

CAP. 345.

CYPRUS

**NICOSIA WATER SUPPLY
(ARAB AHMET AND SILIKDAR
VAKFS) MANAGEMENT**

CHAPTER 345 OF THE LAWS

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1959

CHAPTER 345.

NICOSIA WATER SUPPLY.

ARRANGEMENT OF SECTIONS.

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TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF THE
WATER SUPPLY OF THE VAKF AQUEDUCTS KNOWN AS
THE ARAB AHMET AND SILIKDAR AQUEDUCTS.

1949
Cap. 308.

[3rd May, 1919.]

Short title. 1. This Law may be cited as the Nicosia Water Supply (Arab Ahmet and Silikdar Vakfs) Management Law.

2. In this Law—

“ land ” includes buildings and trees.

Interpreta-
tion.

3. (1) The Nicosia Water Supply (Arab Ahmet and Silikdar Vakfs) shall be managed and controlled by a Water Commission consisting of the following persons:—

Water
Commission.

not less than two and not more than four members at any one time to be appointed by the Governor;

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two members of the High Council of Evcaf to be appointed by the High Council;

2nd Sch. of
24/59.

two members to be appointed by the Municipal Council or Commission of Nicosia.

(2) The members appointed by the Governor shall hold office during such time as the Governor shall think fit. The members to be appointed by the High Council of Evcaf and the Municipal Council or Commission of Nicosia shall hold office during the period of two years from the date of their appointment.

2nd Sch. of
24/59.

(3) The Governor shall appoint one member of the Water Commission to be chairman, and such member shall be chairman during the period for which he shall be appointed.

4. The Water Commission shall provide an adequate supply of pure and wholesome water, and shall maintain the waterworks in good condition and repair and shall, if necessary, reconstruct the same.

Water
Commission
to provide
adequate
supply of
water.

5. The Water Commission may, with the approval of the Governor, appoint such officers and servants as may be necessary for the efficient exercise of the powers and obligations vested in and imposed on them by this Law:

Water
Commission
with
approval of
Governor to
appoint
officers.

Provided that such officers and servants shall hold office during the pleasure of the Governor, and shall receive such remunerations as the Water Commission, with the approval of the Governor, shall determine.

6. Subject to the provisions of this Law, the Water Commission may make rules relating to all or any of the following matters, namely—

Powers of
Water
Commission
to make
rules.

- (a) the time and place of its meeting;
- (b) the mode of convening its members;
- (c) the attendance of its members;
- (d) the form and order of its debates;
- (e) the powers and duties of its officers and servants;
- (f) the general regulation of its proceedings and the mode of conducting its business.

Power of
Water
Commission
to make
bye-laws.

7. (1) The Water Commission may make bye-laws for the following matters—

- (a) regulating the supply of water for sanitary and domestic purposes and fixing and levying the rates or rents for the same;
- (b) regulating the supply of water by meter and fixing the price to be paid for the same;
- (c) with respect to the time and mode of making application for any supply of water;
- (d) with respect to the manner of laying house services, the quantity of water to be supplied and the nature and quality of the meters and other appliances and apparatus to be used;
- (e) with respect to the circumstances in which a water supply shall be stopped;
- (f) with respect to the management and control of the waterworks and for the prevention of waste or misuse of water.

(2) any person who—

- (a) violates the provisions of any such bye-laws; or
- (b) refuses or neglects to act in obedience thereto; or
- (c) resists, opposes, or obstructs the lawful execution thereof,

shall be liable to a fine not exceeding ten pounds:

Provided that until new rules and bye-laws, to relate to any of the above-mentioned matters, are brought into operation under this Law, the existing Law shall, so far as it is consistent with the provisions of this Law, remain in full force and effect.

Bye-laws to
be approved
by Governor.

8. Bye-Laws made by the Water Commission under this Law shall not take effect unless and until they shall have been submitted to and approved of by the Governor, who may allow or disallow the same, or any part thereof, as he may think proper. Subject to such approval such bye-laws shall be published in the Gazette and shall thereupon have the force and effect of law.

Property,
and all
books, etc.,
shall be
vested in
Water
Commission
on its ap-
pointment.

9. On and after the appointment of the Water Commission under this Law, all property, real and personal, and all books, papers and documents which, at the time of such appointment shall be vested in or belong to the authority for which it is substituted, and all the rights, powers and liabilities thereof shall vest in and belong and be attached to such Water Commission; and all contracts, covenants, agreements, and obligations whatsoever relating to the

property or affairs of such outgoing authority shall be deemed to be contracts, covenants, agreements and obligations of such Water Commission and shall and may be enforced and performed accordingly.

10. The right of the High Council of Evcaf to be supplied from the said aqueducts free of charge with so much water as at the date of the coming into force of this Law they have been accustomed to receive for use at the Mosques and other Moslem religious institutions and at the baths and other Vakf properties of the Department shall continue, and the provision of such water shall be at first charge on the whole supply.

Saving of rights of Evcaf to receive water for Mosques, etc

11. All rights lawfully acquired to supplies of water from the aqueducts, other than the rights specified in the preceding section, shall be preserved and maintained, subject to any liability attaching thereto:

Saving of private rights.

Provided always that the Water Commission may at any time cancel any supply of water granted after the year 1878 upon payment to the person receiving such supply of the amount of money at any time paid in respect thereof.

12. The right to receive the ijares covenanted to be paid or customarily paid in respect of the supply of water from the said aqueducts and the right to resume possession of water which has become Mahlul shall, after the coming into force of this Law, be vested in and be recoverable by the Water Commission.

Ijares and Mahlul water.

13. The Water Commission shall, within a period to be fixed by the order of the Governor (who is hereby authorized to extend such period if in his opinion it shall appear necessary to do so), make a register setting forth—

Investigation and registration of private rights.

- (a) the approximate amount of water which, at the date of the coming into force of this Law, was accustomed to be supplied from the Arab Ahmet or Silikdar aqueduct free of charge to any Mosque or other Moslem religious institution or to any Vakf bath or other Vakf property;
- (b) the rights to receive water from the above-named sources which, at the date of coming into force of this Law, were lawfully held and enjoyed by any person and the conditions as to payment of an ijare or annual rent or otherwise subject to which such rights were held.

Power to
compel
attendance
of witnesses.

14. The Water Commission shall, before the holding of an inquiry for the purpose of making the register, cause a notice to be published at such time or times as may be appointed by the Water Commission calling upon all interested persons to appear before the Water Commission with the evidence upon which they rely to support their claims; and, for the purposes of the above inquiry, the Water Commission may require by summons the attendance of any person whose presence or evidence they may consider necessary for the investigation or settlement of any question arising during the inquiry, and any person refusing to attend on such summons or to answer any questions material for the purpose of the inquiry, or to produce any document he may be required to produce, shall be liable to a fine not exceeding one pound.

The Water Commission may, for the purposes of the inquiry, take evidence on oath or affirmation; and any person wilfully giving false evidence upon such oath or affirmation shall be liable to the same penalties as if he had given false evidence in a judicial proceeding.

Publication
of register.

15. On the completion of the inquiry the Water Commission or, if they disagree, the majority of them shall sign the register and deposit the same at the offices of the Commissioner of Nicosia where it shall be open to the inspection of the public at any reasonable hour. The Water Commission shall cause to be posted at the offices of the Commissioner of Nicosia a notice stating that the register has been so deposited as aforesaid and that any persons objecting to their rights as therein recorded must make their objections within one month of the date of such notice.

Disposal of
objections to
the register.

16. Every such objection as is mentioned in the last preceding section shall be brought within one month of the date of the publication of the notice by an action in the District Court of Nicosia to be instituted by the person objecting to the register against the Water Commission as defendants, and the decision of the District Court on any such objection may be appealed from in the same manner and subject to the same restrictions as if it were a decision in a civil action, save that no decision shall be unappealable by reason of the value of the water in respect of which it was given.

Register
when final.

17. At the expiration of one month from the date of publication of the notice as aforesaid the register, except so

far as the same has been objected to, shall be binding on all persons and shall for the purposes of this Law be deemed to be final and conclusive evidence of the rights therein recorded.

18. Annual estimates of the revenue and expenditure of the Water Commission shall be prepared by the Water Commission in respect of the financial year ending the thirty-first day of March in such form as shall be prescribed by the Governor, and shall be submitted by the Water Commission to the Governor in the month of December in each year.

Water Commission to send to Governor annual estimate of revenue and expenditure.

19. (1) The Water Commission may, with the consent and under the authority of an Order of the Governor in Council and subject to such terms and conditions as may be imposed by such Order, borrow moneys for any of the purposes of this Law and may secure the repayment of the principal and interest by mortgaging any rate, rent, immovable property or waterworks or any part thereof.

Borrowing powers.
2 of 21/33.

(2) Notwithstanding anything contained in any other enactment the Governor may authorize the High Council of Evcaf to guarantee any moneys borrowed by the Water Commission under this section and every such guarantee shall be a charge on the revenue of the Evcaf Office.

20. The moneys to be raised by way of rates and rents and otherwise as hereinbefore provided shall be applied by the Water Commission, firstly, in the maintenance in good order and condition and the upkeep of the waterworks; secondly, in the payment of the interest on any loan raised for their construction or repair; and thirdly, in payment of the sinking fund of such loan. Any surplus which shall arise after the discharge of all liabilities of the Water Commission shall be applied to the improvement of the Arab Ahmet and Silikdar Vakf Water Supply.

Application of moneys raised from rates and rents, etc.

21. The Water Commission may remit wholly or in part any water rate or rent on the ground of poverty of the person liable to pay the same.

Remission of rates, etc., by water authority.

22. The Governor may, upon the request of the Water Commission, if he shall think it expedient, acquire for the purposes of the waterworks any springs, or waters, and also any lands which may be reasonably required for such purposes, and to that end the Governor may contract and agree with the owners of such springs, waters, or lands,

Acquisition of property.

and with all parties having an estate or interest in the same, for the purchase of such springs, waters, or lands or such part thereof and all such rights, estates and interests into and over the same, as may be required.

Acquisition of property under Land Acquisition Law.

23. In the event of the Governor and such owners, occupiers or parties interested as aforesaid, being unable to agree as to the purchase money or otherwise, then the Governor may proceed to acquire the said springs, waters, or lands in the same way as land may be acquired under the provisions of the Land Acquisition Law.

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Land acquired to be vested in Water Commission.

24. Upon payment or tender of the purchase money agreed or awarded to be paid in respect of any springs, waters or lands purchased or taken by the Governor as aforesaid for the purposes of the waterworks the Water Commission may immediately enter upon such springs, waters, or lands, and all the estate right, title, interest, claim and demand of all parties, shall be vested in the Water Commission for the purposes of this Law.

Breaking up highways.

25. The Water Commission may for the purposes of the waterworks open and break up the soil and pavement of the roads and streets and may open and break up any sewers, drains, or tunnels, within or under any roads and streets and lay down and place pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same; and for the purpose aforesaid remove and use all material in and under such roads and streets and do all other acts which they shall from time to time deem necessary, doing as little damage as can be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers. The Water Commission shall also have power to cross private lands and lay down and place their pipes therein, and from time to time repair, alter, or remove the same, paying only surface or tenants' damages to the persons to whom such lands may belong unless any special damage shall be committed on such lands requiring a higher compensation.

Notice of intention to break up highways.

26. Before the Water Commission open or break up any road, street, sewer, drain, or tunnel, they shall give to the persons under whose control or management the same may be, or to their clerk, inspector, or other officer, notice in writing under the hand of an officer of the Water Commission of their intention to open or to break up the same,

not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

27. No such road, street, sewer, drain, or tunnel, shall—except in the case of emergency aforesaid—be opened or broken up except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan then according to such plan as shall be determined by the President of the District Court of the district; and such President of the District Court may on the application of the persons having the control or management of any such sewer or drain, or their officer, require the Water Commission to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain:

Local authority to superintend such breaking up.

Provided always, that if the persons having such control or management as aforesaid, or their officer, fail to attend at the time fixed for the opening of any such road, street, sewer, drain, or tunnel, after having had such notice of the intention of the Water Commission as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Water Commission may perform the work specified in such notice without the superintendence of such persons or their officer.

28. When the Water Commission open or break up the road or pavement or any road, or street or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so open or broken up, and carry away the rubbish occasioned thereby; and shall at all times whilst any such road or pavement shall be open or broken up cause the same to be fenced or guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept there every night during which such road or pavement shall be continued open or broken up, and shall, after replacing and making good the road or pavement which shall have been so broken up, keep the

Streets, etc., to be reinstated without delay.

Light to be kept burning at night.

same in good repair for three months thereafter and such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Right to enter upon lands and premises.

29. Any officer authorized in this behalf by the Water Commission, may enter upon the lands and premises from which a supply of water is obtained, and also upon the lands and premises through or under or over which a line of pipes passes or is intended to pass other than premises inhabited by Moslem women, in order to execute any works or repairs in connection with the waterworks.

Power to enter to prevent waste, etc.

30. Any officer authorized in this behalf by the Water Commission may at any time between sunrise and sunset, and subject to the observance of the custom of the country with regard to the entering of premises inhabited by Moslem women, enter into any house or premises supplied with water from any source under the control of the Water Commission in order to examine if there be any waste or misuse of water, or to execute any works or repairs in connection with the supply of the water, and if such officer at such time be refused admittance into such house or premises for the purpose aforesaid, or prevented from making such examination or works or repairs as aforesaid, the Water Commission may turn off the water supplied to such house or premises.

Penalty for offences not specially provided for.

31. Any person committing an offence against the provisions of this Law for which no penalty is specifically provided shall be liable to a fine not exceeding ten pounds.

Who to prosecute.

32. (1) All offenders against this Law, or against any bye-laws made thereunder, may be prosecuted by the Water Commission before a District Court.

(2) The Water Commission may appear before the District Court by any one of its members, or by any person other than one of its members, authorized in writing by its chairman, either generally or in respect of any particular proceedings, so to appear.

Penalties payable to Water Commission.

33. All penalties recovered under this Law and the bye-laws made thereunder shall be paid to the Water Commission.

Water Commission to sue and be sued in that name.

34. The Water Commission may sue and be sued by and in the name of the Water Commission of Nicosia.