

No. 157.

## THE MUNICIPAL CORPORATIONS LAWS, 1930 TO 1948.

## BYE-LAWS MADE BY THE COUNCIL OF THE MUNICIPAL CORPORATION OF LIMASSOL.

In exercise of the powers vested in them by the Municipal Corporations Laws, 1930 to 1948, the Council of the Municipal Corporation of Limassol, hereby make the following bye-laws :—

*Gazettes:*  
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23. 4.1941  
10. 2.1949

1. These bye-laws may be cited as the Municipal Corporation (Limassol) Pensions and Gratuities (Amendment) Bye-laws, 1950 and shall be read as one with the Municipal Corporation (Limassol) Pensions and Gratuities Bye-laws, 1941 and 1948 (hereinafter referred to as "the principal Bye-laws"), and the principal Bye-laws and these bye-laws may together be cited as the Municipal Corporation (Limassol) Pensions and Gratuities Bye-laws, 1941 to 1950.

2. The principal Bye-laws are hereby amended by the deletion therefrom of bye-law 19 and the substitution therefor of the following bye-law :—

" 19.—(1) Subject to the provisions of these bye-laws the Corporation shall charge and pay out of the Gratuities and Pension Fund gratuities to officers appointed by the Corporation or regular servants of labourers employed by the Corporation who retire from service or employment or who have been removed from their office or discharged from their employment on any ground other than misconduct or inefficiency in the performance of their duties :

Provided that the Corporation may, by a resolution of the Council composed of not less than two-thirds of the members actually holding office, and if the Commissioner considers it just and equitable for the Corporation so to do, charge and pay out of the Gratuities and Pension Fund to an officer or regular servant or labourer, to whom this bye-law applies, who has been removed from office or discharged from employment on grounds of misconduct or inefficiency in the performance of his duty, a gratuity not exceeding the amount of gratuity which might have been granted to such officer, servant or labourer if he had not been so removed or discharged.

(2) For the purposes of this bye-law—

(a) "officer" means an officer who is appointed to a non-pensionable office either during the pleasure of the Council (hereinafter called "permanent officer") or for a fixed period of time (hereinafter called "temporary officer") ;

(b) "regular servant or labourer" means a servant or labourer employed under section 72 of the Law who has completed six months' continuous employment to the satisfaction of the Mayor and has been placed by him in the category of regular servant or labourer".

3. The principal Bye-laws are hereby amended by the deletion therefrom of bye-law 20 and the substitution therefor of the following bye-law :—

" 20.—(1) A gratuity to a permanent officer under bye-law 19 shall be at the rate of one-twelfth of the average yearly pay received by such officer during his last four years of service for each completed year of unbroken service immediately prior to his retirement or removal from office :

Provided that no officer shall be entitled to receive any gratuity unless he shall have served for an unbroken period of at least five years immediately preceding his retirement or removal from office.

(2) A gratuity under bye-law 19 to a temporary officer or regular servant or labourer shall be at the rate of half a month's pay or two weeks pay, as the case may be, for each complete year of service or employment, after deducting all periods of discontinuance of service or employment as in paragraph 3 (b) and (c) (iii) of this bye-law provided, subject to a maximum of thirty years service, and for this purpose such pay shall be calculated at the average rate drawn by such officer or servant or labourer during three years immediately preceding his retirement, removal from office or discharge from employment, or appointment to a pensionable office or as a permanent officer, and shall include any amount paid by way of basic war bonus but shall not include payment of additional bonus for married officers or regular servants or labourers, family allowance, overtime or other allowance.

(3) A gratuity under paragraph (2) of this bye-law shall be made under the following conditions:—

- (a) No gratuity shall be payable except upon the final retirement or discharge of the temporary officer or regular servant or labourer from the service or employment of the Corporation;
- (b) except as provided in sub-paragraph (c) hereof no such officer or servant or labourer shall qualify for gratuity until after a minimum aggregate service or employment of ten years before or after the coming into operation of these bye-laws, which employment shall be unbroken, except by periods of discontinuance of service or unemployment arising on account of shortness of work, when such periods of discontinuance of service or unemployment shall be excluded from the total period of service or employment;
- (c) such officer or servant or labourer may qualify for gratuity after a minimum of three years unbroken service or employment, if he retires or is discharged from the service or employment of the Corporation in any of the following circumstances—
  - (i) when by reason of age or disability, not arising from his own misconduct or neglect, his efficiency is in the opinion of the Mayor impaired or affected, or he has been certified by the medical officer of health of the Corporation to be unfit for further service or employment on account of ill-health;
  - (ii) when he retires voluntarily after reaching the age of sixty; or
  - (iii) When he is removed from service or discharged from employment for shortness of work or for the purpose of facilitating improvement in the organization of the service of the Corporation or for the purpose of effecting economies:

Provided that, for the purposes of this sub-paragraph the service or employment shall be considered as unbroken even if it is broken by periods of discontinuance of service or unemployment arising on account of shortness of work, but such periods of discontinuance of service or unemployment shall be excluded from the total period of service or employment.

(4) No further gratuity shall be paid to an officer or servant or labourer to whom a gratuity has already been paid under this bye-law in case of reappointment or re-employment of such officer or servant or labourer in respect of the period for which a gratuity has already been paid."

4. The principal Bye-laws are hereby amended by the insertion therein immediately after bye-law 20 of the following bye-laws:—

“20A. When a temporary officer or a regular servant or labourer to whom these bye-laws apply is transferred to a pensionable office or is appointed as a permanent officer of the Corporation, and whether or not he has completed ten years service or employment before such transfer or appointment, the gratuity for which he might be eligible except for such transfer or appointment shall be calculated upon the period of his actual service or employment, provided that the gratuity shall not be payable until after his final retirement from the service or employment of the Corporation and provided further that at the date of such retirement his aggregate period of service or employment is not less than ten years.

20B. Upon the death of any permanent or temporary officer or of any regular servant or labourer to whom these bye-laws apply, the Council may at their discretion grant to the deceased's dependants a sum not exceeding the amount of the gratuity for which he would have been eligible if at the date of his death his efficiency had been impaired or affected or if he had been certified to be unfit for further employment on account of ill-health under bye-law 20 (3) (c) (i).

20C. No permanent or temporary officer or regular servant or labourer to whom these bye-laws apply shall have an absolute right to compensation for past work or to gratuity or other allowance nor shall anything in these bye-laws contained limit the right of the Council or the Mayor to dismiss, subject to the approval of the Commissioner when such approval is required, any such officer, servant or labourer without compensation.”

5. These bye-laws shall be deemed to have come into operation on the 1st day of January, 1947.

The above bye-laws have been approved by His Excellency the Governor.

(M.P. 1903/49.)

**No. 158. THE IRRIGATION (PRIVATE WATER) ASSOCIATION LAW, 1949.**

In pursuance of the provisions of sub-section (3) of section 12 of the Irrigation (Private Water) Association Law, 1949, the following Rules made by the Committee of the Irrigation Association of Ayios Ioannis (“Pitsilli” Summer Water), in the District of Nicosia, are published in the *Gazette*.

**IRRIGATION ASSOCIATION OF AYIOS IOANNIS (“PITSILLI” SUMMER WATER).**

*Rules.*

1. These Rules may be cited as the Irrigation Association of Ayios Ioannis (“Pitsilli” Summer Water) Rules, 1950.

2. In these Rules, unless the context otherwise requires—

“Commissioner” means the Commissioner of the District of Nicosia;

“Committee” means the Committee of the Irrigation Association;

“Irrigation Association” means the Irrigation Association of Ayios Ioannis (“Pitsilli” Summer Water);

“Law” means the Irrigation (Private Water) Association Law, 1949;

“List” means the list of the names and residences of the proprietors and of the extent of the interest of each proprietor in the water, as finally settled in accordance with the provisions of section 11 of the Law;

“works” means the irrigation works of the Irrigation Association.

“water” means the water commonly known as “Pitsilli” Summer Water.

3. The present Committee shall hold office for a period of three years beginning on the 2nd April, 1950. The election of each subsequent Committee shall take place in the manner hereinafter provided every third year in the first week of the month of March and it shall hold office for a period of three years from the date of the expiration of the period of office of the previous Committee.