

(b) By the addition thereto of the following sub-section, the first part thereof being numbered as sub-section (1):—

“(2) Subject to the provisions of section 10 of the Order, an officer who has served as a constable for ten years or upwards may be granted on his retirement an addition to a pension under the preceding sub-section, not exceeding in the aggregate sixty-seven-hundred-and-twentieths, of one seven-hundred-and-twentieths of his pensionable emoluments for each complete month’s service as a constable in excess of twenty-five years:

Provided that where an officer is not a constable at the date of his retirement, his pensionable emoluments for the purpose of computing the said addition shall be the sum which would have been taken as his pensionable emoluments for the purpose of calculating his pension if he had retired and been awarded a pension on the last day upon which he served as a constable.”

No. 7 OF 1938.

A LAW TO AMEND AND CONSOLIDATE THE LAW RELATING TO SUMMER RESORTS.

H. R. PALMER,]
Governor.

[13th April, 1938.

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

PART I.

PRELIMINARY.

1. This Law may be cited as the Summer Resorts (Development) Law, 1938. Short title.

2. In this Law, unless the context otherwise requires,— Interpre-
tation.

“Board” means a Summer Resort Development Board constituted in accordance with the provisions of this Law;

“building” means any construction whether of stone, concrete, mud, iron, wood or other material and includes any foundation, wall, roof, chimney, verandah, balcony, cornice or projection or part of a building, or anything affixed thereto, or any wall, earthbank, fence, paling or other construction enclosing or delimiting or intended to enclose or delimit any land or space;

“Commissioner” means the Commissioner of the District in which the summer resort is situated ;

“District Medical Officer” means the person who is for the time being lawfully discharging the duties of the Government District Medical Officer of the District in which the summer resort is situated and includes his duly authorized representative ;

“Divisional Engineer” means the person who is for the time being lawfully discharging the duties of the Government Divisional Engineer of the District in which the summer resort is situated and includes his duly authorized representative ;

“land” includes land (with the grazing rights and all water, whether mineral or otherwise, and water rights on, over or under such land), buildings, trees, vines, easements and standing crops and any other immovable property situated within a summer resort which may by law be sold, purchased or exchanged ;

“Mukhtar” means the Mukhtar of the village which is or has been declared to be a summer resort under the provisions of this Law ;

“street” includes any square, road, bridle-path, pathway, blind-alley, passage, footway, pavement or public place situated in a summer resort.

“summer resort” means—

(a) any village or area deemed to be a summer resort under the provisions of section 3, and

(b) any village or any area in the Colony declared to be a summer resort under the provisions of section 4 (1),

and includes any area added thereto under the provisions of section 4 (2) ;

“village” includes the lands of a village.

PART II.

SUMMER RESORTS AND BOARDS.

3.—(1) Every village in the Colony which at the date of the commencement of this Law has been declared to be a summer resort under the provisions of any of the Laws hereby repealed shall be deemed to have been declared to be a summer resort under the provisions of this Law and shall be a summer resort for the purposes of this Law.

(2) The area of Troödos which at the date of the commencement of this Law has been declared to be a sanitary area under the provisions of the Troödos Public

Application of Law to existing summer resorts and to the Troödos sanitary area.

Health Laws, 1920 to 1936, shall be deemed to have been declared to be a summer resort under the provisions of this Law and shall be a summer resort for the purposes of this Law.

22 of 1920
37 of 1930
8 of 1936.

4.—(1) The Governor may, at his discretion, by Order to be published in the *Gazette* declare any village or any area in the Colony to be a summer resort and thereupon such village or area shall be a summer resort for the purposes of this Law.

Power to Governor to declare any village or area to be a summer resort.

(2) The Governor may, at his discretion, by Order to be published in the *Gazette* declare any area in the Colony to be added to any summer resort and thereupon such additional area shall form part of such summer resort for the purposes of this Law.

5.—(1) There shall be established in every summer resort a Summer Resort Development Board composed as follows:—

Composition of Boards and matters relating thereto.

- (a) The Commissioner, as Chairman ;
- (b) The District Medical Officer ;
- (c) The Divisional Engineer ;
- (d) The Mukhtar, where the summer resort is a village ; and
- (e) such number of persons not exceeding three at any one time to be appointed by the Governor.

(2) Every member of a Board appointed by the Governor—

- (a) shall hold office for a period of two years from the date of his appointment: Provided that the Governor may, if he deems it expedient, terminate at any time the appointment of any such member ;
- (b) shall upon the expiration of his period of office be eligible for re-appointment thereafter ;
- (c) may resign his membership upon giving notice in writing to the Colonial Secretary through the Chairman of the Board.

(3) Any vacancy on a Board shall be filled by the Governor by appointing a person to fill the vacancy.

6.—(1) The Chairman of the Board shall summon meetings of the members thereof as often as he may deem necessary :

Meetings of Boards.

Provided that if requested to do so by a notice in writing signed by any two members, he shall summon a meeting within seven days of the receipt of the notice, such meeting to be held not later than fourteen days from the receipt of the notice.

(2) The meetings of the Board shall be held at such time and place as the Chairman may from time to time appoint.

(3) Want of service of the summons on any member of the Board shall not affect the validity of the meeting.

(4) Save as in this Law otherwise provided, no business shall be transacted at any meeting of the Board unless three members, at least, are present.

If, on the second successive summons, three members are not present at the time and place appointed for the meeting, the Board may proceed with business if two members only are present.

(5) If at any time the Chairman of the Board is unable to attend any meeting of the Board, he may appoint in writing one of the members to act as Chairman for that meeting.

(6) At any meeting of the Board, when the votes are equal the Chairman or acting Chairman, as the case may be, shall have a second or casting vote in addition to his own vote.

Minutes of
the Board.

7. Minutes of the proceedings of every meeting of the Board shall be drawn up correctly and entered in a book kept for that purpose and shall be signed by the Chairman or acting Chairman, as the case may be, and when so signed shall be received in evidence without further proof.

Effect of
vacancy in
the Board.

8. No act or proceeding of the Board shall be deemed to be invalid by reason only of any vacancy in the Board.

Executing
decisions
of Boards.

9. It shall be the duty of the Chairman—

(a) to see that all and every decision of the Board is duly executed, and

(b) where such decision necessitates the expenditure of funds to see that such expenditure is in accordance with the estimates as approved by the Board, unless special expenditure is authorized by the Board.

Contracts.

10.—(1) Contracts on behalf of the Board shall be made in writing under the hand of the Chairman: Provided that contracts incidental to the ordinary conduct of the current business of the Board may, subject to the provisions of the Contract Law, 1930, be made in writing or parol, as the case may be, on behalf of the Board by the Chairman, and any such contract made in writing may be varied or discharged in writing and any such contract made by parol may be varied or discharged in writing or parol.

(2) All contracts made in accordance with this section shall be effectual in law and shall bind the Board for the time being and all other parties thereto, their heirs, executors or administrators as the case may be.

11.—(1) The Board may from time to time appoint fit persons, not being members thereof, to be the Secretary and Treasurer of the Board.

Appoint-
ment of
Secretary,
Treasurer
and other
officers or
servants.

(2) The Board may appoint such other officers and servants as they think necessary for the purposes of this Law.

(3) Every person appointed under this section shall hold office during the pleasure of the Board or during such time as the Board may determine and shall receive such salary or remuneration as the Board may appoint.

(4) The Chairman of the Board may employ at the current rate of daily wages any servants or labourers required in the service of the Board to carry out any work for which provision is made in the current estimates, as approved by the Board, or which has been specially authorized by the Board.

12.—(1) All property acquired by or vested in or held by, and all rights and liabilities of, any Public Health Board constituted under the provisions of any of the Laws hereby repealed shall, without prejudice to the right of any person, vest in the Board established under the provisions of this Law for the summer resort concerned.

Vesting of
property.

(2) All property that shall hereafter be acquired under the provisions of this Law shall vest in the Board for the summer resort concerned.

13.—(1) All immovable property vested in or acquired by a Board which is by any Law or custom required to be registered in the books of the Land Registry Office shall be registered in the name of the Board for the summer resort concerned.

Registration
of im-
movable
property of
summer
resorts.

(2) Upon application being made to register any immovable property in the name of a Board or to do any transaction, act or thing required to be done in the Land Registry Office the Chairman of the Board shall be the lawful attorney of the Board.

14. It shall not be lawful for a Board to sell, mortgage or otherwise deal with any immovable property registered in their name under the provisions of this Law save upon a resolution of two-thirds of the members of the Board and with the sanction of an order of the Governor in Council and subject to such terms and conditions as may be prescribed in such order,

Sale or
mortgage of
immovable
property by
Board.

PART III.

ESTIMATES, FINANCES AND ACCOUNTS.

ESTIMATES.

Annual
estimates.

15. The annual estimates of the revenue and expenditure of a Board shall be prepared at such a date as will admit of their consideration and approval by the Board before the beginning of the period to which the estimates relate. The financial year of all Boards shall begin on the first day of January.

Preparation
of estimates.

16. The estimates of a Board shall be prepared by the Chairman of the Board and when so prepared shall be submitted for the consideration and approval by the Board.

SUMMER RESORT DEVELOPMENT FUND.

Summer
resort
development
fund.

17. For every summer resort there shall be a fund to be called the Summer Resort Development Fund which shall consist of—

- (a) all fees or moneys collected under the provisions of this Law, or any bye-law made thereunder ;
- (b) all fines, penalties and costs recovered under the provisions of this Law or any bye-law made thereunder ;
- (c) all rents and profits of and arising out of all property of the Board ;
- (d) all other moneys received by the Board or by an officer, servant or agent thereof for and on behalf of the Board.

Application
of Summer
Resort
Develop-
ment Fund.

18. The Summer Resort Development Fund shall be applied to and charged with the following payments—

- (a) the salaries or remuneration of the Secretary, Treasurer and such other officers or servants as the Board may under the provisions of this Law appoint ;
- (b) all expenses necessarily and lawfully incurred by the Board under the provisions of this Law ; and
- (c) all other moneys legally due and owing by the Board :

Provided that no payment shall be made out of a Summer Resort Development Fund unless it has been authorized by the Board in the current estimates or has been specially authorized by the Board.

19.—(1) All payments to and out of a Summer Resort Development Fund shall be made to or by the Treasurer or by any other person authorized by the Chairman of the Board in that behalf. Treasurer to receive and make payments.

(2) Where any payment from a Summer Resort Development Fund is made by cheque such cheque shall be signed by the Chairman of the Board.

20. All moneys belonging to or received for or on account of a Board shall be paid into the account of the Board at such Bank as the Board shall appoint: Moneys to be paid into Bank.

Provided that the Board may, from time to time, authorize the Treasurer or any other officer of the Board to retain in his hands a sum sufficient for the daily expenses of the Board.

21. No money shall be withdrawn from the account of a Board at any Bank otherwise than by cheque signed by the Chairman of the Board. Withdrawals from Bank.

ACCOUNTS AND AUDIT.

22.—(1) Every Board shall cause a true account to be kept by the Treasurer of all moneys received and paid by or on behalf of the Board. Board to keep accounts.

(2) Within thirty days of the thirty-first day of December of every year the accounts of every Board up to and including such day shall be closed, and shall be certified by the Chairman of the Board.

23. The accounts in the preceding section mentioned shall be produced by the Treasurer or any other person authorized by the Board in that behalf for audit by any one or two competent persons appointed for that purpose by the Colonial Secretary and all expenses and fees in connection with such audit shall be defrayed out of the Summer Resort Development Fund. Accounts to be audited.

PART IV.

DUTIES AND POWERS OF THE BOARD.

24.—(1) Subject to the provisions of this Law and of any other Law in force for the time being the Board shall, in so far as there are funds available, within the limits of the summer resort— Duties and powers of the Board.

- (a) prevent the accumulation in any public or private place of any filth, refuse or water in a manner dangerous to the public health;

- (b) require any building wherein any person has died of any kind of contagious or infectious disease and the clothing in and contents of such building to be disinfected ;
- (c) prevent advertisements or notices being affixed to or inscribed on any building by any person other than the occupier, and shall erect, or cause to be erected, hoardings for the exhibition of advertisements and notices ;
- (d) regulate or prevent the keeping of swine, and regulate the keeping of animals and birds so that their keeping shall not be a public nuisance or injurious to health ;
- (e) ensure that all drains, urinals, latrines and cesspits shall be so constructed and kept as not to be a nuisance or injurious to health ;
- (f) prevent any bar, barber's shop, cake-bakery of any kind, coffee-house, confectioner's shop, cook shop, dairy, drinking shop, hotel, khan, pastry shop, public bath house and any premises in which foodstuffs or liquids of whatever kind or nature intended for human consumption are made or exposed for sale and any premises of public resort, and any tools, objects or articles used therein, from being in an uncleanly or injurious state, and seize and destroy or otherwise deal with any such tools, objects or articles as are likely to be injurious to health or to spread the infection of any disease, at such times and in such manner as may by bye-laws be directed or allowed ;
- (g) provide and maintain in good order and repair public dust-bins and other receptacles for the temporary deposit and collection of rubbish and cause such public dust-bins and other receptacles to be so kept as not to be injurious to health ;
- (h) supervise and control all bakeries and regulate the sale of bread by fixing the weights by which only it shall be sold ;
- (i) control the erection, alteration and repair of buildings and tents ;
- (j) provide for the licensing and control of dogs and for the destruction of ownerless or stray dogs ;
- (k) provide for the inspection of all flesh, fresh fish, vegetables and all other foodstuffs of whatever kind or nature, and of liquids intended for human

consumption, exposed or intended for sale and seize and destroy all such foodstuffs or liquids as are unfit for human consumption or seize and otherwise deal with any foodstuffs or liquids intended for human consumption when and in such manner as may be by bye-laws be directed or allowed ;

- (l) grant licences and permits and, subject to the provisions of this Law, attach to such licences or permits such terms and conditions as to the Board may seem necessary or desirable, and suspend or revoke such licences and permits whenever the Board on good cause shown considers it advisable so to do ;
- (m) provide for the licensing of any person who wishes to carry on, exercise or practise any profession, business, trade or other calling ;
- (n) regulate and control the keeping of coffee-houses and kilns ;
- (o) regulate and control any trade or business which may, in the opinion of the District Medical Officer, be injurious to public health or a source of danger to the public or which it is otherwise in the public interest expedient to regulate ;
- (p) provide for the licensing of any theatre, building, tent or place used for the performance of any stage play or cinematograph exhibition or for dancing or for any entertainment to which the public is admitted or for any public meeting ;
- (q) provide for the establishment and regulation of markets and regulate the fees, rents and tolls to be paid for the use of such markets and prohibit the hawking of any goods in any place other than such markets ;
- (r) provide for the removal of all night soil and refuse from all premises and regulate the fees to be taken for such removal ;
- (s) provide for the allotment of special places for the sale of animals and of perishable goods and regulate the manner in which such animals and perishable goods shall be sold and the fees, rents and tolls for the use of such special places ;
- (t) provide slaughter-houses and prohibit the slaughter of animals in any place other than such slaughter-houses and regulate the fees to be taken for the slaughter of each animal ;

- (u) keep all streets clean and in good repair and sufficiently drained, lightened and clear of obstructions and control the construction or alteration of any street, and prevent obstructions thereover by awnings or otherwise ;
 - (v) regulate, control, restrict or prohibit traffic in the streets and fix the places at which carriages, motor cars and other vehicles must stand when not in motion and the number of carriages, motor cars and other vehicles allowed to stand at any time in each place so fixed and regulate the fees to be paid for the use of such places and prescribe the fares payable by persons hiring or using carriages, motor cars and other vehicles for journeys within the summer resort ;
 - (w) provide or cause to be provided, a good and sufficient supply of water, and keep or cause to be kept, cleansed and in good repair all public fountains, drains and aqueducts, and preserve the same from contamination and prohibit or regulate the supply or use of any water, other than such water supplied by the Board for domestic or other purposes ;
 - (x) prevent or regulate the hawking of any goods and regulate the fees to be paid in connection therewith ;
 - (y) provide or cause to be provided a good and sufficient supply of electric light ;
 - (z) regulate or prohibit the establishment or keeping of khans and other places where any animals are kept ;
 - (aa) regulate and control factories where steam, electric or mechanical power is used or in which any explosive substance is used ;
 - (bb) prohibit the deposit of any waste matter or thing in any public or private place in a manner detrimental to the amenities of the summer resort ;
 - (cc) provide generally for any other purpose and perform any public work which may be necessary or desirable for the conservancy of the summer resort, the preservation and promotion of sanitation and public health therein.
- (2) In respect of any of the matters relating to the preservation or promotion of sanitation or public health in sub-section (1) mentioned and in carrying out in connection with any such matters any recurrent annual services or measures not involving capital expenditure,

the Board shall comply with the requirements of the Director of Medical Services, in so far as there are funds available, due regard being always had to such other services, works or measures which, in the opinion of the Board, are necessary or desirable in the interests of the summer resort. All such requirements of the Director of Medical Services shall be communicated by him to the Board in writing.

(3) In the execution by the Board of any works or measures involving capital expenditure priority shall always be given to those works or measures which the Director of Medical Services may consider essential for the preservation or promotion of sanitation or public health in the summer resort, and in respect of which a notice in writing shall have been given by the Director of Medical Services to the Board.

25. Subject to the provisions of this Law, it shall be within the powers of the Board within the summer resort— Powers of
Boards.

(a)—(i) To borrow, with the consent and under the authority of an order of the Governor in Council and subject to the terms and conditions that may be imposed by such order, money from the Loan Commissioners or from any other person for carrying out any work or measure which the Board is empowered to carry out under the provisions of this Law and for the purpose of securing the payment of the principal and interest of any such loan to mortgage any property, rates, fees or duties to the lender.

(ii) To borrow temporarily from the Bank at which the account of the Board is kept any sum or sums :

Provided that the amount so borrowed shall not exceed ten per centum of the estimated revenue of the Board for the period for which the current estimates are made, and provided also that the amount so borrowed shall be repaid from the revenue of and during such period.

(b) To acquire land for any public purpose which shall include—

- (i) the construction of new streets,
- (ii) the opening, widening, straightening or improving existing streets,
- (iii) the erection of public buildings,
- (iv) any other purpose approved by the Governor.

- (c) To acquire, with the consent in writing of the Commissioner previously obtained, by agreement between the owner thereof and the Board water or water rights within or without the summer resort whether attached to land or held independently of land.
- (d) To provide, establish, maintain, improve, and regulate parks, gardens, play-grounds, swimming pools, amusement centres, places of resort or recreation for the use of the public and any other amenities and to contribute towards the cost of establishment or maintenance of any parks, gardens, play-grounds, swimming pools, amusement centres, places of resort or recreation or any other amenities, provided by any person for the use of the public.
- (e) To provide for the advertising of the summer resort either within or without the Colony.
- (f) To plant trees in any street or public place and to erect tree guards :
- Provided that such street or place is not unduly obstructed thereby.
- (g) To build public buildings and to do other public works.
- (h) To contribute towards the cost of maintaining public or rural hospitals, child welfare clinics and maternity services which may be established by the authority of the Director of Medical Services.
- (i) With the approval of the Governor to make any payment or contribution to any charitable or philanthropic scheme or institution.
- (j) To provide for the construction, paving, asphaltting or improvement of streets.
- (k) To name or rename where necessary, all streets, such names to be affixed in a conspicuous place therein, and to cause the buildings in such streets to be numbered.
- (l) Generally to do such acts and perform such works as may be necessary or desirable for the comfort, recreation, pleasure or amusement of the public within the summer resort.

BYE-LAWS.

26.—(1) A Board may from time to time make bye-laws ^{Bye-laws.} for all or any of the following purposes and may impose a penalty not exceeding five pounds for any breach thereof or in the case of a continuing breach, not exceeding one pound for every day during which such breach shall continue—

- (a) To enable or assist a Board to perform any of the duties assigned to it by section 24 and to provide for the payment of any fees or charges in connection therewith ;
- (b) To enable or assist a Board to carry out any of the provisions of section 25 and to provide for the payment of any fees or charges in connection therewith ;
- (c) To provide for the payment of fees by the owner of any premises whether let or in the occupation of the owner during the summer season or any part thereof :

Provided that no fees shall be payable in respect of premises let or used solely for agricultural purposes ;

- (d) To provide for the payment of fees by the owner or occupier of any premises used as an hotel, boarding-house, lodging house or khan ;
- (e) To regulate and control the grant or issue of any licence or permit which the Board is empowered to issue or grant under this Law or any bye-law made thereunder and to provide for the payment of any fees or charges in connection therewith.

Provided that such bye-laws are not inconsistent with the provisions of this or any other Law: provided also that every such bye-law shall be subject to the approval of the Governor and shall not come into operation until it has been approved by him and published in the *Gazette*.

(2) Any person contravening by any act or omission any bye-law for the breach whereof no penalty is provided by such bye-law or by any other section of this Law shall be guilty of an offence and shall on conviction be liable to a fine of five pounds.

COMPULSORY ACQUISITION OF LAND.

Resolution
to acquire
land.

27. Whenever any Board decide by a resolution of a majority composed of not less than two-thirds of the members actually holding office that any land within the summer resort shall be acquired for any public purpose within the powers of the Board and such land cannot be acquired or bought by agreement between the owner thereof and the Board, a copy of the resolution and of the minutes relating to it, together with a plan of the land to be acquired, shall be forwarded by the Board to the Commissioner, and shall be submitted for the consideration of the Governor as hereinafter provided.

Notice to be
served on the
owner.

28. The Commissioner before submitting for the consideration of the Governor the documents in the preceding section mentioned, shall cause a notice to be served on the owner of the land it is proposed to acquire or his legal representative or if both be absent from the summer resort on the occupier of the land, advising him of the proposed acquisition and that he may examine the plan thereof and present any objections he may have to make thereto within two months of the service of the notice. At the expiration of the said period of two months the Commissioner shall forward to the Governor the resolution, minutes and plan together with the objections made, if any.

Governor
may sanction
acquisition.

29. If the Governor approves the plan submitted and considers it expedient, having regard to all the circumstances, that the Board should be permitted to acquire the land in question, he may, by notification published in the *Gazette*, sanction the acquisition of the land; and thereupon, if the owner of the land does not agree with the Board as to the sum to be paid for it, the Board shall proceed as is hereinafter prescribed: Provided that a Board shall not be permitted to acquire a part only of any building if the owner thereof is willing and able to give a good title to the whole thereof.

Valuation of
land by
arbitration.

30. The Board shall apply to the District Court to refer the determination of the value of the land to arbitration, and the Court shall thereupon order that a notice be served on the owner of the land, and shall fix a day for the appearance of the parties before the Court.

Appoint-
ment of
arbitrators.

31. On the day appointed as aforesaid, if all the parties appear and each party shall appoint an arbitrator on his behalf, the District Court shall record the appointment

of the arbitrators and appoint a date for the filing of their award, and shall at the same time, name an umpire who may enter on the reference if the arbitrators fail to make an award by the date appointed, or if they disagree and shall further fix the date on which the umpire shall file his award in any case referred to him. If any party fails to appear or refuses to appoint an arbitrator the Court shall name an arbitrator on his behalf.

32. The District Court may make any order it may think right as to the amount of fees and 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.

Fees and expenses of arbitrators.

33.—(1) When the award of the arbitrators or of the umpire has been filed the District Court shall, on the application of any party to the proceedings, fix a date for the parties to appear before the Court, and shall for the purpose cause a notice to be served on each party interested.

Award of arbitrators.

(2) On the date fixed the Court shall make known to the parties the award of the arbitrators or umpire, which shall for all purposes be final and conclusive, and shall order the Board to pay the sum awarded to the owner or owners of the land: Provided that the Court may order that the whole or any portion of the sum awarded, as hereinbefore mentioned, 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 land 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: provided also that if any person refuses to accept any sum ordered to be paid to him under the provisions of this section, or is absent from the Colony, the Board may pay the sum into Court.

34. On payment of the sum awarded to the party entitled to receive it or into Court in the manner provided in the preceding section, the Court shall order that the land be acquired by the Board and thereupon all the interest of the owner, occupier, mortgagee, lessee or judgment creditor respectively in the land shall be deemed to be transferred to and vested in the Board by which the sum has been paid.

Transfer of land to Board.

35. On production of evidence of the payment of any sum agreed upon or of any sum awarded for land acquired under this Law, the Principal Officer of the Land Registry Office in the district may cause notice to be served on any

Amendment of registration of land.

person in whose name the land is registered calling upon him to bring to the Land Registry Office, within a given time, his certificate of registration, and the certificate and the registration to which it corresponds, shall be amended in accordance with the plan sanctioned by the Governor, and if any person as aforesaid fails, within the time allowed, to present for amendment his certificate of registration, the Principal Officer of the Land Registry Office in the district may amend the original registration as aforesaid, and the amended registration shall be held final notwithstanding that the certificate which corresponds thereto remains without amendment.

Board may acquire land on either side of new street.

36. Where land is required by any Board for the opening of a new street, it may acquire a sufficient extent of land on each side of the proposed street to admit of the erection thereon of suitable buildings or tenements with a frontage on the new street.

Board may sell or lease lands compulsorily acquired.

37. Any Board may sell, lease or exchange any land acquired under the provisions of this Law in excess of the extent actually required for the public purpose in respect of which it has been acquired.

Board may abandon project.

38. Notwithstanding anything in this Law contained, a Board if it shall think fit to abandon the project in respect of which proceedings for the acquisition of land under this Law have been taken, shall not be compelled to take the land unless it has been transferred under section 34 hereof or the owner or occupier has delivered up possession thereof: Provided that all costs and expenses incurred by any owner or occupier by reason of the failure of a Board to take the land shall be paid by the Board.

BUILDINGS.

Permit of Board required for the erection, etc., of buildings.

39.—(1) No building shall be erected, pulled down or reconstructed, and no alteration, addition or repair shall be made to any building within the area of the summer resort without a permit in that behalf first obtained from the Board in manner hereinafter prescribed: Provided—

(a) That when the demolition, alteration or repair of any building is rendered necessary to secure the safety of the building or of any other building in dangerous proximity thereto, or of any passenger on any street, and it is not possible to obtain the previous permit of the Board, such demolition, alteration or repair may be effected forthwith, but notice of the same shall be given to the Board within twenty-four hours of the arising of any such necessity.

(b) That the terms "alteration" and "repair" shall not extend to the replacing of tiles, mud or other material in order to render any roof watertight where such replacing does not involve the demolition and reconstruction of the roof covering as a whole or to the repair of any existing door, the leaves of which do not open or project into the street, window, balcony or verandah, or to the white-washing, colour-washing or painting of any wall, woodwork or ironwork in or about any building, or to the relaying, re-boarding or re-paving of any floor or pavement contained within the external walls of any building or within any existing verandah or balcony attached to the building.

(2) Before granting a permit under this section, the Board may require the production of such plans, sections and drawings, or may require to be given such descriptions of the intended work as may seem to it to be necessary or desirable or require the alteration of any plan, section or drawing so produced to it.

40. Every Board shall have power when granting a permit under the provisions of section 39 to attach to such permit terms and conditions to be observed by the holder thereof—

Powers of Board to attach conditions to permits.

- (a) As to the materials of which any external wall, foundation, roof, chimney or other external portion of a building shall be constructed, or any internal portion of a building so far as it affects the stability of the building.
- (b) As to the provision to be made for the drainage or sewerage of any building, or of the roof of any building, or of any yard or place in or about or connected with any building.
- (c) As to wells, water-closets, earth-closets, privies, latrines, ashpits and cesspools in or in connection with any building.
- (d) As to the provision to be made for the prevention of fire in any building.
- (e) As to the width which any balcony or other erection in a building may be made to project over a street upon which such building abuts.
- (f) Generally as to the ventilation and sanitation of any building in regard to its occupation as a dwelling house or for any other purpose for which it shall be erected or intended.

Powers of Board in regard to repairs of buildings.

41. Every Board shall have power to make orders to ensure that every repair or alteration of an existing building shall be effected in such a way as to secure the stability of all walls, foundations, roofs, chimneys and other external parts of the building, and the proper ventilation and sanitation of the building.

Penalties and demolition orders.

42.—(1) Any person contravening any of the provisions of section 39 or 40 or 41 or of any order made thereunder shall be guilty of an offence and shall on conviction be liable to a fine of five pounds and the Court before which any such person is convicted shall order that the building or the part thereof, as the case may be, in respect of which the offence was committed shall be pulled down or removed within such time as shall be specified in such order unless a permit in writing from the Board is obtained in respect thereof in the meantime :

Provided that the Board may in granting such permit impose such terms and conditions as to the Board may seem fit.

(2) If the person against whom an order has been made under the provisions of sub-section (1) shall fail or neglect to comply with such order within the time specified therein, it shall be lawful for the Board to carry out such order and any costs incurred in the carrying out thereof shall be payable to the Board by the person against whom the order was made and shall be recoverable from him as a civil debt.

(3) Any person who shall fail or neglect to comply with any order made under the provisions of sub-section (1) shall, notwithstanding that the Board has proceeded to carry out such order, be guilty of an offence and shall on conviction be liable to imprisonment for three months or to a fine of fifty pounds or to both.

Saving.

43. The provisions of sections 39, 40, 41 and 42 shall not apply to—

(a) The Government of the Colony or any department or service of His Majesty the King or the Evcaf Department ;

(b) Any buildings erected or to be erected upon any land of the Arazi Mirié or the Arazi Mevcoufé Takhsisat category :

Provided that the Governor may by order to be published in the *Gazette* direct that the provisions of all or any of the sections aforesaid shall apply to any such buildings situated in any summer resort named in such order, and thereupon and for so long as such order shall subsist the provisions of such of the said sections as may be specified in the order shall, notwithstanding the provisions of any other Law in force for the time being, so apply.

PART V.

OFFENCES AND LEGAL PROCEEDINGS.

44.—(1) The Chairman of a Board or any person authorized by him in writing in that behalf or the District Medical Officer or any person authorized by him in writing in that behalf may without warrant enter any premises at any time between the hours of sunrise and sunset or in the case of any business premises at any hour when the business is usually carried on, for the purpose of ascertaining whether the provisions of this Law or any bye-law made thereunder are being complied with :

Power to enter premises.

Provided that the right under this section shall not be exercised in respect of a dwelling house unless a warrant for that purpose shall first have been obtained.

(2) Any person who prevents or obstructs any person mentioned in sub-section (1) in the exercise of the powers conferred on him by that sub-section, shall be guilty of an offence and shall on conviction be liable to imprisonment for one month or to a fine of ten pounds or to both.

45. Any person who obstructs any officer or servant of a Board in the execution of any provision of this Law or any bye-law made thereunder shall be guilty of an offence and shall on conviction be liable to imprisonment for one month or to a fine of ten pounds or to both.

Obstructing officers or servants of the Board in the execution of their duties.

46.—(1) The Court before which any person is convicted for any contravention of this Law or for an offence against this Law, or for the breach of any bye-law made under this Law shall, in addition to the penalty it may consider fit to impose on such person and in addition to the costs of the proceedings, order such person to pay any fees, rates, tolls or charges connected with the charge which such person ought to have paid and which he failed or refused or neglected to pay.

Court to order payment of fees or duties not paid.

(2) All such fees, rates, tolls or charges ordered by the Court to be paid shall be recoverable in the same way as fines and penalties are recovered under any Law in force for the time being for the recovery of fines and penalties.

Penalties to be paid to the Summer Resort Development Fund.

47. All fines, fees, rates, tolls, charges and costs recovered under this Law shall be paid to and shall form part of the Summer Resort Development Fund.

The Chairman may sue and be sued on behalf of the Board.

48. In all proceedings under this Law or any bye-law made thereunder the Chairman of the Board may sue and be sued in his capacity as such for and on behalf of the Board.

Defraying of legal expenses.

49. All legal expenses incurred by the Board in carrying out the provisions of this Law or any bye-law made thereunder shall be defrayed out of the Summer Resort Development Fund.

PART VI. MISCELLANEOUS.

Communi-
tation of
Court fees.

50.—(1) Notwithstanding anything in any Law contained, the Governor in Council may, on the application of a Board and on payment by such Board of such annual sum as the Governor in Council may from time to time determine, remit any Court fees payable by the Board in respect of any legal proceedings instituted by such Board for the enforcement of the provisions of this Law or of any bye-laws made thereunder, and thereafter no such fees shall be paid by any Board in respect of which such remission has been made.

(2) No advocate's fees shall be awarded by any Court against any person in any proceedings instituted by a Board in respect of which the Court fees have been remitted under the provisions of sub-section (1):

Provided that provision may be made in the estimates of such Board for the remuneration of advocates employed for the conduct of prosecutions or to advise the Board in any legal matters.

Appearances
in legal
proceedings,
etc.

51. Any Board may appear before any Court or in any legal proceedings by their Chairman or by the Secretary or by any officer or member of the Board authorized generally or in respect of any special proceedings by resolution of the Board, and service of any summons or order or other proceeding upon the Chairman of the Board shall be deemed effectual service on the Board.

52. Where any village to which the provisions of the Public Health (Villages) Laws, 1936 and 1937, apply has been declared a summer resort by an order of the Governor made under section 4 of this Law, the provisions of the Public Health (Villages) Laws, 1936 and 1937, shall cease to apply to such village and any moneys in the Village Health Fund thereof shall be transferred by the Village Health Commission to the Board of the summer resort concerned and shall form part of the Summer Resort Development Fund thereof.

The Public Health (Villages) Laws, 1936 and 1937, to cease to apply to villages declared to be summer resorts.
19 of 1936
29 of 1937

53. Where by any proclamation or notice made by the Governor under and by virtue of any of the provisions of the Municipal Corporations Laws, 1930 to 1938, a summer resort becomes a municipal corporation or part of a municipal corporation the provisions of this Law shall cease to apply to such summer resort and any moneys in the Summer Resort Development Fund thereof shall be transferred by the Board to the Council of the municipal corporation concerned and shall form part of the town fund thereof.

The provisions of this Law to cease to apply to summer resorts becoming municipal corporations.
26 of 1930
44 of 1934
31 of 1937
1 of 1938

54. This Law shall come into operation on a date to be fixed by the Governor by notice to be published in the *Gazette* and thereupon—

Date of commencement, repeal and saving.

(a) the Public Health (Summer Resorts) Laws, 1928 and 1934, and

12 of 1928
27 of 1934.

(b) the Troödos Public Health Laws, 1920 to 1936, shall be repealed :

22 of 1920
37 of 1930
8 of 1936

Provided that—

(i) any moneys in the Public Health Fund of a Public Health Board established for any summer resort or area under the provisions of any of the said Laws shall vest in the Board established under the provisions of this Law for the summer resort concerned and shall form part of the Summer Resort Development Fund of such summer resort ;

(ii) all bye-laws and regulations made by any Public Health Board established for any summer resort or area under the provisions of any of the said Laws shall be deemed to be bye-laws made by the Board established under the provisions of this Law for the summer resort concerned and shall, in so far as they are not inconsistent with the provisions of this Law, remain in force until revoked or replaced by bye-laws made under the provisions of this Law,