



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3350 OF 22ND JANUARY, 1948.
LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 6 OF 1948.

A LAW TO AMEND AND CONSOLIDATE THE LAWS RELATING
TO THE RESERVATION OF TREE PLANTING AREAS IN
VILLAGES.

WINSTER,]

[16th January, 1948.

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 'Tree Planting (Village Short title.
Areas) Law, 1948.

Interpre-
tation.

2.—(1) In this Law, unless the context otherwise requires—
“ animal ” means any bull, cow, ox, heifer, calf, camel, horse, mule, donkey, sheep, goat or swine ;

“ Commissioner ” means the Commissioner of the district in which the area proposed to be reserved as a Tree Planting Area is situate ;

“ mukhtar ” means the mukhtar of the village in which the area proposed to be reserved as a Tree Planting Area is situate ;

“ owner in the village ” means any person of over eighteen years of age who, whether being an inhabitant of the village or not, is the proprietor or possessor of not less than ten donums of land situated within the limits of the village whether such land is or is not registered in the name of such person in the books of the Land Registry Office ;

“ Tree Planting Area ” means the area or areas in any village declared, under the provisions of this Law, to be reserved as the Tree Planting Area of the village.

(2) Any notice required to be posted up under the provisions of this Law shall be posted at every church and mosque in the village affected thereby or in such conspicuous place or places in the village affected thereby as the Commissioner may direct, and the certificate of the Commissioner that such notice has been so posted shall be conclusive evidence of such posting.

Meeting of
owners in
the village.

3. The Commissioner may, whenever he thinks it advisable, and shall, upon a requisition signed by not less than ten owners in the village, serve or cause to be served upon the mukhtar a notice in writing calling upon him to convene a meeting of the owners in the village for the purposes specified in section 10 of this Law.

List of
voters.

4. Within fourteen days of the receipt of a notice in writing as in section 3 of this Law provided, the mukhtar shall—

(a) prepare or cause to be prepared a list of voters (hereinafter referred to as the “ List of Voters ”) showing therein the name and surname and place of residence of every owner in the village :

Provided that the names and surnames and place of residence of the Christian and Moslem owners in the village shall be shown therein in the Greek and Turkish languages respectively, as the case may be ;

- (b) sign the List of Voters and post up, or cause to be posted up, signed copies of the List of Voters ;
- (c) forward to the Commissioner a copy of the List of Voters, such copy to be signed and sealed by the mukhtar.

5. Any owner in the village who is not included in the List of Voters and who claims to be included therein and any owner in the village who objects to the inclusion of a person in the List of Voters, shall deposit his claim or objection, duly signed by him, with the mukhtar within seven days of the posting of the List of Voters as in section 4 of this Law provided.

Claims for rectification of List of Voters.

6. Within seven days of the expiration of the period prescribed in section 5 of this Law, the mukhtar shall—

Consideration of claims by mukhtar.

- (a) consider and decide upon any claim or objection duly made ;
- (b) notify his decision in writing to any person affected by such decision ;
- (c) make such alterations in the List of Voters as he may think necessary in consequence of any such decision as aforesaid ; and
- (d) notify such alterations in writing to the Commissioner.

7. Any person affected by any decision given by the mukhtar may object to such decision by depositing in writing his objection, duly signed by him, at the office of the Commissioner within seven days of the notification to him of such decision.

Objections to decisions of mukhtar.

8.—(1) The Commissioner, having considered the objections, shall make such alterations in the List of Voters as he may think necessary or shall confirm the List of Voters and shall cause a copy thereof, as finally altered or confirmed, to be served upon the mukhtar and to be posted up forthwith.

Revision of List of Voters by Commissioner.

(2) The List of Voters so altered or confirmed by the Commissioner shall be final and conclusive for all the purposes of this Law :

Provided that, if no claims for rectification have been deposited with the mukhtar of the village as in section 5 of this Law provided, the List of Voters prepared and posted by the mukhtar of the village under the provisions of section 4 of this Law shall, on the expiration of the period therein prescribed, be deemed to be final and conclusive for all the purposes of this Law.

Notice of
meeting.

9.—(1) The mukhtar shall, within one month from the date on which the List of Voters has become or shall be deemed to have become final and conclusive, post up or cause to be posted up a notice, duly signed and sealed by him, convening a meeting for the purposes of this Law and specifying in such notice the date, place and time for the meeting.

(2) Copy of the notice posted as aforesaid, duly signed and sealed by the mukhtar, shall be forwarded forthwith by him to the Commissioner.

Proceedings
at meetings.

10.—(1) Every meeting so convened shall be held under the presidency of the mukhtar on the date and at the place and time appointed as in section 9 of this Law provided and business may be transacted thereat if not less than one-third of the owners in the village whose names appear in the List of Voters are actually present :

Provided that the mukhtar may adjourn the meeting for seven days if at least one-third of such owners are not actually present and at every such adjourned meeting any number of such owners as may be actually present shall constitute a quorum.

(2) Every owner in the village whose name appears in the List of Voters and who is actually present at the meeting shall be entitled to vote on all questions or resolutions proposed at every such meeting.

(3) All questions and resolutions proposed at every such meeting shall be determined in open voting by a majority of not less than the two-thirds of the owners in the village present thereat and entitled to vote.

(4) Every such meeting shall determine whether an area shall be reserved as the Tree Planting Area of the village and shall fix and describe with boundaries and particulars the area so reserved :

Provided that—

(a) such area shall not comprise in the aggregate more than one quarter of the total extent of the lands situated within the limits of the village; and

(b) no place in the built up part of the village or within a distance of four hundred yards therefrom shall be comprised in such area.

Report of
mukhtar.

11. Whenever at any meeting convened and held as in section 10 of this Law provided it is determined that an area is to be reserved as the Tree Planting Area of the village, the

mukhtar shall forward forthwith to the Commissioner a report, signed and sealed by him, containing a description of the area in question with boundaries and particulars and stating whether such area fulfils the conditions prescribed in section 10 (4) of this Law.

12.—(1) If the Commissioner approves the report submitted and considers it expedient, having regard to all the circumstances, that the area described in such report should be reserved as the Tree Planting Area of the village concerned, he shall by order declare it to be reserved as the Tree Planting Area of the village :

Declaration of Tree Planting Area by Commissioner.

Provided that if the Commissioner is of opinion that the area described in the report does not fulfil the conditions prescribed in section 10 (4) of this Law, he may so amend the particulars thereof as to make it fulfil those conditions.

(2) Every such order shall be published in the *Gazette* and shall come into force after the expiration of one month from the date of its publication and shall remain in force for a period of ten years thereafter :

Provided that the Commissioner may, on good cause shown, by order to be published in the *Gazette* abridge the said period of ten years or extend the said period of ten years for a further period not exceeding ten years.

(3) As soon as possible after its publication in the *Gazette*, the Commissioner shall cause to be posted up a copy of every such order in the Greek or Turkish language or in both languages, as the case may be.

13. When in any village there is more than one mukhtar, the mukhtar of the community in numerical majority in the village shall be the mukhtar who shall perform the duties or do the acts imposed upon mukhtars by this Law.

Provision when there is more than one mukhtar.

14. When the mukhtar is unable or unwilling or neglects or refuses to perform any of the duties or do any of the acts imposed upon mukhtars by this Law, the Commissioner may appoint a fit person to perform the said duties or do the said acts, and the duties and acts performed or done under this Law by the person so appointed shall be valid and effective as if performed or done by the mukhtar.

Power to Commissioner.

15.—(1)—(a) Subject to the provisions of section 18 of this Law if, after the commencement of any plantation on any land in any Tree Planting Area, any animal is found in or upon any such area, both the owner of such animal and the person, if any, in whose charge it was at the time shall be guilty of an offence under this Law ;

Offences and penalties.

(b) any mukhtar or other person appointed as in section 14 of this Law provided, who shall refuse or neglect without reasonable excuse to perform any duty or do any act to be performed or done by him under this Law, or who shall knowingly make to the Commissioner any report false in any material particular, shall be guilty of an offence under this Law ;

(c) any person who—

(i) prevents or obstructs any mukhtar or other person appointed as in section 14 of this Law provided to perform any duty or do any act to be performed or done by him under this Law ; or

(ii) acts in contravention of any regulations made under this Law,

shall be guilty of an offence under this Law.

(2) Any person who is guilty of an offence under this Law shall be liable to imprisonment not exceeding one month or to a fine not exceeding ten pounds or to both such imprisonment and fine :

Provided that, in the case of an offence under paragraph (a) of sub-section (1) of this section, the offender shall, in addition, be adjudged to pay the sum of one shilling for every animal in respect of which the offence has been committed.

Power to
Governor
to make
regulations.

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

(a) prescribing the forms to be used in connection with any act to be done under this Law ;

(b) generally for the better carrying into effect of the purposes of this Law.

Establish-
ment of
Village Fund.

17. The Commissioner may by notification under his hand—

(a) establish for any village a Fund into which all fines recovered under this Law for offences committed in the Tree Planting Area of such village shall be paid ;

(b) prescribe the object for which and the mode in which any fines recovered under this Law shall be utilized or expended.

Limitations
as to
construction
of Law.

62 of 1932
52 of 1934
13 of 1937
7 of 1942
19 of 1943
29 of 1944
21 of 1947

18. Nothing in this Law contained shall—

(a) affect the provisions of the Rural Constables Laws, 1932 to 1947, or any law amending or substituted for the same ;

(b) prevent any person from taking any animal along a passage situated in or passing through

any Tree Planting Area, provided that such animal is being taken from and to places outside a Tree Planting Area and provided that the journey is prosecuted with all reasonable speed ;

- (c) prevent any person from taking in or upon or along a Tree Planting Area or any threshing floor situated within any such area any animal, other than sheep, goat or swine, as may be absolutely necessary for the cultivation or improvement of any immovable property situated within any such area or for the transport of any produce grown in any such area or as may be absolutely necessary in connection with any such threshing floor ;
- (d) impose any obligation on any person to plant trees or to cause trees to be planted in any Tree Planting Area ;
- (e) prevent a prosecution under any other law, but so that a person shall not be punished twice for the same offence.

19. The Tree Planting Village Areas Laws, 1930 to 1936, are hereby repealed :

Repeal and
saving.
28 of 1930
22 of 1935
1 of 1936.

Provided that every Tree Planting Area reserved as such under the provisions of the Laws so repealed and all regulations made and every notification published or fund established thereunder shall be deemed to have been reserved, made, published and established under the provisions of this Law.

20. As respects any order reserving a Tree Planting Area in any village, the initial period whereof had been extended for a further period of five years under the Laws repealed by this Law, the Commissioner may, by order to be published in the *Gazette*, extend such further period for another period of five years from the expiration thereof notwithstanding that such further first period of five years as aforementioned had in the meantime expired :

Extension
of expired
period.

Provided that no person shall be prosecuted for any offence committed under any of the Laws repealed by this Law in any Tree Planting Area between the date of the expiration of the first period of five years and the date of publication of the order of extension as aforementioned.

R. E. TURNBULL,
Colonial Secretary.

16th January, 1948.