



**SUPPLEMENT No. 2**

TO

THE CYPRUS GAZETTE No. 3384 OF 29TH JULY, 1948.

LEGISLATION.

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**THE STATUTE LAWS OF CYPRUS**

**No. 23 OF 1948.**

LAW TO MAKE PROVISION FOR THE SUPPLY, MAINTENANCE  
AND CONTROL OF WATER SUPPLIES IN VILLAGES FOR  
DOMESTIC PURPOSES.

E. ST. J. JACKSON,]

[27th July, 1948.

*Officer Administering the Government.*

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

1. This Law may be cited as the Water (Domestic Short title.  
Purposes) Village Supplies Law, 1948.

## PART I.—PRELIMINARY.

Interpreta-  
tion.

2. In this Law, unless the context otherwise requires—

“Commissioner” means the Commissioner of the district in which the village is situated and includes an Assistant Commissioner ;

“the Court” means the District Court of the district in which the village is situated ;

“domestic purposes” means any purposes which, according to the ordinary habits of life, are commonly satisfied in a village home but shall not include the use of water for irrigation or for any trade, manufacture or business ;

“group of villages” means two or more villages grouped together for the purposes of this Law, by a notice of the Commissioner ;

“householder” includes every male inhabitant of the village of not less than 18 years of age whether assessed for taxation or not and every female inhabitant of a like age who is assessed for any form of taxation ;

“immovable property” includes—

(a) land ;

(b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure ;

(c) trees, vines, and any other thing whatsoever planted or growing upon any land and any produce thereof before severance ;

(d) springs, wells, bores, water and water rights whether held together with, or independently of, any land ;

(e) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure ;

(f) an undivided share in any property hereinbefore set out ;

“mukhtar” means a mukhtar acting in his capacity of Chairman of the Village Water Commission ;

“village” means the village in respect of which a scheme, as in Part II of this Law provided, has been made or is proposed to be made and includes a quarter of the village and a group of villages ;

“Village Water Commission” means a Village Water Commission as constituted by section 4 of this Law ;

“Water Engineer” means the Water Engineer to the Government and includes any person authorized by him to act on his behalf for all or any of the purposes of this Law ;

“waterworks” means wells, bores, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, channels, engines and all other structures or appliances used or constructed for the storage, conveyance, supply, distribution, measurement or regulation of water which are so used or have been constructed under or for the purposes of this Law.

3. This Law shall apply only to such village as the Commissioner may declare by notice in the *Gazette* to be a village to which the provisions of this Law shall apply.

Application  
of the Law.

4.—(1) In every village to which this Law is made to apply the village commission, with the mukhtar thereof as Chairman, shall be constituted as a Village Water Commission for the purposes of this Law.

Village  
Water  
Commission.

(2) Where in a village there is more than one village commission or where villages are grouped together for the purposes of this Law, the Village Water Commission shall consist of the mukhtar and one aza from each such village commission or of the mukhtar and one aza from each village in the group, as the case may be, to be appointed by the Commissioner, under the chairmanship of such one of the mukhtars, as the Commissioner may appoint.

(3) The mukhtar as Chairman shall duly carry out the decisions of the Village Water Commission.

5. The Village Water Commission shall, for the purposes of this Law, bear the name “Water Commission of . . . . .” (inserting the name of the village).

Name of the  
Village  
Water  
Commission.

## PART II.—PREPARATION AND APPROVAL OF SCHEME.

6. Subject to the provisions of this Law, it shall be the duty of a Village Water Commission to provide an adequate supply of pure and wholesome water for the domestic purposes of the village and to maintain such supply and any waterworks connected therewith in clean and good condition and repair.

Duty of the  
Village  
Water  
Commission  
to provide  
and main-  
tain water  
supply.

7.—(1) For the purpose of providing a supply of water for domestic purposes in any village or of extending or improving any such supply, it shall be lawful for the Commissioner at his own instance or on the application in writing of the Village Water Commission and in consultation with the Water Engineer—

Preparation  
of plans, etc.

(a) to carry out a survey of the existing consumption of, and demand for, water in the village and of the water resources in or available for such village;

- (b) to prepare plans for the intended work showing in detail any immovable property which may be affected thereby or required in connection therewith ;
- (c) to prepare specifications and estimates for the intended work ;
- (d) to prepare a report on the aforesaid matters and formulate proposals for the intended work.

(2) As soon as it may be convenient after the preparation of the matters referred to in sub-section (1) of this section, the Commissioner shall call, subject to the provisions of section 8 of this Law, a public meeting of the householders as hereinafter provided, in order to determine whether the intended work shall be carried out or not.

List of house-  
holders.

8.—(1) The Commissioner, before calling a public meeting, shall request in writing the mukhtar of the village to prepare a list of the householders and such mukhtar shall thereupon prepare, sign and seal such a list in duplicate and shall forward it to the Commissioner within twenty-one days from the day on which he was requested so to do.

(2) The Commissioner shall cause a copy of such list to be posted in a conspicuous place in the village and any person desiring to make any objection to the list shall apply within ten days of its posting to the Commissioner, stating the grounds of his objection.

(3) The Commissioner, after considering the objections, if any, may cause such alterations or additions to be made to the list as he shall deem necessary and thereupon such list shall be considered as a final list of the householders of the village for the purposes of the proposed public meeting ; and the Commissioner shall give written notice to every person whose name has been either added or deleted from the list.

Public  
meeting of  
house-  
holders.

9.—(1) Upon the completion of the final list of householders as in section 8 provided, the Commissioner shall call a public meeting of such householders by causing a written notice to be posted in a conspicuous place in the village not less than fifteen days before the meeting, stating the day, time, place and object of the meeting and calling upon such householders to attend thereat either in person or by proxy appointed by an instrument certified by the mukhtar.

(2) Subject to sub-section (7) of this section, no business shall be transacted at such meeting and no decision shall be taken thereat, unless more than one half of the aggregate number of the householders of the village are present in person or are represented by proxy as hereinbefore provided.



(3) The Commissioner shall preside at such public meeting and, if any question is raised as to the right of a person to attend thereat or to vote, the Commissioner may, there and then, make such enquiry as he may deem requisite and declare whether such person has a right to attend or vote or not and the decision so made shall be final; and an entry shall be made in the minutes of the meeting of any such question and of the decision thereon.

(4) The Commissioner shall lay before the householders the plans, specifications, estimates, report and proposals relating to the intended work.

(5) All questions or resolutions proposed at any public meeting shall be determined by the majority of the persons present and entitled to vote.

(6) The Commissioner shall keep or cause to be kept minutes of the proceedings of any public meeting and shall enter or cause to be entered therein the questions or resolutions proposed thereat and the number of votes given for or against them and shall, at the close of the meeting, sign the minutes and publicly declare the result of votes given.

(7) If, at any public meeting, a quorum is not present, the Commissioner may ascertain the views of the householders by calling on each one of them to state in writing whether he is in favour of the intended work or not and, if as a result of such an enquiry, more than one half of the aggregate number of the householders express themselves in favour of such work the same shall be carried out as if decided upon at a public meeting.

(8) The Commissioner may, at his discretion, adjourn any public meeting to a day and place to be publicly declared by him at the meeting and no further notice thereof shall be necessary :

Provided that no subject which was not contained in the notice convening the public meeting shall be discussed or considered at any adjourned meeting unless due notice of the subject is given as provided in sub-section (1) of this section.

10.—(1) The intended work as approved at the public meeting shall constitute a scheme (in this Law referred to as “ the scheme ”) to be carried out under the provisions of this Law. Scheme to be carried out.

(2) The scheme shall be carried out by the Village Water Commission under the supervision of the Water Engineer.

PART III.—ACQUISITION OF IMMOVABLE  
PROPERTY.

Acquisition  
of immov-  
able prop-  
erty by  
agreement.

11. Whenever, in carrying out a scheme under this Law, any immovable property is required in connection therewith, the Village Water Commission may acquire such immovable property by agreement on such terms and conditions as the Commissioner may approve.

Compulsory  
acquisition  
of land.

12.—(1) If any immovable property required in connection with any scheme cannot be acquired by agreement, the Village Water Commission shall report the matter to the Commissioner and shall forward to him a plan of such immovable property together with particulars as regards its owner, estimated value, description and other matter as may be necessary for this purpose, for the consideration of the Governor as hereinafter provided.

Schedule.

(2) The Commissioner, before submitting for the consideration of the Governor the documents mentioned in sub-section (1) of this section, shall cause a notice in the form set out in the Schedule hereto to be published in the *Gazette* and also to be posted at a conspicuous place in the village in which the immovable property to be acquired is situate.

(3) At the expiration of the period set out in the notice, the Commissioner shall forward to the Governor the documents mentioned in sub-section (1) of this section together with any objection or statement made against the proposed acquisition.

(4) If the Governor approves the plan submitted and considers it expedient, having regard to all the circumstances, that the Village Water Commission should be permitted to acquire the immovable property in question, he may, by notification published in the *Gazette*, sanction the acquisition of such immovable property; and, thereupon, if the owner of the immovable property does not agree with the Village Water Commission as to the sum to be paid as compensation for it, the same shall be determined in accordance with the provisions of any law in force for the time being, providing for the acquisition of land for public purposes.

(5) On payment of the sum determined to the party entitled to receive it as compensation for the acquisition of such immovable property, such property shall vest in the Village Water Commission by which the sum has been paid free from all encumbrances and the Director of Land Registration and Surveys shall cause registration of such

immovable property to be made in the name of such Village Water Commission in accordance with the plan approved by the Governor :

Provided that the sum determined shall be paid to the party entitled to receive it, or deposited for his account in the District Treasury, within three months from the date of such determination and, if it is not so paid, or deposited the sanction of the Governor for the acquisition of such immovable property as aforesaid shall be deemed to be revoked.

13. Any Village Water Commission may, with the consent of the Commissioner, sell, lease or exchange any immovable property acquired under the provisions of section 12 of this Law in excess of the extent actually required for the purposes in respect of which it has been acquired :

Power of Village Water Commission to sell, etc., immovable property compulsorily acquired.

Provided that the person from whom the immovable property was acquired shall have the right of pre-emption at the price at which it was acquired from him by the Village Water Commission or, if only a portion of such land is in excess of requirements, at a price proportionate to that at which the whole was acquired from him.

14. Notwithstanding anything in this Law contained, a Village Water Commission shall not be compelled to acquire the immovable property unless it has been registered in their names under the provision of section 12 (5) of this Law :

Village Water Commission may abandon project.

Provided that any costs and expenses incurred by any owner by reason of the failure of the Village Water Commission to acquire the immovable property shall be paid to such owner by the Village Water Commission.

15. Where the intended work consists only in the laying of pipes on or under any land or in the construction of any underground channel under any land, other than land covered with buildings, or in repairing or renewing any such pipes or channel, it shall not be necessary to acquire any land in connection therewith but in every such case the Village Water Commission shall, before laying such pipes or constructing such channel or repairing or renewing any such pipe or channel, serve on the owner and on the occupier of the land or affix on the land by means of a notice board, a notice of their intention together with a description of the intended work ; and, if within fourteen days after the service or affixing of the notice, the owner and the occupier fail to give their consent or if they attach to their consent any conditions to which the Village Water Commission object,

Laying of pipes.

the Commissioner may give his consent for the laying of such pipes or the construction of such channel or the repairing or renewing of such pipes or channel, either unconditionally or subject to such terms and conditions, including the payment of compensation as he thinks just, and such consent shall be sufficient authority for the carrying out of the intended work in accordance with the terms and conditions thereof.

#### PART IV.—MISCELLANEOUS.

Obligations  
and  
contracts.

16. The mukhtar, together with any two members of the Village Water Commission, may, on behalf of the village, enter into any obligation and execute any contract which may be necessary for carrying out the purposes of this Law and their duties thereunder.

Assessment  
of pecuniary  
liability and  
assessment  
list.

17.—(1) In every case in which the Village Water Commission operating under this Law incurs any pecuniary liability, it shall be its duty to assess any amount required for meeting such liability, together with a fee of ten shillings for the mukhtar, on the householders according to the means of each of them, but in no case exceeding a maximum of ten pounds, and to prepare a list of the names of such householders showing the amount so assessed :

Provided that the Governor in Council may, at any time by order published in the *Gazette*, increase the maximum aforesaid to twenty pounds.

(2) A copy of the list shall be posted or caused to be posted by the mukhtar in a conspicuous place in the village and at the same time the mukhtar shall forward to the Commissioner two copies of the list accompanied by a certificate signed by the mukhtar that a copy has been so posted.

(3) Any person who objects to any assessment made upon him under the provisions of this section may appeal to the Commissioner in writing within ten days of the posting of the list in the village, stating the grounds of his objection.

(4) The Commissioner shall, as soon as possible, proceed to enquire into any appeals that have been made and into the justice of the assessment and shall make such alterations and amendments, including the rectification of any omission in the assessment list, as he shall think just and shall make such adjustments in all or any of the assessments as such alterations, amendments or rectification may necessitate.

(5) The Commissioner, after proceeding as in sub-section (4) of this section provided or if after the expiration of the period prescribed in sub-section (3) of this section no appeal



has been made as in such sub-section provided, shall sign the list and thereupon such list shall be final and conclusive in respect of all matters therein and the sum assessed on each person shall be payable by every such person and his heirs and shall be recoverable in the same manner as Government taxes may be recovered, except that the additional amount payable by any defaulter shall be twenty-five per centum of the amount due by such defaulter.

(6) The list when signed by the Commissioner shall be deposited at his office and a copy thereof shall be forwarded to the mukhtar and shall be open to inspection by any person interested at all reasonable hours.

(7)—(a) Where any pecuniary liability incurred by a Village Water Commission extends over a period exceeding one year, the list shall, during the continuance of such liability, be brought up to date and revised by the Village Water Commission in every year during such period on a date not being later than thirteen months from the date of the last list as finally approved by the Commissioner :

Provided that the fee for the mukhtar to be included in the revised list shall be only five shillings.

(b) The procedure provided in this Law for the making of, and the objections to, the original list shall be observed in all respects in the case of every annual revision.

(c) The Village Water Commission may, at such annual revision, apportion and assess as they shall think fit any irrecoverable amounts from past assessments upon the persons whose names are included in the list for the year of revision.

(8) Any amount paid or recovered under any assessment under the provisions of this section shall be deposited into the District Treasury to the credit of the village concerned for the purpose for which it is raised :

Provided that any additional amounts recovered from any defaulters, as in sub-section (5) of this section provided, shall be paid into public revenue.

18. Notwithstanding anything in this Law contained, a Village Water Commission may, with the consent of the Commissioner and subject to any terms or conditions he may deem fit to impose, sell or otherwise dispose of, either for any purposes other than domestic purposes within the village or for the domestic purposes of any other village, any surplus water not required by the village for its domestic purposes.

Sale of  
surplus  
water.

Power to enter upon land and compensation for damage.

19.—(1) Any person appointed by the Water Engineer for the purpose of carrying out any repairs or improvements to any waterworks may, by himself, his agents or contractors, subject to a written authorization by the Commissioner and after giving notice to the owner and the occupier of any land, enter upon such land for the purpose of carrying out the work and do all things necessary for carrying it out and cut down or remove all such trees, hedges, dry walls or other things as it may be necessary to be cut down or removed for the purpose of carrying out the work.

(2) For all property destroyed or damaged in the exercise of the powers conferred by sub-section (1) of this section, compensation shall be paid to the owner thereof by the Village Water Commission.

(3) Such compensation, if not agreed upon by private agreement, shall be determined by two referees one to be appointed by the Village Water Commission and one by the other party interested and, if such referees fail to agree, it shall be determined by the Director of Land Registration and Surveys whose decision thereon shall be final and conclusive.

(4) The amount of such compensation shall be forthwith paid by the Village Water Commission and may be levied upon and paid by the householders and, for this purpose, the procedure laid down in section 17 of this Law shall be followed *mutatis mutandis* for the purposes of this section.

Power to break open streets.

20. Any person appointed by the Water Engineer for the purpose of carrying out any work under this Law may, by himself, his agents or contractors and subject to a written authorization by the Commissioner, break the road or pavement of any street. Every such person shall, with all convenient speed, complete the work and shall, at the cost and expense of the Village Water Commission, fill in the ground and re-instate and make good the road or pavement so opened or broken up and carry away the rubbish occasioned thereby, and shall, at all times whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded and shall cause a light sufficient for the warning of passengers to be set up and kept thereat every night during which such road or pavement shall be continued open or broken up.

Actions and legal proceedings.

21. All actions or other legal proceedings brought by or against a Village Water Commission shall be brought by or against the Chairman of such Village Water Commission.

**22.** For every village to which this Law applies, there shall be a fund to be called "the Water Commission Fund of ....." (inserting the name of the village) which shall consist of all moneys received by the Village Water Commission or by an officer, servant or agent thereof for and on behalf of such Commission and of all fines, penalties and costs for any offence under the provisions of this Law or any bye-law made thereunder and such Fund shall be applied to, and be charged with, the payment of all moneys legally due and owing by the Village Water Commission.

Water Com-  
mission  
Fund.

**23.**—(1) The financial year of all the Village Water Commissions shall begin on the 1st day of January in every year.

Financial  
year and  
estimates.

(2) The estimates of a Village Water Commission shall be prepared by the mukhtar in every year and shall be submitted to the members of the Commission and, when passed by them, shall be sent to the Commissioner for consideration and approval not later than the 30th November in the year preceding the financial year to which they relate.

(3) No payment shall be made out of a Water Commission Fund, unless it has been authorized in the current estimates or has been specially authorized by the Commissioner.

**24.**—(1) Every Village Water Commission shall cause a true account to be kept by the mukhtar or such other person as may be approved by the Commissioner of all moneys received and paid by, or on behalf of, the Village Water Commission.

Accounts  
to be kept.

(2) Within thirty days of the 31st day of December of every year, the accounts of every Village Water Commission up and including such day shall be closed and shall be certified by the mukhtar.

**25.**—(1) The accounts mentioned in section 24 of this Law shall be audited by such person or persons as the Commissioner shall appoint who shall examine the account and make a report thereon to the Commissioner.

Account to  
be audited.

(2) The auditor or auditors may be paid such reasonable remuneration as the Commissioner shall approve, and such remuneration shall be a charge upon the Water Commission Fund of the village.

(3) The Commissioner shall publish the audited account by causing a copy thereof to be posted in a conspicuous place in the village concerned or, in the case of a group of villages, a copy thereof in a conspicuous place in each of the villages in the group.

Power of  
Com-  
missioner to  
surchage  
improper  
payments.

**26.** If after the receipt of the auditor's report it appears to the Commissioner that any sum forming part of the Water Commission Fund has been improperly expended, he may surcharge the person, who in his opinion is responsible for the improper expenditure, with the repayment of such sum to the Water Commission Fund and shall, by notification in writing, call upon the person surcharged to make good the sum surcharged within such period of time as may be specified in the notification and if the person surcharged makes default in making good the sum surcharged within the period of time specified in the notification, the sum surcharged shall be recoverable from the defaulter as a civil debt at the suit of the Commissioner.

Power to  
Com-  
missioner to  
depute  
duties,  
powers and  
authorities.

**27.** The Commissioner may, at any time by writing under his hand, depute to any person all or any of the duties, powers and authorities vested in him by the provisions of this Law.

Remedy in  
case of  
default of  
performance  
of duty by  
Water  
Commission.

**28.**—(1) Where the Commissioner is satisfied that a Village Water Commission has made default in the performance of any of its duties under this Law, he may appoint a temporary commission consisting of three persons to perform such duty and shall, by order, direct that the expenses of performing the same shall be paid by the Village Water Commission in default and, upon the filing with the Registrar of the Court of a copy of the order together with a certificate signed by the Commissioner verifying such expenses, the order made for the payment of such expenses shall be enforced in the same way as if the same were an order of such court.

The Commissioner may, from time to time, change the constitution of such temporary commission.

(2) Any temporary commission appointed under this section shall, in the performance of such duty, be invested with all the powers necessary for the performance of such duty.

Bye-laws.

**29.**—(1) A Village Water Commission may make bye-laws for any of the following purposes, that is to say :—

- (a) regulating the use of the water and preventing any waste, undue consumption, misuse or contamination of such water ;
- (b) providing for the maintenance of the water supply in the village and of any waterworks connected



therewith and prescribing the rates or charges to be levied on the householders for such maintenance and the manner of their collection and payment ;

- (c) regulating the supply of water to any premises in the village and prescribing the rates or charges to be paid by any person in connection therewith ;
- (d) generally for the better carrying out of the provisions of this Law.

(2) Bye-laws under this section shall not be inconsistent with the provisions of this or any other Law and shall be subject to the approval of the Commissioner and shall not come into operation until they have been approved by him and published in the *Gazette*.

(3) Any person contravening, by any act or omission, any bye-law shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds, to be paid into the Water Commission Fund of the village.

**30.** Any person who wilfully obstructs any person lawfully performing any duties or exercising any powers under the provisions of this Law or any bye-law made thereunder shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine, all fines to be paid into the Water Commission Fund of the village.

Obstruction  
of persons  
performing  
duties.

**31.** Nothing in this Law contained shall apply to any municipal corporation or summer resort established or operating under any law relating thereto in force for the time being.

Law not to  
apply in  
certain  
cases.

#### SCHEDULE.

(Section 12 (2) .)

#### WATER (DOMESTIC PURPOSES) VILLAGE SUPPLIES LAW, 1948.

Notice is hereby given that the immovable property, as hereinafter, is required by the Water Commission of . . . . . in connection with a scheme for the supply and/or maintenance of a supply of water for the domestic purposes of the inhabitants of the said village under the provisions of the Water (Domestic Purposes) Village Supplies Law, 1948.

Any person claiming to have any right or interest in the immovable property to which this notice relates, who objects to the acquisition of any such property, is required within six weeks from the date of this notice to send to me a statement of his right and interest and of the evidence thereof, and of any claim made by him in respect of such right or interest.

The Water Commission of..... is willing to treat for the acquisition of the immovable property to which this notice relates.

The immovable property to which this notice relates is as follows (a plan showing the same being available for inspection during a period of six weeks from the date of this notice, at..... from..... to.....):—

.....  
.....

Dated this.... day of....., 19.....

.....  
Commissioner of.....

H. G. RICHARDS,

*Acting Colonial Secretary.*

27th July, 1948.