

CYPRUS

**RECOVERY OF COMPENSATION FOR
INJURY TO PROPERTY**

CHAPTER 84 OF THE LAWS

1959 EDITION

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1959

CHAPTER 84.

INJURY TO PROPERTY.

ARRANGEMENT OF SECTIONS.

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TO MAKE PROVISION FOR THE RECOVERY OF COMPENSATION
FOR INJURY CAUSED TO PROPERTY.

1949
Cap. 146.
38 of 54.
24 of 58.

[21st May, 1930.]

PART I.

PRELIMINARY.

Short title. 1. This Law may be cited as the Recovery of Compensation for Injury to Property Law.

2. In this Law—

Interpreta-
tion.

“ animals ” means any camel, horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, donkey, hog, pig or sow ;

“ Commissioner ” means the Commissioner of the District in which the property damaged or destroyed is situated or the damage or destruction has been caused, and includes any person appointed by the Governor under the provisions of section 19 of this Law ;

“ complainant ” means the owner or occupier, or his representative, of any property to which any damage or destruction has been caused by persons unknown or by undetected animals or by undetected sheep or goats ;

“ damage or destruction ” includes the abstraction, detachment or uprooting of property capable of being abstracted, detached or uprooted ;

“ owners of sheep or goats ” means every inhabitant who is an owner of sheep or goats, and every owner of sheep or goats who within seven days prior to the date of a discovery of any damage or destruction is known to have grazed sheep or goats, either personally or through a shepherd, within the lands of the village in which the said damage or destruction is discovered ;

“ property ” means any tree, plant, vine, fruit, vegetables, crops (whether standing or otherwise) or other agricultural produce whether raw or partly or wholly treated or manufactured ; any mandra, fence, wall or boundary mark ; any beehive ; any weir, dam, sluice, aqueduct or other construction or article made or used for the purpose of irrigation or drainage ; any animals as defined in this section ; and any ram, sheep or goat ;

“ tax-paying inhabitants ” includes—

- (a) every inhabitant of not less than eighteen years of age who is assessed for any form of taxation ;
- (b) every male inhabitant of a like age who is not assessed for any form of taxation ;
- (c) the superintendent of any monastery, metochi or teké and the occupier of any chiftlik situated within the lands of any village ;

“ village ” means any village and includes any town or quarter of any town to which this Law or any of the

provisions of this Law, whether partly or wholly, have been made applicable by an Order of the Governor in Council.

PART II.

RECOVERY OF COMPENSATION AND PROCEDURE.

Persons
liable to pay
compensa-
tion.

3. (1) Where any damage or destruction has been caused to property by persons unknown or by undetected animals the tax-paying inhabitants of the village or villages within the lands of which the property is situated or the damage or destruction has been caused shall be liable to pay compensation to the complainant as hereinafter provided:

Provided that where property situated within the lands of a village has been deliberately removed to the lands of another village for the purpose of causing damage or destruction thereto within the lands of the last mentioned village, then and in every such case the damage or destruction shall be deemed to have been caused within the lands of the village from which such property was removed:

2 of 24/35.

Provided also that no compensation shall be payable where the damage or destruction caused to such property

2(a) of 38/54.

is under one pound in value.

(2) Where any damage or destruction has been caused to trees, fruit or crops by undetected sheep or goats, the owners of sheep or goats of the village within the lands of which the damage or destruction has been caused shall be solely liable to pay compensation to the complainant as hereinafter provided :

3 of 24/35.

Provided that no compensation shall be payable where the damage or destruction caused to such trees, fruit or

2 (b) of 38/54.

crops is under five hundred mils in value.

Notice of
injury to be
given to
mukhtar and
police.

4. Where any damage or destruction has been caused to property by persons unknown or by undetected animals or to trees, fruit or crop by undetected sheep or goats and the complainant desires to obtain compensation under this Law, notice in writing of the damage or destruction shall be given by him or on his behalf as soon as possible by the mukhtar or any two members of the Commission of the village within the lands of which the property is situated or the damage or destruction has been caused and to the police at the nearest police station. Should the damage or destruction be caused to property situated within the lands

of more than one village notice shall be given to the mukhtar or any two members of each of the Commissions of every such village.

5. Upon the receipt of the said notice the mukhtar and any two members of the Commission or such person or persons as may be appointed by them in that behalf shall in company with the complainant forthwith inspect such damage or destruction.

Mukhtar and complainant to inspect damage.

6. (1) Upon such inspection the mukhtar and any two members of the Commission or their representative or representatives as aforesaid shall estimate forthwith the amount which should be payable as compensation in respect of the damage or destruction which has occurred.

Mukhtar and Commission to estimate damage.

(2) Such estimate shall be reduced into writing and shall be signed and sealed by the mukhtar and signed by the complainant if he agrees to such estimate.

(3) When such estimate has been signed by the complainant as aforesaid, it shall be final and conclusive as against the complainant.

(4) If the complainant does not agree with such estimate as aforesaid, the mukhtar shall forthwith furnish the complainant with a copy of such estimate.

(5) If the mukhtar and any two members of the Commission or their representative shall refuse to estimate any amount of compensation in accordance with the provisions of subsection (1) hereof on the ground that the damage or destruction was not caused by persons unknown, or by undetected animals or by undetected sheep or goats the complainant may thereupon apply to the Commissioner who shall inquire into the matter and if satisfied that the damage or destruction was so caused shall order the mukhtar and any two members of the Commission to estimate the compensation payable in accordance with the provisions of this section.

(6) If the mukhtar and any two members of the Commission or their representative estimate the compensation as being under the limits prescribed under subsection (1) or (2) of section 3 of this Law, as the case may be, the complainant may apply to the Commissioner who shall inquire into the matter and if satisfied that the damage or destruction was of such an amount as would entitle the complainant to compensation the Commissioner shall re-assess the compensation and shall notify the mukhtar who shall revise accordingly the estimate previously made.

4 of 24/35.

Duties of
mukhtar.

7. (1) Within ten days from the date of the receipt of the notice referred to in section 4 of this Law, the mukhtar shall—

- (a) prepare a list (hereinafter in this Law referred to as "the list") of the tax-paying inhabitants of the village or the owners of sheep or goats, as the case may be, and shall sign and seal the list;
 - (b) allocate the total amount of compensation and costs and fees incurred and payable under any Regulations made under this Law amongst
 - (i) all the tax-paying inhabitants in equal shares, if the damage or destruction has been caused to property by persons unknown or by undetected animals, or
 - (ii) all the owners of sheep or goats in proportion to the number of sheep or goats owned by each at the date of the discovery of the damage or destruction, if such damage or destruction has been caused to trees, fruit or crops by undetected sheep or goats.
- (2) The list shall at the foot thereof contain—
- (a) a description of the property damaged or destroyed ;
 - (b) a statement that the damage or destruction has been caused by persons unknown or by undetected animals or by undetected sheep or goats, as the case may be ;
 - (c) a statement of the total amount of the compensation payable and whether such amount has been agreed upon by the complainant or not ;
 - (d) a statement of the amount of costs and fees incurred and payable under any Regulations made under this Law ;
 - (e) a statement that the total amount of the compensation and the costs and fees aforesaid have been allocated amongst all tax-paying inhabitants or all owners of sheep or goats, as the case may be, in accordance with the provisions of subsection (1) (b) of this section ;
 - (f) the amount payable by each tax-paying inhabitant or by each owner of sheep or goats, as the case may be.
- (3) The mukhtar shall within the said period of ten days—
- (a) post a copy of the list in a conspicuous place in the village, and

- (b) forward a copy of the list to the Commissioner together with a certificate signed and sealed by the mukhtar specifying the date on which and the place in which the copy of the list has been posted in the village and also a copy of the estimate referred to in section 6 of this Law duly certified by him to be a true copy thereof.

8. (1) The complainant or any person whose name appears in the list so posted by the mukhtar as in the preceding section provided, may within ten days of the posting of such list lodge at the office of the Commissioner an objection in writing, duly signed by him, stating the grounds upon which such objection is made.

Objections
list and
limitations
thereof.

(2) No objection shall be lodged by the complainant, or if lodged shall be valid, unless made on the ground that the total amount of the compensation estimated under section 6 of this Law is inadequate.

(3) No objection shall be lodged by any person whose name appears in the list, or if lodged shall be valid, unless made on all or any of the following grounds—

- (a) that the damage or destruction has been caused by known persons or by animals whose owners are known or by sheep or goats whose owners are known, as the case may be ;
- (b) that the damage or destruction has been caused by accident or that the complainant has been concerned in or has contributed to, either directly or indirectly, such damage or destruction ;
- (c) that the total amount of the compensation payable is excessive ;
- (d) that the total amount payable has not been allocated amongst all the tax-paying inhabitants or all the owners of sheep or goats, as the case may be, according to this Law ;
- (e) that the damage or destruction was not caused within the lands of the village ;
- (f) that the person objecting is not a tax-paying inhabitant of the village or is not an owner of sheep or goats, as the case may be.

(4) Notwithstanding anything in this section contained no objection shall be lodged, or if lodged shall be valid, in any of the following cases:—

- (a) by a complainant who has agreed to and signed

the written estimate of compensation payable as provided in section 6 of this Law ;

3 (a) of 38/54. (b) (i) by any person whose name appears in the list of the tax-paying inhabitants when the amount payable by him is fifty mils or under ;

3 (b) of 38/54. (ii) by any person whose name appears in the list of the owners of sheep or goats when the amount payable by him is one hundred mils or under.

(5) All objections shall be invalid and no proceedings shall be taken thereon unless such objections have been lodged with the Commissioner within ten days of the posting of the list and unless such objections comply with the other requirements of this section :

3 of 26/33. Provided that the Commissioner in his discretion may, for good cause shown, extend the time within which such objections may be lodged.

Powers and duties of Commissioner.

9. (1) At any time after the expiration of ten days from the date of the posting of the list as in section 7 of this Law provided—

(a) if no valid objection to the list has been lodged as hereinbefore prescribed, the Commissioner shall confirm the list by a statement thereon over his signature to the effect that such list has been duly confirmed by him :

Provided that if the Commissioner finds that the name of any person is wrongly included in or omitted from the list or that any costs and fees appearing in the list are in excess of those prescribed by Regulations made under this Law, he may revise the list accordingly and confirm the same as revised ;

(b) if a valid objection to the list has been lodged as hereinbefore prescribed, the Commissioner shall hold an inquiry into and shall decide upon such objection. Upon determination of such inquiry the Commissioner may—

- (i) confirm the list as it stands, or
- (ii) alter or amend the list as he thinks fit and confirm the same as altered or amended, or
- (iii) declare the list to be null and void.

The Commissioner may also award costs and fees incurred and payable under any Regulations made under this Law

and may include such costs and fees in the list, or may if he declares the list to be null and void, issue a certificate under his hand declaring the total amount of the costs and fees and by whom they shall be paid.

(2) The list, when confirmed by the Commissioner in manner hereinbefore provided, and any certificate relating to costs and fees issued by the Commissioner as hereinbefore provided, shall be binding on all persons affected thereby and shall be final and conclusive for all the purposes of this Law.

10. (1) At any inquiry under this Law the Commissioner shall have power to take evidence and may examine all such persons as witnesses as he may think it necessary or desirable to examine. Commissioner to take evidence.

(2) Every witness before being examined shall be required to take such oath as is customarily administered to persons of his creed or faith on testifying upon oath before a court of justice.

If any witness shall object to take an oath or if the Commissioner shall be of opinion that the taking of an oath will have no binding effect on his conscience, he shall be required to make the following promise and declaration:—

“ I solemnly promise and declare that the evidence given by me at this inquiry shall be the truth, the whole truth, and nothing but the truth.”

Such oath or promise and declaration shall be administered by the Commissioner or by any person requested by the Commissioner to administer the same.

(3) The Commissioner may, either of his own motion, or on the application of any person, summon any person residing in Cyprus to attend any inquiry under this Law and give evidence, or produce any document in his possession, and may examine him as a witness, or require him to produce any document in his possession, subject to all just exceptions.

(4) If the person summoned fails to attend, and does not excuse such failure to the satisfaction of the Commissioner, the Commissioner may issue a warrant to compel his attendance, and may order him to pay all costs which may have been occasioned in compelling his attendance, or by reason of his refusal to obey the summons, and may also fine him in a sum not exceeding ten pounds, or order him to undergo a sentence of imprisonment not exceeding two weeks. 4 (a) of 38/54.

(5) Any person being required to give evidence upon an inquiry under this Law who refuses to take an oath, or to make a promise and declaration in lieu thereof, or who refuses to answer any question, or to produce any document in his possession, and who does not excuse such refusal to the satisfaction of the Commissioner, shall be liable to be committed to prison, under the warrant of the Commissioner, there to remain for a period not exceeding two months, and he shall also be liable to be fined by the Commissioner in a sum not exceeding ten pounds :

4 (b) of 38/54.

Provided always, that if any witness objects to answer any question, on the ground that it will tend to incriminate him, he shall not be required to answer the question, nor be liable to any penalties for refusing to answer.

(6) The Commissioner may take, without oath or promise and declaration, the evidence of any person who by reason of immature age ought not, in the opinion of the Commissioner, to be admitted to give evidence on oath.

(7) Any person who shall in any way obstruct the course of proceedings at an inquiry under this Law, shall be liable to be sentenced by the Commissioner to pay a fine not exceeding five pounds, or to be imprisoned for a period not exceeding two weeks.

4 (c) of 38/54.

(8) Where any person has been sentenced to pay a fine under any of the provisions of this section, the Commissioner shall have power to enforce payment thereof, in the same manner as a Court has power to enforce the payment of fines under the provisions of the Criminal Procedure Law, or any amendment thereof.

Cap. 155.

Recovery of
compensation.
2 of 24/58.

11. (1) Every person whose name is in the list shall, within sixty days of the confirmation of such list by the Commissioner, pay to the mukhtar, or to any person appointed under section 17 of this Law, the amount appearing therein against his name, at such place and time as the Commissioner may direct by notice under his hand to be posted at conspicuous places in the village.

(2) If any person liable to make any payment under the provisions of this Law shall refuse or neglect to pay the same as in subsection (1) of this section provided, the Commissioner may forward to the Comptroller of Inland Revenue a certificate under his hand recording the names of the persons who have so refused or neglected to pay and the amount due from each such person, and the Comptroller of Inland Revenue, upon receipt of such certificate, shall

issue a warrant authorizing the collection of the amount due from each such person, together with any increase as in subsection (4) of this section provided.

(3) 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 Law. Cap. 329.

(4) If any amount payable under the provisions of this Law is not paid as in subsection (1) of this section provided, such amount shall be increased by twenty-five per centum.

12. All compensation, costs and fees recovered under this Law shall be disposed by the mukhtar in the manner following— Disposal of compensation, costs and fees recovered. 3 of 28/32.

- (a) by paying to the complainant the amount of the compensation and the costs, if any, due to him;
- (b) by paying to any person entitled thereto any costs and fees due to such person ;
- (c) by retaining for himself any costs and fees to which he may be entitled ;
- (d) by remitting to the Department of the Accountant-General any costs and fees due to the Government ;
- (e) by retaining in separate account any amount imposed by virtue of the provisions of section 14 of this Law to be devoted as provided by that section.

PART III.

GENERAL PROVISIONS.

13. The total amount of compensation recoverable under this Law shall not exceed four hundred pounds for damage or destruction caused to property by persons unknown or by undetected animals, and shall not exceed two hundred pounds for damage or destruction caused to trees, fruit or crops by undetected sheep or goats. Limitation of amount of compensation recoverable. 5 of 38/54.

14. Where, on the allocation of the amount of compensation, costs and fees amongst all the tax-paying inhabitants or all the owners of sheep or goats, as the case may be, it appears that the amount payable by any tax-paying inhabitant or any owner of sheep or goats is not represented by coin current in Cyprus, Adjustment of amounts allocated when not represented by coin current in Cyprus.

sented by any coin current in Cyprus, the mukhtar or the Commissioner, as the case may be, shall increase the amount to be paid by every such tax-paying inhabitant or every such owner of sheep or goats by the addition thereto of so many mils as shall raise to a sum which is represented by a coin which is current in Cyprus, and the amount which is thereby found to exceed the total amount payable by the tax-paying inhabitants or the owners of sheep or goats shall be devoted by the mukhtar to some charitable purpose in the village approved by the Commissioner.

Remedy when persons, etc., causing damage or destruction are discovered.

15. If at any time after the confirmation of the list by the Commissioner as hereinbefore provided, the persons who or whose animals or sheep or goats have caused the damage or destruction shall be discovered, the amount payable under such list by the tax-paying inhabitants or the owners of sheep or goats, as the case may be (whether the same or any part thereof has been actually paid or not), may be recovered from such persons by the Village Commission by an action before a Court of competent jurisdiction, and when recovered shall be paid to the tax-paying inhabitants or the owners of sheep or goats who have paid or are liable to pay it.

When both Christian and Moslem mukhtar in a village or quarter.

16. When there is both a Christian and Moslem mukhtar in any village or quarter of a village the mukhtar to perform the duties or do any acts imposed upon mukhtars under this Law and to receive any fees prescribed by any Regulations made under this Law shall be the mukhtar of the community to which the complainant belongs.

Defaulting mukhtars and members of Village Commissions.
3 of 24/58.

17. When a mukhtar or a member of a Village Commission is unable or unwilling or neglects or refuses to perform any of the duties or do any of the acts imposed upon mukhtars or members of Village Commissions, as the case may be, by this Law, the Commissioner may at any time by writing under his hand appoint a fit person to perform the said duties or do the said acts, and the duties or acts performed or done under this Law by the person so appointed as aforesaid shall be as valid and effective as if performed or done by the mukhtar or by a member of the Village Commission, as the case may be.

Commissioner may take directions of Attorney-General.

18. The Commissioner may, in any case of doubt or difficulty arising in the administration of any of the

provisions of this Law, apply to the Attorney-General for directions in the matter.

19. The Governor may from time to time by writing under his hand appoint any fit person to exercise any of the powers or perform any of the duties or do any of the acts vested in or imposed upon the Commissioner by this Law, and the powers, duties or acts exercised, performed or done under this Law by the person so appointed as aforesaid shall be as valid and effective as if exercised, performed or done by the Commissioner.

Power to Governor to appoint persons to exercise powers, etc., of Commissioner.

20. (1) (a) Any mukhtar or other person appointed as in section 17 of this Law provided, who shall refuse or neglect without reasonable excuse to perform any duty or do any act to be performed or done under this Law, or who shall knowingly make any false estimate of any damage or destruction, or who shall post in the village or forward to the Commissioner any list false in any material particular ; or

Offence and penalties.

(b) Any person who shall prevent or obstruct any mukhtar or other person appointed, as in section 17 of this Law provided, to perform any duty or do any act to be performed or done under this Law ; or

(c) Any person who shall prevent or obstruct the Commissioner or other person appointed as in the preceding section provided, to exercise, perform or do any power, duty or act to be exercised, performed or done under this Law ; or

(d) Any person who acts in contravention of any Regulations made under this Law,

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

6 of 38/54.

(2) Any person who shall in any inquiry by the Commissioner under this Law give false evidence, whether on oath or otherwise, shall be guilty of an offence, and, on conviction, shall be liable to imprisonment for any term not exceeding seven years.

21. (1) The Governor in Council may by Order make Regulations to be published in the Gazette for carrying out the purposes of this Law.

Power to Governor in Council to make Regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such Regulations may—

- (a) make provision for the practice and procedure to be observed at any inquiry by the Commissioner under this Law and for any matters connected therewith ;
- (b) fix the costs and fees to be paid in respect of any act, matter or thing under this Law to be done or observed ;
- (c) prescribe the forms to be used under this Law.

Non-application of this Law to towns, but power to Governor in Council to apply it to towns or quarters.

22. This Law shall not apply to property situated or damaged or destroyed within the lands of the following towns—

Nicosia,
 Limassol,
 Ktima, including Paphos,
 Larnaca, including Scala,
 Famagusta, including Varosha,
 Kyrenia :

Provided that the Governor in Council may by Order to be published in the Gazette direct that this Law or any of the provisions of this Law, whether wholly or partly, shall be applied to property situated or damaged or destroyed within the lands of any of the said towns or of any quarter of the said towns, and from and after the date of the publication of such order, or such date as may be named in the order, this Law or such provisions of this Law as may be specified in the Order shall be in full force and effect in respect of property situated or damaged or destroyed within the lands of the town or quarter to which such order refers.