

No. 18 OF 1951.

A LAW TO AMEND THE PUBLIC LOANS LAWS, 1897 TO 1949.

A. B. WRIGHT,]

[8th May, 1951.

Governor.

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

Short title

13 of 1897
 17 of 1930
 48 of 1932
 27 of 1933
 14 of 1940
 5 of 1949

1. This Law may be cited as the Public Loans (Amendment) Law, 1951, and shall be read as one with the Public Loans Laws, 1897 to 1949 (hereinafter referred to as "the principal Law"), and the principal Law and this Law may together be cited as the Public Loans Laws, 1897 to 1951.

2. The principal Law is hereby amended by the insertion therein, immediately after section 10, of the following section:—

Insertion of
new section
10A in the
principal
Law.

“Payment of
loans to local
authorities
when ceasing
to function.

10A.—(1) Where any local authority, to which any loan has been made under the provisions of this Law, ceases for any reason to function, the Governor in Council may order that such loan shall be repayable by the occupiers of the village in which the local authority was functioning when the loan was made and, thereupon, such loan, subject to the terms and conditions as to payment and the rate of interest under which the loan was made and without prejudice to any other remedy which the Loan Commissioners may have, shall be repayable by such occupiers in accordance with the following provisions, that is to say:—

(a) the mukhtar shall, within twenty-eight days from the day of the Order, prepare and post, or cause to be posted in a conspicuous place in the village, a list bearing the date of such posting (hereinafter referred to as “the list”) setting out—

(i) the amount then due and payable under the loan together with an additional amount of two pounds to be paid to the mukhtar for the preparation of the list;

(ii) the names of all occupiers of the village concerned:

Provided that the mukhtar may exclude from the list any occupier who, in his opinion, should not be chargeable with the repayment of the loan on the ground of extreme poverty; and

(iii) the amount payable by each occupier as assessed by the mukhtar according to the means within the village of each such occupier and the latest date upon which it shall be paid;

(b) within fourteen days from the date of posting of the list as hereinbefore provided, any person who may feel himself aggrieved by any assessment made on him as hereinbefore provided or who claims that his name has been wrongly included in the list

or that the name of any occupier has been wrongly omitted from the list, may appeal to the Commissioner of the district and the Commissioner shall consider and determine every such appeal and his decision thereon shall be final and conclusive ;

- (c) if, as a result of a decision by the Commissioner, it becomes necessary to make any re-adjustment in any assessment or to delete or insert the name of any person, the Commissioner shall proceed to make the necessary re-adjustments and rectifications of the list :

Provided that the Commissioner shall not increase the amount payable by any person or insert the name of any person in the list, unless he first gives notice thereof to such person and affords him an opportunity to oppose such increase or insertion ;

- (d) the list, as finally rectified, shall be filed in the office of the Commissioner and shall be conclusive evidence that every person named therein is liable to pay the amount of money therein set out and a copy of such list shall be posted in a conspicuous place in the village ;

- (e) the Commissioner shall, in every year, and until final repayment of the loan, revise the list with the assistance of the mukhtar and shall cause a copy of the revised list to be posted in a conspicuous place in the village, bearing the date of such posting, and, thereupon, the provisions of paragraphs (a), (b), (c) and (d) shall apply *mutatis mutandis* in respect of such list :

Provided that such posting shall be made in the year of revision on a date being not later than twenty-eight days from the corresponding date of the year in which the Order was made :

Provided further that the Commissioner shall, at every such annual revision, add to the amount payable by the occupiers any irrecoverable arrears of the last year ;

- (f) every person whose name appears in the list shall pay the amount due to the mukhtar not later than the date of payment as set out in the list and the mukhtar shall issue to the payer a receipt which shall be exempt from stamp duty ;
- (g) as soon as may be after the date of payment, the mukhtar shall pay into the District Treasury all amounts collected by him as in paragraph (f) provided and shall forward to the Commissioner a list containing the names of all persons who have made default in the payment of the amount due ;
- (h) the Commissioner, upon receipt of the names of the defaulters, shall forward to the Comptroller of Inland Revenue a certificate under his hand recording the names of the defaulters and the amount due and payable by each defaulter and the Comptroller, upon receipt of such certificate, shall issue a warrant authorizing the collection of such amount together with an increase of twenty-five per centum. Every such warrant will be in the like form with the necessary modifications as a warrant issued under the Tax Collection Laws, 1932 and 1944, and shall be enforced and the like proceedings may be had thereon as if it were a warrant issued under the said Laws ;
- (i) all monies paid into the District Treasury and all monies collected shall be paid to the Loan Commissioners to meet the service of the loan with reference to which the payments and collections were made and any surplus collected under the provisions of this section shall be passed in the books of the Commissioner to the credit of the village concerned to be used for the settlement of any other liabilities of the defunct local authority any surplus being utilized for such purpose of public utility in the village as may be approved by the Commissioner.

(2) If a mukhtar fails to perform any of his duties or do any of the acts imposed upon him by this section, the Commissioner may, by writing

under his hand; appoint a person to perform the said duties or do the said acts and the duties or acts performed or done by such person shall be as valid and effective as if performed or done by the mukhtar ; and the Commissioner may prescribe the time or times for the performance of such duties or the doing of such acts notwithstanding that the periods in this section set out have elapsed owing to the default of the mukhtar.

(3) For the purposes of this section—

‘ local authority ’ means—

19 of 1936
to
19 of 1948

(a) a Village Health Commission constituted or functioning under the Public Health (Villages) Laws, 1936 to 1948 ;

12 of 1950
18 of 1950

(b) a Board constituted or functioning under the provisions of the Villages (Administration and Improvement) Laws, 1950 ;

‘ mukhtar ’ means the mukhtar of the village in which the local authority was functioning and, where there is more than one mukhtar, such one of the mukhtars as may be nominated by the Commissioner for the purposes of this section ;

‘ occupier ’ means—

(a) any person in actual occupation of any immovable property in the village without regard to the title under which he occupies such property or, in the case of an unoccupied immovable property, the person entitled to the occupation thereof ; and

(b) the owner of any movable property in the village.”

8th May, 1951.

J. FLETCHER-COOKE,
Colonial Secretary.