

CAP. 226.

CYPRUS

LAND ACQUISITION

CHAPTER 226 OF THE LAWS

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1959

CHAPTER 226.

LAND ACQUISITION.

ARRANGEMENT OF SECTIONS.

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

[4th April, 1899.]

Short title.

1. This Law may be cited as the Land Acquisition Law.

Interpreta-
tion.

2. In this Law—

2 (b) of
22/56.

“Acquiring Authority” means the Government or any Department concerned in the acquisition of land, or Her Majesty’s Naval, Military or Air Force Authorities, or Her Majesty’s Government in the United Kingdom, or any public body concerned, as the case may be, carrying out an undertaking of public utility under the provisions of this Law;

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

2 of 29/36.

“land” includes—

(a) land with the grazing rights on or over such land;

(b) land with all water and water rights on, over or under such land;

- (c) buildings and other erections;
- (d) trees, vines and standing crops;
- (e) easements, privileges and liberties over any land and rights restrictive of the use of any land which either lawfully subsist at the time of the acquisition or, though not subsisting at such time, are required to be created for any undertaking of public utility;
- (f) water and water rights, held independently of land, where the acquisition thereof—
 - (i) 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, or
 - (ii) is required for the purposes of any land already acquired or which is being acquired under the provisions of this Law;

“Tribunal” means the Compensation Assessment Tribunal set up under the provisions of The Compensation Assessment Tribunal Law;

“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 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 Her Majesty’s Naval, Military or Air Force Authorities or by Her Majesty’s Government in the United Kingdom, or by a public body recognized as such for the purposes of this Law by an instrument under the hand of the Governor.

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

4. (1) Whenever any land is needed for any undertaking of public utility it shall be lawful for the Acquiring Authority and his servants and workmen to do all or any of the following things—

- (a) to enter upon and survey and take levels of any such land;

5 (a) (iii) of 1st Sch., 43/55. Cap. 216.

2 of 2/28. 2 of 29/36.

3 of 26/52.

Governor may authorize public works for which land required.

Preliminary investigation. 2 of 12/44. 3 of 22/56.

- (b) to dig or bore into the subsoil;
- (c) to do all other acts necessary to ascertain whether the land is suitable for such purpose and the value of the land and of the buildings, trees and crops thereon;
- (d) to clear the land proposed to be acquired and to set out and mark the boundaries of such land and the work, if any, proposed to be made thereon:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice of his intention to do so.

3 of 22/56.

(2) As soon as conveniently may be after any entry made under subsection (1) the Acquiring Authority shall pay for all damage done and in case of dispute as to the amount to be paid either the Acquiring Authority or the person claiming compensation may refer such dispute to the Tribunal whose decision shall be final.

Recom-
mendation
to acquire
land.

5. From and after the publication of the aforesaid notification the Director of Public Works or other officer entrusted by the Governor with the supervision of any undertaking so authorized may recommend that any land be 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.

Notice to
persons
interested.
3 of 12/44.
Schedule.

6. (1) The Commissioner before submitting the recommendations and plans or particulars to the consideration of the Governor shall cause a public notice in the form set out in the Schedule hereto to be published in the Gazette and also to be posted at convenient places on or near the land to be acquired:

Provided that the period set out in such Schedule may, with the approval of the Governor be abridged to ten days.

(2) At the expiration of the period set out in the notice the Commissioner shall forward to the Governor the recommendations and plans or particulars, together with the objections made, if any.

7. (1) If the Governor 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 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.

Sanction by
Governor of
acquisition.

(2) Where the land to be acquired is an easement, privilege or liberty over any land or a right restrictive of the use of any land, such easement, privilege, liberty or right shall, if it does not subsist at the date of the sanction, be deemed to be created by such sanction and thereupon the provisions of subsection (1) of this section relating to acquisition and compensation shall apply.

4 of 26/52.

8. When the Governor has notified his sanction to the acquisition of any land, the land shall thereupon vest absolutely in the Government or Her Majesty's Naval, Military or Air Force Authorities or Her Majesty's Government in the United Kingdom or in the public body concerned, as the case may be, free from all encumbrances; and the notification of the Governor's sanction shall be sufficient authority to the Director of Lands and Surveys to cause amendments of registration to be effected in accordance with the plan and particulars so approved by the Governor:

Vesting
of land.
5 of 26/52.
5 (b) of
1st Sch. of
43/55.

Provided that the Governor may, before notifying his sanction to the acquisition of any land, 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, in any such case, unless agreement is reached between the Acquiring Authority and the person interested as to the compensation, the Acquiring Authority shall refer the question to the Tribunal and it shall be determined thereby in manner provided by this Law:

4 of 22/56.

Provided further that the Governor may, in notifying his sanction, prescribe the period within which the works to which the sanction relates shall be completed and may extend such period from time to time as he may deem fit.

9. (1) If within three months from the date of the notification of such sanction, or from the date of the aforementioned requirements of the Governor being notified to the Director of Lands and Surveys, the persons interested

Reference to
Tribunal.
5 of 22/56.

Cap. 216.

do not agree with the Director of Lands and Surveys as to the compensation for the land so acquired, the Acquiring Authority shall apply to the Tribunal to determine the compensation payable in accordance with the provisions of the Compensation Assessment Tribunal Law, or of any Law amending or substituted for the same:

Provided that if no such application is made to the Tribunal by the Acquiring Authority within the aforesaid period then such application may be made by any of the persons interested.

6 of 26/52.

(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 by agreement between the Director of Lands and Surveys 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 Tribunal may add to the amount of any compensation 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.

5 (c) (iii) of
1st Sch. of
43/55.

Rules for
assessment
of com-
pensation.
4 of 12/44.
5 (d) of 1st
Sch. of 43/55.

10. In estimating the compensation to be awarded for any land, the Tribunal shall, subject to the provisions of section 14 of this Law, act in accordance with the following rules—

- (a) no allowance shall be made on account of the acquisition being compulsory;
- (b) the value of the land shall, subject as hereinafter provided, be taken to be the amount which the land, if sold in the open market by a willing seller, might be expected to realize:

Provided that the Tribunal in estimating such compensation shall assess the same according to what it shall find to have been the value of such land at the time when the notice under section 6 of this Law is published and without regard to any improvements or works made or constructed thereafter or to be made or constructed thereafter on the said land:

Provided further that where Her Majesty's

Naval, Military or Air Force Authorities or Her Majesty's Government of the United Kingdom or any Department has been in possession of the land, by virtue of a title less than absolute ownership, compensation shall be estimated without regard to any increase in value on account of works constructed on the said land by the said Authorities or any of them or by any Department: 7(a) of 26/52.

Provided further that the Tribunal, in estimating such compensation, shall give consideration to all returns and assessments of capital or rental value for taxation made by or acquiesced in by the claimant;

- (c) the special suitability or adaptability of the land for any purpose shall not be taken into account if it is a purpose to which it could be applied only in pursuance of powers derived from legislation or for which there is no market apart from the special needs of a particular purchaser or the requirements of the Acquiring Authority; 6 of 22/56.
- (d) where the land is and but for the compulsory acquisition would continue to be devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the Tribunal is satisfied that re-instatement in some other place is *bona fide* intended, be assessed on the basis of the reasonable cost of such equivalent re-instatement;
- (e) where part only of the land belonging to any person is acquired under this Law the Tribunal shall take into consideration any enhancement of the value of the residue of the land by reason of the proximity of any improvements or works made or constructed or to be made or constructed by the Acquiring Authority; 6 of 22/56.
- (f) the Tribunal shall also have regard to the damage, if any, to be sustained by the owner by reason of the severance of the land acquired for public purposes from other land belonging to such owner or other injurious effect on such other land by the exercise of the powers conferred by this Law;

7 (b) of
26/52.

(g) where an easement, privilege or liberty over any land or a right restrictive of the use of any land is acquired under this Law, the Tribunal shall take into consideration any diminution of the value of the land to which such easement, privilege, liberty or right appertained, or, where such easement, privilege, liberty or right did not subsist at the time of the acquisition, any diminution of the value of the land over which it is required to be exercised.

Sanction for
the acquisition
of land
to be
notified.
4 of 2/28.
4 of 29/36.
8 of 26/52.
5 (e) of 1st
Sch. of 43/55.

11. Where the decision of the Tribunal is made in pursuance of the first proviso to section 8, before the Governor 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 Administrative Secretary for the information of the Governor, 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 decision of the Tribunal; and if the Governor 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 proceedings shall be paid by the Government or Her Majesty's Naval, Military or Air Force Authorities or of Her Majesty's Government in the United Kingdom by the public body concerned as the case may be.

Decision of
the Tribunal.
7 of 22/56.

12. The Tribunal shall order the Acquiring Authority to pay the sum awarded in accordance with the terms of its decision. Such sum shall be paid from the public funds of Cyprus or by Her Majesty's Naval, Military or Air Force Authorities or by Her Majesty's Government in the United Kingdom or by the public body concerned, as the case may be.

The Acquiring Authority, in paying the sum, may make deductions on account of immovable property tax, which may be due to Government in respect of the land with regard to which compensation is awarded and shall pay the amount so deducted to the Comptroller of Inland Revenue:

Provided that the Tribunal shall order that the whole or any portion of the compensation be paid to any mortgagee of the land 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 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 Acquiring Authority may pay the sum into the District Court of the District in which the land in question is situated.

13. (1) Subject to subsection (2), the Government or Her Majesty's Naval, Military or Air Force Authorities or Her Majesty's Government in the United Kingdom or the public body concerned, as the case may be, shall, within one year from the completion of the works or at the expiration of the period prescribed for the completion of the works, or from the abandonment of the undertaking in connection with which the land had been acquired, sell and dispose of any land which is found to be in excess of the extent actually required or to be no longer required for the purpose for which it has been acquired, unless, in the meantime, such land is required for another undertaking of public utility in respect of which a notification has been published in the Gazette under the provisions of this Law, in which case such land may be retained for the purposes of such other undertaking.

Sale of
surplus land.
10 of 26/52.
5 (g) of 1st
Sch. of 43/55.

(2) (a) Before any sale as in subsection (1), the land shall, unless—

- (i) it has, in the meantime, been built upon or used for building purposes; or
- (ii) the abandonment, as in the said subsection provided, takes place more than ten years after the date of the acquisition,

be offered for sale, as in paragraph (b) of this subsection provided, to the person from whom the land has been acquired who shall signify his desire to purchase the land within six weeks from the date when the offer was made, otherwise he shall be deemed to have refused the offer;

(b) the offer for sale in paragraph (a) of this subsection mentioned shall be made by notice under the hand of the Director of Lands and Surveys to be delivered to the previous owner:

Provided that, if the previous owner cannot be con-

veniently found, the notice shall be left at his usual place of abode with any adult inmate thereof:

Provided further that, where the previous owner is absent from Cyprus or is dead or where it is impossible or impracticable to ascertain the person to whom the offer should be made, the notice shall be published in the Gazette and in not less than two newspapers published in Cyprus and shall also be posted up in a conspicuous place near or upon the land to which the notice relates;

(c) in case the offer is accepted, if the parties fail to agree as to the price, such price shall be determined by the Tribunal and for the purposes of this paragraph the rules set out in section 10 of this Law shall, so far as possible, apply to any arbitration proceedings instituted hereunder;

(d) upon signification by the person concerned of his desire to purchase the land as aforesaid, the land shall not be transferred to his name, unless the price agreed upon or determined as aforesaid is paid and, if such price is not paid within two months from the date it has been agreed upon or determined, such person shall be deemed to have refused the offer and the land may be sold accordingly without prejudice to the liability of the person concerned to pay any costs that may have been awarded against him in the proceedings.

(3) Except where the land is sold to the person from whom it has been acquired as in subsection (2) provided, every sale under this section shall be by public auction to the highest bidder.

Betterment
charge in
certain
cases.
2 of 10/45.
5 (h) of 1st
Sch. of 43/55.
8 of 22/56.

14. (1) Where, by the acquisition of any land under this Law for the purpose of making a new road or of widening or straightening an existing road or part of it, any other land is increased in value, the Acquiring Authority shall, if he makes a claim for that purpose within one year of the execution of the work, be entitled to recover from any person whose land is so increased in value a contribution towards the cost of the work, not exceeding one-fourth of the amount of that increase.

(2) Where any land acquired under this Law has, previous to such acquisition, been made into a road or been used to widen or straighten an existing road or part thereof by Her Majesty's Naval, Military or Air Force Authorities whilst any such authority had possession of or had used such land by virtue of a title less than absolute ownership, and as a result of such work any other land has been increased in

value, the Acquiring Authority shall, if he makes a claim for that purpose within one year of the date of the notification sanctioning the acquisition of the land, be entitled to recover the same contribution as if he had made the claim under subsection (1).

(3) Where a contribution is imposed under this section, compensation shall be paid for any land which has been acquired; and the amount of compensation may be set off against the contribution due under this section.

(4) Any question whether any land is increased in value within the meaning of this section and as to the amount of such increase shall, in default of agreement, be determined by the Tribunal.

(5) In default of agreement, the contribution due from the owner towards the cost of the work shall be payable in not less than four equal annual instalments and shall be recoverable as a civil debt by the Acquiring Authority from the owner of the land for the time being.

5 (h) of 1st
Sch. of 43/55.

8 of 22/56.

15. 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.

16. 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 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 work or as nearly as may be.

Accommo-
dation work.

For the purpose of furnishing such accommodation the Acquiring Authority shall have power to acquire land under the provisions of this Law as if it were required for the original undertaking.

10 of 22/56.

SCHEDULE.

(Section 6.)

6 of 12/44.
12 of 26/52.
11 of 22/56.

LAND ACQUISITION LAW.

Notice is hereby given that the following lands [*describe lands, giving measurements and showing boundaries whenever practicable*] are required for an undertaking of public utility.

Any person claiming to have any right or interest in the said lands who object to the acquisition is required within six weeks from the date of this notice to send to me a statement of his right and interest and of the evidence thereof, and of any claim made by him in respect of such right or interest.

The [*name of Acquiring Authority*] is willing to treat for the acquisition of the said lands.

A plan showing the land described above is available for inspection at

The day of , .

Commissioner of