

CAP. 56.

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FAMAGUSTA IMPROVEMENT

CHAPTER 56 OF THE LAWS

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1959

CHAPTER 56.

FAMAGUSTA IMPROVEMENT.

ARRANGEMENT OF SECTIONS.

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TO PROVIDE FOR THE IMPROVEMENT OF THE TOWN
OF FAMAGUSTA.

1949 Cap. 85.

[9th August, 1898.]

Short title 1. This Law may be cited as the Famagusta Improvement Law.

Interpre-
tation.

2. In this Law—

“Municipality” means the Municipal Council or Commission duly constituted by law to exercise municipal authority and government within the town of Famagusta ;

“town” means the town of Famagusta as hereinafter defined ;

“town of Famagusta” means the area enclosed within the counterscarps of the ancient fortifications of the said town and the sea.

Plans.

3. The Municipality shall, whenever required so to do by the Governor, prepare a plan of the town of Famagusta, showing :—

(a) the position, extent and area of all existing streets, buildings and other spaces therein ;

(b) the manner in which it is desirable that the town shall be divided and laid out into streets, open

spaces and tenements, so as to secure the proper rebuilding, reconstruction and sanitation of the town ;

- (c) the tenements in the possession or occupation of private persons which will be affected by the division and laying out.

And for the aforesaid purposes the Governor may afford the Municipality such assistance as may appear to him to be desirable.

4. Every such plan when completed shall be deposited in the office of the Municipality and shall remain open for the inspection of any person desiring to see it at any reasonable hour without the payment of any fee. Deposit of plans.

Notices of the deposit of any such plan shall be posted in conspicuous places within the town.

5. Any person who considers that he will be prejudiced or injuriously affected by the proposed laying out or reconstruction of the town shall make his objections thereto in writing, and shall deposit a copy of them at the office of the Municipality. Objections, how made.

6. After the lapse of two months from the date of its being deposited, the plan, with any objections thereto as aforesaid, shall be forwarded by the Municipality to the Governor, and the Governor in Council, after considering it, may alter or amend it in any way which to him may seem expedient. Submission and revision of plans.

A copy of the plan as finally settled by the Governor in Council shall be certified by the clerk of the council and shall be deposited in the office of the Municipality, and shall remain open for inspection by any person desiring to see it at any reasonable hour without the payment of any fee.

7. After the plan is so deposited the Municipality shall proceed to lay out the town of Famagusta in accordance with it, and for this purpose shall have the following powers and duties— Powers with regard to laying out town.

- (a) the Municipality may acquire the land shown on the plan as required for streets or drains as if the sanction of the Governor for the acquisition of the land had been notified under section 130 of the Municipal Corporations Law ;

- (b) the Municipality shall proceed to make the streets and drains and to clear the open spaces shown on the plan ;
- (c) the Municipality shall require the owners of the land comprised within the town of Famagusta to lay out and divide it in accordance with the plan ;
- (d) the Municipality shall apply to the Director of Lands and Surveys to have the lands in the town divided as shown on the plan and the Tapou Registration thereof made in accordance with the division ;
- (e) the Municipality shall proceed to assess in the manner hereinafter provided the value of the several tenements and holdings in the town as laid out and divided on the plan.

Assessment.

8. In assessing the value of tenements under the powers contained in this Law the Municipality shall take into account the enhancement of value consequent upon the reconstruction and improvement of the town.

Borrowing powers.

9. The Municipality, with the sanction of the Governor, may borrow such sums as may be necessary to enable them to carry out the provisions of this Law.

Repayment of expenses incurred in laying out town.

10. The total cost of laying out the town in accordance with the said plan, and of constructing the streets and drains and of reserving the open spaces shown in the plan, and all sums obtained by the Municipality to enable them to carry out the provisions of this Law, shall be and remain a first charge on all the lands comprised in the town until they are fully repaid with all interest which may accrue thereon ; and the amount of such cost shall be apportioned by the Municipality in the manner provided by this Law on the land as divided in the plan :

Provided always that this charge shall not operate on any lands or buildings belonging to the Government and used for public purposes, or on the space occupied by the ancient fortifications, or on any ancient building not put to profitable use, or on any property now used as a mosque, church or school or for the purpose of religious worship, or on any land in respect of which the improvement charge has been fully paid.

11. The amounts expended by the Municipality shall be repaid by the owners of the property within the town within a period not exceeding twenty years, in proportion to the value of the property as assessed as aforesaid held by the owners, by equal annual instalments, with interest on the amount at any time remaining unpaid at the rate of five per centum per annum. Such amount shall be termed the "improvement charge" and shall remain a first charge on the property notwithstanding any devolution or sale until fully paid with all interest due thereon.

Charge on owners.

12. Any person aggrieved by any assessment made by the Municipality may apply to the District Court; and the District Court is hereby empowered to hear the application and determine and fix the amount to be taken as the assessed value.

Appeal to District Court.

13. Where the owner of any tenement makes default in the payment of any instalment of any improvement charge or of any interest due thereon, the Municipality may, without any notice to him, apply to the District Court for an order of sale of the property in question; and the District Court, on the production of a certificate purporting to be signed by the clerk of the Municipality certifying the amount in default, may make an order for the sale of the property unless the sum is forthwith paid, or such other order as may seem just.

Proceedings in default of payment of improvement charge.

14. When the Municipality makes default or delay in carrying out the provisions of this Law the Governor may appoint any officer of the Government or other fit and proper person to carry them out; and the person so appointed shall, for the time for which he is appointed, have all powers conferred by this Law on the Municipality.

Power to appoint a person to act where Municipality makes default.

15. Where any person makes any default in carrying out the orders or instructions of the Municipality under this Law, the Municipality or the Director of Lands and Surveys, as the case may be, may apply to the District Court of Famagusta for an order calling upon the defaulter to comply with all such orders and instructions; and the District Court may thereupon make such order as may seem just; and any such order shall be deemed to be equivalent to an order made in a civil action, and may be enforced in like manner to any such order.

Enforcing obedience to orders of Municipality.