

CYPRUS

**RECOVERY OF POSSESSION
OF SMALL HOLDINGS**

CHAPTER 231 OF THE LAWS

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1959

CHAPTER 231.

RECOVERY OF SMALL HOLDINGS.

ARRANGEMENT OF SECTIONS.

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TO FACILITATE THE RECOVERY OF POSSESSION OF TENEMENTS AFTER DUE DETERMINATION OF THE TENANCY.

1949
Cap. 228.

[1st June, 1895.]

Short title.

1. This Law may be cited as the Recovery of Possession of Small Holdings Law.

Interpretation.

2. In this Law—

“premises” means any house, shop, khan, store, warehouse, bath, mill, stable or shed, with the appurtenances thereto.

Notice to quit to be served on tenant.

3. Whenever the term or interest of the tenant of any premises held by him at will, or for any term not exceeding two years, either without being liable to the payment of any rent, or at a rent not exceeding twenty pounds a year, shall have ended, or shall have been duly determined by a legal notice to quit or otherwise, and the tenant, or any person by whom the premises or any part thereof are then actually occupied, shall neglect or refuse to quit and deliver up possession of the same, the landlord or his agent may cause the person so neglecting or refusing to quit and deliver up possession to be served with a written notice in the form in the Schedule, signed by the landlord or his agent, of his intention to proceed to recover possession.

Schedule.

Posting up notice in certain cases.

4. The notice may be served either personally upon the tenant or occupier, as the case may be, or by leaving it with some person being in and apparently residing at the abode of

the person so holding over; and the person serving it shall read it over to the person served and explain its purport and intent:

Provided that if the person so holding over cannot be found, and his place of abode is not known, the posting up of the notice on some conspicuous part of the premises so held over shall be deemed to be a good service upon him.

5. If the tenant or occupier does not appear at the time and place appointed, and show to the satisfaction of the District Court reasonable cause why possession should not be given, and still neglects or refuses to deliver up possession of the premises, or of the part thereof of which he is in possession, to the landlord or his agent, then, upon proof by the landlord or agent of the holding and of the end or other determination of the tenancy, with the time and manner thereof (and, when the title of the landlord has accrued since the letting of the premises, of the right by which he claims possession), and upon proof of the service of the notice and of the neglect or refusal of the tenant or occupier, as the case may be, the District Court of the district within which the premises are situate may by its order direct, that within a period to be therein named, not exceeding thirty clear days from the date of the order, the tenant or occupier, as the case may be, do deliver up the premises and give them to the landlord or agent:

District Court may order tenant to deliver up premises.

Provided always, that if it appears that the holding over of the tenant or occupier involves a question of *bonâ fide* claim of right or title upon his part to the premises, then the District Court shall have no jurisdiction to determine the question or to make any order under this Law.

6. In pursuance of any order made by a District Court under the powers contained in section 5 a District Court may issue all necessary warrants, directed to peace officers, to carry out the order by entering premises, breaking open doors if necessary, ejecting tenants or occupiers and giving up possession of the premises to the landlord or agent.

Power to carry out order.

7. No order made by a District Court under the provisions of section 5 shall debar any tenant or occupier who has delivered up possession of or been ejected from any premises in pursuance of the order from maintaining an action to recover from the person by whom the order was obtained any damages sustained by him in consequence of the making of the order.

Order not to be a bar to certain proceedings.

Power to
make Rules
of Court.

8. The Governor may, with the advice and assistance of the Chief Justice, make Rules of Court and prescribe the fees to be taken in respect of the provisions of this Law.

SCHEDULE.

(Section 3.)

NOTICE OF OWNER'S INTENTION TO APPLY TO A DISTRICT COURT TO
RECOVER POSSESSION.

I, [owner, or agent of owner, as the case may be], do hereby give you notice, that unless peaceable possession of the premises [shortly describing them] situate , which were held of me, or of the said [as the case may be], under a tenancy from year to year [as the case may be], which expired [or was determined] by notice to quit from the said [or otherwise as the case may be], on the day of and which premises are now held over and detained from the said be given to [the owner or agent] on or before the expiration of clear days from the service of the notice,

I, shall on the day of at o'clock apply to the District Court of the district of [being the district in which the premises are situate] to issue an order directing you, within days to deliver up the said to me [or to]

Dated this day of .

(Signed.)
(Owner or Agent.)