

CAP. 246.

CYPRUS

VILLAGE OBLIGATIONS

CHAPTER 246 OF THE LAWS

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1959

CHAPTER 246.

VILLAGE OBLIGATIONS.

ARRANGEMENT OF SECTIONS.

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TO ENABLE VILLAGE AUTHORITIES TO ENTER INTO
CONTRACTS AND OBLIGATIONS ON BEHALF OF VILLAGE
COMMUNITIES.

[8th July, 1901.]

1949
Cap. 258.
65 of 55.
Short title.

1. This Law may be cited as the Village Obligations Law.

2. In this Law—

“householder” includes any male inhabitant of a village of not less than eighteen years of age whether assessed for taxation or not and any female inhabitant of a like age who is assessed for any form of taxation;

“proprietor” means any person of not less than eighteen years of age possessing any immovable property or entitled to enjoy any water rights within the boundaries of the lands of the Village;

“Village Community” means the community of a village possessing a mukhtar and azas and includes the community of any quarter possessing as such a mukhtar and azas.

Interpretation.
2 of 34/28.

3. Whenever, at a meeting convened for the purpose by the Commissioner of the district (of which at least ten days' notice in writing shall have been posted in two conspicuous places in the village) the majority of the householders then present decide that any contract or obligation shall be entered into on behalf of the Village Community, and the Governor is satisfied that such contract or obligation is for the benefit of the village, the Governor may authorize the mukhtar, and any one member of the Village Commission to execute the contract or obligation on behalf of the village; and every contract or obligation so executed shall be binding upon the Village Community according to the terms thereof.

Power of mukhtar and aza to execute obligations on behalf of villages.
3 of 34/28.

4. The mukhtar for the time being of any village shall be competent to sue and be sued for and on behalf of the Village Community in any legal proceedings arising out of or relating to any contract or obligation entered into in accordance with this Law.

Mukhtar to represent village in legal proceedings.

5. (1) If any Village Community wishes to enter into a contract or obligation under this Law an application in writing (signed and sealed by the mukhtar) must be sent to the Commissioner of the district expressing such desire and accompanied by a list of the householders and proprietors of the village, signed and sealed as aforesaid.

List of householders and proprietors.

(2) On receipt of the said lists the Commissioner shall cause a copy thereof to be posted in the village and any person desiring to make any objection to either of the lists must apply within seven days of the posting to the Commissioner who shall cause such alterations to be made in the lists as he shall deem necessary.

6. No contract or obligation which may impose any pecuniary liability upon a Village Community shall be entered into on behalf of a Village Community unless more than one-half of the aggregate number of householders and proprietors of such Village Community are in favour of such contract or obligation being entered into on behalf of such Village Community.

Pecuniary liability on village not permissible without agreement of majority.
4 of 34/28.

7. If at a meeting convened in manner required by section 3 of this Law, to which the proprietors of the village shall be also summoned, and for the purpose of deciding if any contract or obligation which may impose any pecuniary

Power of Commissioner to ascertain views when

meeting in-
sufficiently
attended.
5 of 34/28.

liability upon a Village Community shall be entered into, there are not present at any such meeting more than one-half of the aggregate number of householders and proprietors of such Village Community required under the provisions of section 6 of this Law for the purpose of deciding if such contract or obligation shall be entered into, the Commissioner of the district in which such Village Community is domiciled shall ascertain in manner hereinafter described if more than one-half of the aggregate number of householders and proprietors of the Village Community are in favour of such contract or obligation being entered into on behalf of such Village Community.

Mode of
ascertaining
views when
meeting in-
sufficiently
attended.

8. If at a meeting convened in manner and for the purposes referred to in section 7 of this Law there is not present a number of householders and proprietors sufficient to decide if any contract or obligation in relation to which the meeting is convened shall be entered into on behalf of such Village Community the Commissioner of the district in which such Village Community is domiciled may call upon each householder and proprietor of such Village Community to state if he is in favour of such contract or obligation being entered into on behalf of such Village Community.

Com-
missioner to
report to
Governor
and pro-
ceedings
subse-
quent to
such report.
6 of 34/28.

9. If as a result of an inquiry referred to in section 8 of this Law the Commissioner of a district finds that more than one-half of the aggregate number of householders and proprietors of a Village Community required under the provisions of section 6 of this Law for the purpose of deciding if the contract or obligation shall be entered into are in favour of such contract or obligation being entered into on behalf of the Village Community of which the said persons are householders or proprietors he shall forthwith report the result of such finding to the Governor and the Governor if satisfied that such contract or obligation is for the benefit of the village may authorize the mukhtar and any one member of the Village Commission to execute the contract on behalf of the village.

Mode of
assessment
of liability.
List to be
prepared.
2 of 2/39.

10. (1) In every case in which any contract or obligation imposing any pecuniary liability upon a Village Community has been entered upon in manner hereinbefore in this Law provided, it shall be the duty of the mukhtar in conjunction with the other members of the Village Commission of such Village Community to prepare, within twenty-eight days from the date of the execution of such

contract or obligation, a list showing the amount of money which should equitably be contributed by each householder and proprietor for the purpose of meeting such pecuniary liability and providing for the payment of a fee to the mukhtar at the rate of five hundred mils in respect of the first year and at the rate of two hundred and fifty mils in respect of each subsequent year during which such pecuniary liability will continue under such contract or obligation. In the case of a proprietor the assessment shall be based upon the extent of the benefit accruing to the property of each proprietor under such contract or obligation.

(2) The aggregate of the amounts of money thus assessed upon and to be contributed by the householders and proprietors of a Village Community shall be sufficient to provide for all the due and proper payments required by the terms and conditions of such contract or obligation and for the payment of the fee of the mukhtar in subsection (1) prescribed.

Aggregate must cover payments under contract.
2 of 15/37.

(3) A copy of the list of householders and proprietors and of the amounts of money assessed for contribution by such householders and proprietors prepared in manner in this section hereinbefore provided shall within fourteen days after the period prescribed for the preparation thereof be posted or caused to be posted by the mukhtar of the village concerned for a period of at least seven consecutive days in a conspicuous place in such village.

List of persons assessed and assessments to be posted in village.

(4) Within twenty-eight days from the date of the first posting of such list and assessments any person whose name is included in such list who objects to the payment of the amount of money which is assessed upon him therein may apply to the Commissioner of the district in which the Village Community concerned is domiciled for a rectification of such list and assessments.

Appeal from assessment.

(5) The Commissioner shall hear such application and his decision thereon shall be final.

(6) If as a result of a decision by a Commissioner it becomes necessary to rectify the list and assessments the Commissioner shall forthwith rectify the same in such manner as he shall think fit and shall make such adjustments in all or any of the assessments as such rectification may necessitate and which the Commissioner shall under the circumstances deem right and proper.

Commissioner may adjust assessments.

If no application for rectification list to be lodged in Commissioner's office.

(7) If after the expiration of the prescribed period no application has been made to the Commissioner by any person concerned for rectification of the list and assessments they shall be signed and sealed by the mukhtar by whom they are prepared and deposited at the office of the Commissioner.

Rectified list to be kept by Commissioner.

(8) In the event of a rectification of a list and assessments having been made by a Commissioner as hereinbefore provided such list and assessments so rectified shall be kept by him at his office.

Annual revision of list.
2 of 2/39.

(9) The list and assessments as filed in the office of the Commissioner shall be revised annually by the Commissioner with the assistance of the mukhtar upon a date not less than twenty-eight days after the day of the month upon which the contract or obligation in respect of which such list and assessments were prepared was executed, and the Commissioner may at such annual revision make such alterations, revisions and adjustments as he may deem necessary.

List evidence of liability.

(10) The list and assessments as filed in the office of the Commissioner shall be evidence that the persons named therein are liable to pay the amounts of money therein assessed upon them:

Provided that no person shall be personally liable in respect of any pecuniary liability imposed upon any Village Community by any contract or obligation entered into on behalf of such Village Community under the provisions of this Law for an amount of money exceeding that for which he is assessed in such list:

Provided, however, also that if at any annual revision of such list and assessments it is found that any amounts of money assessed upon any persons cannot be recovered the Commissioner at such annual revision may apportion and assess as he shall think fit such irrecoverable amounts together with interest thereon upon those persons whose names are included in the list for the year subsequent to the date of revision.

Contributions: how recovered. Mukhtar to demand payment.
Cap. 208.

11. (1) Where any person has as hereinbefore provided become liable for the payment of any moneys in respect of any contract or obligation for securing the payments on and repayment of a loan made to a Village Community under the provisions of the Public Loans Law, it shall be the duty of the mukhtar of such Village Community to demand payment thereof at the proper time.

(2) If such moneys are not paid by such person to the mukhtar within fifteen days of such demand for payment it shall be the duty of the mukhtar to prepare forthwith a list in writing under his hand and seal showing the persons who have made default as aforesaid and the amount of the moneys in respect of which each such person is liable and every list purporting to be so signed and sealed shall be evidence that the persons named therein are liable to pay the amounts stated in the list until the contrary is proved by the person concerned.

On default of payment mukhtar to prepare list of defaulters.

(3) It shall be the duty of the mukhtar to submit the list aforesaid forthwith to the Commissioner of the district in which the Village Community which the mukhtar represents domiciled.

Defaulters list to be sent to Commissioner.

(4) Every District Council (Mejlis Idaré) shall on production of a certificate purporting to be under the hand of the Commissioner of the district that any moneys payable under this Law are properly due and unpaid issue their warrant to any officer authorized to collect revenue commanding him to demand immediate payment of the moneys due and in default of payment to levy the same by the seizure and sale of the movable property of the person by whom the money is payable:

Warrant of execution.

Provided that the Governor may in every case when in his judgment the circumstances require it order the postponement of the issue, and if issued, the execution of the warrant until such time as he may order and may impose such conditions as to the payment of the money as he may deem desirable:

Provided also that every such warrant when issued under such order as aforesaid shall operate in all respects as if it had issued immediately on default of payment.

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

Form of warrant
Cap. 329.

(6) All moneys received under this Law from any person shall be deposited with the Commissioner and shall be passed in the books of the Commissioner to the credit of the Village Community to which the person belongs and out of the moneys received and credited as aforesaid there shall be paid to the mukhtar a sum equal to the amount received in respect of the fee of the mukhtar in section 10 (1) prescribed.

Money recovered to be deposited with Commissioner.
3 of 15/37.

Recompense
to collectors.

(7) The Loan Commissioners may pay to any officer collecting moneys in accordance with the provisions of subsection (4) of this section such reward in respect of such moneys so collected as such Commissioners may deem fit.

Saving of
power to
levy special
rate.

(8) Nothing in this Law shall affect the power of the levy of a special rate upon the immovable property of a Village Community conferred by the provisions of section 15 of the Public Loans Law.

Cap. 208.

Compulsory
annual
audit.

12. Within eight days after the 30th of June in every year the accounts of the administration by the Village Commission of every Village Community of any loan made under the provisions of the Public Loans Law, shall be closed down to such date, and after having been examined and verified by the mukhtar and any one member of the Village Commission concerned shall be signed by such mukhtar and such member of such Village Commission and shall be examined and audited by two skilled persons to be appointed by the Commissioner of the district in which such Village Community is domiciled.

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Penalty for
neglect of
duty
imposed.

13. (1) Any person charged with any duty under this Law who wilfully or without valid excuse neglects or fails to carry out such duty shall be liable upon summary conviction to a fine not exceeding five pounds or in default of payment thereof to a period of imprisonment not exceeding one month.

(2) Any person who without due authority wrongfully in any way whatsoever interferes with the preparation or posting of any list or assessments required under this Law or renders or attempts to render any such list or assessment inoperative or inaccurate shall be liable upon summary conviction to a fine not exceeding five pounds or to a period of imprisonment not exceeding one month or to both such punishments.

Remedy in
case of
default of
performance
of duty by
a mukhtar
or Village
Com-
mission.

14. (1) Where it appears to the Commissioner that a mukhtar, Village Commission or a member of any such Commission, has made default in the performance of any duties under this Law or in enforcing any of the provisions of this Law, the Commissioner may make an order limiting a time for the performance of the duty in respect of which the default has been made.

2 of 65/55.

(2) If the duty is not performed by the time limited in the order, the Commissioner may appoint a temporary board consisting of one or more persons to perform such particular duty and shall by order direct that the expenses of performing the same shall be paid by the Village Commission concerned, and any order made for the payment of such expenses may be removed into the District Court of the District in which the village over which the defaulting mukhtar or Village Commission exercises authority is situate, and such order shall thereupon be enforced as if the same were an order of such Court.

The Commissioner may from time to time change the constitution of any such board.

(3) Any temporary board appointed under this section shall, in the performance of such duty, be invested with all the powers necessary for the performance of such duty.

(4) Any sum specified in an order of the Commissioner for the payment of the expenses of performing the duty of a defaulting mukhtar or Village Commission shall be deemed to be expenses properly incurred by the Village Commission and to be a debt due from the Village Commission and payable out of any moneys held on behalf of the Village Commission or out of any fee, charge or rate applicable to the payment of any expenses properly incurred by such Commission.

(5) The provisions of this section may be invoked in addition to, or in lieu of, any other action which may be taken, under this or any other Law in force for the time being, in respect of any default in the performance of any duties under this law.