhabitants or liable to cause danger by flooding;

(4.) Any work for the improvement or sanitation of the village.

Statement of works for year.

8. The Village Authority shall, before the 30th of April in each year, cause to be prepared and shall submit to the Commissioner a statement under their hands of the works to be undertaken during the ensuing twelve months, which shall state:—

(a) The locality, nature and extent of the works to be undertaken;

(b) Whether the works require any special tools or the assistance or supervision of any skilled person;

(c) The provision which is proposed to be made for the maintenance in proper order of the roads within the village area and for the drainage work necessary for the sanitation of the village;

(d) The times at which each work is proposed to be carried out;

(e) The number of able-bodied inhabitants resident in the village.

Loan of tools and assistance by Government.

9. Upon receipt of the statement, the Commissioner shall arrange for a loan by Government of the necessary tools; and shall make a representation to the Chief Secretary to Government with a view to obtain such assistance as may be in the power of the Government to grant for the purchase of materials, for the supply of skilled labour and for the construction of the necessary bridges or culverts.

Power of Mejlis Idaré to prepare statement on default of Village Authority.

10.—(1) Where the Village Authority neglects to submit within the time appointed for the purpose a statement of the works to be carried out in the ensuing year, or where they submit a statement which in the opinion of the Mejlis Idaré of the District is defective or inadequate, the Mejlis Idaré may determine the work to be carried out by the village during the year, and shall prepare a statement in writing describing the works and requiring the Village Authority to execute the works so described within the year; and thereupon the Village Authority so required shall proceed in accordance with the provisions of this Law to carry out the work specified in the statement according to the terms thereof, and to enforce the obligations imposed by this Law, as if they had resolved on the execution of the works,

(2.) Provided that the provisions of this Law shall not be applicable in any village where the Government is unable to supply the necessary tools, and that the Mejlis Idaré shall not require any Village Authority to execute any work at a greater distance than four English miles from their village.

(3.) Provided also that any Village Authority affected by the proceedings under this section may appeal to the Central Mejlis Idaré to review the proceedings taken by the District Mejlis Idaré under this section; and thereupon the Central Mejlis Idaré shall have full power to make such order as the circumstances of the case may require; and thereupon the Village Authority shall carry out the work specified in the order of the Central Mejlis Idaré as if they had resolved on the execution of the works.

(4.) Such appeal may be made at any time within the year; but no appeal shall delay any proceedings under this Law while the appeal is pending.

11. Where any Mukhtar or President of a Municipal Council neglects to carry out any of his duties under this Law, or expresses a wish that some other person should be appointed to carry out the duties, the Commissioner may, by writing under his hand, appoint some fit and proper person to exercise the powers and perform the duties assigned to the Mukhtar or President of a Municipal Council; and any person so appointed shall have all the powers of the Mukhtar or President of a Municipal Council to carry out the provisions of this Law, and shall dispose of and account for any moneys collected by him under this Law in accordance therewith.

Appointment
of person to
carry out
duties of
Mukhtar, etc.

COMPULSORY ACQUISITION OF PROPERTY.

12.—(1) Where any road, street or alley in any village requires compulsory acquisition and it is thought necessary

Sec. 12 (1) of Law 6 of 1900 (at p. 839) has been amended by the deletion in lines 1, 2 and 3 of the words "where any road, street or alley in any village requires to be widened, straightened, or improved, and it is thought necessary to acquire any property for this purpose," and the substitution therefor of the words "where it is thought necessary to acquire any property in any village for any of the following purposes:—

- (a) The construction of any road, street or alley;
- (b) The opening, widening, straightening, or improving of any existing road, street or alley;
- (c) Any work for the improvement or sanitation of the village."

Vide Law 5 of 1928

(2.) Provided that the provisions of this Law shall not be applicable in any village where the Government is unable to supply the necessary tools, and that the Mejlis Idaré shall not require any Village Authority to execute any work at a greater distance than four English miles from their village.

(3.) Provided also that any Village Authority affected by the proceedings under this section may appeal to the Central Mejlis Idaré to review the proceedings taken by the District Mejlis Idaré under this section; and thereupon the Central Mejlis Idaré shall have full power to make such order as the circumstances of the case may require; and thereupon the Village Authority shall carry out the work specified in the order of the Central Mejlis Idaré as if they had resolved on the execution of the works.

(4.) Such appeal may be made at any time within the year; but no appeal shall delay any proceedings under this Law while the appeal is pending.

11. Where any Mukhtar or President of a Municipal Council neglects to carry out any of his duties under this Law, or expresses a wish that some other person should be appointed to carry out the duties, the Commissioner may, by writing under his hand, appoint some fit and proper person to exercise the powers and perform the duties assigned to the Mukhtar or President of a Municipal Council; and any person so appointed shall have all the powers of the Mukhtar or President of a Municipal Council to carry out the provisions of this Law, and shall dispose of and account for any moneys collected by him under this Law in accordance therewith.

Appointment of person to carry out duties of Mukhtar, etc.

COMPULSORY ACQUISITION OF PROPERTY.

12.—(1) Where any road, street or alley in any village requires to be widened, straightened, or improved, and it is thought necessary to acquire any property for this purpose, the Commissioner may hold a meeting of the taxpayers of the village to consider whether the property shall be acquired. Notice of the meeting shall be posted on the door of the village church or mosque and in some other conspicuous place in the village at least fourteen days previous to the holding of the meeting. If two-thirds of the persons present (being assessed for payment of verghi in the village) shall vote for the acquisition of the property, the Village Authority may, with the leave of the Mejlis Idaré of the District, acquire the property; and the amount of compensation to be paid for it shall be raised and paid in manner hereinafter provided.

Compulsory acquisition of property for improving roads, etc.

(2.) Where the Village Authority refuses or neglects to acquire any property which it has been decided to acquire in the manner hereinbefore provided, the Mejlis Idaré may order the property to be acquired and the work to be carried out under this Law.

(3.) Provided that no owner of property to be acquired as hereinbefore provided shall be compelled to vacate it until he has been paid the amount of compensation payable for it.

Procedure as to compulsory acquisition.

13. Whenever the Mejlis Idaré have approved of the acquisition of any property by the Village Authority, or have themselves ordered it to be acquired under sub-section (2.) of the preceding section, they shall forward a plan of the property to be acquired to the Commissioner; and thereupon the land may be compulsorily acquired under the provisions of Part 6 of the Municipal Councils Law, 1885, and the provisions of the said Law shall be applicable for the purposes of this Law with the following modifications:—

(a) A copy of the resolution of the Mejlis Idaré and of the minutes relating thereto shall, for the purpose of section 43 of the Municipal Councils Law, 1885, be deemed to be equivalent to a copy of the resolution of the Municipality and of the minutes relating thereto;

(b) The word “Municipality,” whenever necessary for the purposes of adapting the provisions of the said Law to the purposes of this Law, shall be deemed to be equivalent to the term “Village Authority.”

Raising compensation to expropriated owners.

14. The Commissioner of the District may raise the amount required to compensate any owner for property acquired under this Law by levying and collecting such additional charge upon the verghi assessment of all property within the village as will produce the amounts required.

Such additional charge may be levied so as to provide for the repayment by annual instalments of any loan which a Village Authority has lawfully contracted for the purpose of acquiring any property under this Law.

Power of Loan Commissioners to make advances.

15. The acquisition of property for the purposes of this Law shall be deemed to be a work of public utility within the meaning of section 6, sub-section (1.) of the Public Loans Law, 1897, so as to enable the Board of Commissioners created by the said Law, if they think fit, to make loans to Village Communities for the said purpose.

16. Whenever an additional charge has been levied for any purpose authorized by this Law upon the *verghi* assessment of any property, the amount thereof shall be collected in the same manner as *Verghi Kimat* and when collected shall be paid to the Village Authority, who shall apply and account for it in accordance with this Law.

Collection and application of additional charges.

OFFENCES.

17. Any person shall be deemed guilty of an offence who does or causes to be done any of the following acts:—

Offences.

- (1.) Ploughs up or otherwise damages the surface of any village road, or ploughs into and injures any ditch forming part of any village road;
- (2.) Builds any wall of loose stones within three feet of the outer margin of any such ditch, or, where there is no ditch, within three feet of the edge of the village road;
- (3.) Constructs any fence of any sort upon any village road;
- (4.) Fills up in whole or in part any ditch forming part of a village road with loose stones, thorns, or other rubbish;
- (5.) Digs any water channel across or upon any village road or causes any water to flow across or upon any village road without the permission of the Village Authority;
- (6.) Digs or sinks any well, hole, pit, or shaft within a distance of twenty-five yards from any village road, unless such hole, pit, or shaft be so fenced that it may not be dangerous to passengers or animals;
- (7.) Pickets any animal upon any village road, or so near thereto as to obstruct or endanger the passengers thereon, or allows any flock of sheep or goats to damage any village road;
- (8.) Wilfully injures any wall, rail, post, fence, bank, or other thing placed for the security of any village road or the passengers thereon;
- (9.) Breaks, damages or throws down any stones, bricks, or wood forming part of any bridge;
- (10.) Pulls down, destroys, or obliterates any mile-stone or post or direction post erected by the side of any village road;
- (11.) Lays any timber, stone, manure, lime, soil, ashes, rubbish, or any other matter or thing upon any village road so as to injure it, or so as to interrupt the traffic or annoy the passengers thereon;

- (12.) Suffers any filth, dirt, or offensive matter or thing whatever to run or flow upon any village road from any house, building or land adjacent thereto;
- (13.) In any way wilfully obstructs the free passage of any village road;
- (14.) Removes from a village road any stones, pebbles, wood, earth, gravel, or other materials of the road;
- (15.) In the process of cultivating his land or in any other way undermines the bank or slope of any road;
- (16.) Suffers any watercourse or open ditch or any drain over which he possesses rights of ownership or control, or for the due conservancy of which he is responsible, to be in a state of disrepair so as to cause damage to or endanger the safety of a village road;
- (17.) Plants any tree or shrub within three feet of the margin of any village road-side ditch or, where there is no ditch, within three feet of any village road;
- (18.) Being the owner of trees growing near to any village road fails to keep them trimmed so as to leave a clear headway over every part of the road of at least nine feet, or, being the owner or occupier of a house, extends the eaves or roof so as to overhang the roadway or in any way to be a source of danger or inconvenience to passers by.

Fine for
offence.

18. Any person found guilty of an offence under this Law shall be liable to a fine not exceeding ten shillings, and the amount of the fine, when recovered, shall be paid to the Village Authority to meet the cost of repairing any damage done, or of removing any obstruction caused, or of abating any nuisance suffered.

Offender to
make good
damage.

19. The Village Authority may order any person who has been guilty of any of the acts declared to be offences under this Law, to make good the damage or injury, or to clear the obstruction, or to abate the nuisance caused by him; and if he fails within a time specified in the order, being not less than eight nor more than thirty days, to obey the order, it shall be the duty of the Village Authority to make good the damage or injury or to clear the obstruction or to abate the nuisance or to apply any remedy that the circumstances may require, at his or their own costs and charges.

And any Village Authority which has so done shall be entitled to recover by action in a Civil Court a sum not exceeding one and

a half times the costs and charges by them incurred in so acting from the person failing to obey the order.

20. If damage or obstruction is caused to any road by the default of any person in circumstances under which he would be liable for civil damages in respect of the damage or obstruction, but would not be guilty of an offence under this Law, the procedure laid down in the last preceding section shall be followed in respect thereof, but in that case no more than the actual costs and charges incurred, together with the costs of the action, shall be recoverable.

MISCELLANEOUS.

21. In the event of any dispute arising between two or more villages as to the village by which any work required under this Law should properly be executed, the dispute shall be referred to the Commissioner for determination; and any village which is dissatisfied with the decision of the Commissioner may appeal to the High Commissioner in Council, whose decision shall be final.

22. When any able-bodied inhabitant has become liable for the payment of any moneys by reason of his having failed to contribute the labour required of him under this Law, it shall be the duty of the Mukhtar or President of the Municipal Council to demand payment; and if the moneys are not paid within fifteen days of demand, double the amount thereof shall be due and recoverable as hereinafter provided.

23. The Village Authority shall, whenever occasion requires, or periodically at dates appointed for the purpose by the Commissioner, submit a list under the hand of the Mukhtar or the President of the Municipal Council showing the persons who have made default as aforesaid and the amount of the liability of each such person; and every list purporting to be so signed shall be evidence that the persons named therein are liable to pay the amounts stated in the list until the contrary is proved by the person concerned.

24.—(1.) Every District Mejlis Idaré shall, on production of a certificate purporting to be under the hand of the Commissioner of the District that any moneys payable under this Law are properly due and unpaid, issue their warrant to any officer authorized

to collect revenue commanding him to demand immediate payment of the moneys due and in default of payment to levy the same by the seizure and sale of the movable property of the person by whom the moneys are payable.

High Commissioner may postpone issue and execution of warrants.

(2.) Provided that the High Commissioner may, in every case when in his judgment the circumstances require it, order the postponement of the issue and, if issued, the execution of the warrant until such time as he may order, and may impose such conditions as to the payment of the money or, in lieu thereof, as to the giving of further labour by the persons in default or otherwise as he may deem desirable.

Provided also that every such warrant when issued under such order as aforesaid shall operate in all respects as if it had issued immediately on default of payment.

Form of warrant.

25. Every such warrant shall be in the like form, with the necessary modifications, as a warrant issued under the first section of the Tithe and Tax Collection Law, 1882, and may be enforced and the like proceedings may be had thereon as if it were a warrant issued under the said Law.

Disposal of moneys.

26.—(1) All moneys received under this Law from any person shall be deposited with the Commissioner and shall be passed in the books of the Commissioner to the credit of the village to which the person belongs.

(2.) The Mukhtar or the President of the Municipal Council may, with the consent of the Village Commission or of the Municipal Council, expend any moneys so deposited, upon any work undertaken under this Law, or in making compensation for any property acquired thereunder, and shall furnish the Commissioner with vouchers for all amounts so expended.

Authority of orders of Mejlis Idaré.

27. Where the District Mejlis Idaré or the Central Mejlis Idaré have made any order purporting to be an order made under this Law, the order shall be deemed to be lawfully made for the labour on the works therein described not exceeding the labour required to be given under this Law.

Return of tools lent by Government.

28. It shall be the duty of the Village Authority, whenever required by the Commissioner to do so, to return any tools which have been lent by the Government for the purpose of constructing any work under this Law, whether they are in good condition, damaged or broken,

29. Whenever such tools are lost, or where they are injured or broken otherwise than by proper use, the Commissioner shall issue his certificate of the amount of compensation which is due to the Government for such loss or injury, and such certificate shall be conclusive evidence that the amount named therein is due from the village and may be recoverable from moneys collected under this Law.

Where tools
lost or
damaged.

30. Whenever any dispute arises in a village in which there is more than one Mukhtar as to which Mukhtar ought to discharge the duties by this Law assigned to the Mukhtar, the dispute shall be referred to the determination of the Commissioner, whose decision shall be final.

Disputes as
to which
Mukhtar
ought to act.

31. Where the Village Authority of any village neglects to submit before the date appointed for the purpose the statement required by section 8 to be prepared and submitted to the Commissioner, the Commissioner shall himself prepare a statement of the work which he considers should be carried out by the Village Authority during the ensuing year, and shall lay it before the Mejlis Idaré before the 30th of June.

Power of Com-
missioner to
prepare
statement
where Village
Authority
have made
default.

32. The Mejlis Idaré, on receiving the statements of work to be carried out in the various villages, shall arrange the time at which the works to be carried out by the villages in the different localities shall be carried out so as to reduce the cost of skilled supervision and of tools, and for these purposes shall have power to alter the time fixed by any Village Authority for the carrying out of any work, so far as the Mejlis Idaré may consider it necessary for the purposes before mentioned.

Power of
Mejlis Idaré
to alter time
fixed by
Village
Authority for
carrying out
work.

Provided that the Mejlis Idaré shall so fix the times for carrying out works as not to interfere with the principal agricultural operations of the village.

33. Where any work under this Law, to be performed by the villagers of any village, is to be carried out under the supervision of any officer employed by the Government and paid from the Public Revenues, it shall be the duty of the Village Authority to arrange that, so far as possible, a uniform number of the able-bodied inhabitants liable to perform labour on the work do perform labour on it continuously, and for that purpose the Mukhtar or the President of the Municipal Council shall, by notice given in accordance with sub-section (2) of section 4 of this Law, call upon a sufficient number of able-bodied inhabitants to work on each

Village
Authority to
arrange
supply of
uniform
number of
labourers.

ordinary working day until the obligations of the Law are complied with, or the work is sooner finished.

Protection of sites of intended roads.

34.—(1.) Whenever the course of any proposed village road has been indicated by cutting a “site path,” or by making side drains, the Commissioner of the District may declare, by publishing notices to that effect in the villages through which the road is intended to pass, that it is intended to make a carriage road along the course so indicated and shall, in cases where the width of the proposed carriage road is not sufficiently marked by side drains, specify the width of the intended road.

(2.) From and after the publication of the notices the space which has been specified or marked as aforesaid as the site of an intended carriage road shall be deemed to be a village road and the provisions of this Law with regard to offences in relation to village roads shall be applicable to such space.

(3.) Nothing in this section shall be taken to prevent the owner or occupier of any property or right from using or enjoying the same in any place which has been declared to be the site of an intended carriage road in accordance with his lawful title and interest therein.

Power to commute obligation to perform labour for money payment.

35. Where the Village Authority, having regard to the circumstances of any village and its requirements for the year, considers it desirable to commute the obligation imposed by it to perform labour for a reduced and immediate money payment for the use of the village, and the Mejlis Idaré approves the same, the Commissioner may make order in writing under his hand that the obligation of every able-bodied inhabitant of the village may, at the option of any such able-bodied inhabitant, be commuted for the then current year for an immediate payment, within the time limited in the order, of a reduced amount being not less than six copper piastres in respect of each day's labour by each such able-bodied inhabitant. Provided that the time to be limited under any such order shall not be later in any road year than the 31st of December.

When money not paid within time limited defaulter to perform labour or pay sum required by section 4.

36. Where any such order is made and the required amount is not paid within the time limited in the order, every able-bodied inhabitant in default shall either perform the labour required by this Law, or pay in respect of each day on which he has made default the full sum required by section 4.

Provided that nothing herein contained shall be construed as affecting in any respect the provisions of sections 22 to 25, relating to the recovery of moneys due in default of labour.

37. Where the Village Authority of any village desire that the able-bodied inhabitants of the village shall, instead of day labour, perform by piece work in any year the work prescribed to be carried out under this Law, the Mejlis Idaré may direct the work so to be performed, and the Village Authority shall apportion the work amongst the able-bodied inhabitants of the village and require it to be performed within a time to be limited by it. If after such apportionment be made any able-bodied inhabitant fails to perform within the time limited the piece work assigned to him, he shall thereupon become liable to the payment provided by section 4.

Village Authority with approval of Mejlis Idaré may impose piece work instead of day labour.

38. Where it has been determined that the work to be performed shall be executed by day labour, and it is desired by any able-bodied inhabitant that, in lieu of day labour, he shall be assigned a task by piece work, the Government Officer supervising the work together with the Mukhtar or President of the Municipal Council, or, where there is no such Government Officer, the Village Authority may determine and assign such task; and, if it be not performed by a date to be appointed when so assigning it, the able-bodied inhabitant shall be liable to the payment provided by section 4, in respect of each day's labour which the supervising Government Officer and Mukhtar or President of the Municipal Council or the Village Authority, as the case may be, shall determine is required for the completion of the task. Where the Government Officer and the Mukhtar or President of the Municipal Council or the Village Authority are unable to agree as to the task to be performed, the applicant shall discharge his obligation by day labour for the prescribed period.

Substitution of piece work for day labour in other cases.

39. Whenever the Mejlis Idaré considers that any work authorized to be carried out under this Law ought to be carried out forthwith, it may make an order in writing to that effect, and thereupon the work shall be carried out; and every person failing to perform the obligations imposed by this Law to forthwith carry out the work shall be deemed to have made default, within the terms of section 4.

Power to require authorized work to be carried out forthwith.