

THE STATUTE LAWS OF CYPRUS

No. 6 of 1947.

A LAW TO AMEND THE LAW RELATING TO THE ACQUISITION OF LAND AND OTHER IMMOVABLE PROPERTY FOR PUBLIC PURPOSES.

R. E. TURNBULL,] [12th March, 1947.

Officer Administering the Government.

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

1. This Law may be cited as the Land Acquisition (Amendment) Law, 1947, and shall be read as one with the Land Acquisition Laws, 1899 to 1945, (hereinafter referred to as "the principal Law"), and the principal Law and this Law may together be cited as the Land Acquisition Laws, 1899 to 1947.

Short title.	
	6 of 1899
	2 of 1928
	29 of 1936
	12 of 1944
	10 of 1945

Amendment
of section 2
of the
principal
Law.

2. Section 2 of the principal Law is hereby amended by the deletion therefrom of the definition " Court " and the substitution therefor of the following definition :—

" " Court " means a District Judge of the District Court of the district within which the land acquired or to be acquired is situate :

Provided that, whenever the Court is acting as an umpire for the purposes of this Law, it shall mean the President of the District Court of such District Court sitting with two members of such Court ; "

Insertion of
new sections
10A, 10B and
10C in the
principal
Law.

3. The principal Law is hereby amended by the insertion therein after section 10 of the following sections :—

" Procedure
at enquiry
and powers
of arbitra-
tors.

10A.—(1) The procedure to be followed at their enquiry by the arbitrators appointed under the provisions of section 9 of this Law shall be regulated by them in such manner as to them may appear desirable :

Provided that such procedure shall be, as nearly as possible, the same as the procedure followed in a court of law for the hearing of a civil action.

(2) The arbitrators shall, for the purpose of their enquiry, have the following powers, that is to say :—

(a) to procure all such evidence, whether written or oral, and to examine all such persons as witnesses as they may think it necessary or desirable to procure or examine ;

(b) to require the evidence, whether written or oral, of any witness to be made on oath or declaration, such oath or declaration to be that which could be required from the witness if he were giving evidence in a court of law ;

(c) to summon any person residing in the Colony to attend any meeting of the arbitrators, to give evidence or produce any document in his possession and to examine him as a witness or require him to produce any document in his possession, subject to all just excep-
tions ;

(d) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to

the satisfaction of the arbitrators and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such person a sum not exceeding five pounds ;

(e) to fine in a sum not exceeding five pounds any person who, being required by the arbitrators to give evidence on oath or declaration or to produce a document, refuses to do so and does not excuse such refusal to the satisfaction of the arbitrators :

Provided that, if the witness objects to answer any question on the ground that it will tend to incriminate him, he shall not be required to answer the question nor be liable to any penalty for refusing so to answer ;

(f) to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings ;

(g) to admit or exclude the public from any meeting of the arbitrators ;

(h) to award any person who has attended any meeting of the arbitrators such sum or sums as in the opinion of the arbitrators may have been reasonably incurred by such person by reason of such attendance.

(3) Fines imposed under the provisions of this section shall be recovered in the same manner as fines imposed by a court of law.

10B.—(1) When acting as an umpire, the Court shall have the same powers and shall conduct the enquiry as nearly as may be as if sitting as a court for the hearing of a civil action.

(2) At any such enquiry, the Court may receive in evidence without further proof—

(a) the award or awards of the arbitrators ;

(b) any statement made before the arbitrators by any person who had appeared before them ;

(c) any document produced before the arbitrators.

10c. Any person interested may be represented before the Court or the arbitrators by an advocate."

Powers of
umpire.

Parties
may be
represented
by advocate.

Amendment
of section 12
of the
principal
Law.

4. Section 12 of the principal Law is hereby amended as follows :—

(a) by the deletion therefrom of the words “ a notice to be served on each party interested ” (lines 4 and 5) and the substitution therefor of the words “ a notice to be served on the parties in the manner hereinafter provided.”;

(b) by the deletion therefrom of the words “ At the time so fixed, the Court shall make known to the parties the award of the arbitrators or umpire ” (lines 6 and 7) and the substitution therefor of the words “ On the date so fixed the Court, if satisfied that due notice has been served on the parties, shall read the award of the arbitrators or umpire, as the case may be.”

Insertion of
new section
12A in the
principal
Law.

5. The principal Law is hereby amended by the insertion therein immediately after section 12 of the following section :—

“ Service
of notices.

12A. Where a notice is required to be served under section 8 or 12 of this Law, service may be effected by the delivery of the notice to the person to be served therewith or by leaving it at his usual place of abode with any adult inmate thereof :

Provided that the Court may, if it so deems fit, order that the notice shall be served by the publication thereof in such newspaper or newspapers as the Court may direct and the production of a copy of any such newspaper shall be sufficient proof of the service of such notice.”

M. V. SPURWAY,
12th March, 1947. *Acting Colonial Secretary.*