



**SUPPLEMENT No. 2**

TO

THE CYPRUS GAZETTE No. 3019 OF 22ND OCTOBER, 1942.

LEGISLATION.

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**THE STATUTE LAWS OF CYPRUS**

**No. 16 OF 1942.**

A LAW TO RESTRICT THE INCREASE OF RENT AND TO  
PROVIDE FOR MATTERS INCIDENTAL THERETO.

C. C. WOOLLEY,]  
*Governor.*

[22nd October, 1942.

**B**E 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 Increase of Rent Short title.  
(Restriction) Law, 1942.

Interpreta-  
tion.

2. In this Law—

“ landlord ” and “ tenant ” include any person from time to time deriving title under the original landlord or tenant ;

“ premises ” means any dwelling-house, flat, factory, warehouse, office, counting house, shop, school, and any other building in which persons dwell or are employed or work, and any part of any premises let or sublet separately ;

“ rent ” includes any sum paid as rent or hire for the use of furniture where premises are let furnished or where premises are let and furniture therein is hired by the landlord to the tenant :

Provided that this interpretation shall not apply to any agreement for the letting and hiring of furnished rooms with board ;

“ rent restriction area ” means the area within a radius of five miles from the Municipal Offices of the Municipal Corporation in each District in the Colony, and any other area which the Governor in Council may by order declare to be a “ rent restriction area ” ;

“ tenant ” includes subtenant ;

“ the Board ” means the Rent Assessment Board established under this Law for the rent restriction area in which any premises in question are situate.

Application  
of Law.

3. This Law shall apply to all premises in a rent restriction area except such premises as the Governor in Council may declare by notification in the *Gazette* not to be affected by the provisions of this Law.

Establish-  
ment of a  
Rent  
Assessment  
Board.

4. A Rent Assessment Board shall be established for each rent restriction area within the Colony consisting of a President and such other persons as may be appointed by the Governor by notification in the *Gazette*.

Receipt of  
increased  
rent  
unlawful.

5.—(1) From and after the first day of March, 1941, it shall be unlawful for any landlord to—

(a) have received, receive or recover the increased rent of any premises to which this Law applies, where the rent has been increased since the first day of March, 1941 ; or

(b) increase the rent of any premises to which this Law applies ;

without an order of the Board :

Provided that—

- (i) the Board shall in no case allow an increase in rent of more than ten per centum ;
- (ii) where the landlord has since the first day of March, 1941, incurred expenditure on the improvement or structural alteration of premises (not including expenditure on decoration or repairs) an increase of rent not exceeding eight per centum per annum on the amount so expended shall not be deemed to be an increase for the purpose of this Law.

(2) Any tenant may recover from a landlord, who has unlawfully received from him any such increased rent, the difference between any such increased rent unlawfully received and the rent payable before such increase and may, without prejudice to any other method of recovery, deduct from the rent payable by him to such landlord all sums paid by him since the first day of March, 1941, by way of such increased rent.

Recovery of rent unlawfully received.

(3) Any transfer to a tenant of any burden or liability previously borne by the landlord shall, for the purpose of this Law, be treated as an alteration of rent, and where, as the result of such transfer, the terms on which premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent is increased, and any increase of rent in respect of any transfer to a landlord of any burden or liability previously borne by the tenant where, as the result of such transfer, the terms on which any premises are held are on the whole not less favourable to the tenant than the previous terms, shall be deemed not to be an increase of rent for the purpose of this Law.

Transfer of liability to tenant.

(4) For the purposes of this Law—

- (a) the rent of any premises which were standing vacant on the first day of March, 1941, shall be deemed to be the rent at which such premises were last let ;
- (b) the rent at which premises, completed after the first day of March, 1941, are first let shall be such rent as, in the absence of agreement, may be fixed by the Board ; and

Rent of vacant and new houses, etc.

- (c) where premises (not being premises to which the foregoing provisions of this sub-section apply) were not let at a rent on the first day of March, 1941, and are first let after that date, the rent shall be such rent as in the absence of agreement, may be fixed by the Board :

Provided that the rent which may be fixed by the Board in respect of any premises under the provisions of paragraphs (b) and (c) of this sub-section shall be the rent at which such premises might, in the opinion of the Board, reasonably be expected to have been let for on the twenty-eighth day of February, 1941, plus any increase which the Board may deem it just to allow under the provisions of paragraph (i) of the proviso to sub-section (1) of section 5 of this Law and any increase which is permitted to be made under the provisions of paragraph (ii) of the said proviso.

Orders of  
the Board.

6.—(1) Any landlord or tenant or other person interested may apply to the Board for an order fixing the rent of any premises.

(2) When an application is made to the Board under this section, the Board may refuse to make an order or may, subject to the provisions of the proviso to sub-section (1) of section 5 of this Law, make an order authorizing the receipt or recovery of the whole or any part of the increased rent or an order fixing the amount by which the rent may be increased.

(3) Where an order has been made by the Board fixing the rent of any premises, the order shall be binding on all present and subsequent landlords, tenants and mortgagees.

(4) The Board shall have full powers of rehearing, reconsideration and revision in any case, in which it thinks fit to exercise such powers, and at any time.

Restriction  
on eject-  
ment.

7.—(1) No judgment or order for the ejectment of a tenant from premises to which this Law applies shall be given or made so long as the tenant continues to pay rent at the agreed rate as modified by this Law, and performs the other conditions of the tenancy, except :—

- (a) on the ground that the tenant has committed waste or has been guilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring occupiers and the Court considers it reasonable to give such judgment or make such order ; or
- (b) on the ground that the premises are reasonably required by the landlord for the occupation of himself, and the Court, after considering all the

circumstances of the case, including especially the alternative accommodation available for the tenant, considers it reasonable to give such judgment or make such order ; or

- (c) on the ground that the premises are required by the landlord for the substantial alteration or reconstruction thereof in such a way as to affect the premises or for the demolition thereof, and the Court, after being satisfied that the landlord has, where necessary, obtained the necessary permit for such alteration, reconstruction or demolition and has given to the tenant not less than three months' notice in writing to vacate the premises, considers it reasonable to give such judgment or make such order :

Provided that where such a judgment or order has been given or made but not executed before the coming into force of this Law the Court, by whom the judgment or order was given or made may, if of opinion that the judgment or order would not have been given or made if this Law had been in operation at the date of the giving or making of the judgment or order, rescind or vary the judgment or order in such manner as the Court may think fit for the purpose of giving effect to this Law.

(2) Where a landlord has obtained a judgment or order for ejection on either of the grounds specified in paragraphs (b) and (c) of sub-section (1) of this section, and it is subsequently made to appear to the Court that the judgment or order was obtained by misrepresentation or the concealment of material facts, the Court may order the landlord to pay to the former tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as the result of the judgment or order.

(3) Where by reason of the provisions of this section any tenant continues in occupation of any premises after the expiration of any contract of tenancy, the terms and conditions of such contract of tenancy shall, in so far as they may be applicable and subject to the provisions of this Law, be deemed to apply to such occupation.

8. Where prior to the coming into force of this Law any agreement for a tenancy of any premises to which this Law applies was made between the landlord of such premises and any person not in occupation of such premises, and by reason of the provisions of section 7 of this Law such person is unable to obtain possession of such premises such agreement shall be deemed to be void and no action for damages or otherwise shall be brought thereon in any Court:

Certain  
agreements  
to be void.

Provided that any consideration by way of rent, premium or otherwise already paid by such person to the landlord by virtue of such agreement shall be repaid by the landlord to such person and shall be recoverable as a civil debt.

No premium to be chargeable in respect of a tenancy.

9. From and after the first day of March, 1941, it shall be unlawful for anyone, in consideration of the grant, renewal, continuance, surrender or giving up of a tenancy or subtenancy of any premises to which this Law applies, to require, make or receive, the payment of any fine, premium or other like sum or the giving of any pecuniary consideration in addition to the rent; and where any such payment is made in respect of any such premises after the first day of March, 1941, then the amount shall be recoverable by the tenant by whom it was made from the landlord by whom it was received, and may without prejudice to any other method of recovery be deducted from any rent payable by him to the landlord.

Proceedings before Board.

10.—(1) The Board before making any order shall give all interested parties an opportunity of being heard and of producing such evidence, oral or documentary, as seems relevant to the Board.

(2) The Board may examine any witness on oath, if it thinks fit, and may summon any person to appear before it, and may require any interested party to produce any document, which it considers relevant, including any document of title.

(3) All notices or summonses issued under the hand of the President of the Board shall be deemed to be issued by the Board.

(4) The opinion of the majority of the Board present shall be decisive upon any matter and in case of an equality the President, or Chairman in his absence, shall give a casting vote.

(5) Three members of the Board shall form a quorum.

(6) In the absence of the President of the Board the members present shall elect a Chairman.

(7) The proceedings of the Board shall be open to the public, and minutes of the same including a summary of any oral evidence given before the Board, shall be kept by the President or Chairman, as the case may be.

(8) Any interested party may be represented before the Board by an advocate.

(9) The proceedings of the Board shall be deemed to be judicial proceedings.

(10) Subject to the provisions of this section, and to the approval of the Governor in Council, the Board may make rules prescribing the procedure on applications to and hearings by the Board and the procedure of the Board.

11. An order of the Board shall be final and conclusive and shall not be subject to appeal to any Court.

Order of the Board final and conclusive.

12. Every Court, whether of Civil or Criminal jurisdiction, shall, so far as is necessary, conform to this Law in all proceedings, actions, suits or cases between landlords and tenants or in which the rights, remedies, duties or title of the same are in question.

All Courts must conform to this Law.

13. Any person who contravenes or fails to comply with any provision of this Law shall be guilty of an offence and shall be liable on conviction before a President or a District Judge of a District Court to a fine not exceeding one hundred pounds and for a second or subsequent offence shall be liable to a fine not exceeding two hundred pounds or to imprisonment not exceeding six months or to both such fine and imprisonment :

Penalty.

Provided that no proceedings shall be taken under this section in respect of anything done—

- (a) in a rent restriction area, between the first day of March, 1941, and the coming into force of this Law ;
- (b) in any area which may hereafter be declared by order of the Governor in Council to be a rent restriction area, between the first day of March, 1941, and the coming into force of such order.

14. This Law shall have effect during the continuance of the present war and for a period of twelve months thereafter and during any further period or periods of twelve months for which it may be continued by order of the Governor in Council.

Duration.

J. V. W. SHAW,

22nd October, 1942.

Colonial Secretary.