

for the payment of a fee to the Mukhtar at the rate of ten shillings in respect of the first year and at the rate of five shillings in respect of each subsequent year during which such pecuniary liability will continue under such contract or obligation. In the case of a proprietor the assessment shall be based upon the extent of the benefit accruing to the property of each proprietor under such contract or obligation."

(b) By the insertion in sub-section (9) thereof of the words "with the assistance of the Mukhtar" immediately after the words "shall be revised by the Commissioner."

10th March, 1939.

A. B. WRIGHT,  
Colonial Secretary.  
(M.P. 480/37.)

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### No. 3 OF 1939.

A LAW TO CONFER UPON THE AGRICULTURAL BANK OF CYPRUS LIMITED SPECIAL PRIVILEGES IN REGARD TO CERTAIN LOANS MADE BY THE BANK TO CO-OPERATIVE SOCIETIES AND TO LOANS WHICH MAY BE MADE BY THE BANK TO MEMBERS OF SUCH SOCIETIES AND TO MAKE PROVISION FOR THE ASSIGNMENT TO THE BANK OF LOANS MADE BY GOVERNMENT TO SUCH SOCIETIES AND FOR OTHER MATTERS RELATING THERETO.

H. R. PALMER,]  
Governor.

[16th March, 1939.

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

Short title.

1. This Law may be cited as the Agricultural Bank of Cyprus Limited (Special Privileges) Law, 1939.

Interpretation.

2. In this Law—

18 of 1922  
16 of 1931  
4 of 1934  
20 of 1938

"Agricultural Bank" means the Agricultural Bank of Cyprus Limited, a company incorporated under the Companies (Limited Liability) Laws, 1922 to 1938, whose registered office is situated at Nicosia in the Colony;

13 of 1914  
10 of 1925  
18 of 1926  
10 of 1928  
10 of 1929  
64 of 1932  
18 of 1936  
22 of 1937

"Co-operative Society" means a society formed under the provisions of—

(a) the Co-operative Credit Societies Laws, 1914 to 1937, or

10 of 1923  
23 of 1937.

(b) the Co-operative Societies Laws, 1923 and 1937.

3.—(1) Where under the provisions of the Agricultural Bank Laws, 1890 and 1925, and of the Land Registry (Agricultural Bank) Regulations, 1925 and 1928, made thereunder—

Special provisions applicable to loans made by the Agricultural Bank to Co-operative Societies.

- (1) a Co-operative Society has obtained a loan from the Agricultural Bank ; and
- (2) such Co-operative Society has by a bond agreed to tender to the Agricultural Bank, as security for the due repayment of such loan, mortgages of immovable property which have been given to such Co-operative Society by its members and have been registered in favour of such Co-operative Society in the books of the Land Registry Office ; and
- (3) such tender has been registered in the books of the Land Registry Office in favour of the Agricultural Bank ; and
- (4) any sum of money on such bond is, on the date of the commencement of this Law, outstanding and remaining unpaid to the Agricultural Bank by such Co-operative Society,

23 of 1890  
9 of 1925.

the Agricultural Bank shall, as soon as conveniently may be after the commencement of this Law, by sending a notice in the prescribed form to the Principal Land Registry Officer of the District in which any such tender as aforesaid has been registered and a copy thereof to the Co-operative Society concerned require the Principal Land Registry Officer aforesaid to cancel the registration of such tender in favour of the Agricultural Bank and upon the receipt of any such notice the Principal Land Registry Officer aforesaid shall forthwith cancel the registration of such tender in the books of the Land Registry Office and thereupon the following special provisions shall have effect, that is to say,—

- (a) the bond given by such Co-operative Society to the Agricultural Bank shall be deemed to have been cancelled ; and
- (b) the mortgages which are specified in the registration of such tender shall be deemed to have been made in favour of, and to have been registered in the name of, the Agricultural Bank, instead of in favour of and in the name of such Co-operative Society, as from the date of the registration of such mortgages in the books of the Land Registry Office ; and

(c) in respect of any such mortgages mentioned in paragraph (b) hereof the Agricultural Bank shall, as regards the rights of the Co-operative Society thereunder and as regards priority of claim, stand in the place of such Co-operative Society as from the date of the registration of such mortgages in the books of the Land Registry Office.

(2) Nothing in this section contained shall be construed as imposing any obligation upon the Agricultural Bank to send a notice in the prescribed form to the Principal Land Registry Officer of the District as in sub-section (1) provided where a Co-operative Society to which this section applies has made default in paying over to the Agricultural Bank any sum of money collected by such Co-operative Society for and on behalf of the Agricultural Bank in respect of any mortgage specified in the registration of a tender, unless and until payment of the sum in respect of which such Co-operative Society has made default has been made by such Co-operative Society to the Agricultural Bank.

Power to the Agricultural Bank to restate loans where mortgagors consent.

4.—(1) In respect of any loan secured by mortgage to which the provisions of paragraphs (b) and (c) of section 3 apply, it shall be lawful for the Agricultural Bank in consultation with the Governor or his representative duly authorized by him in that behalf,—

(a) to restate the loan on the security of the mortgage and on the basis of the amount thereof outstanding at the time of such restatement in such form and subject to such terms and conditions as may be agreed upon between the Agricultural Bank and the mortgagor; or

(b) where, <sup>subject to the provisions of s. 5 (1) & section 4 of this Law</sup> there is more than one mortgagor, to apportion among the mortgagors, in such manner as may be agreed upon between the Agricultural Bank and the mortgagors—

(i) the amount of the loan outstanding at the time of such apportionment, and

(ii) the security of the mortgage,

and thereafter to restate the loan in respect of each mortgagor in accordance with such apportionment in such form and subject to such terms and conditions as may be agreed upon between the Agricultural Bank and each such mortgagor; or

Law 14 / 1942

*subject to the provisions of subsection (2) of sec. 4A of this law*

(c) where any mortgagor has died, to apportion among the heirs of such mortgagor, in such manner as may be agreed upon between the Agricultural Bank and the said heirs—

*Law 14  
1942*

(i) the amount of the loan outstanding at the time of such apportionment, and

(ii) the security of the mortgage, and thereafter to restate the loan in respect of each heir in accordance with such apportionment in such form and subject to such terms and conditions as may be agreed upon between the Agricultural Bank and each such heir, or

(d) to make a further advance of money to the mortgagor or mortgagors or to the heirs of a deceased mortgagor and thereafter to restate the loan together with such further advance under the provisions of paragraph (a) or (b) or (c) hereof as the case may be.

(2) For the purposes of any restatement or apportionment or apportionment and restatement of any loan under the provisions of sub-section (1), the amount of the loan outstanding at the time of such restatement or apportionment or apportionment and restatement, as the case may be, shall be deemed to include any amount due and remaining unpaid on any mortgage to which the provisions of paragraphs (b) and (c) of section 3 apply, and it shall be lawful for the Agricultural Bank to readjust the amount of such loan in such manner as the circumstances of each case may require.

(3) Every agreement relating to the apportionment or restatement or apportionment and restatement of a loan made under the provisions of sub-section (1) shall be executed by the parties thereto whose signatures shall be attested by two witnesses and, where such agreement relates to a further advance of money made under the provisions of sub-section (1) (d), the agreement shall state that such further advance has been made and the amount thereof.

(4) Every agreement relating to the apportionment or restatement or apportionment and restatement of a loan and made in accordance with the provisions of sub-section (3) and a copy thereof certified as a true copy under the hand of the Chairman or an Inspector of the Agricultural Bank, shall be transmitted by the Agricultural Bank to the Principal Land Registry Officer of the District in which the mortgage is registered together with an application in the prescribed form on behalf of the Agricultural Bank requesting the registration of such agreement.

(5) Upon receipt of an application as in sub-section (4) provided, the Principal Land Registry Officer of the District in which the mortgage is registered shall, subject to the provisos hereto, register the agreement in the books of the Land Registry Office in the prescribed manner and shall issue a certificate in respect thereof in the prescribed form, and shall return the agreement to the Agricultural Bank and file the certified copy thereof, and upon the issue of such certificate—

- (a) the registration of the agreement shall be deemed to have been made as from the date upon which the mortgage was registered ; and
- (b) the immovable property comprised in the mortgage and specified in the agreement shall be deemed to be a security for the repayment of the loan to which the agreement relates as from the date upon which the mortgage was registered ; and
- (c) any claim of the Agricultural Bank arising out of such agreement shall rank in priority to all other claims as from the date upon which the mortgage was registered :

Provided that the Principal Land Registry Officer aforesaid shall not register any agreement in which it is stated that a further advance has been made where all or any of the immovable property comprised in the mortgage and specified in the agreement is subject to any registration of judgment or other attachment subsisting on the date of the receipt of the application to register the agreement :

Provided also that, where the agreement relates to the apportionment of the loan and of the security of the mortgage among the heirs of a deceased mortgagor, the Principal Land Registry Officer aforesaid shall, before issuing a certificate in respect of the registration of such agreement, upon payment by the heirs of the transfer fees payable under the law for the time being in force, register the mortgaged properties as so apportioned in the names of the respective heirs.

4A sec section 3 of Law 14 of 1942  
 5. Where after the commencement of this Law any member of a Co-operative Society obtains a loan from the Agricultural Bank and by a bond in the prescribed form agrees to mortgage to the Agricultural Bank as security for the repayment of such loan any immovable property standing registered in his name in the books of the Land Registry Office and specified in such bond, the following special provisions shall have effect, that is to say—

Special provisions applicable to loans made by the Agricultural Bank to members of Co-operative Societies.

- (1) Every such bond and a copy thereof certified as a true copy under the hand of the Chairman or an Inspector of the Agricultural Bank, shall be transmitted by the Agricultural Bank to the Principal Land Registry Officer of the District in which the immovable property specified in such bond is situated together with an application in the prescribed form on behalf of the Agricultural Bank requesting the registration of the bond.
- (2) Upon receipt of an application as in sub-section (1) provided, the Principal Land Registry Officer of the District in which the immovable property specified in the bond is situated shall, subject to the proviso hereto, register the bond in the books of the Land Registry Office in the prescribed manner and shall issue a certificate in respect thereof in the prescribed form, and shall return the bond to the Agricultural Bank and file the certified copy thereof and upon the issue of such certificate the registration of the bond shall operate as a mortgage to the Agricultural Bank of the immovable property therein specified and such immovable property shall be security for the repayment of the loan in respect of which the bond has been given and may be sold in satisfaction of such loan in accordance with the law for the time being in force relating to the sale of mortgaged immovable property :

Provided that the Principal Land Registry Officer aforesaid shall not register any such bond where all or any of the immovable property specified in the bond is subject to any mortgage, registration of judgment or other attachment subsisting on the date of the receipt of the application to register the bond.

6.—(1) Where in pursuance of the provisions—

- (a) of section 4 an agreement has been registered in the books of the Land Registry Office, or  
 (b) of section 5 a bond has been registered in the books of the Land Registry Office,

(which agreement or bond, as the case may be, is hereinafter in this section called "the original bond"), it shall be lawful for the Agricultural Bank from time to time to make a further loan or loans to the member of the Co-operative Society who entered into the original bond and to obtain

Power to the Agricultural Bank to make further loans to members of Co-operative Societies.

from such member a supplementary bond therefor in the prescribed form (hereinafter in this section called "the supplementary bond").

(2) Every such supplementary bond and a copy thereof certified as a true copy under the hand of the Chairman or an Inspector of the Agricultural Bank, shall be transmitted by the Agricultural Bank to the Principal Land Registry Officer of the District in which the original bond was registered together with an application in the prescribed form on behalf of the Agricultural Bank requesting the registration of the supplementary bond.

(3) Upon receipt of an application as in sub-section (2) provided, the Principal Land Registry Officer of the District in which the original bond was registered shall, subject to the proviso hereto, register the supplementary bond in the books of the Land Registry Office in the prescribed manner and shall issue a certificate in respect thereof in the prescribed form, and shall return the supplementary bond to the Agricultural Bank and file the certified copy thereof and upon the issue of such certificate—

(a) the registration of the supplementary bond shall be deemed to have been made as from the date upon which the original bond was registered; and

(b) the immovable property specified in the original bond shall be deemed to be security for the repayment of the loan to which the supplementary bond relates as well as for the repayment of the loan to which the original bond relates and may be sold in satisfaction of all or any of the said loans in accordance with the law for the time being in force relating to the sale of mortgaged immovable property; and

(c) any claim of the Agricultural Bank arising out of the original bond and any supplementary bond shall rank in priority to all other claims as from the date upon which the original bond was registered:

Provided that the Principal Land Registry Officer aforesaid shall not register any such supplementary bond where all or any of the immovable property specified in the original bond is subject to any registration of judgment or other attachment subsisting on the date of the receipt of the application to register the supplementary bond.

## 7.—(1) Where—

(a) a Co-operative Society has obtained a loan from the Treasurer, acting for and on behalf of the Government ; and

(b) such Co-operative Society has entered into a contract of mortgage whereby any members of such Co-operative Society have agreed to mortgage to the Treasurer, as security for the due repayment of such loan, immovable property standing registered in the names of such members in the books of the Land Registry Office ; and

(c) such contract of mortgage has been registered in the books of the Land Registry Office in accordance with the provisions of the Land Transfer Amendment Law, 1890 ; and

(d) any sum of money on such contract of mortgage is, on the date of the commencement of this Law, outstanding and remaining unpaid to the Treasurer by such Co-operative Society or by such members,

it shall be lawful for the Treasurer to enter into an agreement with the Agricultural Bank for the assignment to the Bank of the rights of the Treasurer as existing under such contract of mortgage either at the date of the commencement of this Law or at such prior date thereto as may be specified in such agreement.

(2) Upon the execution of any such agreement between the Treasurer and the Agricultural Bank in pursuance of the provisions of sub-section (1) the Treasurer shall make a declaration under his hand in the prescribed form to the effect that his rights under the contract of mortgage specified therein have been assigned to the Agricultural Bank.

(3) Every such declaration shall be transmitted by the Treasurer to the Principal Land Registry Officer of the District in which the contract of mortgage has been registered together with an application in the prescribed form requesting the registration of the declaration.

(4) Upon receipt of an application as in sub-section (3) provided, the Principal Land Registry Officer of the District in which the contract of mortgage to which the declaration relates was registered shall register the declaration in the

Special provisions applicable to loans made by the Treasurer, for and on behalf of the Government to Co-operative Societies.

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books of the Land Registry Office in the prescribed manner and shall issue a certificate in respect thereof in the prescribed form, and upon the issue of such certificate—

- (a) the contract of mortgage to which the declaration relates shall be deemed to have been assigned to the Agricultural Bank ; and
- (b) such contract of mortgage shall be deemed to have been made in favour of, and to have been registered in the name of, the Agricultural Bank, instead of in favour of and in the name of the Treasurer, as from the date of its registration in the books of the Land Registry Office ; and
- (c) in respect of such contract of mortgage, the Agricultural Bank shall, as regards the rights of the Treasurer thereunder and as regards priority of claim, stand in the place of the Treasurer as from the date of its registration in the books of the Land Registry Office.

Power to the Agricultural Bank to apportion and restate loans made by the Treasurer to Co-operative Societies and assigned to the Agricultural Bank.

8. Where in pursuance of the provisions of section 7 a declaration for the assignment of a loan by the Treasurer to the Agricultural Bank has been registered and a certificate in respect thereof has been issued, it shall be lawful for the Agricultural Bank in consultation with the Governor or his representative duly authorized in that behalf to apportion or restate or apportion and restate the loan to which the declaration relates in the manner prescribed in section 4 and the provisions of that section shall apply *mutatis mutandis* to every loan so apportioned or restated or apportioned and restated :

Provided that when the agreement under which the loan was apportioned or restated or apportioned and restated has been registered and a certificate in respect thereof has been issued as in section 4 provided the Co-operative Society which was a party to the contract of mortgage relating to such loan shall be deemed to have been freed and discharged from its liability under such contract of mortgage and any mortgagors jointly and severally liable thereunder shall be deemed to have been freed and discharged from their joint and several liability under such contract of mortgage.

Power to Governor to make regulations.

9. The Governor may make regulations to be published in the *Gazette*—

- (a) regulating the procedure to be followed in the Land Registry Office in respect of any act, matter

or thing required to be done or observed under this Law ;

- (b) prescribing the form of any bond and declaration under this Law ;
- (c) prescribing the form of application for the registration of any agreement, bond and declaration under this Law, the manner in which such registration is to be effected, the form of certificate to be issued in respect thereof and the fees to be taken or charged in respect of such application or certificate ;
- (d) prescribing the form of any notice which may be required to be given by the Land Registry Office or by the Agricultural Bank under this Law or the regulations ;
- (e) generally for the better carrying out of the purposes of this Law.

**10.** Where there is any conflict or inconsistency between the provisions of this Law and the provisions of any other Law, the provisions of this Law shall prevail. Provisions of this Law to prevail.

**11.** Nothing in this Law contained shall prejudice or affect, or shall be construed as prejudicing or affecting, the rights of His Majesty, His Heirs and Successors, or of any body politic or corporate or of any person or persons except such as are mentioned in this Law and those claiming by, from or under them. Saving.

A. B. WRIGHT,

*Colonial Secretary.*

(M.P. 671/38.)

16th March, 1939.