

## No. 10 OF 1950.

A LAW TO AMEND THE STREETS AND BUILDINGS  
REGULATION LAW, 1946.

A. B. WRIGHT,]

[27th May, 1950.

*Governor.*

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

Short title.

12 of 1946

1. This Law may be cited as the Streets and Buildings Regulation (Amendment) Law, 1950, and shall be read as one with the Streets and Buildings Regulation Law, 1946 (hereinafter referred to as "the principal Law"), and the principal Law and this Law may together be cited as the Streets and Buildings Regulation Laws, 1946 and 1950.

2. The definition "alteration", "addition" or "repair" in section 2 of the principal Law is hereby amended as follows:—

Amendment of section 2 of the principal Law.

(a) by the deletion from paragraph (d) thereof of the word "plastering";

(b) by the insertion therein after paragraph (e) of the following paragraph:—

"(f) the plastering of any wall or ceiling in any building:

Provided that nothing in this paragraph contained shall extend to the plastering of any wall abutting in whole or in part on any street to which section 12 of this Law and paragraphs (ii) and (iii) of section 23 of this Law apply".

3. Section 3 of the principal Law is hereby amended by the insertion therein, immediately after sub-section (3), of the following sub-sections:—

Insertion of new sub-sections in section 3 of the principal Law.

"(4)—(a) Where the appropriate authority is the municipal council of a municipal corporation, the mayor or the deputy mayor of such corporation or any other person authorized by such corporation in that behalf shall have, and shall always be deemed to have had, power to issue any permit, notice or any other instrument or document which such appropriate authority has power to issue under the provisions of this Law;

(b) where the appropriate authority is a body appointed by the Governor as in sub-section (2) provided, the chairman thereof or any other person authorized by the chairman in that behalf shall have, and shall always be deemed to have had, power to issue any permit, notice or any other instrument or document which such appropriate authority has power to issue under the provisions of this Law;

(c) any permit, notice or other instrument or document issued as in paragraph (a) or (b) of this sub-section on and after the 1st day of September, 1946, shall be deemed to have been properly issued under the provisions of this sub-section.

(5) Where the appropriate authority is the municipal council of a municipal corporation, such council may, from time to time, delegate to an executive

committee consisting of not more than three members of such council all or any of the powers conferred upon the council under the provisions of this Law.

(6) Where for any reason a body is appointed to have the powers and perform the duties of a municipal council in respect of any municipal corporation, such body shall be, during its term of appointment, the appropriate authority for the purposes of this Law as respects such corporation and, in any such case, the powers and duties of the mayor and deputy mayor of such corporation, as in this Law provided, shall vest in and be exercised respectively by the Chairman and Deputy Chairman of such body."

Repeal of section 4 of the principal Law and substitution of new section.

4. Section 4 of the principal Law is hereby repealed and the following section substituted therefor :—

"Proposed works to comply with the Law and regulations and remedy with regard to permits not so complying.

4.—(1) 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 the provisions of this Law and the regulations in force for the time being.

(2) Where, on the application of any interested person or of the Attorney-General, it is proved to the satisfaction of the court that a permit granted on or after the 2nd February, 1950, under section 3 of this Law is not in accordance with the provisions of this Law or the regulations in force for the time being, and that there was no undue delay in making the application, the court may—

(a) order that, within such time as may be specified in the order, any work or matter carried out or done under such permit shall be pulled down or removed or so altered as to comply with the provisions of the Law and the regulations in force for the time being ;

(b) order that the appropriate authority or any individual members of any such authority who held office at the time of the grant of the permit, whether such members are still holding office or not (hereinafter referred to as 'the defaulting authority' and 'defaulters', respectively) shall pay to the holder of the permit affected by an order made under

paragraph (a) hereof, such compensation for any loss or damage sustained by such holder in consequence of anything done under such order, as the court may direct :

Provided that no compensation shall be ordered to be paid under this paragraph, if in the opinion of the court the holder of the permit by his conduct or otherwise had contributed directly or indirectly to the grant of the permit concerning which the application is made ;

- (c) order that the costs of the pulling down or removal shall be paid by the holder of the permit or by the defaulting authority or the defaulters or by such of them in such proportion as the court may direct ;
- (d) notwithstanding that the court is of opinion that the point raised in the application might be decided in favour of the applicant, dismiss the application if satisfied that the contravention is of a minor nature and that it would cause disproportionate hardship on the holder of the permit if the application were granted ;
- (e) make such other order as the justice of the case may require :

Provided that the applicant shall give to the appropriate authority concerned not less than ten days' notice of his intention to apply to the court as in this section provided :

Provided further that no order shall be made under this sub-section against any individual member of an appropriate authority who proves to the satisfaction of the court that he objected to the issue of the permit in respect of which the application is made.

(3) An application under sub-section (2) shall be made by summons citing as respondents the holder of the permit and the defaulting authority or the defaulters or both such authority and defaulters and the procedure prescribed by the Rules of Court in force for the time being relating to civil proceedings shall apply :

Provided that, where the appropriate authority is the Commissioner or a board of which the Commissioner is the chairman, no application shall be made except by or with the consent of the Attorney-General :

Provided further that, where the applicant is not the Attorney-General, the Registrar of the court, before filing the application, shall require the applicant to give a security for costs either by depositing five pounds or giving such other good and sufficient security in that amount to the satisfaction of the Registrar, in respect of every respondent; thereafter, the court may, at any stage of the proceedings, order further deposit or further security to be given and if the applicant fails to make the deposit or give the further security, the application shall be dismissed.

(4) For the purposes of this section—

‘court’ means a court of competent jurisdiction;

‘interested person’ means a person who is ordinarily resident within the area in which the property in respect of which the permit was issued is situate and, in the case of a municipal corporation, whose name also appears in the electors roll of that corporation and includes any person who, though not so resident, owns immovable property in close proximity to the work or matter carried out or done under the permit in respect of which the application is made.”

Amendment of section 9 (1) of the principal Law.

5. Paragraph (b) of section 9 (1) of the principal Law is hereby amended by the insertion therein, immediately after sub-paragraph (ix), of the following sub-paragraph (the full stop at the end thereof being substituted by a semicolon):—

“(x) the construction of suitable pavement in connection with any new building.”

Repeal of section 10 of the principal Law and substitution of new section.

6. Section 10 of the principal Law is hereby repealed and the following section substituted therefor:—

“Certificate of approval.

10. The holder of a permit shall, not later than twenty-one days from the completion of the work or matter in respect of which the permit has been granted under the provisions of section 3 of this Law, notify the appropriate authority of such completion and such authority, if satisfied that the work or matter has been duly completed in accordance with the permit, 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 may, where it so thinks fit, furnish the holder of the permit with a certificate of approval for part only of the work or matter."

7. Section 20 of the principal Law is hereby amended as follows :—

Amendment of section 20 of the principal Law.

(a) by the insertion in the proviso to paragraph (a) of sub-section (2), after the words "seem fit" (line 3) of the words "and the provisions of section 4 of this Law shall apply to every such permit";

(b) by the insertion therein, immediately after sub-section (4), of the following sub-section :—

"(5) All fines recovered in respect of any offence committed against this section shall be payable to the appropriate authority concerned."

8. The principal Law is hereby amended by the insertion therein, immediately after section 20, of the following sections :—

Insertion of new sections 20A, 20B and 20C in the principal Law.

"Failure of appropriate authority to comply with provisions of Law and Regulations.

20A.—(1) Where a complaint is made to the Governor that an appropriate authority has failed to comply with, or to take appropriate steps to enforce, any of the provisions of this Law or any regulations made thereunder or to prosecute any offender for any contravention of this Law or any regulations made thereunder, the Governor, if satisfied that the authority has been guilty of the alleged failure and that it would be in the public interest so to proceed, shall make an order limiting a time for the performance of the matter of such complaint and, if the failure is not remedied by the appropriate authority by the time limited in the order, the Governor may appoint a person or a board of not more than three persons to remedy the failure and all costs and expenses connected with, or incidental to, the purpose or purposes in respect of which the appointment is made shall be paid by the appropriate authority in default or by any individual members of such authority who, in the opinion of the Governor, were responsible for the failure, whether such members are still holding office or not.

(2) When the costs and expenses payable under sub-section (1) are ascertained, the Governor may issue a certificate in respect

thereof and, upon filing a copy of such certificate with the Registrar of the District Court of the district within which the property is situated, the certificate shall be enforced as if it were an order of the court.

Special  
power to  
Governor in  
certain cases.

20B.—(1) Where a complaint is made to the Governor that, by reason of the failures of an appropriate authority to comply with or enforce the provisions of this Law or any regulations in force for the time being, there have been erected in any part of any area within which such authority operates any buildings which do not comply with the provisions of this Law or of such regulations, the Governor, if satisfied that it would be in the public interest so to proceed, shall make an order limiting a time for the performance of the matter of such complaint and, if the failure is not remedied by the appropriate authority by the time limited in the order, the Governor may appoint a board of not more than three persons to enquire into, and make report to him regarding, the matter.

(2) A board appointed under the provisions of sub-section (1) shall have power—

- (a) to procure all such evidence, written or oral, and to examine all such persons as witnesses as it may think necessary or desirable to procure or examine ;
- (b) to summon any person residing in the Colony to attend any meeting of the board to give evidence or produce any document in his possession and to examine him as a witness or to produce any document in his possession, subject to all just exceptions, and to fine in a sum not exceeding five pounds any person who, having been summoned by the board as aforesaid, fails to comply with the requirements of the summons and does not excuse such failure to the satisfaction of the board.

(3) Upon receipt of the report, the Governor may make such order as he may deem necessary in order to remedy the failures of the appropriate authority in the part of the area affected by the report and, without prejudice to the

generality of the foregoing powers, every such order may provide—

- (a) that all or any buildings in such part which do not comply with the provisions of this Law or the regulations shall, notwithstanding that a permit has been issued under section 20 (2) (a) of this Law, be pulled down or removed by the board ;
  - (b) that the costs of the pulling down or removal shall be paid by the person who has erected the building or by the appropriate authority in default or by any individual members of such authority who, in the opinion of the Governor, were responsible for the failure, whether such members are still holding office or not ;
  - (c) that the defaulting authority or individual members thereof shall pay to the holder of a permit issued under section 20 (2) (a) of this Law such compensation for the pulling down or removal of his building, as may be contained in the order.
- (4) When any costs and any compensation payable under sub-section (3) are ascertained, the Governor may issue a certificate in respect thereof and, upon filing a copy of such certificate with the Registrar of the District Court of the district within which the property is situated, the certificate shall be enforced against the authority or persons therein mentioned as if it were an order of the court.

Suspension  
of powers of  
appropriate  
authority.

20c. Whenever a person or board is appointed by the Governor under the provisions of section 20A or 20B of this Law, such person or board shall be invested with all powers of an appropriate authority as may be necessary for the purpose or purposes of the appointment and until such purpose or purposes is or are completed, the powers of the appropriate authority affected shall, as regards such purpose or purposes, be suspended."

O. R. ARTHUR,

*Acting Colonial Secretary.*

29th May, 1950.