

CYPRUS

**KYTHREA WATER SUPPLY
IMPROVEMENT**

CHAPTER 344 OF THE LAWS

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1959

CHAPTER 344.

KYTHREA WATER SUPPLY.

ARRANGEMENT OF SECTIONS.

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TO REGULATE AND IMPROVE THE SUPPLY AND DISTRIBUTION
OF WATER TO THE VILLAGE OF KYTHREA FOR DRINKING
AND OTHER DOMESTIC PURPOSES.

1949
Cap. 307.

[7th May, 1928.]

Short title.

1. This Law may be cited as the Kythrea Water Supply Improvement Law.

Interpreta-
tion.

2. In this Law—

“ Commissioner ” means the Commissioner of the district of Nicosia for the time being;

“ land ” includes land (with the grazing rights, and all water and water rights on, over or under such land), buildings, trees, vines, easements, and standing crops and any other immovable property which may by law be sold and purchased or exchanged;

“ the Municipal Council ” means the Municipal Council or Municipal Commission or other body duly constituted by law to exercise municipal authority and government within the municipal area of Kythrea for the time being;

“ undertaking ” means the undertaking of conveying water by pipes as prescribed in section 3.

3. The Governor upon request in writing by the Municipal Council may by notification in the Gazette authorize the Municipal Council to carry out the undertaking of conveying water by means of pipes in any quantity from the spring known as "Kefalovriso" to the village of Kythrea for drinking and other domestic purposes:

The Governor may authorize the carrying out of the undertaking. 3 of 19/33.

Provided that any surplus of water not so used for drinking and other domestic purposes shall be conveyed by the said pipes to the main channel used for irrigation purposes running from the said spring.

4. Within one week of the publication of the notification mentioned in section 3 the Municipal Council shall deposit with the Commissioner—

Plans and specifications to be deposited.

- (a) a plan showing the course of the line of pipes and also showing particulars thereon of the land to be acquired for the purpose of laying such pipes, and
- (b) specifications of all pipes, appliances, apparatus and other material to be used in the undertaking.

5. The Municipal Council shall cause a notice to be served (in manner hereinafter provided) on all 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 and particulars of the land to be acquired at the office of the Commissioner and present any objections they may have to make thereto within fourteen days from the service of the notice. At or after the expiration of the period of fourteen days from the service of the notices as aforesaid the Commissioner shall forward to the Governor the plan, together with the objections made, if any. The Commissioner shall forward to the Governor at the same time the specifications mentioned in paragraph (b) of section 4.

Notice to persons interested.

6. If the Governor approves the plan, particulars and specifications 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 shall be acquired and compensation, which may include compensation for damage occasioned by

Sanction by Governor of acquisition of land.

determination of a lease, shall be directed to be paid for its acquisition in manner hereinafter provided.

Refusal of
sanction by
Governor of
acquisition.

7. If the Governor does not approve the plan, particulars and specifications or does not consider it expedient, having regard to all the circumstances of the case, that the land in question shall be acquired, he may by notice in the Gazette refuse to sanction the acquisition of the land; and in such case the Municipal Council may submit a fresh plan, particulars and specifications and fresh proceedings under this Law may be taken.

Vesting land
in Municipal
Council.

8. When the Governor has notified his sanction to the acquisition of any land, the land shall thereupon vest absolutely in the Municipal Council, 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 cause amendments of registration to be effected in accordance with the plan, particulars and specifications so approved by the Governor.

Reference to
Government.

9. If within one month from the date of the notification of such sanction, the persons interested do not agree with the Municipal Council as to the compensation for the land so acquired, the Municipal Council shall apply to the Administrative Secretary for the determination of the amount of the compensation and the matter shall thereupon be referred to the Governor in Council whose decision shall be final and conclusive.

Disposition
of compen-
sation in
certain cases.

10. The whole or any portion of the sum directed to be paid by the Governor in Council by way of compensation shall 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.

Payment
into Depart-
ment of the
Accountant-
General.

11. If any person refuses to accept any sum directed to be paid to him under the provisions of this Law, or is absent from Cyprus, the Municipal Council may pay the sum into the Department of the Accountant-General.

12. 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, or, if he is absent from Cyprus, by the insertion of the notice in any newspaper published in Nicosia.

Service of notices.

13. For the purpose of carrying out the undertaking hereinbefore referred to the Municipal Council shall have the borrowing powers vested in Municipal Councils by the Municipal Corporations Law, and by the Public Loans Law.

Borrowing powers.

Cap. 240.
Cap. 208.

14. Save with the written consent of the Attorney-General no action, prosecution or legal proceeding whatsoever shall be brought, instituted or maintained by any person against the Municipal Council or against any person acting under its authority in respect of any act or thing done or omitted under the provisions of this Law.

Bar of actions save with consent of Attorney-General.

15. (1) It shall be the duty of the Municipal Council to make bye-laws for the following matters—

Duty to make bye-laws.

- (a) regulating the supply of water for drinking and other domestic purposes;
- (b) regulating the supply of water by tap or meter;
- (c) with respect to the circumstances in which a water supply shall be stopped;
- (d) with respect to the management and control of the undertaking and for the prevention of waste, misuse or pollution of water.

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(2) Bye-laws made by the Municipal Council under this Law shall not take effect unless and until they shall have been submitted to and approved of by the Governor and published in the Gazette.

16. (1) Any person who resists or obstructs the Municipal Council or any person acting under its authority in the lawful execution of the undertaking under the provisions of this Law shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding ten pounds.

Offences and penalties.

(2) Any person who acts in contravention of or fails to comply with any of the provisions of any bye-law made

under this Law shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding five pounds.

(3) All offenders against this Law or against any bye-laws made thereunder may be prosecuted by the Municipal Council and all penalties recovered shall be paid to the municipal fund of Kythrea.