

Right of property not to be affected by alleged slavery of owner.

3. No person who may have acquired property by his own industry, or by the exercise of any art, calling, or profession, or by inheritance, assignment, gift, or bequest, shall be dispossessed of it or prevented from taking possession of it on the ground that he or the person from whom the property may have been derived was a slave.

Penal offences against alleged slaves not excused.

4. No one shall be excused from the consequences of doing any act amounting to a penal offence on the ground that the person to, upon or against whom the act was done, was, or was believed to be in a state of slavery.

Short title.

5. This Law may be cited as the Involuntary Servitude Declaration Law, 1879.

### IRRIGATION AND WATER.

	PAGE
IRRIGATION & WATER LAW, 1887 ... ..	478
IRRIGATION LAW, 1897 ... ..	488

#### 11 OF 1887.

#### FOR REGULATING AND EXTENDING THE USE OF WATER IN AGRICULTURE IN CYPRUS.

HENRY BULWER.]

[April 25, 1887.

Definition.

1. In this Law, "Proprietor" means proprietor of land, water or water rights, and in the case of trust property includes the trustee.

#### *Construction and Maintenance of Works.*

Meeting of proprietors to determine on irrigation works.

2. It shall be lawful for the Commissioner of any District, at his own instance, or on the application of three or more proprietors in any village or group of contiguous villages, to summon by notice in writing a meeting of the proprietors of lands in such village or villages which appear to him likely to be benefited by any irrigation or drainage work, to determine by a majority of the proprietors present, either in person or by proxy in writing, whether or not it is expedient that local public works shall be undertaken for the construction of any canals or channels or wells within the lands of such village or villages, or for the improvement, or clearance from obstruction, of any rivers or water-courses, or for the re-construction or repair of any canals, weirs, sluices or other irrigation works lying wholly or in part within the lands of such village or villages, and, if so, whether or not Government aid is necessary for such work.

3. If the majority present shall determine that it is expedient that such local public works should be undertaken and that such aid is not necessary, they shall proceed to determine the persons liable to contribute as being benefited by the work, and the rate of subscription in money or of contribution in labour towards the work payable by each proprietor benefited thereby, and if necessary the proportion in which the water conveyed by the works shall be distributed among the several proprietors, and their decision shall be recorded by the Commissioner, and shall be published by him by causing a copy to be posted in each of the adjacent villages, and also at the usual place for the posting of notices at the office of the Commissioner, and shall be binding on all the proprietors of property benefited by the work. Provided always that at any time after the decision a subsequent meeting may be called, in the manner provided by section 2 hereof, for the purpose of re-considering the decision and amending it, as may be found necessary, and the amended decision shall be recorded and published by the Commissioner in the same manner as the original decision. Provided also that if any person or village is aggrieved by any decision under the provisions of this section, such person or village may appeal against the decision to the District Court of the District in which the grievance complained of arises, and the Court may thereupon either quash, amend or confirm the decision complained of. Every such appeal shall be by an action brought against the Commissioner as representing the proprietors, and shall be brought within two months from the publication of the original or amended decision appealed against.

Procedure where Government aid is not required.

4. All contributions payable under the last preceding section shall be recoverable from any defaulting contributor, by action brought by the other contributors or any of them on behalf of the rest, or by any person who has advanced money for the purposes of the work.

Manner of recovering contributions.

5. If at any meeting held under section 2, the majority shall determine that Government aid is necessary the Commissioner shall proceed to make application for such aid, specifying in the application the nature of the proposed work, the approximate cost thereof, and such further particulars as may be necessary to enable the High Commissioner to judge of the expediency of undertaking the work.

Proceedings when Government aid is necessary.

Upon receipt of the application the High Commissioner may cause plans and estimates of the work to be made and refer the same to skilled persons for a report on the advisability of undertaking the work, and for an approximate specification of the property which will be benefited by the work, and obtain a list of the proprietors of such property as is likely to be benefited by the work, and the extent

of land owned by each. Copies of such plans, estimates, reports and lists shall be deposited in the office of the Commissioner of the District and notices shall be published in the *Cyprus Gazette*, and posted in such villages as shall appear to the High Commissioner to be likely to be affected by the proposed work, declaring that such plans, estimates, reports and lists have been so deposited, and calling upon all persons and communities aggrieved by the decision of the meeting or objecting to such reports to make their objection in writing to the Commissioner of the District within two months after the date of the posting of the notices.

After considering the plans and estimates and reports and the objections if any of the persons and communities aggrieved, the High Commissioner in Council may, if he shall think fit, authorize the performance of the work.

The authorization shall be given in writing under the hand of the High Commissioner, and notice thereof shall be published in the *Cyprus Gazette* and in such villages as the High Commissioner shall direct.

Assessment  
of cost to be  
borne by  
landowners  
made by  
Committee.

6. At any time after the giving of the authorization, the High Commissioner may appoint a Committee consisting of the Commissioner of the District or his substitute, the Government Engineer or his substitute, and one landowner, resident in the District, and elected by the Mejlis Idaré of the District, to examine and report in respect of each such work, as to the property to be benefited by the work, the proportion of water to be assigned to and of the cost to be borne by each proprietor. From the date of the report every property to be benefited by the work and the proprietor thereof shall become and be severally bound and liable to repay to the Government all such sums as may be advanced by the Government for the carrying out of the work in the proportions mentioned in the report; and the said sums shall be a first charge upon the property, and such charge shall take precedence over all mortgages and encumbrances whatsoever.

Power of  
High Com-  
missioner to  
amend, etc.,  
the Report.

7.—(1.) Where it is found desirable from any cause that any report made under the provisions of section 6 should be amended, the High Commissioner may order that it be revised, amended, or altered in any one or more of the following particulars:—

- (a.) By increasing or reducing the number of the proprietors mentioned in the report;
- (b.) By increasing or reducing the number of donums to be benefited by the irrigation work;

(c.) By increasing or reducing the proportion of water assigned to each proprietor, and the proportion of the cost to be borne by each proprietor.

(2.) Where it has been found desirable to revise, amend or alter any report as aforesaid, and any new proprietors have been added thereto under the provisions of this section, the High Commissioner may make such order as he may think just with regard to the contribution to the payment of the Irrigation Works by any such new proprietor.

(3.) Nothing in this section shall exempt any contributor from the payment of any contribution which has before any such revision, amendment or alteration become due and payable.

8. Where any person has become liable under a report made in pursuance of the preceding sections to repay any proportion of the cost of an Irrigation Work, and it appears to the High Commissioner that he has become so liable in respect of lands which cannot be benefited by the Irrigation Work, the High Commissioner may order that so much of the report shall be cancelled as directs him to repay any sum in respect of the lands which cannot be benefited as aforesaid.

Exemption from contribution in respect of land not benefited by Irrigation Works.

Upon any such order the High Commissioner may direct that any contributions which are owing or have been paid in respect of the lands may be written off or refunded, and that the amount so written off or refunded shall be apportioned as may appear just among the other contributors.

9. Every work the performance of which shall have been authorized under the provisions of section 5, shall be carried out by such persons as the High Commissioner shall appoint.

Work to be carried out by agents of Government.

10. The sum expended by the Government in the execution of the work shall be repayable by the proprietors of the property to be benefited in such annual instalments, not less than five, as the High Commissioner in Council shall direct, such instalments to be collected in the same manner and at the same time as the annual payment of Verghi in respect of the same property, until the whole cost of the work shall have been repaid to Government.

Repayment of money expended by Government.

11. After the completion of any work as aforesaid the work shall be inspected at least once a year by the Government Engineer or his substitute, and the Government Engineer shall from time to time cause all necessary repairs to be performed thereon.

Repair of works.

The cost of such repairs shall be defrayed by the proprietors who contributed to the execution of the work and in like proportion; and the amount payable by any proprietor in respect of the repairs shall be collected as provided by the last preceding section.

Supervision  
of the works  
executed.

12. The Mukhtar and Azas of each village shall watch over the conservation of the works executed and report to the Commissioner of the District all damage done to the works; if they knowingly omit to make such report they may be prosecuted by the Commissioner and be liable each of them to a fine not exceeding three pounds.

Urgent repair  
of old work

13.—(1.) If at any time it shall appear to the High Commissioner that it is urgently necessary that any existing work constructed prior to the passing of this Law should undergo repairs without delay, he may forthwith order the necessary repairs to be executed, and at any time after the date of the order appoint a committee constituted as provided in section 6, who shall examine and report upon the work in question, specifying in their report:—

(a.) The proprietors of property benefited by the work and the extent of the property owned by each proprietor;

(b.) The proportion of the cost of the repairs to be borne by each proprietor.

(2.) A copy of such report shall be deposited for inspection at the office of the Commissioner of the District, and notice of such deposit shall be published in the *Cyprus Gazette* and posted in every village within the boundaries of which any lands are benefited by the work.

(3.) After receiving the report the High Commissioner may, if he shall think fit, direct that the cost of the repairs shall be defrayed by the proprietors specified in the report, in the proportion therein mentioned; and the amount payable by any proprietor in respect of the repairs shall be payable in such annual instalments as the High Commissioner shall direct; the instalments to be collected in the same manner and at the same time as the annual payment of Verghi in respect of the property to be benefited, until the whole cost of the work shall have been repaid to the Government.

Power to  
acquire land.

14. Whenever it shall be made to appear to the High Commissioner that land is wanted for the carrying out of any work or the irrigation of any land under this Law and there is any hindrance to the acquisition thereof, the High Commissioner may declare that the land is needed for public purposes, and may order proceedings for obtaining possession of it for Government, and for determining the compensation to be paid to the parties interested, according to any law now

or hereafter to be in force for the acquisition of land for public purposes; and the sum paid as compensation shall be included in the cost of the work, to be repayable as hereinbefore provided.

15. Any person appointed by the High Commissioner to carry out any work under the provisions of this Law may, by himself, his agents or contractors, after giving notice to the Mukhtar of the village to which the lands belong, enter upon any lands for the purpose of carrying out the work, and do all things necessary for carrying it out, and cut down or remove all such trees, hedges, walls, or other things as it may appear to him necessary to cut down or remove for the purpose of carrying out the work.

Powers to enter upon lands, etc.

*Compensation to Persons Injured.*

16. For all property destroyed or injured in carrying out the purposes of this Law, compensation shall be made to the owner thereof by the owners of property benefited. The nature and amount of the compensation to be made to any person and the proportion in which each landowner shall contribute thereto shall be settled by the Mukhtar and Azas of the village in which such property is situate.

Assessment of compensation made by the Mukhtar and Azas.

17. The decision of the Mukhtar and Azas in each case shall be reduced to writing in duplicate, and each copy thereof shall be signed or sealed by the Mukhtar and Azas. One of the copies shall be forwarded to the Commissioner of the District and the other shall be given to the person claiming compensation. The decision shall be also published in the village in such manner as the Mukhtar and Azas shall think fit, and in default they will be each liable to a penalty not exceeding one pound.

Record of assessment.

18. If the Mukhtar and Azas fail to perform the duties imposed on them by the two last preceding sections, the Commissioner of the District shall serve upon the Mukhtar of the village in which the property destroyed or injured is situate a notice in writing to the Mukhtar and Azas of the village calling upon them to perform the duties within seven days of the service of the notice; and in case the Mukhtar and Azas shall neglect or refuse to perform the duties in accordance with the notice, the Commissioner of the District may appoint two experts to settle the nature and amount of the compensation to be made under the provisions of section 16, and also appoint a third expert to act as umpire if the two experts cannot agree upon a decision.

Assessment of compensation on failure of Mukhtar and Azas to assess.

19. The two experts appointed under the last preceding section shall forthwith proceed to settle the nature and amount of the compensation; and if they cannot agree upon a decision shall refer the matter to the third expert as umpire.

Reference to third expert as umpire.

Appeals

**20.** Every such decision of the Mukhtar and Azas, or of the two experts, or of the third expert in case of difference, shall be subject to appeal on the part of any person aggrieved thereby to the Mejlis Idaré of the District, whose decision shall be final.

All appeals under this section must be lodged within fourteen days of the publication of the decision appealed against.

How compensation to be paid if a person under disability.

**21.** In case any person entitled to compensation under this Law shall be under disability or absent abroad, any sum to which he may be entitled in respect of the compensation may be paid to his guardian or duly authorized agent, if any (whose receipt shall be a sufficient discharge for it), or in the absence of a guardian into the District Court of the District within which the property in respect of which it is paid is situate, to be disposed of as the Court shall direct for the benefit of the person entitled thereto.

Compensation, how to be collected.

**22.** Every sum assessed as compensation under the provisions of this Law shall be collected from the proprietors benefited, as provided by section 10, and shall be an additional charge to the amount which they shall have to pay to the Government.

*Regulation of use of Public and Common Rivers and Water Courses.*

Meeting of proprietors to form irrigation division.

**23.** The Commissioner of any District may, whenever he thinks it advisable, or shall upon a requisition signed by not less than ten proprietors in any village, call a public meeting of proprietors within the village, and such adjacent villages as shall be specified in the notice convening the meeting, for the purpose of determining by majority of votes, as hereinafter provided, whether an irrigation division shall be formed for the protection of common waters and water courses, and for the regulation of the use thereof, and for the maintenance of the water rights of the proprietors. Provided that, in case the extent of the proposed division should render more meetings than one necessary, the Commissioner may form several subdivisions thereof, and hold a meeting in each subdivision.

Notice of meetings.

**24.** The Commissioner shall, one month at least before the day of holding any such meeting, cause notices to be published throughout the villages in respect of which the meeting is held, in such manner as shall appear to him best adapted for giving the greatest publicity thereto, of the day and place appointed for holding the meeting, and of the object for which it is to be held, and shall in the notices call upon all proprietors within any village or villages in respect of which the notice is given to attend in person or by proxy in writing at the meeting for the purpose aforesaid.

25. Every meeting so convened shall be held in the presence of the Commissioner at the time and place appointed, and at every such meeting every proprietor within the village or villages for which the meeting has been called, who shall be present thereat, either in person or by proxy in writing, shall be entitled to declare to the Commissioner whether it is his wish that the villages should be constituted an irrigation division within the meaning of this Law for the purposes aforesaid.

Proceedings  
at meeting.  
As amended by  
17, 1923, 2.

If the proprietors determine to form an irrigation division, they may appoint a committee of three persons to be associated with the Commissioner for the purpose of drawing up rules for the purposes mentioned in section 23. Provided that the High Commissioner in Council may by Order direct that any Committee may consist of four or more persons.

Every such Committee shall be elected as hereinafter provided.

26. When any meeting is held for the purpose of forming an Irrigation Division (whether only one such meeting has been convened, or several subdivisational meetings) and it has been determined at the meeting that an Irrigation Division shall be formed, proceedings may be taken for the election of a Committee either at the same meeting, or at any adjournment thereof, of which notice shall have been publicly given by the Commissioner before the close of the original meeting.

Election of  
Committee.

27. At every such election votes shall be taken for any candidate who may be proposed and seconded at the meeting at which the election is held, by persons entitled to vote at the meeting.

Candidate to  
be proposed  
and seconded  
by voters.

28. Every voter may give three votes, and may either give them all to one candidate or may distribute them among the candidates as he thinks fit. Provided that where the High Commissioner shall by Order in Council have directed that any Committee shall consist of four or more persons, each voter shall have as many votes as there are persons directed to be on the Committee.

Manner of  
voting.  
As amended by  
17, 1923, 3.

The votes shall be given in such manner as the Commissioner shall think most convenient, and the Commissioner shall make and keep or cause to be made and kept a true record thereof.

29. At the conclusion of the voting at any divisional meeting or, where several subdivisational meetings have been held, at the conclusion of the voting at the last subdivisational meeting, the Commissioner shall publicly count the votes, and the three or more candidates, as the case may be, who have received the greatest number of votes shall be declared to be appointed as a Committee to be associated with the Commissioner for the purpose of drawing up rules as aforesaid.

Counting of  
votes and  
declaration of  
result.  
As amended by  
17, 1923, 4.



When a person elected declines to act the person next in order to take his place.

30. In case any person appointed to act as a member of any such Committee declines to act, the person who received the greatest number of votes next to the candidates already appointed shall be appointed by the Commissioner to be a member of the Committee in place of the person so declining to act.

Record of proceedings.

31. The Commissioner shall cause to be entered in the minutes of every such meeting the questions or resolutions proposed thereat, and the number of votes given for and against them, and shall at the close of the meeting sign the minutes, and publicly declare the result of the votes given, and shall cause copies of the minutes certified under his hand to be transmitted to the Chief Secretary to the Government.

Right to vote, how decided.

32. If at any such meeting any question is raised as to the right of any person to vote, the Commissioner may there and then make such inquiry as he may deem requisite, and declare whether the person has the right of voting or not, and the decision so made shall be final, and an entry shall be made in the minutes of the meeting of any such question and of the decision thereon.

Majority of two-thirds necessary to pass resolution.

33. All questions or resolutions proposed at any such meeting shall be determined by a majority consisting of two-thirds at least of the persons present and entitled to vote.

Rules how drawn and confirmed.

34. If a Committee is appointed in the manner referred to in section 25 it shall, together with and under the presidency of the Commissioner of the District, proceed to draw up rules in accordance with the said section, and the rules shall, when completed, be transmitted by the Commissioner to the Chief Secretary for the approval, amendment or disallowance thereof by the High Commissioner in Council. The rules shall be published in the *Cyprus Gazette*, and a copy thereof shall be posted in a conspicuous place in every village in the irrigation division, together with a notice that any person having any objection to them is requested to state his objection to the Chief Secretary to the Government in writing, or to the Commissioner of the District, within one month from the date of the notice; and the High Commissioner in Council after having considered the objections, if any, may approve, amend or disallow the rules at any time not less than one month after the publication and posting thereof as aforesaid; and in case they are approved, or amended and approved, notice of the approval shall be given by proclamation; and the rules or amended rules shall be published in the *Cyprus Gazette*, and in the irrigation division in such manner as to the Commissioner shall seem expedient, and shall thereupon become binding upon all proprietors of lands within the said division, and upon all other persons and shall be as valid as if they had been inserted herein.

35. At any time after the publication of the rules the Commissioner may, if he thinks it advisable, or shall upon the requisition of any ten proprietors of the district where the rules are in force, call a public meeting of the proprietors for the purpose of adding to, amending or repealing the existing rules or any of them.

Alteration  
of rules.

Any additions, amendments, or repealing provisions which may be voted by the Meeting shall be voted, approved and published, and in all respects dealt with and decided upon in the same manner as is hereinbefore directed and provided with respect to the original rules.

36. Whenever any complaint is made of any breach of the rules, the complaint shall be heard and determined by any Magisterial Court having jurisdiction over the locality where the breach was committed.

Procedure in  
case of  
breach of  
rules.

37. Whenever any person is found guilty of any breach of any of the rules he shall be liable to pay for such offence a fine not exceeding two pounds.

Penalties

#### Miscellaneous.

38. The Commissioner of the District, or the Government Engineer may give order verbally or by notice in writing to any person wrongfully obstructing or encroaching upon any channel, water-course or work connected with irrigation forthwith to remove or abate the obstruction or encroachment; and if any such person to whom such order shall have been given shall refuse or neglect to comply with the same within a reasonable time; or if there be any doubt as to who is the proper person to whom the order shall be given, the said Commissioner or the Government Engineer may cause the obstruction or encroachment to be forthwith removed or abated; and for that purpose the said Commissioner or Government Engineer, or any person thereto authorized in writing by either of them, may where necessary by himself or his agents enter into any garden, enclosure or other premises with such instruments and things as may be necessary, and proceed to do therein or cause to be done all such things as may be necessary for the removal or abatement of the obstruction or encroachment; and the Commissioner of the District shall be entitled to recover the expenses which have been *bonâ fide* incurred in effecting the removal or abatement from the party on account of whose non-compliance with any such order the expenses are incurred, or from any person who shall be found to be the person to whom the order ought to have been given.

Power to  
Commissioner  
to remove  
obstructions.

Penalty for obstructing the Government Engineer.

39. Any person wilfully obstructing the Government Engineer, his agents or contractors or any person appointed to carry out any work under this Law, in the performance of their work under this Law shall be liable for each offence to a fine not exceeding one pound or to imprisonment for any term not exceeding ten days.

Money to be advanced from Agricultural Bank or other special fund.

40. For the construction, repair, improvement or maintenance of works connected with the water supply or drainage of lands under this Law, the High Commissioner may authorize moneys to be advanced from time to time from the funds of the Agricultural Bank or other special fund available for such purposes.

Disposal of fines.

41. All fines recovered under this Law shall be paid to the Commissioner of the District to be added by the Government to the capital of the Agricultural Bank.

Water held by title exempted from the provisions of the law.

42. The provisions of this Law shall not be applied to any water which is by registered title or *ab antiquo* possession the property of any person, corporation or village, without the consent of such person, corporation, or of the majority of the proprietors in such village.

Short title.

43. This Law may be cited as the Irrigation and Water Law, 1887.

## 15 OF 1897.

TO PROVIDE FOR THE CONSTRUCTION OF IRRIGATION WORKS, AND FOR OTHER PURPOSES RELATING THERETO.

WALTER J. SENDALL.]

[September 2, 1897.

### PART I.

#### *Preliminary.*

Definitions.

(1.A) In this Law, unless the context otherwise requires:—

“ Person ” includes any body of persons, corporate or unincorporate, and any ecclesiastical or pious foundation;

“ Land ” extends to and includes buildings, trees, and standing crops;

“ Persons interested ” includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Law; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land.

*repealed by Law 26 of 1928*