

CYPRUS

VILLAGES (ADMINISTRATION AND
IMPROVEMENT)

CHAPTER 243 OF THE LAWS

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1959

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CHAPTER 243.

VILLAGES (ADMINISTRATION AND IMPROVEMENT)

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A LAW TO MAKE PROVISION FOR THE ESTABLISHMENT AND
ADMINISTRATION OF IMPROVEMENT AREAS.

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[2nd June, 1950.]

Short title.

1. This Law may be cited as the Villages (Administration and Improvement) Law.

PART I.

PRELIMINARY.

Interpreta-
tion.
2 of 18/50.

2. In this Law, unless the context otherwise requires—
- “ Board ” means a Board established under the provisions of this Law;
- “ Commissioner ” means the Commissioner of the district in which the improvement area is situated;
- “ District Medical Officer ” means the person who is for the time being lawfully discharging the duties of the Government District Medical Officer of the district in which the improvement area is situated and includes his duly authorized representative;
- “ Divisional Engineer ” means the person who is for the time being lawfully discharging the duties of the Government Executive Engineer of the district in which the improvement area is situated and includes his duly authorized representative;
- “ group ” means two or more villages or areas grouped for the purposes of this Law, such grouping to be made by the Commissioner by notice published in the Gazette;
- “ 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, boreholes, water and water rights whether held together with, or independently of, any land;
 - (e) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or

reputed to appertain to any land or to any building or other erection or structure;

(f) an undivided share in any property hereinbefore set out;

“improvement area” means any village, area or group deemed to have been declared or declared to be an improvement area under the provisions of this Law;

“mukhtar” means the mukhtar of the village constituting the improvement area and includes a mukhtar or mukhtars nominated by the Commissioner under the provisions of section 5;

“proprietor” means any person of not less than twenty-one years of age who owns any immovable property within the improvement area and includes any person of the like age who occupies any immovable property within such area under a written lease or under a written hire-purchase agreement;

“street” includes any square, road, bridle-path, pathway, blind-alley, passage, footway, pavement or public place situated in an improvement area.

PART II.

IMPROVEMENT AREAS AND BOARDS.

Constitution of Improvement Areas and Boards.

3. Every village or area in the Colony which at the date of the commencement of this Law has been declared to be a summer resort or a carob shipping place under the provisions of any of the Laws repealed by this Law shall be deemed to have been declared to be an improvement area under the provisions of this Law and shall be an improvement area for the purposes of this Law.

Application of Law to existing summer resorts and carob shipping places.

4. The Governor may, by Order to be published in the Gazette, declare—

(a) any village or any defined area in the Colony whether such area or any part thereof is a declared improvement area or not, to be an improvement area and thereupon such village or area shall be an improvement area for the purposes of this Law;

(b) any area in the Colony, as shall be defined in the Order, to be added to any improvement area and

Power to Governor to declare any village or area to be an improvement area.
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thereupon such additional area shall form part of such improvement area for the purposes of this Law.

Power to Commissioner to nominate mukhtar or mukhtars for Boards in improvement areas.

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5. Where in a village there is more than one mukhtar of the same community or where villages are grouped under the provisions of this Law, or where a declared improvement area is added, under paragraph (b) of section 4, to an improvement area, the Commissioner shall, for the purposes of this Law, nominate a mukhtar, from amongst the mukhtars of such village or group as a member of the Board in respect of such village or group:

Provided that, where in any village or group there are Greek and Turkish mukhtars, the Commissioner shall nominate one Greek and one Turkish mukhtar in respect of such village or group.

Constitution of Boards in villages or groups.

6. (1) There shall be established in every village or group deemed to have been declared or declared to be an improvement area a Board consisting of the Commissioner, as Chairman, the District Medical Officer, the Divisional Engineer and the mukhtar or mukhtars as *ex officio* members and of three properly qualified persons elected or nominated in accordance with the provisions of sections 11 to 15 both inclusive (hereinafter in this Law called "the elected members"):

Provided that, where there is a Greek and a Turkish mukhtar on the Board, the number of the elected members shall include such number of Greeks and Turks as the Commissioner may direct.

(2) The Governor may increase at any time the number of the elected members.

(3) Every elected member shall hold office for a period of four years from the date of his election but may resign his membership upon giving notice in writing to the Chairman of the Board.

(4) If any elected member shall wilfully and unjustifiably fail to attend at three consecutive meetings of the Board, he shall thereupon become disqualified to sit as a member of the Board and the Chairman thereof shall declare his place upon such Board to be vacated:

Provided that any member aggrieved by any such decision of the Chairman of the Board may appeal to the Governor whose decision shall be final and conclusive.

(5) If, for any reason, an elected member shall cease to hold office, the Board shall elect another properly qualified proprietor, to be a member thereof in his place for the duration of the unexpired period of such office.

(6) No act or proceeding of the Board shall be deemed to be invalid by reason only of any vacancy in the Board.

7. (1) For any defined area in the Colony declared to be an improvement area, there shall be established a Board consisting of the Commissioner, as Chairman, the District Medical Officer, the Divisional Engineer, and such number of properly qualified persons not exceeding three at any one time to be appointed by the Governor.

Constitution
of Boards
in defined
areas.

(2) Every member of the Board of any such area appointed by the Governor shall hold office for a period of four years from the date of his appointment, unless the Governor terminates at any time his appointment and appoints another properly qualified person to be member in his place for the duration of the unexpired period of his office.

8. (1) The Chairman of the Board may, whenever he thinks fit, and shall on a requisition in writing by not less than two members thereof, convene a meeting of the Board:

Meetings of
Boards.

Provided that the meeting in case of requisition shall be held not later than fourteen days from the date of the receipt of such requisition and on a prior seven days notice.

(2) The meetings of the Board shall be held at such time and place as the Chairman may from time to time appoint.

(3) Save as in this Law otherwise provided, no business shall be transacted at any meeting of the Board unless three members, at least, are present. If, on the second successive summons, three members are not present at the time and place appointed for the meeting, the Board may proceed with business if two members only are present.

(4) If, when any meeting is held, the Chairman is absent from the meeting, the members present shall elect one of their members to preside at the meeting.

(5) All questions coming before the Board at any meeting shall be decided by a majority of the members present and, in case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

Minutes of
the Board.

9. Minutes of the proceedings of every meeting of the Board shall be drawn up correctly and entered in a book kept for that purpose and shall be signed by the Chairman, and when so signed, shall be received in evidence in all proceedings without further proof.

Executing
decisions
of Boards.

10. It shall be the duty of the Chairman to see that all and every decision of the Board is duly executed and, where such decision necessitates the expenditure of funds, to see that such expenditure is in accordance with the approved estimates.

Election of Members of Boards.

Power to
Commissioner to
call public
meetings.

11. For the purpose of electing the elected members of a Board, the Commissioner shall, subject to the provisions of section 12, call a public meeting of the proprietors as hereinafter provided:

Provided that every such public meeting, other than the first, shall be held at such time as to enable the members elected thereat to assume office on the expiration of the term of the elected members then holding office.

List of
proprietors:

12. (1) The Commissioner, before calling a public meeting, shall request the mukhtar in writing to prepare a list of the proprietors and such mukhtar shall thereupon prepare, sign and seal such list in duplicate and shall forward it to the Commissioner within thirty days from the day on which he was requested so to do:

Provided that, where in an improvement area there is a Greek and a Turkish mukhtar, the Turkish mukhtar shall prepare the list of the Turkish proprietors and the Greek mukhtar the list of all other proprietors:

Provided further that if, for any reason, no such list is prepared by any mukhtar within the aforementioned period, the Commissioner shall prepare or cause to be prepared the list.

(2) The Commissioner shall cause a copy of such list to be posted in a conspicuous place within the improvement area, the person posting the same inserting therein the date of the posting, and any person desiring to make any objection to the list shall apply within ten days of its posting to the Commissioner stating the grounds of his objection.

(3) The Commissioner, after considering the objections, if any, may cause such alterations or additions to be made

to the list as he shall deem necessary, and thereupon such list shall be considered as the final list of the proprietors of the improvement area for the purposes of the proposed public meeting; and the Commissioner shall give written notice to every person whose name has been either added to or deleted from the list. 3 of 18/50.

13. (1) Upon the completion of the final list of proprietors as in section 12 provided, the Commissioner shall call a public meeting of such proprietors by causing a written notice to be posted in a conspicuous place in the improvement area not less than fifteen days before the meeting, stating the day, time, place and object of the meeting and calling upon such proprietors to attend thereat either in person or by proxy appointed by an instrument certified by a mukhtar. Public meeting of proprietors.

(2) The Commissioner shall preside at such public meeting and, if any question is raised as to the right of a person to attend and vote thereat, the Commissioner may, there and then, make such enquiry as he may deem requisite and declare whether such person has a right to attend and vote or not, and the decision so made shall be final; and an entry shall be made in the minutes of the meeting of any such question and of the decision thereon.

(3) The Commissioner shall keep, or cause to be kept, minutes of the proceedings of every public meeting.

(4) The Commissioner may adjourn any public meeting from time to time to a day and place to be publicly declared by him at the meeting, and no further notice thereof shall be necessary.

14. (1) The proprietors or the authorized proxies thereof shall proceed at any such public meeting to elect, as hereinafter provided, the requisite number of elected members from among the proprietors qualified to be elected. Every candidate for such election shall be proposed and seconded in such manner as the Commissioner may direct. Election of members of Board.

(2) The election of a proprietor who has been proposed and seconded as a candidate at the meeting at which the election is held, shall be by such mode of voting as the Commissioner shall determine at the meeting.

(3) Every proprietor present shall be entitled to give one vote for each candidate and every authorized proxy shall be

similarly entitled to give one vote in respect of every proprietor from whom he holds authority.

(4) At the conclusion of the voting, the Commissioner shall count the votes and shall declare as first elected member the candidate to whom the greatest number of votes has been given and then as second elected member the candidate to whom the next greatest number of votes has been given and so on in like manner until the number of the elected members of the Board is completed:

Provided that, if for the election of the last elected member two or more candidates receive an equal number of votes, the election of such elected member shall be decided by the drawing of lots by such candidates or their authorized proxies under the supervision of the Commissioner and the candidate upon whom the lot shall fall shall be declared as the member elected.

(5) If a person elected as a member of the Board declines to accept his election, the person who received the greatest number of votes next to such candidate shall be declared by the Commissioner to be a member of the Board in the place of the candidate so declining to accept election.

(6) If the number of candidates is not greater than the number of persons required as members of the Board such candidates shall be considered to have been duly elected as such members and, if one or more of them declines to accept his or their election, the Commissioner shall nominate another properly qualified proprietor or proprietors to complete membership of the Board.

(7) If the number of candidates is less than the number of persons required as members of the Board, the Commissioner shall nominate another properly qualified proprietor or proprietors to complete membership of the Board.

Qualification
of members
of Boards.

15. A person shall not be qualified to be elected, appointed, or nominated as a member of a Board if—

- (a) he is not a British subject; or
- (b) he is not a person whose name is in the list of proprietors of the village concerned and which is in force for the time being:

Provided that this paragraph shall not apply to appointments under section 7; or

- (c) he is an undischarged bankrupt; or
- (d) he is a person of unsound mind; or

- (e) within a period of two years next before his election or nomination, he has been, or having been elected or nominated he is, convicted of an offence and sentenced to imprisonment for six months or more without the option of a fine and has not received a free pardon in respect of such offence.

PART III.

DUTIES AND POWERS OF THE BOARD.

General Powers and Duties.

16. (1) All property vested in or held by, and all rights and liabilities of, any Summer Resort Development Board or Committee of any carob shipping place constituted under the provisions of any of the Laws repealed by this Law shall, without prejudice to the right of any person, vest in the Board established under the provisions of this Law for the improvement area concerned.

Vesting of property, etc.

(2) All property acquired by or transferred to the Board of an improvement area shall vest in the Board for the improvement area concerned.

17. (1) All immovable property vested in a Board which is, by any law or custom, required to be registered in the books of the District Lands Office shall be registered in the name of the Board for the improvement area concerned.

Registration of immovable property of improvement area.

(2) The Chairman of the Board shall, in all transactions, acts or matters required to be done in any District Lands Office, be the lawful attorney of the Board.

18. It shall not be lawful for a Board to sell, mortgage or otherwise deal with any immovable property vested in the Board save upon a resolution of two-thirds of the members actually holding office and with the sanction of the Administrative Secretary and subject to such terms and conditions as the Administrative Secretary may impose.

Sale or mortgage of immovable property by Board.

19. (1) Contracts on behalf of the Board shall be made in writing under the hand of the Chairman:

Contracts.

Provided that contracts incidental to the ordinary conduct of the current business of the Board may, subject to the provisions of the Contract Law, be made in writing or

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parol, as the case may be, on behalf of the Board by the Chairman, and any such contract made in writing may be varied or discharged in writing, and any such contract made by parol may be varied or discharged in writing or parol.

(2) All contracts made in accordance with this section shall be effectual in law and shall bind the Board for the time being and all other parties thereto, their heirs, executors or administrators, as the case may be.

Appointment
of Secretary,
Treasurer
and other
officers or
servants.

20. (1) The Board may, from time to time, appoint fit persons to be the Secretary and Treasurer of the Board to perform such duties as the Board may direct.

(2) The Board may appoint such other officers and servants as they think necessary for the purposes of this Law.

(3) Every person appointed under this section shall hold office during the pleasure of the Board or during such time as the Board may determine and shall receive such salary or remuneration as the Board may appoint.

(4) The Chairman of the Board may employ at the current rate of daily wages any servants or labourers required in the service of the Board to carry out any work for which provision is made in the current estimates, as approved by the Board, or which has been specially authorized by the Board.

Duties of
the Board.
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21. Subject to the provisions of this Law and of any other Law in force for the time being, the Board shall, within the limits of the improvement area and in so far as its resources permit—

- (a) prevent the accumulation in any public or private place of any filth, refuse or water in a manner dangerous to the public health;
- (b) require any building wherein any person has died of any kind of contagious or infectious disease and the clothing in and contents of such building to be disinfected;
- (c) prevent advertisements or notices being affixed to or inscribed on any building by any person other than the occupier and shall erect or cause to be erected hoardings for the exhibition of advertisements and notices;

- (d) regulate or prevent the keeping of swine and regulate the keeping of other animals and birds so that their keeping shall not be a public nuisance or injurious to health;
- (e) ensure that all drains, urinals, latrines and cesspits shall be so constructed and kept as not to be a nuisance or injurious to health;
- (f) prevent any bar, barber's shop, cake-bakery of any kind, coffee-house, confectioner's shop, cook-shop, dairy, drinking-shop, hotel, khan, pastry shop, public bath-house and any premises in which food-stuffs or liquids of whatever kind or nature intended for human consumption are made or exposed for sale, and any premises of public resort, and any tools, objects or articles used therein, from being in an uncleanly or injurious state, and shall seize and destroy or otherwise deal with any such tools, objects or articles as are likely to be injurious to health or to spread the infection of any disease;
- (g) provide and maintain in good order and repair public dustbins and other receptacles for the temporary deposit and collection of rubbish and shall cause such public dustbins and other receptacles to be so kept as not to be injurious to health;
- (h) supervise and control all bakeries and regulate the sale of bread by fixing the weights by which only it shall be sold;
- (i) control the erection of tents;
- (j) provide for the inspection of all food-stuffs of whatever kind or nature, and of liquids intended for human consumption, exposed or intended for sale and for the seizure and destruction of all such food-stuffs or liquids as are unfit for human consumption or the seizure and disposal of any food-stuffs or liquids intended for human consumption as may be exposed for sale in contravention of any bye-laws;
- (k) regulate and control the licensing of any theatre, building, tent or place used for the performance of any stage play or cinematograph exhibition or for dancing or for any entertainment to which the public is admitted or for any public meeting;

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Schedule to
31/55.

- (l) regulate and control the keeping of coffee-houses, kilns, khans and threshing floors;
- (m) regulate, control or prohibit any trade or business which may, in the opinion of the District Medical Officer, be injurious to public health or a source of danger to the public or which it is otherwise in the public interest expedient to regulate, control or prohibit;
- (n) provide for the establishment, regulation and use of markets and prohibit or regulate the hawking of any goods in any place other than such markets;
- (o) provide for the removal of night-soil and refuse from premises;
- (p) provide for the allotment and use of special places for the sale of animals and of perishable goods and regulate the manner in which such animals and perishable goods shall be sold;
- (q) provide slaughter-houses and prohibit the slaughter of animals in any place other than such slaughter-houses;
- (r) keep all streets clean and in good repair and sufficiently drained, lightened and clear of obstructions and prevent obstructions thereover by awnings or otherwise;
- (s) with the approval of the Administrative Secretary to name or re-name, where necessary, all roads, streets, lanes and squares, such names to be affixed in a conspicuous place therein, and cause the buildings in such roads, streets, lanes and squares to be numbered;
- (t) regulate, control, restrict or prohibit traffic in the streets and fix the places at which carriages, motor cars and other vehicles must stand when not in motion and the number of carriages, motor cars and other vehicles allowed to stand at any time in each place so fixed and prescribe the fares payable by persons hiring or using carriages, motor cars and other vehicles for journeys within the improvement area;
- (u) provide or cause to be provided, a good and sufficient supply of water for domestic purposes, and keep or cause to be kept cleansed and in good repair all public fountains, drains and

aqueducts, and preserve the same from contamination and prohibit or regulate the supply or use of any water, for domestic purposes, other than such water:

Provided that, subject to the inspection of the Board for preserving the water from contamination, nothing in this paragraph contained shall prevent the owner of any water found in the improvement area from using such water for his own domestic purposes;

- (v) prohibit the deposit of any waste matter or thing in any public or private place in a manner detrimental to the amenities of the improvement area;
- (w) generally provide for any other purpose and perform any public work, which may be necessary or desirable for the further development of the improvement area, and the preservation and promotion of sanitation and public health therein.

22. Subject to the provisions of this Law, it shall be within the powers of the Board—

Powers of the Board.

- (a) (i) with the consent and under the authority of an order of the Administrative Secretary and subject to the terms and conditions that may be imposed by such order, to borrow money for carrying out any work or measure which the Board is empowered to carry out under the provisions of this Law and, for the purpose of securing the payment of the principal and interest of any such loan, to mortgage any property, rates, fees, rents, tolls or charges to the lender;

5(a) of 31/53.

- (ii) to borrow temporarily any money from the Bank at which the account of the Board is kept:

Provided that the amount so borrowed shall not exceed ten per centum of the estimated revenue of the Board for the period for which the current estimates are made and that the amount so borrowed shall be repaid from the revenue of the Board during such period;

- (b) to acquire immovable property within the improve-

ment area for any public purpose which shall include—

- (i) the construction of new streets;
 - (ii) the opening, widening, straightening or improving existing streets;
 - (iii) the erection of public buildings; and
 - (iv) such other public purpose as may be approved by the Administrative Secretary;
- (c) to acquire, with the consent in writing of the Administrative Secretary previously obtained, by agreement between the owner thereof and the Board, water or water rights within or without the improvement area, whether attached to land or held independently of land;
- (d) to provide, establish, maintain, improve and regulate, within the improvement area, parks, gardens, play-grounds, swimming pools, public bathing places, amusement centres, places of resort or recreation for the use of the public and any other amenities and to contribute towards the cost of establishment or maintenance of any parks, gardens, play-grounds, swimming pools, public bathing places, amusement centres, places of resort or recreation or any other amenities, provided by any person for the use of the public;
- (e) to provide for the advertising of the improvement area either within or without the Colony;
- (f) to plant, within the improvement area, trees in any street or public place and to erect tree guards;
- (g) to build, within the improvement area, public buildings and to execute other public works;
- (h) to contribute towards the cost of maintaining public or rural hospitals, child welfare clinics and maternity services which may be established by the authority of the Director of Medical Services;
- (i) with the approval of the Administrative Secretary, to make any payment or contribution to any charitable or philanthropic scheme or institution;

- (j) to provide, within the improvement area, for the construction, paving, asphaltting or improvement of streets;
- (k) to grant, within the improvement area, licences and permits and, subject to the provisions of this Law, attach to such licences or permits such terms and conditions as to the Board may seem necessary or desirable and suspend or revoke such licences and permits whenever the Board on good cause shown considers it advisable so to do;
- (l) to grant gratuities and pensions to officers and servants of the Board and to establish a provident fund for its non-pensionable employees and regulate contributions to be made to such employees in accordance with bye-laws to be made under section 24;
- (m) generally to do such acts and perform such works within the improvement area as may be necessary or desirable for the comfort, recreation, pleasure or amusement of the public.

23. The Governor in Council may assign further specific duties to all or any of the Boards and vest them with the necessary powers for the purpose of carrying out such duties.

Power to Governor in Council to assign further duties.

Bye-Laws.

24. (1) A Board may, from time to time, make bye-laws not inconsistent with the provisions of this or any other Law in force for the time being, for all or any of the following purposes, that is to say:—

Bye-laws.

- (a) to enable or assist a Board to perform any of the duties assigned to it by section 21 or 23 and to provide for the payment of any rates, fees, rents, tolls or charges in connection therewith;
- (b) to enable or assist a Board to carry out any of the provisions of section 22 and to provide for the payment of any rates, fees, rents, tolls or charges in connection therewith;
- (c) to provide for the payment of fees by any person who carries on, exercises or practises any profession, business, trade or other calling within the improvement area;

(d) to provide for the payment of rates or fees by the owner of any premises whether let or in the occupation of the owner:

Provided that no rate or fee shall be payable in respect of premises let or used solely for agricultural purposes;

(e) to provide for the payment of fees by the owner or occupier of any premises used as an hotel, boarding-house, lodging-house or khan;

(f) to regulate and control the grant or issue of any licence or permit which the Board is empowered to issue or grant under this Law or any bye-law made thereunder and to provide for the payment of any fees or charges in connection therewith;

(g) to regulate the weighing, measuring and testing of goods and the payment of fees therefor and to control the collection of fees payable under sections 27 to 30 both inclusive;

(h) to provide—

(i) for the imposition of an annual rate not exceeding ten pounds upon every occupier in the village to be assessed by the Board according to the means within the village of each such occupier, due regard being always had to any other rates imposed on such occupier by the Board:

Provided that whenever any amount is assessed on any non-resident occupier, a special notice of the amount so assessed shall be immediately forwarded by the Board to such non-resident occupier;

(ii) for the time at which and the manner in which such annual rate shall be paid and recovered;

(iii) for the exemption of occupiers from payment of such annual rate on the ground of poverty:

Provided that the Board may, by a notice signed by its Chairman and posted in a conspicuous place within the improvement area, limit the application of such bye-laws to such part of the improvement area as may be specified in the notices.

(2) No bye-law or revocation, amendment, alteration,

variation of any bye-law shall have effect until the same has been approved by the Administrative Secretary and published in the Gazette.

(3) Bye-laws made under this section may prescribe a penalty of a fine not exceeding twenty-five pounds for breaches thereof or, in case of a continuing breach, of a fine not exceeding one pound for every day during which such breach continues and also prescribe for the forfeiture to the Board concerned of any articles or goods in respect of which the breach has been committed.

(4) For the purposes of this section—

“occupier” means any person in actual occupation of any immovable property within the improvement area without regard to the title under which he occupies such property or, in the case of an unoccupied immovable property, the person entitled to the occupation thereof and includes the owner of any movable property within the improvement area.

25. (1) A Board shall, within the improvement area and with the concurrence of the Chief Constable, have power, by bye-laws made with the approval of the Administrative Secretary, to regulate and control traffic in any street, which shall include power—

Regulation
of traffic.
6 of 31/53.

- (a) to fix places where vehicles can stand when not actually in motion and fix the numbers and types of vehicles which shall be permitted to stand at such places and regulate any matter in connection therewith;
- (b) to prohibit any kind of traffic other than pedestrian;
- (c) to fix one-way traffic for vehicles and animals;
- (d) to fix fares for the hiring of vehicles;
- (e) to regulate the movement of pedestrians and of persons riding or pushing a bicycle or a motor cycle or pushing perambulators or hand-driven vehicles and the movement of any animals whether ridden or not;
- (f) to erect, exhibit, place or paint signs for the regulation of traffic and to prevent the erection, exhibition, placing or painting in the proximity of any such signs of any other sign or other thing;
- (g) to require persons to give information to police

officers or other persons authorized by the Board, regarding any accident in any street, involving a vehicle.

(2) In this section—

“motor car” includes motor cycle and every description of vehicle propelled by means of mechanism contained within itself, other than a vehicle running on rails;

“vehicle” means any conveyance of any kind used on land and includes a motor car, bicycle or tricycle.

(3) Any person contravening any bye-law made under the provisions of this section, shall be guilty of an offence and shall, on summary conviction, be liable to imprisonment not exceeding six months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine, and the trial court may order that the licence of the person convicted in respect of any vehicle connected with the commission of the offence shall be cancelled or suspended for such part of its unexpired period as the Court may think fit.

Cap. 332.

(4) Where an act or omission constitutes an offence under any bye-laws made under this section and also under any regulations made under the Motor Vehicles and Road Traffic Law, the offender shall be liable to be prosecuted and punished either under such bye-laws or under such regulations but shall not be liable to be punished twice for the same offence:

Provided always that, where any person is adjudged by any Court to pay a fine in respect of such offence, such fine shall, notwithstanding that such person has been prosecuted under such regulations, be paid to the improvement fund of the improvement area concerned.

Weighing, Measuring and Testing.

Board to
appoint
weighers.

26. The Board shall appoint such number of persons as weighers (hereinafter called “authorized weighers”), as shall be necessary for carrying out the provisions of this Law with regard to weighing, measuring or testing. Such persons shall receive such wages as the Board shall appoint.

Compulsory
weighing,
measuring
and testing.

27. (1) Whenever a sale takes place within the limits of any improvement area or whenever goods, the subject matter of any sale, are delivered or are to be delivered within

such limits, the vendor or the purchaser of such goods shall inform an authorized weigher that the same are ready and require to be weighed, measured or tested and shall afford to such weigher every facility to enable such weighing, measuring or testing to take place, and all such goods shall be accordingly weighed, measured or tested by the authorized weigher. Upon such weighing, measuring or testing, the vendor, or the purchaser for the account of the vendor, shall pay to the authorized weigher for such weighing, measuring or testing such fees as may be fixed by bye-laws made under section 24 by the Board of the improvement area concerned:

Provided that the minimum fee to be paid shall be the sum of five mils:

Provided further that the provisions of this section shall apply only to such goods, not being imported goods, as may be set out in the bye-laws, which in addition may specify the minimum quantity of such goods upon which such fees shall be payable.

(2) Any person contravening subsection (1) of this section shall be guilty of an offence and shall be liable to a fine not exceeding five pounds:

Provided that, if the authorized weigher, on receipt of notice as herein prescribed, does not, within one hour of the time at which such notice was received, proceed to weigh, measure or test the goods for which he received notice, the vendor or purchaser, or both, may weigh, measure or test the goods without incurring any penalty and without being liable to pay any fees.

28. Whenever any goods within the limits of an improvement area are required to be weighed, measured or tested for any purposes of Customs such goods shall be weighed by the authorized weigher and the fees payable in respect thereof shall be paid to him by the owner of such goods.

Weighing,
etc., for
purposes
of Customs.

29. (1) Notwithstanding anything in this Law contained, whenever any carobs are brought within the limits of an improvement area the person by whom the carobs are brought in or the person to whom they are brought shall, within twenty-four hours after they are so brought, inform an authorized weigher that the same are ready and require to be weighed and shall afford to the authorized weigher every facility for enabling the weighing to take

Compulsory
weighing
of carobs
brought
within the
limits of an
improvement
area.

place and all such carobs shall be accordingly weighed by the authorized weigher.

(2) No fees shall be taken in respect of such weighing but, if any carobs which have been so weighed shall be transported from the improvement area, the provisions of section 30 of this Law shall apply and the fees therein specified shall be paid.

(3) Any person contravening the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to a fine not exceeding five pounds:

Provided that if the authorized weigher on receipt of notice as herein prescribed does not, within one hour of the time of which such notice was received, proceed to weigh the carobs for which he received notice, the person by whom the carobs are brought or the person to whom they are brought or both may weigh the carobs without incurring any penalty.

Notice on
transportation
of
carobs.

30. (1) Whenever any carobs are to be transported from the improvement area, whether by land or sea, the person intending to transport such carobs shall—

- (a) in the case of carobs intended for transport by land, inform an authorized weigher or, in his absence, the Treasurer of the Board;
- (b) in the case of carobs intended for transport by sea, inform the authorized weigher or, in his absence, the Treasurer of the Board, and the officer of the Customs in the area concerned,

that the same are ready and require to be weighed and shall afford to the authorized weigher every facility to enable such weighing to take place and all such carobs shall be weighed by the authorized weigher.

(2) A fee at a rate not exceeding thirty-five mils per aleppo cantar on the carobs weighed under the provisions of subsection (1) of this section as may be fixed by the bye-laws, made under section 24 of this Law, shall be levied and paid to the authorized weigher by the person transporting such carobs and the authorized weigher shall give to such person a receipt showing the quantity of carobs weighed and the amount of fees paid:

Provided that no further fee shall be paid in respect of any other weighing of the same carobs for any revenue purposes.

(3) Any person who—

- (a) removes from any improvement area any carobs before the same have been weighed by an authorized weigher; or
- (b) fails or neglects to afford to the authorized weigher every facility for weighing any carobs intended for transport from any improvement area,

shall be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds.

31. (1) Where any carobs in respect of which a receipt has been given as in subsection (2) of section 30 provided are taken into the limits of any municipal corporation or any other improvement area for disposal therein or for transportation therefrom by land or sea to any other place within the Colony or for export therefrom either in their natural state or ground, then, in every such case, upon the production of such receipt to the weigher concerned and upon proof to his reasonable satisfaction that such carobs are the carobs, whether in their natural state or ground, in respect of which the said receipt was given, such weigher shall endorse the receipt accordingly and thereafter, notwithstanding anything contained in the Municipal Corporations Law, or this Law such carobs shall not be liable to be weighed or to the payment of any fees under the said Laws.

Carobs weighed under section 30 to be exempted from further weighing and fees.

Cap. 240.

(2) If any dispute arises as to whether the carobs taken into the limits of a municipal corporation or of an other improvement area are the carobs in respect of which the receipt was issued such dispute shall be referred to the Commissioner whose decision thereon shall be final and conclusive and no appeal shall lie therefrom.

32. Any authorized weigher who shall—

- (a) improperly or inaccurately weigh, measure or test any goods which he is required to weigh, measure or test in pursuance of this Law; or
- (b) make any false entry or a false certificate, record or note with regard to such weight, measure or test with intent to defraud,

Default by authorized weigher.

shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

Government
and Her
Majesty's
Forces to be
exempted.

33. The provisions of sections 27 to 32, both inclusive, shall not apply—

- (a) to any goods or carobs the subject matter of a sale or purchase by or on behalf of the Government nor to any goods brought into the limits of any improvement area by or on behalf of the Government;
- (b) to any goods or carobs the subject matter of any sale or purchase by or on behalf of Her Majesty's Forces and duly certified as such by the officer having authority to carry out such sale or purchase.

Immovable Property Tax.

Immovable
property tax
to be paid
into
improvement
fund.

34. (1) Subject to the provisions of section 35, and unless the Governor in Council may at any time otherwise direct in respect of any improvement area, any immovable property tax raised, levied, assessed or collected under any Law in force for the time being on any immovable property within an improvement area shall, after collection and after deduction of the costs of collection, be paid into, and form part of, the improvement fund for the area concerned.

Such immovable property tax shall be raised, levied, assessed and collected by the Government as a Government tax and shall, notwithstanding anything in any other Law contained, be at such rate, not exceeding $7\frac{1}{2}$ per thousand of the capital value of immovable property as assessed in accordance with the provisions of any Law in force for the time being, as may be fixed by the Board as in subsection (2) of this section provided.

(2) Every Board shall, not later than the first day of October in every year, inform the Director of Lands and Surveys of the rate per thousand fixed by such Board under subsection (1) of this section and, if they fail so to do, the rate shall be fixed by the Director of Lands and Surveys, subject always to the provisions of subsection (1) of this section.

Education
tax not to be
levied.
7 of 31/53.
Cap. 166.

35. Notwithstanding anything in section 87 of the Elementary Education Law contained, upon the levying of immovable property tax within an improvement area, as in section 34 of this Law provided, no Education tax shall be levied, assessed, collected or paid in respect of any immovable property within such improvement area:

Provided that, though no Education tax shall be levied, assessed, collected or paid in respect of any immovable property within such improvement area, the tax provided by section 95 of the Elementary Education Law may be levied, assessed, collected and paid as therein provided, as if an Education tax were levied, assessed, collected and paid in respect of any such property: Cap. 166.

Provided further that, notwithstanding anything in this Law contained, any tax provided by section 95 of the Elementary Education Law shall, when recovered in respect of immovable property in an improvement area, be dealt with as in the said section provided. Cap. 166.

Acquisition of Immovable Property.

36. Whenever any immovable property within an improvement area is required for any public purpose within the powers of the Board, the Board may acquire such immovable property by agreement. Acquisition of immovable property by agreement.

37. (1) If any immovable property within an improvement area required for any public purpose within the powers of the Board cannot be acquired by agreement, the Board may, by resolution of a majority of not less than two-thirds of the members actually holding office decide that the immovable property be acquired for the public purpose specified therein. A copy of such resolution and of the minutes relating thereto, 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, shall be forwarded to the Commissioner for the consideration of the Governor as hereinafter provided. Compulsory acquisition of immovable property.

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

(3) At the expiration of the period set out in the notice, the Commissioner shall forward to the Governor the documents mentioned in subsection (1) of this section 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 Board 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, if the owner of the immovable property does not agree with the Board as to the sum to be paid as compensation for it, the same shall be 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:

Provided that a Board 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.

8 of 31/53.

(5) Within three months from the date of agreement or determination of the sum to be paid as compensation for the acquisition of such immovable property, as hereinbefore provided, the sum so agreed or determined, as the case may be, shall be paid to the owner of such immovable property or deposited to his account with the Accountant-General; and, if it is not so paid or deposited, the sanction of the Governor for the acquisition of such immovable property as aforesaid shall be deemed to be revoked:

Provided that where the property to be acquired is charged with the payment of any money, the sum agreed or determined to be paid, as the case may be, for the acquisition thereof, shall be deposited in the District Lands Office to be paid out to the persons in whose favour such charges operate in satisfaction in whole or in part of the sums due to them, in accordance with their respective priorities as on the day of the deposit of the money, any balance being paid to the owner of the property to be acquired:

Provided further that, if the immovable property to be acquired is subject to any lease, the Court may, on the application of the lessee of the property made before the payment or deposit of the money agreed or determined to be paid as compensation for the acquisition thereof, direct that there shall be paid to him such portion of that sum as shall, in the opinion of the Court, be sufficient to compensate him in respect of the determination of his tenancy.

8 of 31/53.

(6) On payment or deposit with the Accountant-General or the District Lands Office of the sum agreed or deter-

mined to be paid as compensation for the acquisition of such immovable property, as in subsection (5) of this section provided, such immovable property shall vest in the Board free from all encumbrances and the Director of Lands and Surveys shall cause registration of such immovable property to be made in the name of such Board in accordance with the plan approved by the Governor.

(7) Where immovable property is required by any Board for the opening of a new street, the Board may acquire a sufficient extent of immovable property on each side of the proposed street to admit of the erection thereon of suitable buildings with a frontage on the new street.

38. Any Board may, with the consent of the Administrative Secretary, sell, lease or exchange any immovable property compulsorily acquired under the provisions of this Law in excess of the extent actually required for the purposes in respect of which it has been acquired:

Power to Board to sell, etc., immovable property compulsorily acquired.

Provided that the person from whom the immovable property was acquired shall have the right to pre-emption at the price at which it was acquired from him by the Board or, if only a portion of such immovable property is in excess of requirements, at a price proportionate to that at which the whole was acquired from him.

39. Notwithstanding anything in this Law contained, a Board shall not be compelled to acquire the immovable property, unless it has been registered in their names under the provisions of subsection (6) of section 37 after payment of the compensation due therefor:

Power to Board to abandon project.

Provided that any costs and expenses incurred by any owner by reason of the proposed acquisition and the failure of the Board to acquire the immovable property shall be paid to such owner by the Board.

PART IV.

ESTIMATES, FINANCES AND ACCOUNTS.

Estimates.

40. The annual estimates of the revenue and expenditure of a Board shall be prepared by the Chairman at such a date as will admit of their consideration and approval by the

Annual estimate.

Board before the beginning of the period to which the estimates relate. The financial year of all Boards shall begin on the first day of January.

Improvement Fund.

Improvement fund.

41. For every improvement area, there shall be a fund to be called the improvement fund which shall consist of—

- (a) all rates, fees, rents, tolls or charges collected under the provisions of this Law, or any bye-law made thereunder;
- (b) all fines, penalties and costs recovered under the provisions of this Law, or any bye-law made thereunder;
- (c) all rents and profits of and arising out of all property of the Board;
- (d) generally all other moneys received by the Board or by an officer, servant or agent thereof for and on behalf of the Board.

Application of improvement fund.

42. The improvement fund shall be applied to, and charged with, the following payments:—

- (a) the salaries or remuneration of the Secretary, Treasurer and such other officers or servants as the Board may, under the provisions of this Law, appoint or employ;
- (b) all expenses necessarily and lawfully incurred by or on behalf of the Board under the provisions of this Law; and
- (c) all other moneys legally due and owing by the Board;

Provided that no payment shall be made out of an improvement fund, unless the same is authorized under the approved current estimates or is authorized by a special resolution of the Board.

Treasurer to receive and make payments.

43. All payments to and out of an improvement fund shall be made to or by the Treasurer or by any other person authorized by the Chairman of the Board in that behalf.

Moneys to be paid into Bank.

44. All moneys belonging to or received for or on account of a Board shall be paid into the account of the Board at such Bank as the Board shall appoint:

Provided that the Board may, from time to time,

authorize the Treasurer or any other officer of the Board to retain in his hands a sum sufficient for the daily expenses of the Board.

Accounts and Audit.

45. (1) Every Board shall cause a true account to be kept by the Treasurer of all moneys received and paid by or on behalf of the Board. Board to keep accounts.

(2) Within thirty days of the thirty-first day of December of every year, the accounts of every Board up to and including such day shall be closed, and shall be certified by the Chairman of the Board.

46. The accounts in section 45 mentioned shall be produced by the Treasurer or any other person authorized by the Board in that behalf for audit by one or two competent persons appointed for that purpose by the Colonial Secretary and all expenses and fees in connection with such audit shall be defrayed out of the improvement fund. Accounts to be audited.

PART V.

MISCELLANEOUS.

47. (1) If any rates, fees, rents, tolls or charges payable under this Law or any bye-law made thereunder, though properly due, remain unpaid, the Chairman of the Board may forward to the Comptroller of Inland Revenue a certificate under his hand recording the names of the persons who have failed to pay such rates, fees, rents, tolls or charges as specified therein and the Comptroller, upon receipt of such certificate, shall issue a warrant authorizing the collection of such rates, fees, rents, tolls or charges together with any increase as in subsection (3) provided. Collection of fees, charges or rates remaining unpaid.

(2) Every such warrant shall be in the like form with the necessary modifications as a warrant issued under the Tax Collection Law, and shall be enforced and the like proceedings may be had thereon as if it were a warrant issued under the said Laws. Cap. 329.

(3) If any rates, fees, rents, tolls or charges payable under this Law or any bye-laws made thereunder are not paid when properly due under the Law or such bye-laws, such rates, fees, rents, tolls or charges shall be increased by twenty-five per centum.

Power to enter premises.

48. (1) The Chairman of a Board or any person authorized by him in writing in that behalf, or the District Medical Officer or any person authorized by him in writing in that behalf, may without warrant enter any premises other than a dwelling house at any time between the hours of sunrise and sunset or, in the case of any business premises, at any hour when the business is usually carried on, for the purpose of ascertaining whether the provisions of this Law or any bye-law made thereunder are being complied with.

(2) Any person who prevents or obstructs any person mentioned in subsection (1) of this section in the exercise of the powers conferred upon him by that subsection shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding ten pounds or to both such imprisonment and fine.

Obstructing officers or servants of a Board in the execution of their duties.

49. Any person who obstructs any officer or servant of the Board in the execution of any of the provisions of this Law or bye-law made thereunder shall be guilty of an offence and shall be liable to imprisonment not exceeding one month or to a fine not exceeding ten pounds or to both such imprisonment and fine.

Court to order payment of fees or duties not paid.

50. Wherever a person is convicted of an offence against this Law or any bye-law made thereunder, the Court trying the offence shall, in addition to any other punishment it may consider fit to impose on such person, order such person to pay any rates, fees, rents, tolls or charges payable in respect of the matter to which the offence relates.

Board may sue and be sued in its name.

51. (1) In all legal proceedings the Board may sue and be sued in its name.

(2) A Board shall, for the purposes of this Law, bear the name "Improvement Board of _____" (*inserting the name of the improvement area*).

Defraying of legal expenses.

52. All legal expenses incurred by the Board in carrying out the provisions of this Law or any bye-law made thereunder shall be defrayed out of the improvement fund concerned.

Power to the Chairman to compound offences.

53. Notwithstanding anything in this Law contained, the Chairman of the Board may, at his discretion, compound any offence against the provisions of this Law or of

any bye-law made thereunder by accepting from the person who has committed or is reasonably suspected of having committed such offence a payment in money not exceeding the maximum monetary penalty prescribed for the offence by this Law or the respective bye-law made thereunder. The amount so collected shall be paid into the improvement fund concerned and shall form part thereof.

54. (1) Any person aggrieved by—

Appeals to Governor.

- (a) the refusal of the Board to grant or renew a licence or permit; or
- (b) the withdrawal, suspension or revocation of a licence or permit by the Board; or
- (c) any term or condition attached by the Board to any licence or permit or any renewal thereof; or
- (d) the imposition or assessment by the Board of any sum exceeding two pounds,

may, within fourteen days from the date of notification of the decision of the Board upon any matter as in this section mentioned, appeal to the Governor, whose decision thereon shall be final and conclusive.

(2) Every such appeal shall be in writing and signed by the appellant; it shall set out the grounds upon which it is founded and shall be made to the Governor through the Commissioner who shall transmit the appeal together with his observations thereon to the Governor.

55. (1) Notwithstanding anything in any Law contained, the Governor in Council may, on the application of a Board and on payment by such Board of such annual sum as the Governor in Council may from time to time determine, remit any Court fees payable by the Board in respect of any legal proceedings instituted by such Board for the enforcement of the provisions of this Law or of any bye-law made thereunder, and thereafter no such fees shall be paid by any Board in respect of which such remission has been made.

Commutation of Court fees.

(2) No advocate's fees shall be awarded by any Court against any person in any proceedings instituted by a Board in respect of which the Court fees have been remitted under the provisions of subsection (1) of this section:

Provided that provision may be made in the estimates of such Board for the remuneration of advocates employed for the conduct of prosecutions or to advise the Board in any legal matters.

Appearance
in legal pro-
ceedings
and service.

56. Any Board may appear before any Court or in any legal proceedings by their Chairman or by the Secretary or by an officer or member of the Board authorized generally or in respect of any special proceedings by the Board, and service of any summons or order or other proceeding upon the Chairman of the Board shall be deemed effectual service on the Board.

Power
to depute
duties,
powers and
authorities.

57. (1) The Chairman may, at any time by writing under his hand, depute to any person all or any of the duties, powers and authorities vested in him by the provisions of this Law.

(2) The Administrative Secretary may, at any time by writing under his hand, depute to any person all or any of the duties, powers and authorities vested in him by the provisions of this Law.

The Public
Health
(Villages)
Law
to cease to
apply to
villages
declared
to be
improvement
areas.
Cap. 259.

58. Where any village to which the provisions of the Public Health (Villages) Law apply has been declared an improvement area by an Order of the Governor made under section 4 of this Law, the provisions of the Public Health (Villages) Law shall cease to apply to such village and any moneys in the Village Health Fund thereof shall be transferred by the Village Health Commission to the Board of the improvement area concerned and shall form part of the improvement fund thereof and all other property acquired by or vested in or held by, and all rights and liabilities of, such Village Health Commission, shall, without prejudice to the rights of any person, vest in the Board for the improvement area concerned; and the Governor may give such supplementary directions as he may deem fit for the effective carrying out of the Order.

The pro-
visions of
this Law to
cease to
apply to the
improvement
areas
becoming
municipal
corporations.
Cap. 240.

59. Where by any proclamation or notice made by the Governor under and by virtue of any of the provisions of the Municipal Corporations Law, an improvement area becomes a municipal corporation or part of a municipal corporation, the provisions of this Law shall cease to apply to such improvement area and any moneys in the improvement fund thereof shall be transferred by the Board to the council of the municipal corporation concerned and shall form part of the Town Fund thereof and all other property acquired by or vested in or held by, and all rights and liabilities of, such Board shall, without prejudice to the rights of any person, vest in the council

of the municipal corporation concerned; and the Governor may give such supplementary directions as he may deem fit for the effective carrying out of the proclamation or notice.

60. The Governor may, by Order published in the Gazette, abolish any improvement area and give such directions as to him may seem fit for the winding up of the affairs of such area and for the disposal of any assets and liabilities of such area.

Power to
Governor to
abolish an
improvement
area.

61. (1) Any moneys in the Improvement Fund of any carob weighing and shipping place and any moneys in the Summer Resort Development Fund of any summer resort, established under the provisions of any of the Laws repealed by this Law, shall vest in the Board established under the provisions of this Law for the improvement area concerned and shall form part of the improvement fund of such improvement area.

Savings.

(2) All loans and all other obligations or liabilities made or incurred by any committee or any board established under the provisions of any of the said Laws shall, without prejudice to the rights of any other party thereto, be deemed to have been made or incurred by the Board under the provisions of this Law.

(3) All bye-laws, rules and regulations made by any Committee or any board established under the provisions of any of the said Laws shall be deemed to be bye-laws made by the Board established under the provisions of this Law for the improvement area concerned and shall, in so far as they are not inconsistent with the provisions of this Law, remain in force until revoked or replaced by bye-laws made under the provisions of this Law.

(4) All Committees appointed under the Carob Weighing and Shipping Place Improvement Law, and all Summer Resorts Development Boards established under the Summer Resorts (Development) Law, shall be deemed to be Boards established under and for the purposes of this Law in respect of the villages or areas to which they relate and shall continue to function until new Boards are established in their place as in this Law provided.

1949
Cap. 56.
1949
Cap. 255.

[SCHEDULE.]

SCHEDULE.

(Section 37 (2).)

THE VILLAGES (ADMINISTRATION AND IMPROVEMENT) LAW, CAP. 243.

Notice is hereby given that the following immovable property (*describe immovable property, giving measurements and showing boundaries whenever practicable*) is required by the Board of the _____ improvement area for _____ (*set out the public purpose*).

Any person claiming to have any right or interest in the said immovable property, who objects to the acquisition of such property, is required within six weeks from the date of the posting 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 Board of the aforesaid improvement area is willing to treat for the acquisition of the said immovable property.

A plan showing the immovable property described above is available for inspection at _____.

Dated this _____ day of _____, 19____.

Commissioner of _____.

Posted this _____ day of _____, 19____.

(Sgd.)

This Law came into operation on the 1st October, 1950 (50, Vol. II, 377).

The Laws repealed by this Law were:

- (a) The Carob Weighing and Shipping Place Law, 1949, Cap. 56.
- (b) The Summer Resorts (Development) Law, 1949, Cap. 255.