

No. 78.

THE AGRICULTURAL DEBTORS RELIEF LAWS, 1940 TO 1943.

RULES MADE UNDER SECTION 46.

J. V. W. SHAW,
Acting Governor.

I, the Acting Governor in Council, in exercise of the powers conferred on the Governor in Council by section 46 of the Agricultural Debtors Relief Laws, 1940 to 1943, do hereby make the following rules :—

1. These rules may be cited as the Agricultural Debtors Relief (Amendment) Rules, 1943, and shall be read as one with the Agricultural Debtors Relief Rules, 1940, (hereinafter referred to as “ the principal Rules ”) and the principal Rules and these rules may together be cited as the Agricultural Debtors Relief Rules, 1940 and 1943.

Gazette :
Supplement
No. 3 :
24.4.1940

2. Rule 15 of the principal Rules is hereby revoked and the following substituted therefor :—

“ 15. Every notice, summons or order in any of the Forms prescribed by these rules issued or made by the Board shall ordinarily be signed by the Chairman or presiding member but any member of the Board may sign any such notice, summons or order on behalf of the Chairman or presiding member.”

3. Rule 36 of the principal Rules is hereby revoked and the following substituted therefor :—

“ 36.—(1) Where service of a notice has been effected in any of the modes prescribed in paragraph (a) or (b) or (c) or (e) of rule 35, the person who has effected such service shall make and sign a certificate of service in the Form No. 12.

(2) Where service of a notice has been effected in the mode prescribed in paragraph (d) of rule 35, a note therefor shall be made in the file of the proceedings.”

4. Rule 38 of the principal Rules is hereby amended by the insertion therein immediately after the words “ certificate of service ” (line 1) of the words “ and every note ”.

5. Rule 52 of the principal Rules is hereby revoked and the following substituted therefor :—

“ 52. The provisions of rules 60, 61, 62, 63, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 shall apply *mutatis mutandis* to an application for review made in the Form No. 19, and every variation or reversal of an order under the proviso to section 15 (3) of the Law shall be embodied in an order in the Form No. 22.”

6. Rule 58 of the principal Rules is hereby amended by the insertion therein immediately after the words “ presiding member ” (line 2) of the words “ or any other member ”.

7. Rule 76 of the principal Rules is hereby amended by the insertion therein after the words “ Form No. 27 ” of the words “ and may be granted by the Chairman or presiding member or any other member of the Board, on behalf of the Chairman or presiding member ”.

8. Rule 78 of the principal Rules is hereby revoked and the following substituted therefor :—

“ 78. The Chairman or presiding member or any other member of the Board on behalf of the Chairman or presiding member may refuse to issue a summons unless and until the applicant deposits with the Board an amount which, in the opinion of the Chairman or the member of the Board before whom the application is made, is sufficient to cover the transport expenses and loss of time of the person to be summoned.”

9. The principal Rules are hereby amended by the insertion therein immediately after rule 86 of the following rule :—

“ 86A. An award shall contain the particulars appearing in the Form No. 31 or the Form No. 32, as the case may be.”

10. Rule 87 of the principal Rules is hereby revoked and the following substituted therefor :—

“ 87. An award in the Form No. 31 or No. 32 shall be signed in triplicate and shall be sealed with the Seal and shall be attached to the file of the proceedings.”

11. Rules 88 and 89 of the principal Rules are hereby revoked.

12. Paragraph (2) of rule 100 of the principal Rules is hereby revoked and the following substituted therefor :—

“ (2) Upon the lodging of a copy of the award with the Land Registry Office as in paragraph (1) of this rule provided the Principal Officer of Land Registration of the district in which any immovable property of the debtor, which is security for the amounts payable under the award, is situated shall make and keep such record in the Land Registry Office as may be necessary in order to show that such immovable property has been duly attached in virtue of the provisions of section 26 (4) of the Law.”

13. Paragraph (2) of rule 102 of the principal Rules is hereby amended as follows :—

(a) by the deletion therefrom of the words “ such entries and amendments in the books of the Land Registry Office ” (lines 3 and 4) and the substitution therefor of the words “ and keep such record in the Land Registry Office ” ;

(b) by the deletion in sub-paragraph (b) of the words “ mentioned in ” (line 7) and the substitution therefor of the words “ which was security under ”.

14. Paragraph (1) of rule 131 of the principal Rules is hereby amended by the insertion therein immediately after the words “ of Land Registration ” (line 5) of the words “ in any one of the modes prescribed in rule 35 ”.

15. Sub-paragraph (d) of paragraph (1) of rule 140 of the principal Rules is hereby amended by the deletion therefrom of the words “ one month from the date upon which the order to which the application for review relates was published as provided in rule 152 ” (lines 1, 2 and 3) and the substitution therefor of the words “ thirty days from the date upon which the award or decision or order, as the case may be, to which the application for review relates, has been signed ”.

16. Rules 153, and 154 of the principal Rules are hereby revoked and the following substituted therefor :—

“ 153. An award made by the Board in the Form No. 31 (as provided by rule 85) or in the Form No. 32 (as provided by rule 86) shall be published by posting one of the triplicates referred to in rule 87 at some conspicuous place at the principal office of the Board.

154.—(1) Where the posting of an order or award has been effected as prescribed in rule 152 or 153, the person who has effected such posting shall make and sign a certificate therefor in such form as the Chairman may from time to time direct, and every such certificate shall be attached to the file of the proceedings.

(2) Every certificate of posting complying with the requirements of paragraph (1) of this rule, shall be taken as evidence of the matters therein stated, unless evidence to the contrary be adduced before the Board.”

17. Rule 164 of the principal Rules is hereby amended by the deletion therefrom of the words “ no fee ” (line 2) and the substitution therefor of the words “ no Court or Land Registry Office fee ”.

18. Rule 169 of the principal Rules is hereby revoked and the following rule substituted therefor :—

“ 169. No award, order or notice made or issued or served by the Board shall be deemed to be void on account of any error or defect, unless such error or defect has, in the opinion of the Chairman, produced substantial injustice, and in every such case the error or defect shall be rectified in such manner as the Chairman may direct.”

19. Rule 170 of the principal Rules is hereby amended by the addition thereto at the end thereof of the following paragraph :—

“(3)—(a) Where applications have been consolidated under the provisions of this rule and the Board which hears them is, owing to subsequent events, of opinion that the applications or any of them should be heard and determined separately, the Board may disconsolidate them.

(b) Every disconsolidation made under this rule shall—

(i) be recorded by the presiding member in the file of the proceedings of each of the applications to which the disconsolidation relates ; and

(ii) be dated and signed by him ; and

(iii) be sealed with the Seal,

and thereupon the applications to which the disconsolidation relates shall be disconsolidated and shall be heard and determined separately.”

20. The First Schedule to the principal Rules is hereby amended as follows :—

(a) by the deletion therefrom of Forms Nos. 31 and 32 and the substitution therefor of the Forms set out in the Appendix hereto, as Forms Nos. 31 and 32 respectively ;

(b) by the deletion therefrom of Form No. 61 ;

(c) by the insertion in Form No. 62, immediately after the word “ assignor ” (which occurs at the end of the Schedule to the said Form) of the words “ and assignee ”.

21. The Second Schedule to the principal Rules is hereby amended as follows :—

(a) by the deletion from column (3) of item serial No. 4 of the words “ Four and half piastres ” and the substitution therefor of the words “ One shilling ” ;

(b) by the deletion from column (5) of item serial No. 5 of the word “ award ” and the substitution therefor of the words “ file of the proceedings ” ;

(c) by the deletion from column (3) of item serial No. 10 of the words “ Six piastres ” and the substitution therefor of the words “ Two shillings ”.

22. These rules shall be deemed to have been made and to have come into operation on the 1st day of June, 1940 :

Provided that nothing in these rules shall affect anything done under the principal Rules before the publication of these rules in the *Gazette*.

APPENDIX.

1.—“FORM No. 31.

The Agricultural Debtors Relief Rules, 1940 and 1943.—(Rule 85).

AWARD SETTLING A DEBTOR'S/DEBTORS' DEBTS UNDER SECTION 21 OF THE AGRICULTURAL DEBTORS RELIEF LAWS, 1940 TO 1943.

Application No.....Year.....District of.....

In the matter of the settlement of the debts of.....

of.....in the District of.....

WHEREAS the Application , bearing the above number ha been duly heard by the Debt Settlement Board.

AND WHEREAS it was duly determined by the Debt Settlement Board that the debtor/debtors described in the First Schedule hereto (hereinafter called "the debtor"/"the debtors") owes/owe to the creditors named in column (2) of the Second Schedule hereto the debts shown in column (3) of the said Second Schedule.

NOW, THEREFORE, THIS AWARD IS MADE WHEREBY IT IS ORDERED AS FOLLOWS :—

(1) The debtor/debtors shall pay through the District Court of..... to each creditor named in column (2) of the Second Schedule hereto the debt shown against his name in column (3) of the said Second Schedule, and such debt shall be payable by consecutive equal annual instalments as shown in columns (4), (5) and (6) of the said Second Schedule each annual instalment falling due for payment on the...day of the month of.....in each year beginning with the year.....

(2) All the immovable properties belonging to the debtor/debtors on the date on which this Award is made and situated within the boundaries of the towns, villages or quarters named in column (12) of the Second Schedule hereto, and all the movable properties of the debtor/debtors mentioned in the List hereto, except such immovable and movable properties as may be exempted by the Court under the provisions of section 27 (3), shall, subject to any mortgage, attachment, lien or charge subsisting thereon on the date on which this Award is made, be security for the amounts payable under this Award.

(3) Where any immovable property belonging to the debtor/debtors in respect of which a mortgage subsists in favour of the Agricultural Bank of Cyprus Limited or of any Co-operative Society, as the case may be, has been sold at the instance of the mortgagee after the date on which this Award is made, and where after satisfying the loan in respect of which such immovable property has been sold, there remains any surplus of the proceeds of such sale, such surplus shall be paid into the District Court of....., and shall be utilized by the Court in payment or part-payment, as the case may be, of any amount due and remaining unpaid under this Award.

FIRST SCHEDULE.
DESCRIPTION OF THE DEBTOR/DEBTORS.

(1) Serial No. of debtor	(2) Name and surname of the debtor.	(3) Usual place of abode of the debtor.	(4) Occupation of the debtor besides agriculture, if any.

SECOND SCHEDULE.
DESCRIPTION OF THE CREDITORS, AND PARTICULARS RELATING TO
THE DEBTS, THE ANNUAL INSTALMENTS AND THE IMMOVABLE
PROPERTIES OF THE DEBTOR/DEBTORS.

(1) Serial No. of the debt and of the creditor.	(2) Name, surname, occupation and usual place of abode of the creditor.	(3) Amount of the debt as amicably or compul- sarily settled.

Particulars relating to the annual instalments.

(4) No. of annual instalments.	(5) Amount of each annual instalment	(6) Amounts in the aggregate (comprising capital and interest at the rate of . . . per centum per annum) of all the annual instalments to be paid to the creditor.
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(7) Reference to the serial No. of the debtor in column (1) of the First Schedule, by whom payment is to be made.	(8) Capacity in which each debtor is liable where more than one debtor is involved in respect of the debt.	(9) Name, surname and usual place of abode of joint debtor, if any, who is not a debtor within the meaning of the Law, and capacity in which such debtor is liable.
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(10) Reference to the instrument under which the debt is due and reference to the mortgage, if any, under which it is secured.	(11) Sum total of all the amounts payable annually by the debtor to all the creditors through the District Court of	(12) Names of the towns, villages or quarters in which the immovable properties of the debtor/debtors are situated.	(13) Remarks
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LIST.

MOVABLE PROPERTIES OF THE DEBTOR/DEBTORS ON WHICH AN ATTACHMENT, LIEN OR CHARGE SUBSISTS.

(1) Serial No.	(2) Description of the property.	(3) Place in which the property is to be found.
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(4-5) Particulars of attachment, lien or charge subsisting on the property.		(6) Reference to the serial No. of the debtor who is the owner of the property.	(7) Remarks.
Total sum secured under the Award.	Other details.		

Made at.....this the....day of.....19....
Signed on this, the.....day of.....19....

Seal
of the
Board

For the Debt Settlement Board,
(Signatures of at least two Members).

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2.—“ FORM No. 32.

The Agricultural Debtors Relief Rules, 1940 and 1943.—(Rule 86).

**AWARD EMBODYING AN ORDER OF THE DEBT SETTLEMENT BOARD
DECLARING A DEBTOR/DEBTORS INSOLVENT AND REDUCING
HIS/THEIR DEBTS UNDER SECTION 23 OF THE AGRICULTURAL
DEBTORS RELIEF LAWS, 1940 TO 1943.**

Application No.....Year.....District of.....

In the matter of the settlement of the debts of.....
.....
of....., in the District of.....

WHEREAS the Application , bearing the above number ha been duly heard by the Debt Settlement Board.

AND WHEREAS, with the prior sanction of His Excellency the Governor in Council, signified by the Colonial Secretary to the Chairman of the Debt Settlement Board on the....day of.....19...., the Debt Settlement Board has made an Order, dated the.... day of....., 19...., declaring the debtor/debtors described in the First Schedule hereto (hereinafter called “the debtor”/“the debtors”), to be insolvent for the purposes of the Agricultural Debtors Relief Laws, 1940 to 1943.

AND WHEREAS the Debt Settlement Board has reduced the debts of the debtor/debtors.

AND WHEREAS the said Order and particulars of the said reductions must be embodied in an award.

Now, THEREFORE, THIS AWARD IS MADE WHEREBY IT IS ORDERED AS FOLLOWS :—

(1) The debtor/debtors shall be and is/are hereby declared to be insolvent for the purposes of the Agricultural Debtors Relief Laws, 1940 to 1943.

(2) The debtor/debtors shall pay through the District Court of..... to each creditor named in column (2) of the Second Schedule hereto the debt shown against his name in column (3) of the said Second Schedule, and such debt shall be payable by consecutive equal annual instalments as shown in columns (4), (5) and (6) of the said Second Schedule each annual instalment falling due for payment on the..... day of the month of..... in each year beginning with the year.....

(3) All the immovable properties belonging to the debtor/debtors on the date on which this Award is made and situated within the boundaries of the towns, villages or quarters named in column (12) of the Second Schedule hereto, and all the movable properties of the debtor/debtors mentioned in the List hereto, except such immovable and movable properties as may be exempted by the Court under the provisions of section 27 (3), shall, subject to any mortgage, attachment, lien or charge subsisting thereon on the date on which this Award is made, be security for the amounts payable under this Award.

(4) Where any immovable property belonging to the debtor/debtors in respect of which a mortgage subsists in favour of the Agricultural Bank of Cyprus Limited or of any Co-operative Society, as the case may be, has been sold at the instance of the mortgagee after the date on which this Award is made, and where after satisfying the loan in respect of which such immovable property has been sold, there remains any surplus of the proceeds of such sale, such surplus shall be paid into the District Court of....., and shall be utilized by the Court in payment or part-payment, as the case may be, of any amount due and remaining unpaid under this Award.

FIRST SCHEDULE.
DESCRIPTION OF THE DEBTOR/DEBTORS.

(1) Serial No. of debtor	(2) Name and surname of the debtor.	(3) Usual place of abode of the debtor.	(4) Occupation of the debtor besides agriculture, if any.

SECOND SCHEDULE.
DESCRIPTION OF THE CREDITORS, AND PARTICULARS RELATING TO
THE DEBTS, THE ANNUAL INSTALMENTS AND THE IMMOVABLE
PROPERTIES OF THE DEBTOR/DEBTORS.

(1) Serial No. of the debt and of the creditor.	(2) Name, surname, occupation and usual place of abode of the creditor.	(3) Amount of the debt as amicably or compul- sarily settled.

Particulars relating to the annual instalments.

(4) No. of annual instalments.	(5) Amount of each annual instalment	(6) Amounts in the aggregate (comprising capital and interest at the rate of . . . per centum per annum) of all the annual instalments to be paid to the creditor.

(7) Reference to the serial No. of the debtor in column (1) of the First Schedule, by whom payment is to be made.	(8) Capacity in which each debtor is liable where more than one debtor is involved in respect of the debt.	(9) Name, surname and usual place of abode of joint debtor, if any, who is not a debtor within the meaning of the Law, and capacity in which such debtor is liable.

(10) Reference to the instrument under which the debt is due and reference to the mortgage, if any, under which it is secured.	(11) Sum total of all the amounts payable annually by the debtor to all the creditors through the District Court of	(12) Names of the towns, villages or quarters in which the immovable properties of the debtor/debtors are situated.	(13) Remarks

LIST.

MOVABLE PROPERTIES OF THE DEBTOR/DEBTORS ON WHICH AN ATTACHMENT, LIEN OR CHARGE SUBSISTS.

(1) Serial No.	(2) Description of the property.	(3) Place in which the property is to be found.

(4-5) Particulars of attachment, lien or charge subsisting on the property.		(6) Reference to the serial No. of the debtor who is the owner of the property.	(7) Remarks.
Total sum secured under the Award.	Other details.		

Made at.....this the....day of.....19....
Signed on this, the....day of.....19....

Seal
of the
Board

For the Debt Settlement Board,
(Signatures of at least two Members).

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Made in Council, this 17th day of March, 1943.

(M.P. 429/41.)

N. D. WATSON,
Clerk of the Executive Council.