

No. 1042. THE MUNICIPAL CORPORATIONS LAW.

CAP. 252 AND LAWS 11 OF 1950, 31 OF 1951, 20 OF 1953, 29 OF 1954,
57 OF 1954 AND 14 OF 1955.

**BYE-LAWS MADE BY THE COUNCIL OF THE MUNICIPAL CORPORATION
OF LARNACA.**

In exercise of the powers vested in them by the Municipal Corporations Law and otherwise, the Council of the Municipal Corporation of Larnaca hereby make the following bye-laws :—

1. These bye-laws may be cited as the Larnaca Municipal (Amendment) Bye-laws, 1956, and shall be read as one with the Larnaca Municipal Bye-laws, 1949 to 1955 (No. 2) (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 (Larnaca) Bye-laws, 1949 to 1956.

2. Part VI, Chapter 1.—Pensions and Gratuities (as set out in the principal Bye-laws, 1949) is hereby repealed and the following bye-laws substituted therefor :—

Gazettes :
Supplement
No. 3 :
9. 9.1949
16. 4.1952
25. 6.1953
6. 5.1954
31. 3.1955
1.12.1955.

“ PART VI.

Chapter 1.—PENSIONS AND GRATUITIES.

180. In this Chapter of these bye-laws unless the context otherwise requires the following words shall have the meaning assigned to them, that is to say :—

‘ Commissioner ’ means the Commissioner of the District of Larnaca ;

‘ Council ’ means the Council of the Corporation ;

‘ the Law ’ means the Municipal Corporations Law and includes any Law amending or substituted for the same ;

‘ officer ’ means the town clerk, treasurer, municipal engineer, sanitary surveyor, Medical Officer of health, or other officer or servant appointed by the Council in the permanent service of the Corporation ;

‘ pensionable office ’ means an office which has been declared by the Council, with the sanction of the Governor, to be pensionable ;

‘ salary ’ means the annual salary of an officer as approved by the Commissioner under the provisions of the Law, or where no such approval is required the annual salary of an officer as may be appointed by the Council ;

‘ service ’ means service under the Corporation as an officer thereof either before or after the commencement of the Law ;

‘ Corporation ’ means the Municipal Corporation of Larnaca ;

‘ gratuities and pension fund ’ means the gratuities and pension fund established under these bye-laws.

181. Subject to the provisions of these bye-laws the Corporation shall charge on and pay out of the gratuities and pension fund pensions and gratuities to officers who retire from service and to officers who have been removed from their office on any grounds other than misconduct or inefficiency in the performance of their duties :

Provided that the Corporation may, with the approval of the Commissioner, charge and pay out of the gratuities and pension fund to an officer who has been removed from office on grounds of misconduct or inefficiency in the performance of his duty a pension or gratuity not exceeding the amount of pension or gratuity which might have been granted to such officer if he had not been so removed.

182. Subject to the provisions of these bye-laws, every officer holding a pensionable office in the service of the Corporation who has been in such service for ten years or upwards may be granted on his retirement a pension at the rates hereinafter following :—

- (a) on attaining the age of 60, $\frac{1}{720}$ th (one seven hundred and twentieth) of his salary for each complete month of service ;
- (b) on voluntary retirement made with the approval of the Council on or after the age of 55, $\frac{1}{600}$ th (one six hundredth) of his salary for each complete month of service :

Provided that whenever the services of an officer who exercised his option to retire at the age of 55 are considered essential for the municipal service, the Council may with the approval of the Commissioner extend such officer's services for such time as the Council may deem necessary and in such case such officer upon retirement shall be entitled to the pension constant he would have enjoyed had his services with the Municipality not been extended ;

- (c) upon retirement on grounds of incapacity or abolition of office made with the approval of the Council prior to reaching the age of 55, $\frac{1}{600}$ th (one six hundredth) of his salary for each complete month of service :

Provided that a pension granted to an officer under these bye-laws shall not exceed two-thirds of the highest salary drawn by him at any time in the course of his service.

183. Every officer otherwise qualified for a pension who has not completed the minimum period of service qualifying for a pension, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under bye-law 181.

184. Subject to the provisions of these bye-laws, service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which an officer begins to draw salary from the funds of the Corporation and the date of his leaving the service of the Corporation without deduction of any period during which he had been absent on leave.

185.—(1) Service in respect of which pension or gratuity may be granted must be unbroken except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation.

(2) For the purpose of computing the amount of an officer's gratuity or pension there shall be taken into account—

- (a) in the case of an officer who has held one office for a period of three years immediately preceding the date of his retirement, the full salary payable to him at that date in respect of that office ;
- (b) in respect of an officer who at any time during such period of three years has been transferred from one office to another, but whose salary has not been changed by reason of such transfer or transfers, the full salary payable to him at the date of his retirement in respect of the office then held by him ;
- (c) in other cases, the average of the full salary payable in respect of each of the offices substantively held by the officer during his tenure thereof within such period of three years.

186. No service other than service in a pensionable office shall be taken into account in computing pensions except that where the service in a pensionable office has been immediately preceded by an unbroken period of service in an appointment other than a pensionable office or of service paid from funds of the Corporation or of both such services, that period or any part of it may be taken into account.

187. If an officer holding a pensionable office retires or be removed from the service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the office to which he belongs, by which greater efficiency and economy can be effected, he may be granted a pension calculated in accordance with bye-law 182 :

Provided, however, that if he has been in the service of the Corporation for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with that regulation as if there had been no qualifying period.

188.—(1) In the case of an officer whose office is abolished, his pension may be increased by the addition of a certain number of sixtieths of his salary, that is to say :—

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|---|-------|---|------------|
| (a) in the case of an officer who has served 20 years | .. | 7 | sixtieths. |
| (b) in the case of an officer who has served less than twenty years but not less than fifteen years | .. | 5 | " |
| (c) in the case of an officer who has served less than fifteen years but not less than ten years | | 3 | " |

(2) No additions shall be made under this bye-law so as to entitle an officer to a higher pension than the maximum two-thirds or to a higher pension than that to which he would have been entitled by length of service on reaching the age of sixty years.

189. Where an officer has been permanently injured—

- (a) in the actual discharge of his duty ;
- (b) without his own default ; and
- (c) by some injury specifically attributable to the nature of his duty, and his retirement is thereby necessitated or materially accelerated he may, if he is qualified for a pension under bye-law 182, be granted in addition to the pension granted to him under that bye-law an additional pension at the rate of the proportion of his actual salary at the date of his injury appropriate to his case as shown in the following table when his capacity to contribute to his own support is—

Slightly impaired	5	sixtieths.
Impaired	10	"
Materially impaired	15	"
Totally destroyed	20	"

Provided that the amount of additional pension shall, subject to the approval of the Commissioner, be reduced to such an extent as the Council shall think reasonable in the following cases :—

- (a) where the injured officer has continued to serve for not less than one year after the injury in respect of which he retires ;
- (b) where the injured officer is at the date of injury within ten years of the age at which he is retired ;
- (c) where the injury is not the sole cause of retirement but the retirement is caused partly by age or infirmity not due to the injury :

Provided further that the total amount of the pension shall not exceed the maximum two-thirds of the pension to which he would have been entitled by length of service on reaching the age of sixty years.

190. Any officer to whom a pension is granted under these bye-laws at his option exercisable as hereinafter provided, may be paid in lieu of such pension, pension at the rate of three-fourths of such pension, together with a gratuity equal to ten times the amount of the reduction so made in the pension.

191. The option referred to in bye-law 190 of these bye-laws shall be exercisable not later than three years after the date on which the office of such officer has been declared pensionable under these bye-laws or not later than three years after the date on which the officer has been appointed to a pensionable office.

192.—(1) Where an officer holding a pensionable office, who is not on probation or agreement, dies while in the service of the Corporation and during the five years preceding his death has continuously held a pensionable office in the service of the Corporation, it shall be lawful for the Council with the approval of the Commissioner to grant to his dependants a gratuity of an amount not exceeding one year's salary.

(2) For the purpose of this bye-law the term 'dependants' means such of the members of the family of an officer as were wholly or in part dependent upon his earnings at the time of his death.

193. No officer shall have an absolute right to compensation for part services or to pension, gratuity or other allowance nor shall anything in these bye-laws contained limit the right of the Council to dismiss, subject to the approval of the Commissioner, where such approval is required, any officer without compensation.

194. No pension, gratuity or other allowance shall be granted to any officer except on his retirement from the service of the Corporation in one of the following cases :—

- (a) on or after attaining the age of sixty years, or in the case of voluntary retirement made with the approval of the Council, on or after attaining the age of fifty-five years ;
- (b) on the abolition of the office ;
- (c) on compulsory retirement for the purpose of facilitating improvement in the organization of the service to which he belongs, by which greater efficiency and economy can be effected ;
- (d) on medical evidence to the satisfaction of the Council that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent.

195. No pension, gratuity or other allowance granted under these bye-laws shall be assignable or transferable or liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatsoever, other than a debt due to the Government or the Corporation.

196. If any officer to whom a pension or other allowance has been granted under these bye-laws is sentenced to a term of imprisonment by any competent Court within Cyprus or outside Cyprus for any crime or offence, then, in every such case, it shall be lawful for the Council with the sanction of the Commissioner to direct that such pension or allowance shall forthwith cease :

Provided that the pension or allowance shall be restored with retrospective effect in the case of a person who after conviction at any time receives a free pardon :

Provided further that where a pension or allowance ceases for the reason aforesaid it shall be lawful for the Council with the approval of the Commissioner to cause all or any part of the moneys to which the pensioner would have been entitled to be applied to the benefit of any wife, child or children of the pensioner, or after the expiration of his sentence also to the benefit of the pensioner himself.

197.—(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 or 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 on 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.

198.—(1) A gratuity to a permanent officer under bye-law 197 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 197 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 the 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 purpose 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 re-appointment or re-employment of such officer or servant or labourer in respect of the period for which a gratuity has already been paid.

199. 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.

200. 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 198 (3) (c) (iii).

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.

201. To enable the Council to grant gratuities and pensions under these bye-laws a fund shall be established to be called ' the Gratuities and Pension Fund ' which shall consist of all moneys paid by the Corporation into this fund as hereinafter provided,

The Corporation shall, subject to the provisions of these bye-laws, administer the Gratuities and Pension Fund and shall keep a separate account in such form as may from time to time be prescribed by the Council with the approval of the Director of Audit, of all moneys paid into and out of the said Gratuities and Pension Fund.

The Corporation shall in every year charge on and pay out of the revenues of the Corporation a sum of £300 into the Gratuities and Pension Fund :

Provided that the Council may with the sanction of the Commissioner, from time to time increase, reduce or suspend the above payment as circumstances may require.

These bye-laws shall be deemed to have come into operation on the 1st day of December, 1955."

The above Bye-laws have been approved by His Excellency the Governor.
(M.P. 1085/49/2.)

No. 1043.

THE FOREST LAW.
CAP. 93.

NOTICE UNDER SECTION 12.

Notice is hereby given that with the approval of the Conservator of Forests the forest set out in the Schedule hereto has been placed for a term of one year as from 1st November, 1956, under the protection, control and management of the Government in accordance with section 12 of the Forest Law.

SCHEDULE.

Forest (including all plantations and trees) belonging to Chrysostomos Monastery at Sykhari village sheet 12 plan 47, plots 96, 97, 98 and Koutsovendis village sheet 12 plans 56 and 57 plots 171, 172, 175, 176, 177, 180, 181, 182 and 160. Localities Panayia, Karvounari, Scala tis Vouppas, Sikoudhi, Ayiasmata and Vikla Chrysostomou, Kyrenia District.

(M.P. 581/49/2.)