



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3253 of 18TH JULY, 1946.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 12 of 1946.

A LAW TO CONSOLIDATE AND AMEND THE LAWS RELATING
TO THE CONSTRUCTION OF STREETS AND THE
ERECTION OF BUILDINGS.

C. C. WOOLLEY,]

[15th July, 1946.

Governor.

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 Streets and Buildings Short title.
Regulation Law, 1946.

Interpre-
tation.

2. In this Law, unless the context otherwise requires—
“alteration”, “addition” or “repair”, when
used with reference to buildings, means any structural
alteration, addition or repair whereby any dimension
of such building is altered but shall not include—

- (a) the replacing of tiles, mud or other material in
order to render any roof watertight;
- (b) the repair of any existing door the leaves of
which do not open or project into a street;
- (c) the repair of any window, balcony or verandah
which does not open or project into a street;
- (d) the white-washing, colour-washing, plastering
or painting of any wall, ceiling, woodwork
or ironwork in any building;
- (e) the relaying, re-boarding or re-paving of any
floor or pavement contained within the
external walls of any building or within any
existing balcony or verandah attached to
the building but which does not open or
project into a street;

“appropriate authority” means the appropriate
authority constituted or appointed under the provisions
of section 3 of this Law, exercising powers in relation to
any relevant matter under the provisions of this Law
within the area in respect of which it is constituted
or appointed;

“building” means any construction, whether of
stone, concrete, mud, iron, wood or other material,
and includes any pit and 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;

“municipal corporation” means a corporation estab-
lished under the provisions of the Municipal Corporations
Laws, 1930 to 1945, or any Law amending or
substituted for the same;

“street” includes any road, bridle-path, pathway,
blind alley, passage, footway, pavement or public
square.

- 3.—(1) No person shall—
- (a) lay out or construct a street;
 - (b) erect a building or demolish or reconstruct or
make any alteration, addition or repair to any
existing building;
 - (c) lay out or divide any land into plots for building
purposes or divide any existing building;

26 of 1930
to
19 of 1945

Layout, etc.,
of streets
and erection,
etc., of
buildings
prohibited
without
permit of
appropriate
authority.

(d) start to do any of the works or matters herein-before set out, without a permit in that behalf first obtained from the appropriate authority as in sub-section (2) provided.

(2) The appropriate authority within—

(a) any area of a municipal corporation, shall be the municipal council of such corporation :

Provided that in any rural municipality in lieu of the Municipal Council thereof the Governor may appoint as an appropriate authority the Commissioner of the district or a board consisting of not more than six persons with the Commissioner as Chairman.

(b) any area, not being the area of a municipal corporation, shall be the Commissioner of the district :

Provided that in lieu of the Commissioner the Governor may appoint as an appropriate authority for such area a board consisting of not more than six persons with the Commissioner as Chairman :

Provided further that in the case of a summer resort the Governor may appoint as an appropriate authority for such resort the Board constituted under the provisions of the Summer Resorts (Development) Law, 1938, or any Law amending or substituted for the same.

7 of 1938

(3) For the purposes of paragraph (a) of sub-section (2)—

“rural municipality” means any municipal corporation other than the municipal corporations of Nicosia, Limassol, Famagusta, Larnaca, Paphos and Kyrenia.

4. No permit shall be granted under section 3 of this Law unless the appropriate authority is satisfied that the contemplated work or other matter in respect of which the permit is sought is in accordance with any regulations in force for the time being.

Proposed works to comply with regulations.

5. A permit shall be valid for one year from the date of the issue thereof :

Duration of permit and renewal.

Provided that, if the work or other matter is not completed within that period, the permit shall be renewable at any subsequent time if not conflicting with any regulations in force at the time of such renewal, upon payment of the fee prescribed for the original permit or of two pounds whichever is the less. The permit so renewed shall be valid for one year from the date of renewal.

Power to require construction of street or deposit of proportionate share in cost of construction.

6.—(1) The appropriate authority in granting a permit to lay out a street under section 3 of this Law, may impose a condition that the permit holder shall construct the street within such time as may be specified in the permit or shall deposit with the appropriate authority such sum of money as in the opinion of the appropriate authority would be the proportionate share of the permit holder in the estimated cost of constructing the street as a whole, having regard to the length of the frontage of his property abutting on such street.

(2) Every sum of money deposited with the appropriate authority as in sub-section (1) provided, shall be utilized by the appropriate authority for the construction of the street in respect of which such deposit was made.

Demolition of buildings in dangerous state.

7. Where the demolition, alteration or repair of any building is rendered necessary in order to secure the safety of the building or of any other building in close proximity thereto or of any passenger on any street and it is not reasonably possible to obtain a previous permit therefor, such demolition, alteration or repair may be effected forthwith provided that notice therefor in writing shall be given to the appropriate authority within twenty-four hours of the arising of any such necessity.

Plans, etc. to be produced.

8. Before granting a permit under section 3 of this Law, the appropriate authority may require the production of such plans, drawings and calculations or may require to be given such description of the intended work as to it may seem necessary and desirable and may require the alteration of such plans, drawings and calculations so produced, particularly—

- (a) with the object of securing proper conditions of health and safety in connection with the building to which such plans, drawings and calculations relate ;
- (b) with a view to preserving the uniform or proper character and style of buildings erected or to be erected in the area in which the plot is situated ;
- (c) with the general object of securing proper conditions of health, sanitation, safety, communication, amenity and convenience in the area in which the intended work is to be carried out.

Conditions by appropriate authority.

9.—(1) In granting a permit under the provisions of section 3 of this Law, the appropriate authority shall have power, subject to any regulations in force for the time being, to impose conditions as hereinafter, to be set out in the permit, that is to say—

- (a) with regard to the laying out or the construction of a street, conditions as to—
- (i) its width, length and position ;
 - (ii) its level, inclination and drainage ;
 - (iii) the materials of which and the manner in which it shall be constructed ;
 - (iv) the construction of bridges, culverts and side ditches.
- (b) with regard to the erection of any new building or addition, alteration or repair to any existing building, conditions as to—
- (i) the materials of which any external wall, foundation, roof, chimney or other external portion of a building shall be constructed and the size and thickness thereof ;
 - (ii) the materials of which any internal portion of a building, so far as it affects the stability of the building, shall be constructed ;
 - (iii) the provision to be made for drainage and sewerage ;
 - (iv) the provision to be made for the prevention or the spreading of any fire in any building ;
 - (v) the width of any balcony or erection projecting over a street upon which such building abuts ;
 - (vi) wells, waterclosets, earthclosets, privies, pits, septic tanks, soakaways and cesspools in or in connection with any building ;
 - (vii) the ventilation, lighting and sanitation of any building in regard to its occupation as a dwelling house or for any other purpose for which it may be erected or intended ;
 - (viii) the use to which the building may be put ;
 - (ix) the safety of persons employed for the purpose.
- (c) with regard to the laying out or division of any land for building purposes, conditions as to—
- (i) the demarcation and size of boundary marks ;
 - (ii) the installation of adequate water supply ;
 - (iii) the diversion of natural and artificial water courses ;
 - (iv) the levelling of the site ;
 - (v) the construction of streets, ditches, bridges and culverts.

(2) Where an application is made under section 3 (1) (c) of this Law in respect of any land having a frontage on an existing road, the appropriate authority may refuse to grant a permit to divide that land unless the application includes the laying out of sites not fronting on to the existing road ; and the number of such sites shall be in such

proportion to the number of sites fronting on the existing road as the appropriate authority may at its discretion deem desirable.

Certificate
of approval.

10. Where the work or other matter in respect of which a permit has been granted under the provisions of section 3 of this Law has been completed to the satisfaction of the appropriate authority, such authority shall furnish the holder with a certificate of approval of the work or other matter in respect of which the permit has been granted :

Provided that the appropriate authority, where it so thinks fit, may furnish the holder of the permit with a certificate of approval for part only of the work or matter.

Control of
streets.

11. Every street constructed by virtue of a permit granted under the provisions of section 3 of this Law shall, so soon as the certificate of approval has been granted, be deemed to be a public street and shall—

- (a) if within the limits of a municipal area, come under the control of the municipal corporation concerned and thereafter the expense of repairing and maintaining such street shall be borne by the municipal corporation ;
- (b) in every other case, unless otherwise provided by any law in force for the time being, come under the control of the Government and the expense of repairing and maintaining such street shall be borne by the Government.

Special
provisions
relating to
widening or
straight-
ening of
streets.

12.—(1) Notwithstanding anything contained in this Law, an appropriate authority may, with the object of widening or straightening any street, prepare or cause to be prepared plans showing the width of such street and the direction that it shall take.

(2) When any plans have been prepared under sub-section (1), the appropriate authority shall deposit such plans in its office and shall also cause a notice to be published in the *Gazette* and in one or more local newspapers to the effect that such plans have been prepared and deposited in its office and are open to inspection by the public and such plans shall be open to the public for inspection, at all reasonable times, for a period of three months from the date of the publication of the notice in the *Gazette*.

(3) At the expiration of the period set out in sub-section (2), the plans shall, subject to any decision by the Governor in Council on appeal as in section 18 of this Law provided, become binding on the appropriate authority and on all persons affected thereby and no permit shall be issued by the appropriate authority save in accordance with such plans.

13.—(1) Where a permit is granted by an appropriate authority and such permit entails a new alignment for any street, in accordance with any plan which has become binding under section 12 of this Law, any space between such alignment and the old alignment, which is left over when a permit is granted, shall become part of such street without the payment by the appropriate authority of any compensation whatsoever:

Space between new and old alignments to be part of street.

Provided that, if it is established that hardship would be caused if no compensation were paid, the appropriate authority shall pay such compensation as may be reasonable having regard to all the circumstances of the case.

(2) When a permit is granted under sub-section (1), the Land Registry Office shall, upon application by any interested party, cause the necessary amendments to the relative registrations to be effected and the amended registration shall be held final notwithstanding that any certificate relating thereto remains unaltered.

14.—(1) The appropriate authority may, with the approval of the Governor, by notice to be published in the *Gazette*, define zones—

Power to appropriate authority to define zones.

(a) within which buildings for special trades or industries may or may not be erected or which shall be reserved exclusively for residential or other purposes ;

(b) within which buildings of a lesser value than that specified in the notice shall not be erected.

(2) Notwithstanding anything in this Law contained, from and after the publication of a notice under sub-section (1), no permit shall be issued by the appropriate authority save in accordance with such notice.

15. The appropriate authority may by order close any building which in the opinion of the authority is unfit for human habitation on account of its insanitary, ill-ventilated or overcrowded condition or is dangerous for human habitation on account of its structural defects, and may prohibit the future use of the building for such habitation until it shall have been dealt with, rebuilt, altered or repaired in such manner as the authority shall determine.

Power to close buildings unfit for human habitation.

16. No registration of any work or matter in respect of which a permit is required under the provisions of section 3 of this Law shall be effected by the Land Registry Office unless the applicant produces a certificate of approval issued by the appropriate authority:

Registration.

Provided that the production of a certificate of approval may be dispensed with in any case in which the Director of Land Registration and Surveys so directs.

Construction
of streets by
owners of
adjacent
buildings.
25 of 1927
8 of 1932
50 of 1932
10 of 1938.
22 of 1938.

17.—(1) Where any land has been set aside with the approval of a Building Committee for use as a street under the provisions of the Construction of Buildings, Streets and Wells on Arazi Mirié Laws, 1927 to 1938, and in every case to which the Construction of Buildings, Streets and Wells on Arazi Mirié (Special Provisions) Law, 1938, applied at the date of the coming into operation of this Law, the majority of the owners of any buildings which shall have been erected on the frontage of the land affected thereby may apply to the appropriate authority for the proper construction of such land as a street and such authority, if it considers that such land should be so constructed, may, by notice in the *Gazette*, order that the land so set aside shall be properly constructed as a street.

(2) Any land in respect of which an order is made under the provisions of sub-section (1), shall be constructed as a street by or in accordance with the instructions or under the supervision of the appropriate authority.

(3) The cost of the construction as a street of any land to which sub-section (1) applies, shall be borne by the owners of plots abutting on such street in proportion to the length of the frontage of each plot to the length of the street.

(4) The notice to be published in the *Gazette* under the provisions of sub-section (1) shall state the approximate cost of construction, the names of the owners who shall contribute to the cost and the proportion in which contribution shall be made.

The proportion in such cost due by every such owner shall be deemed to be a tax due by such owner and, subject to any decision of the Governor in Council on an appeal under section 18 (4) of this Law, shall be collected from each such owner in the manner prescribed by the Tax Collection Laws, 1932 and 1944.

70 of 1932
5 of 1944.

(5) Where no application has been made under the provisions of sub-section (1) and the appropriate authority considers that the land so set aside should be properly constructed as a street, the appropriate authority may, by notice in the *Gazette*, make an order under sub-section (1) and thereupon the provisions of this section shall apply to such order.

(6) Nothing in this section shall prevent the appropriate authority from defraying the whole or part of the cost of construction as a street of any land in respect of which an order under sub-section (1) or (5) has been made.

18—(1) Any person aggrieved by the refusal of an appropriate authority to grant a permit under the provisions of section 3 of this Law, or by any condition imposed under section 6 or 9 of this Law may, within ten days from the date of the communication to him of such refusal or condition, as the case may be, appeal to the Governor in Council. Appeals.

(2) Any person who objects to any plans prepared and deposited under the provisions of section 12 of this Law may, at any time within which such plans are open to inspection, appeal to the Governor in Council.

(3) Any person aggrieved by any order of an appropriate authority made under the provisions of section 15 of this Law may, within ten days from the date of the communication to him of such order, appeal to the Governor in Council.

(4) Any person who, in relation to section 17 of this Law—

(a) is aggrieved by an order made under sub-section (5);

(b) objects to his name being included in the list of contributors; or

(c) is dissatisfied with the proportion in which contributions are to be made, may, within ten days from the date of the publication of the notice in the *Gazette*, appeal to the Governor in Council.

(5) The decision of the Governor in Council on an appeal under this section shall be final and conclusive and no appeal or other proceeding shall lie therefrom to the Supreme Court or to any other Court.

19.—(1) The Governor in Council may make regulations to be published in the *Gazette* for all or any of the following purposes, that is to say— Regulations.

(a) the manner in which application for permits may be made and the terms under which such permits may be issued and for enabling appropriate authorities to prescribe forms for the purpose;

(b) the attachment of special conditions to any permit;

(c) providing for the means of supervision and control over streets or buildings for which permits have been granted either generally or in respect of streets or buildings in a particular area;

(d) the minimum dimensions and shape of building plots in respect of which permits may be issued, the proportionate area of any building plot which may be built on and the distance of any building from the boundaries of the building plot;

- (e) the materials for, and manner of construction, repair, or alteration of, or the external appearance, stability, resistance to fire, ventilation, drainage, sanitation, and water supply of, buildings ;
- (f) the safety of occupiers, or users of and persons resorting to, buildings ;
- (g) the fees to be paid for any permit granted under this Law and the manner in which such fees are to be paid ;
- (h) any matters necessary for, or incidental to, securing the observance of the regulations made under the provisions of this Law ;
- (i) generally for the better carrying out of the provisions of this Law.

(2) Any regulations made under the provisions of sub-section (1) may be made with respect to any particular area in which an appropriate authority exercises powers under the provisions of this Law.

Offences and penalties.

20.—(1) Any person who contravenes—

- (a) any of the provisions of section 3 of this Law ; or
- (b) any condition imposed under section 6 or 9 of this Law ; or
- (c) any order made under the provisions of section 15 of this Law ; or
- (d) any regulations made under this Law,

shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds.

(2) In addition to any other penalty prescribed by this section, the Court, before which a person is convicted for any offence under sub-section (1), shall order—

- (a) that the building or any part thereof, as the case may be, in respect of which the offence has been committed shall be pulled down or removed within such time as shall be specified in such order, but in no case exceeding two months, unless a permit is obtained in respect thereof in the meantime from the appropriate authority :

Provided that such authority may, in granting such permit, impose such terms and conditions as to it may seem fit ;

- (b) the person convicted to pay the costs of the proceedings and any fees connected with the charge, which such person ought to have paid and which he failed or refused or neglected to pay.

(3) If any person against whom an order has been made under the provisions of sub-section (2) shall fail or neglect to comply with such order within the time specified therein, it shall be lawful for the appropriate authority to carry out such order and any costs incurred for the carrying out thereof shall be payable to the appropriate authority by the person against whom the order was made and such costs shall be deemed to be a penalty within the meaning of the Fines and Penalties Recovery Law, 1883, and payment thereof shall be enforced accordingly. 3 of 1883.

(4) Any person against whom an order has been made under sub-section (2) who disobeys or fails to comply with such order shall, notwithstanding that the appropriate authority has proceeded to carry out or has carried out such order, be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

21. Nothing in this Law shall affect the operation of section 11 of the Antiquities Laws, 1935 and 1945, or of any Law amending or substituted for the same, and no permit issued under this Law shall be operative unless and until a permit under the said section of the said Laws is obtained. Permits under Antiquities Laws, 1935 and 1945. 41 of 1935 12 of 1945.

22. Nothing in this Law shall apply to the Government or to any department of the Government. Government to be exempted.

23. This Law shall come into operation on the 1st day of September, 1946, and thereupon— Date of coming into operation, repeal and saving.

(a) the Laws specified in the first column of the Schedule to this Law shall be repealed to the extent specified in the second column of the Schedule:

Provided that—

- (i) any permit lawfully granted and any order lawfully made under any of the Laws repealed by this Law and subsisting on the date of the coming into operation of this Law shall be valid and effective and shall be deemed to be a permit granted or order made under the provisions of this Law;
- (ii) any plans lawfully made by any municipal corporation under the provisions of section 136 (repealed by this Law) of the Municipal Corporations Laws, 1930 to 1945, and in force on the date of the coming into operation of this Law, shall be valid and effective and shall be deemed to have been made under the provisions of this Law;

(iii) any special list lawfully made by a municipal council, under the provisions of section 138 (repealed by this Law) of the Municipal Corporations Laws, 1930 to 1945, and in force on the date of the coming into operation of this Law, shall be valid and effective as if this Law had not been enacted.

(b) any public instrument made under any of the Laws or sections of the Laws repealed by this Law, dealing with matters in respect of which regulations are made under the provisions of this Law or which are inconsistent with any such regulations, shall, upon the making of such regulations, be cancelled.

SCHEDULE.

(Section 23).

Enactments Repealed.

| <i>Law</i> | <i>Extent of repeal</i> |
|--|---|
| 25 of 1927 8 of 1932 50 of 1932 10 of 1938 | 1. The Construction of Buildings, Streets and Wells on Arazi Mirié Laws, 1927 to 1938 .. |
| | The whole. |
| 22 of 1938 | 2. The Construction of Buildings, Streets and Wells on Arazi Mirié (Special Provisions) Law, 1938 |
| | The whole. |
| 26 of 1930 23 of 1942 29 of 1942 12 of 1943 25 of 1943 41 of 1944 19 of 1945 | 3. The Municipal Corporations Laws, 1930 to 1945 |
| | (a) section 115 (1), paragraph (e) ; |
| | (b) sections 131 to 136, both inclusive ; |
| | (c) sections 138 to 145, both inclusive ; |
| | (d) section 199 (1), paragraph (d). |
| 7 of 1938 | 4. The Summer Resorts (Development) Law, 1938 |
| | (a) section 24 (1) paragraph (i), except in so far as it relates to tents ; |
| | (b) section 24 (1) paragraph (u), the words "and control the construction or alteration of any street" |
| | (c) sections 39 to 43, both inclusive. |

15th July, 1946.

H. G. RICHARDS,
Acting Colonial Secretary.