



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3558 OF 23RD MAY, 1951.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 19 OF 1951.

A LAW TO AMEND THE WELLS LAW, 1945.

Cap. 312

A. B. WRIGHT,
Governor.

[22nd May, 1951.]

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 Wells (Amendment) Law, 1951, and shall be read as one with the Wells Law, 1945 (hereinafter referred to as "the principal Law"), and the principal Law and this Law may together be cited as the Wells Laws, 1945 and 1951. Short title.
27 of 1945.

Amendment
of section 3
of the
principal
Law.

2. Section 3 of the principal Law is hereby amended by the deletion therefrom of sub-sections (3) and (4) and the substitution therefor of the following sub-sections:—

“(3) In granting a permit under the provisions of sub-section (1) of this section, the Commissioner may impose such conditions and restrictions as to him may seem necessary or desirable regarding the sinking or construction of the well, the manner in which the water shall be taken therefrom and generally regarding the use of the water of such well :

Provided that upon the application of the holder of a permit the Commissioner may vary or modify any conditions or restrictions imposed in such permit.

(4) A well in respect of which a permit has been granted under the provisions of this section must be sunk and constructed within a period of twelve months from the date of such permit :

Provided that, if the sinking or construction of the well is not completed within the aforementioned period, the permit may be renewed by the Commissioner for a further period of twelve months upon payment of the fee prescribed in sub-section (5) of this section.”

Insertion
of new
sections 3A
and 3B
in the
principal
Law.

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

“Power to
Governor as
respects
certain
areas.

3A.—(1) Notwithstanding anything in this or any other Law contained, where the Governor is satisfied that special measures for the conservation of water in any area are necessary in the public interest, whether for the protection of public water supplies or for the protection of water supplies used for industrial, domestic or other purposes, he may make an order defining such area and, thereupon, no permit for the sinking or construction of a well in any such area shall be issued by a Commissioner and no variation or modification of any condition or restriction imposed in such permit shall be effected, save with the concurrence of the Water Engineer.

(2) Before making an order under this section, the Governor shall cause to be published in the *Gazette* a notice—

- (a) giving particulars of the proposed order ;
- (b) specifying a place where a copy of the draft order and of every relevant map and plan may be inspected by any person free of charge at all reasonable hours during a period of fourteen days from the

date of the publication of the notice and stating that, within the same period, any person may, by notice addressed to the Commissioner, object to the making of the order.

(3) Any person who objects to the making of the order may, within the period mentioned in paragraph (b) of sub-section (2), give notice thereof to the Commissioner giving full particulars of his objection and the Commissioner, at the expiration of the aforementioned period, shall transmit the same to the Governor.

(4) The Governor, after considering any objections, may make the order either in the terms of the draft or in those terms as modified in such manner as he thinks fit :

Provided that, when he proposes to make any modification and considers that other persons may be adversely affected thereby, he shall give and publish an additional notice in such manner as he thinks best adapted for informing all persons likely to be so affected by the modification proposed.

(5) The Water Engineer, in giving or withholding his concurrence under this section, shall have regard to the extent to which the general water situation in the area (including its further development) or the requirements of prior users of water may be affected by the proposed well.

3B. For the purposes of this Law, widening, deepening or otherwise extending any existing well shall be deemed to be an operation in respect of which a permit must be obtained under the provisions of this Law."

Widening,
etc., of wells.

4. Section 9 of the principal Law is hereby repealed and the following section substituted therefor:—

"Ensuring
that wells
are not
source of
public
danger.

9.—(1) The holder of a permit granted under the provisions of this Law shall—

(a) during the sinking or construction of the well, keep the same adequately covered or fenced so as not to be a source of public danger;

(b) upon completion of the sinking or construction of the well, cause the same to be adequately covered with masonry or fenced in by a stone parapet of not less than two feet high.

Repeal of
section 9
of the
principal
Law and
substitution
of new
section.

(2) The owner and every person in charge of a well, whenever sunk, shall keep the same at all times adequately covered or fenced so as not to be a source of public danger."

Amendment
of section 10
of the
principal
Law.

5. Section 10 of the principal Law is hereby amended as follows :—

(a) by the deletion in sub-sections (1) and (2) thereof of the words " terms or conditions " (lines 2 and 3 of sub-section (1), line 4 of sub-section (2) and lines 2 and 3 of the proviso to sub-section (2)) and the substitution therefor in each case of the words " conditions and restrictions " ;

(b) by the insertion therein, immediately after sub-section (2), of the following sub-sections :—

" (3) If any person against whom an order has been made under sub-section (2) shall fail or neglect to comply with such an order within the time specified therein, it shall be lawful for any person authorized by the Commissioner to carry out such an order and any costs incurred for the carrying out thereof shall be payable to the Commissioner by the person against whom the order was made and such costs shall be deemed to be a penalty within the meaning of the Criminal Procedure Law, 1948, and payment thereof shall be enforced accordingly.

40 of 1948

(4) Any person against whom an order has been made under sub-section (2) who disobeys or fails to comply with such order shall, notwithstanding that the Commissioner has proceeded to carry out or has carried out such order, be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both.

(5) Any person who obstructs or prevents any person authorized by the Commissioner as in sub-section (3) provided to carry out any order issued by the Court under sub-section (2) shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both."

J. FLETCHER-COOKE,

22nd May, 1951.

Colonial Secretary.