

CYPRUS

HOUSING

CHAPTER 222 OF THE LAWS

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CHAPTER 222.

HOUSING.

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24 of 55.

A LAW TO MAKE PROVISION FOR AND TO FACILITATE THE HOUSING OF CERTAIN CLASSES OF THE COMMUNITY AND FOR MATTERS INCIDENTAL THERETO.

[9th July, 1955.]

PART I.

PRELIMINARY.

Short title.

1. This Law may be cited as the Housing Law.

Interpretation.

2. In this Law, unless the context otherwise requires—
 “construct” includes alter, enlarge or adapt, and
 “construction” has a corresponding meaning;

“ Court ” means a judicial officer of the District Court of competent jurisdiction of the district within which the immovable property concerned is situate;

“ Director ” means the Director of Planning and Housing to the Government or in his absence such person as the Governor may appoint for the purposes of this Law;

“ house ” means a building constructed or adapted for use for the purposes of dwelling and includes a kitchen and other usual appurtenances, outbuildings, yard, fences and permanent provision for lighting, water supply, drainage and sewerage, whether such building is, or is to be, constructed as a detached or semi-detached building or is to be contained in a block of buildings, together with the site for the house as herein defined;

“ immovable property ” includes—

- (a) land;
- (b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure;
- (c) trees, vines, and any other thing whatsoever planted or growing upon any land and any produce thereof before severance;
- (d) springs, wells, water and water rights whether held together with, or independently of, any land;
- (e) easements, privileges and liberties over any immovable property and rights restrictive of the use of any immovable property which either lawfully subsist at the time of the acquisition or, though not subsisting at such time, are required to be created for any housing scheme;
- (f) an undivided share in any property hereinbefore set out;

“ owner ” in relation to any immovable property means the person registered or entitled to be registered in the books of the District Lands Office as the owner thereof;

“ scheme ” means a housing scheme under this Law and, save as otherwise expressly provided in this Law, includes a scheme modifying or revoking an existing housing scheme;

“ street ” includes any road, bridle-path, pathway, blind alley, passage, footway, pavement or public square.

PART II.

SCHEMES.

Preparation,
etc., and
contents of
housing
schemes.

3. (1) The Director may, after considering the housing conditions within a certain area in the Colony and the needs of that area with respect to the provision of housing accommodation for the working classes or such other class of the population as may be approved by the Governor in Council (hereinafter in this Law referred to as “ the approved class ”), prepare and submit to the Governor in Council a housing scheme under the provisions of this Part.

(2) Any scheme shall contain proposals for all or any of the following matters—

- (a) the acquisition of immovable property for the erection thereon of houses for the working classes or the approved class;
- (b) the erection of houses suitable for the working classes or the approved class and when necessary the laying out and construction of streets and open spaces on the land;
- (c) the conversion of any buildings into houses for the working classes or the approved class;
- (d) the acquisition of houses suitable for the purpose;
- (e) the alteration, enlargement, repair or improvement of any houses or buildings which have, or a right or interest in which has, been acquired by the Director;
- (f) the development of immovable property into a housing estate for the working classes or the approved class in accordance with plans prepared by the Director, including provision for the laying out, construction, maintenance and improvement of streets, open spaces, gardens, drains, electricity lines, water supply lines, shops, places of worship, places of recreation or other works or buildings for, or for the convenience of, persons belonging to the working classes or the approved class;
- (g) any other matter necessary or incidental to the scheme.

4. Upon submission of the scheme under subsection (1) of section 3 the Governor in Council may approve the scheme either absolutely or subject to such modifications or conditions as he may deem fit and his decision shall be final.

Approval and coming into force of the scheme.

5. (1) A scheme approved by the Governor in Council under section 4 may, if it appears to the Director that it is desirable, having regard to all material considerations, that the scheme should be modified or revoked, be modified or revoked to such extent as it appears to be desirable as aforesaid.

Modification and revocation of the scheme.

(2) Any modification or revocation of a scheme under subsection (1) shall not operate until approved by the Governor in Council.

PART III.

ACQUISITION OF IMMOVABLE PROPERTY.

6. (1) Where any immovable property is needed for any scheme it shall be lawful for the Director and his servants and workmen and any person authorized by the Director in that behalf, to do all or any of the following things:—

Preliminary investigation.

- (a) to enter upon and survey and take levels of any such immovable property;
- (b) to dig or bore into the subsoil;
- (c) to do all other acts necessary to ascertain whether the immovable property is suitable for such purpose and the value of the immovable property and of any crops thereon;
- (d) to clear the immovable property proposed to be acquired and to set out and mark the boundaries of such property 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 in writing of his intention to do so.

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

Compulsory
acquisition
of immov-
able
property.

7. (1) If any immovable property required for any scheme cannot be acquired by agreement, the Director may recommend that such immovable property shall be acquired compulsorily and for this purpose the Director shall submit for the consideration of the Governor a copy of such recommendation together with a plan of such immovable property and particulars as regards its owner, estimated value, description and any other matter as may be necessary for the purpose.

Schedule.

(2) The Director, before submitting to the consideration of the Governor the documents mentioned in subsection (1), shall cause a notice, in the form set out in the Schedule, to be published in the Gazette and also to be posted at a conspicuous place within the area in which the immovable property to be acquired is situate:

Provided that the period set out in such notice may, with the approval of the Governor, be abridged to any shorter period not being less than ten days.

(3) At the expiration of the period set out in the notice, the Director shall forward to the Governor the documents mentioned in subsection (1), together with any objection or statement made against the proposed acquisition.

(4) If the Governor approves the plan submitted and considers it expedient, having regard to all the circumstances that the Director should be permitted to acquire the immovable property in question, he may, by notification published in the Gazette, sanction the acquisition of such immovable property and, thereupon, such property shall vest in the Director free from all encumbrances and the notification of the Governor as aforesaid shall be sufficient authority to the Director of Lands and Surveys to cause amendment of registration to be effected in accordance with the plan approved by the Governor:

Provided that no registration or other fees shall be paid:

Provided further that the Director shall not be permitted to acquire a part only of any building if the owner thereof is willing and able to give a good title to the whole thereof.

(5) Where the immovable property to be acquired is an easement, privilege or liberty over any immovable property or a right restrictive of the use of any immovable property, 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 this section relating to acquisition and compensation shall apply.

(6) If the owner of the immovable property does not agree with the Director as to the sum to be paid as compensation for it, the same shall be determined and paid in accordance with the provisions of any Law in force for the time being providing for the acquisition of immovable property for public purposes.

8. On the submission of the documents mentioned in subsection (1) of section 7 to the Governor for his consideration, the Governor may, before notifying his sanction to the acquisition of any immovable property, require the amount to be paid by way of compensation for it to be first ascertained, in the manner hereinafter provided; and in any such case, unless agreement is reached between the Director and the person interested as to the compensation, the Director shall proceed to have such compensation determined in accordance with the provisions of any Law in force for the time being providing for the acquisition of immovable property for public purposes.

Ascertainment of compensation before sanction.

9. The provisions of this Law relating to the acquisition of immovable property shall not extend to the acquisition of any building in which public worship is habitually held or which is used by, or for the purposes of, a school.

Saving as to places of public worship, etc.

10. Whenever the carrying out of any scheme 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, water-courses 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.

Accommodation work.

For the purpose of furnishing such accommodation the Director shall have power to acquire immovable property as if it were required for the scheme.

PART IV.

CARRYING OUT OF HOUSING SCHEMES.

11. Where any immovable property has been acquired under this Law, the Director may, in accordance with the

Construction of streets, houses, etc.

scheme for which such immovable property has been acquired—

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- (a) notwithstanding the provisions of section 25 of the Streets and Buildings Regulation Law, after consultation with the appropriate authority under the said Law lay out and construct streets and public open spaces thereon;
- (b) construct or reconstruct houses and such other buildings and do such other work as is necessary to carry out the scheme thereon;
- (c) execute any works which are necessary for the scheme or are incidental to the carrying out of the scheme.

Sale, etc., of immovable property for the housing and convenience of persons of the working classes, etc.

12. The Director may, with the approval of the Governor, sell or lease, for the housing or convenience of persons belonging to the working classes or the approved class, any of the immovable property acquired under the provisions of this Law or any houses or other buildings with all appurtenances constructed thereon, subject to such covenants and conditions as he may think fit to impose including conditions in regard to the maintenance of the houses as dwelling houses for the working classes or the approved class or in regard to the use of any of the houses or other buildings or land and in case of any such sale he may, if he thinks fit, agree to the price being paid by instalments or to a payment of part thereof being secured by a mortgage.

PART V.

MISCELLANEOUS.

Disposal of surplus vacant immovable property.

13. The Director may sell, lease, exchange, transfer in full or partial satisfaction of claims to compensation under the provisions of this Law or otherwise dispose of any immovable property acquired by him which—

- (a) after the carrying out of any works under a scheme, proves to be in excess of the extent actually required for such works; or
- (b) was acquired for the purposes of a provision in a scheme which is subsequently modified or revoked.

14. Upon the completion of the construction of any street under the provisions of section 11, such street shall be deemed to be a public street and the provisions of section 11 of the Streets and Buildings Regulation Law shall apply and such provisions shall apply as though the appropriate authority under that Law had issued a certificate of approval under section 10 of that Law.

Streets to be deemed to be public streets.
Cap. 96.

SCHEDULE.

(Section 7.)

THE HOUSING LAW, CAP. 222.

NOTICE UNDER SECTION 7.

Notice is hereby given that the following immovable property (describe immovable property, giving measurements and showing boundaries whenever practicable) is required by me for a housing scheme,

Any person claiming to have any right or interest in the said immovable property who objects 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.

I am 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 , 195 .

Director of Planning and Housing.