

No. 4 OF 1938.

A LAW TO EMPOWER THE GOVERNOR TO GRANT A LICENCE TO THE ANONYME HELLENIC COMPANY OF CHEMICAL PRODUCTS AND MANURES TO CONSTRUCT, EQUIP, MAINTAIN AND WORK A RAILWAY AND AN AERIAL ROPEWAY.

H. R. PALMER,
Governor.

[25th February, 1938.]

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :—

1. This Law may be cited as the Anonyme Hellenic Company of Chemical Products and Manures (Railway and Aerial Ropeway) Law, 1938. Short title.

2. In this Law—

“the Company” means the Anonyme Hellenic Company of Chemical Products and Manures, a company incorporated in Greece whose principal place of business in the Colony is situated at Nicosia ;

“Court” means the District Court of the District within which the land acquired or to be acquired under this Law is situated ;

“land” includes land (with the grazing rights, and all water and water rights on, over or under such land), buildings and other erections, trees, easements and standing crops ;

“the Mining Lease” means the lease dated the 2nd day of January, 1937, and made between the Governor of the one part and the Company of the other part whereby the Company was granted the exclusive licence to mine, win and remove all slags and mineral substances consisting of or containing copper, iron, manganese, nickel, cobalt, chromium, zinc, lead, sulphur, gold, silver, platinum, selenium, tellurium and magnesium in, under and from two areas of land, that is to say, the area of land situated near the villages of Kellaki and Asgata, in the District of Limassol, and the area of land situated near Kalavastos, in the District of Larnaca, therein referred to as Area “A” and Area “B” respectively and more particularly described and delineated on the maps annexed thereto for a term of ten years commencing from the date thereof, and includes any instrument extending the term of, or amending, or substituted for, the said lease ;

Interpre-
tation.

“person 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.

Power to
Governor
to grant
licence.

3. The Governor may grant a licence to the Company, on such terms and conditions and upon payment of such fees as he thinks fit,—

(a) to construct, equip, maintain and work—

(i) a line of railway of one track of metals from a point to be determined within the Area “B”, situated in the Larnaca District, the boundaries of which are described in clause 2 of the Mining Lease to a terminal point to be determined near the coast approximately one mile westward of the village of Zyvi in the said District (hereinafter called “the railway”);

(ii) an aerial ropeway from the terminal point of the railway to a point to be determined in the sea, (hereinafter called “the aerial ropeway”); and

(b) to construct, erect and maintain at such places as the Governor may approve such sheds, stores, pylons and other buildings, structures and erections as may be shown to the satisfaction of the Governor to be required by the Company—

(i) for use in connection with the railway or the aerial ropeway, and

(ii) for the purposes of the mining operations of the Company under the Mining Lease.

Notice in
Gazette of
grant of
licence.

4. Upon the grant by the Governor to the Company of a licence under the provisions of section 3, a notice of such grant shall be published in the *Gazette*.

Plans and
particulars
to be
deposited.

5. After the publication of the notice mentioned in section 4, the Company shall, when required so to do by the Governor by notice in writing, deposit with the Commissioner of the District of Larnaca, within such time or times as may be specified in such notice, plans showing the course of the railway or the aerial ropeway and also particulars of the land to be acquired for the purposes of the railway or the aerial ropeway or for use in connection with the railway or the aerial ropeway or for the purposes of the mining operations of the Company under the Mining Lease, as the case may be.

6.—(1) The Company shall cause notices to be served (in manner hereinafter provided) on all the persons interested in the land it is proposed to acquire, notifying to them the proposed acquisition and informing them that they are at liberty to examine the plan and particulars of the land to be acquired at the office of the Commissioner of the District of Larnaca and present any objections they may have to make thereto within fourteen days from the service thereof.

Notice to persons interested.

(2) At or after the expiration of the period of fourteen days from the service of the notices in sub-section (1) provided, the Commissioner shall forward to the Governor the plans and particulars, together with the objections made, if any.

7. If the Governor approves the plans and particulars submitted and considers it expedient, having regard to all the circumstances of the case, that the land in question shall be acquired, he may by notification in the *Gazette* sanction the acquisition of the land and thereupon the land shall be acquired and compensation, which may include compensation for damage occasioned by determination of a lease, shall be awarded for its acquisition in manner hereinafter provided.

Sanction by Governor of acquisition of land.

8. If the Governor does not approve the plans and particulars or does not consider it expedient, having regard to all the circumstances of the case, that the land in question shall be acquired, he may by notice in the *Gazette* refuse to sanction the acquisition of the land, and in such case the Company may submit fresh plans and particulars and fresh proceedings under this Law may be taken.

Refusal of sanction by Governor of acquisition.

9. When the Governor has notified his sanction to the acquisition of any land, the land shall thereupon vest absolutely in the Company, free from all encumbrances and the notification of the Governor's sanction shall be sufficient authority to the Director of Land Registration and Surveys to cause registration to be made or amendments of registration to be effected in accordance with the plans and particulars so approved by the Governor.

Vesting land in Company.

10. If within fourteen days from the date of the notification of such sanction, the persons interested do not agree with the Company as to the compensation for the land so acquired, the Company shall apply to the Court to refer the determination of the amount of the

Reference to Court.

compensation to arbitrators and the Court shall thereupon order that a notice be served, in manner hereinafter provided, on the persons interested, and shall fix a day for the appearance of the parties before the Court.

Appoint-
ment of
arbitrators
and umpire.

11.—(1) On the day so fixed, if all the parties appear and each party names an arbitrator on his behalf, the Court shall appoint the arbitrators and, in the event of the arbitrators failing to agree, the Court shall be the umpire to decide between them.

(2) If any party fails to appear or refuses to appoint an arbitrator, the Court shall appoint an arbitrator on his behalf.

(3) If the arbitrators fail to file their award within the time or extended time prescribed by the Court, the Court shall be the sole arbitrator.

(4) On appointing any arbitrator, the Court may prescribe the time within which the award may be filed and may extend it from time to time.

(5) The award made under this section shall for all purposes be final and conclusive.

Distribution
of sum
awarded.

12. The Court shall order that the whole or any portion of the sum awarded be paid to any mortgagee of the land in satisfaction in whole or in part of the sum secured by the mortgage, or to any lessee of the property, as compensation in respect of the determination of his tenancy, or to any judgment creditor who has registered his judgment in the manner provided by law, in satisfaction in whole or in part of the sum due under the judgment.

Payment
into Court.

13. If any person refuses to accept any sum ordered to be paid to him under the provisions of this Law, or is absent from the Colony, the Company may pay the sum into Court.

Fees to
arbitrators
or umpire.

14. The Court may make any order it may think right as to the course and cost of the proceedings, including the amount of fees or expenses to be paid to the arbitrators or umpire in connection with their arbitration and award, and may direct by whom they are to be paid.

Service of
notices.

15. Where a notice is required to be served under this Law, service may be effected by delivery of the notice to the person to be served therewith, or, if he cannot be found, by leaving it at his usual place of abode with any adult inmate thereof,

Where it appears, however, that the latter mode of effecting service of the notice is not calculated to bring to the knowledge of the person interested the contents of the notice, the Court may order that the notice be advertised in any newspaper, and that a copy of the notice be posted on some conspicuous part of the land acquired or to be acquired.

16. Whenever it appears to the Court that any person interested in any land acquired or to be acquired under the provisions of this Law, is, on account of being absent from the Colony or on account of being under any disability, likely to be under any disadvantage in bringing forward his claims to compensation under the provisions of this Law, the Court may, on the application of the Company or of its own motion, order that such person be duly represented, and may generally give such directions as may secure the proper and just determination of his claims.

Representa-
tion of
persons
absent or
under
disability.

17. The Governor may make regulations to be published in the *Gazette* with regard to all or any of the following matters, that is to say,—

Power to
Governor
to make
regulations.

- (a) for regulating the manner of the working of the railway and the aerial ropeway ;
- (b) for regulating the safety and conduct of all persons using or employed in or about the railway and the aerial ropeway and any premises used in connection therewith ;
- (c) for prohibiting trespass upon or nuisance in, on or about the railway, the aerial ropeway and any premises used in connection therewith ;
- (d) for preventing injury or damage to the railway, the aerial ropeway, and any premises used in connection therewith ;
- (e) for preventing damage or injury to any premises adjacent to the railway and the aerial ropeway ;
- (f) generally for regulating and controlling the use and working of the railway and the aerial ropeway.