

## No 26 OF 1928.

TO PROVIDE FOR THE VESTING AND CONTROL OF WATER, A.D. 1928.  
 THE CONSTRUCTION OF WATERWORKS, AND FOR 26 of 1928.  
 OTHER PURPOSES RELATING THERETO.

RONALD STORRS.]

[May 9, 1928.]

BE it enacted :—

1. This Law may be cited as the Government Water- Short title.  
 works Law, 1928.

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

“ Person ” includes any body of persons, corporate or unincorporate, and any ecclesiastical or pious foundation ;

“ Persons interested ” include 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 ;

“ Water ” means water for which provision is made in section 3 of this Law ;

“ Waterworks ” include all wells, bores, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, channels, engines, and all other structures or appliances used or constructed for the storage, conveyance, supply, distribution, measurement or regulation of water which are so used or have been constructed by or on behalf of the Government under this Law ;

“ Land ” includes land (with the grazing rights over such land) buildings, trees, easements, standing crops and water or water rights other than water or water rights deemed to be the absolute property of the Government under this Law ;

“ Government ” means the Government of the Colony of Cyprus ;

“Commissioner” means the Commissioner of the District within which any waterworks constructed or to be constructed and any land acquired or to be acquired are situated.

Vesting of  
water in  
Government.

3.—(1) Notwithstanding anything to the contrary contained in any other law now in force in the Colony—

(a) All underground water (including second water) for which no measures have hitherto been taken enabling such water to be brought or raised to the surface or to run on the surface; and

(b) All water running to waste from any river, spring, stream or watercourse; and

(c) All other waste water, shall be deemed to be the absolute property of the Government, and no person shall take or utilize or take measures to utilize such water without the written permission of the Commissioner first obtained.

Provided that nothing in this sub-section shall be deemed to affect the provisions of the Construction of Buildings, Streets and Wells on Arazi Mirié Law, 1927.

(2) All water in any river, spring, stream or watercourse, whether the subject of private rights or otherwise, in respect of which any waterworks are undertaken shall, after making such provision as is in this Law enacted for the supply of water to persons or lands possessing the right to take water from such river, spring, stream or watercourse, be deemed to be the absolute property of the Government, and no person shall take or utilize such water save as is hereinafter provided.

Powers of  
Government  
to take, store  
or divert  
water, to  
construct  
waterworks,  
acquire land  
and remove  
obstructions.

4. For the purpose of taking or utilizing water, the Government may—

(1) Store, divert, or otherwise deal with or control such water as may appear to the Government expedient;

(2) Construct any waterworks;

(3) Acquire any land for the construction and maintenance of any waterworks;

(4) Remove or interfere with any building or structure or other obstruction to any waterworks.

5. The Governor shall from time to time determine the waterworks to be undertaken under the provisions of this Law, and the Legislative Council may, by resolution, recommend to the Governor the undertaking of any waterworks which may appear desirable.

Governor to order execution of waterworks.

6. Whenever it appears that any existing water rights will or may be injuriously affected by the carrying out of any waterworks under this Law, the Governor shall nominate and appoint three Water Commissioners in order to ascertain and record the nature, extent and situation of the said rights in the manner hereinafter provided.

Water Commissioners to record water rights.

7. The Water Commissioners shall ascertain and record in a book, in this Law referred to as "the Register,"—

Registration of water channels.

(1) Every channel used at the date of the inquiry by any person in the exercise of a water right which, in the opinion of the Water Commissioners, is liable to be so injuriously affected as aforesaid ;

(2) The average area which, during the five years immediately preceding the date of the inquiry, has been lawfully watered by each channel, such average being computed on the basis of the three years in which the most extensive area has been watered ;

(3) The average number of times such area has been watered in each year during the said period, and whether the waterings have been used for winter or summer cultivation ;

(4) Every channel the use of which has been abandoned at the date of inquiry, and the average area of land lawfully watered by such channel, and whether the land has been watered for winter or summer cultivation, if it is proved—

(a) That the channel has, at any time during the ten years immediately preceding the date of the inquiry, been used in the exercise of a water right ;

(b) That the abandonment thereof has been caused by the minority, mental or physical incapacity, absence from Cyprus of lack of means on the part of the person entitled to use it ;

(c) That the channel is liable to be affected by the proposed waterworks.

(5) Every right to take water for the service of any mill or machine or for any purpose, and the nature and extent of the right.

The Water Commissioners shall cause to be prepared and attached to the Register a plan showing the position and course of each channel and the situation and extent of the land watered by each channel as aforesaid.

Power to  
compel  
attendance  
of witnesses.

8. The Water Commissioners shall, at least one month before the holding of an inquiry, cause a notice to be published in every village likely to be affected by the inquiry, calling upon all interested persons to appear before the Water Commissioners with the evidence upon which they rely to support their claims; and, for the purposes of the above inquiry, the Water Commissioners may require by summons the attendance of any person whose presence or evidence they may consider necessary for the investigation or settlement of any question arising during the inquiry, and any person refusing to attend on such summons or to answer any question material for the purpose of the inquiry, or to produce any document he may be required to produce, shall be liable to a fine not exceeding ten pounds.

The Water Commissioners may, for the purpose of the inquiry, take evidence on oath or affirmation; and any person wilfully giving false evidence upon such oath or affirmation shall be liable to the same penalties as if he had given false evidence in a judicial proceeding.

Deposit of  
Register  
with Com-  
missioner.

9. On the completion of the inquiry with reference to any waterworks under this Law, the Water Commissioners, or, if they disagree, the majority of them, shall sign the Register and deposit one copy of it with the Commissioner, and another copy with the Mukhtar of every village in which any water right is found to exist, and shall cause to be posted in every such village a notice stating that copies of the Register have been so deposited, and that all persons objecting to the rights as therein recorded must carry in their objections within two months from the date of the notice.

Power to  
object to  
Register.

10. The Director of Land Registration and Surveys on behalf of the Government, or any persons whose rights are affected by the record in the Register contained, may, at any time within two months from the date of the notice of the deposit of the Register with the Commissioner, object to the Register in the manner hereinafter provided.

Provided that, with the consent of any interested party, the Director of Land Registration and Surveys may, in his discretion, amend the Register at any time.

**11.** Every such objection shall be brought by an application claiming the rectification of the Register, to be commenced in the District Court of the District in which the Register is deposited, by the person objecting to the Register as Applicant against the Water Commissioners signing the Register as Respondents, and the decision of every such Court on any such objection may be appealed from in the same manner and subject to the same restrictions as though it was a decision in an ordinary civil action.

Hearing of  
objection.

Provided that the District Court shall have unlimited jurisdiction to hear and dispose of all applications under this section.

**12.** At the expiration of two months from the deposit of the Register as aforesaid, the Register, except so far as it may have been thus objected to, and subject to the powers of rectification conferred upon the Director of Land Registration and Surveys by section 10, shall be binding and conclusive on all persons, and shall, for the purposes of this Law, be deemed to be final and conclusive evidence of all matters therein recorded.

Register  
when  
binding.

**13.** The Government shall provide for the satisfaction of water rights with reference to any waterworks under this Law by providing that the water rights recorded in the Register shall be satisfied to the extent of the water hitherto enjoyed.

Method of  
satisfying  
water rights.

No person shall be entitled, in respect of any water right, to receive, except upon payment, any water in addition to the amount above mentioned.

**14.** Subject to the provisions of the last preceding section for the due supply of water to persons whose rights have been ascertained and registered in accordance with this Law, all water in respect of which any waterworks have been undertaken may be sold or disposed of by the Government.

Sale or  
disposal of  
water by  
Government.

**15.** As soon as possible on the completion of any waterworks the Water Commissioners appointed under section 6, or specially appointed for the purposes of this section, shall from time to time as occasion may require, draw up a record, in this Law referred to as "the Specification," specifying—

Specification  
to be pre-  
pared by  
Water Com-  
missioners.

(1) the lands, and the extent of such lands in each case, benefited or capable of being benefited by any waterworks and the names of the proprietors or possessors thereof ;

(2) the names of the persons benefited or capable of being benefited by any waterworks.

The Water Commissioners may, for the purposes of drawing up the Specification, take evidence upon oath or affirmation, and any person wilfully giving false evidence upon such oath or affirmation shall be liable to the same penalties as if he had given false evidence in a judicial proceeding.

Provisions applicable to the Specification.

**16.** On completion of the Specification hereinbefore mentioned the Water Commissioners shall deposit a copy of the Specification with the Commissioner, and thereupon the provisions of sections 9, 10, 11 and 12, so far as they can be made applicable thereto, shall be applied to the Specification.

Recommendation to acquire land or remove obstruction.

**17.** The Director of Public Works or other officer by the Governor entrusted with the supervision of any waterworks shall have power to recommend that any land be acquired for the purpose of constructing thereon waterworks ; or he may recommend that any building or structure, or other obstruction to the waterworks be removed or interfered with.

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 of the land to be acquired or of the building or structure, or other obstruction to the waterworks to be removed or interfered with.

Notice to persons interested.

**18.** The Commissioner before submitting the recommendation to the consideration of the Governor, shall cause a notice to be served on the persons interested in the land it is proposed to acquire, or in the building or structure or other obstruction to the waterworks it is proposed to remove or interfere with, advising them of the proposed acquisition, removal, or interference and that they may examine the plan thereof and present any objections they may have to make thereto within six weeks from the service of the notice ; at the expiration of the six weeks the Commissioner shall forward to the Governor the recommendation and plans, together with the objections, if any.

19. If the Governor approves the plan submitted and considers it expedient that the land in question shall be acquired or that the building or structure or other obstruction to the waterworks shall be removed or interfered with, he may, by notification published in the *Cyprus Gazette*, sanction the acquisition, removal, or interference; and thereupon the land shall be acquired or the building or structure or other obstruction to the waterworks shall be removed or interfered with, and compensation (which may include compensation for damage occasioned by determination of a lease), shall be awarded for the acquisition, removal, or interference as is hereinafter provided.

Sanction by  
Governor.

20. When the Governor has notified his sanction to the acquisition of any land, it shall thereupon vest absolutely in the Government free from all encumbrances; and the notification of the Governor's sanction shall be sufficient authority to the Director of Land Registration and Surveys to amend the registration in accordance with the plan approved of by the Governor.

Vesting of  
land in  
Government  
and power of  
Director of  
Public  
Works to  
remove  
obstruction.

When the Governor has notified his sanction to the removal or interference with any building or structure or other obstruction to the waterworks, the Director of Public Works or other officer may forthwith proceed to remove or interfere with the building or structure or other obstruction to the waterworks in accordance with the plan approved of by the Governor.

21. If, within one month from the date of the notification, the persons interested do not agree with the Commissioner as to the sum to be paid by way of compensation for the acquisition of the land or for the removal of or interference with the building or structure or other obstruction to the waterworks, the Commissioner shall apply to the District Court to refer the determination of the amount of compensation to arbitrators; and the Court shall thereupon order that a notice be sent to the persons interested, and shall fix a day for the appearance of the parties before the Court.

Reference  
to District  
Court.

22. 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 may appoint an umpire to decide between them.

Appoint-  
ment of  
arbitrators  
and umpire.

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 appoint a sole arbitrator.

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

Fees to  
arbitrators  
or umpire.

**23.** The District Court may make any order it may think right as to the amount of fees and expenses to be paid to the arbitrators or umpire in connection with their award, and may direct by whom they are to be paid.

Publication  
of award.

**24.** When the award of the arbitrators or of the umpire has been filed, the Court shall, on the application of any party to the proceedings, fix a date for the parties to appear before the Court, and shall for this purpose cause 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 to the person interested in the land, building, or structure or other obstruction.

Provided that the Court may order that the whole or any portion of the sum awarded, as hereinbefore mentioned, be paid to any mortgagee of the land, building or structure in satisfaction in whole or in part of the sum secured by the mortgage, 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 his judgment.

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

Power of  
Government  
to sell, etc.

**25.** The Government 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.

Provided that the person from whom the land or any part of it has been acquired shall have the right of pre-emption at the price or proportionate price at which it was purchased from him by the Government.

26. 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.

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, or on the building, structure or other obstruction to be removed or interfered with.

27. Whenever it appears to the Court that any person who is interested in any land acquired or to be acquired, or in any building or structure or other obstruction to any waterworks to be removed or interfered with, 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.

28. Whenever the construction of any waterworks causes the interruption of any right of way or of any right to the passage of water, the Governor, 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 waterworks or as nearly as may be.

Accommodation work.

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

- Revision of rates or charges. **29.** All rates or charges leviable under this Law may from time to time be revised or amended by the Governor in Council.
- Priority of rates or charges. **30.** All rates or charges leviable under this Law shall, subject to any prior charge secured by the Seed Corn Loans Laws, 1898 and 1926, or any amendment thereof, be a first charge on the crops of the lands benefited or capable of being benefited by any waterworks.
- Recovery of rates or charges. **31.** All rates or charges leviable under this Law may be levied and recovered in the same manner as any amount in respect of taxes or excise duty under the provisions of the Tithe and Tax Collection Law, 1882, or any amendment thereof; and the certificate of the Commissioner that any rate or charge as aforesaid is due and unpaid shall be sufficient authority for the issue of a warrant by the Mejlis Idaré of the District within which the rate or charge has become payable, as if it were a certificate issued as provided by section 1 of the Tithe and Tax Collection Law, 1882.
- Power to requisition labour in cases of emergency. **32.**—(1) Whenever any waterworks or any property in the vicinity of any waterworks are threatened by any sudden danger, the officer in charge of such waterworks may summon the able-bodied inhabitants of any village or place within six miles of such waterworks to assist in any work which may be undertaken in order to avert the danger.
- (2) Such summons may be given by causing the bell of the village church to be rung, or by means of a public crier, or by any other means sufficient to give notice to the able-bodied inhabitants that their assistance is required for the purposes of this Law.
- (3) The labour of all persons so employed shall be paid at the market rate current in the District where it is supplied.
- (4) Any able-bodied inhabitant who when so summoned to render assistance fails to do so without reasonable cause or excuse, proof whereof shall lie upon him, shall, on conviction, be liable to a fine not exceeding ten shillings.
- (5) “Able-bodied inhabitant” in this section means and includes every male person 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

“Able-bodied inhabitant.”

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 Colony.

**33.**—(1) Any person who wilfully damages or destroys any waterworks or any part thereof, or who wilfully interferes with the flowing or distribution of water connected with any waterworks, shall, on conviction, be liable to imprisonment for a period not exceeding twelve months or to a fine not exceeding ten pounds, or to both such penalties.

Offences and penalties.

(2) Any person who by any negligent act or omission of duty damages or destroys any waterworks or any part thereof or interferes or causes an interference with the flowing or distribution of water connected with any waterworks shall, on conviction, be liable to a fine not exceeding ten pounds.

(3) Any person who steals or wrongfully takes or carries away or draws off or converts to his own use any water from any waterworks or any part thereof, shall, on conviction, be liable to imprisonment for a period not exceeding twelve months or to a fine not exceeding ten pounds, or to both such penalties.

(4) Any person who takes or carries away or utilizes or takes any measures to obtain or utilize any water without the permission of the Commissioner first obtained shall, on conviction, be liable to a fine not exceeding ten pounds.

(5) Any person who acts in contravention of or fails to comply with any regulations made under this Law, shall, on conviction, be liable to a fine not exceeding ten pounds.

(6) In addition to any penalty prescribed by this Law any measures taken to obtain or utilize any water without the permission of the Commissioner shall be ordered by the Court trying the offence to be removed or extinguished at the expense of the person responsible therefor, unless the consent in writing of the Commissioner is otherwise granted.

Provided that the Commissioner may in granting such consent in writing as aforesaid impose such terms and conditions as to the Commissioner seems necessary or desirable.

Power to Governor in Council to make regulations.

**34.**—(1) The Governor in Council may by order make regulations to be published in the *Cyprus Gazette* for carrying out the purposes of this Law.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may—

(a) Fix the rates or charges (which may be commuted for a single payment) which shall be levied on lands benefited or capable of being benefited by any waterworks.

(b) Fix the rates or charges (which may be commuted for a single payment) which shall be levied on persons benefited or capable of being benefited from any waterworks.

Provided always that in fixing such rates or charges as aforesaid regard shall be had to the following matters:—

(i.) Interest on capital expended;

(ii.) Adequate provision for a sinking fund;

(iii.) Depreciation, repairs and cost of maintenance and administration; and

(iv.) Insurance.

(c) Prescribe the procedure to be followed and the powers of the Water Commissioners in the preparation of the Specification under this Law.

Saving.

**35.** Nothing in this Law shall be deemed to restrict the right of any person to drink water or to water animals or to take water in any jar, barrel or like vessel for domestic use from any river, spring, stream, watercourse, lake or pool, but no person shall have any right to take any water for any purpose from any waterworks save as is provided in this Law.

Repeal of Law 15 of 1897.

**36.** The Irrigation Law, 1897, is hereby repealed.

Provided that nothing in this repeal shall affect any works undertaken or constructed, or any regulations made, under the Law hereby repealed, but any such works or regulations shall be deemed to be waterworks constructed and regulations made under the provisions of this Law.

*This Law was published in the Cyprus Gazette No. 1918 of the 12th May, 1928.*