

No. 10 of 1954.

A LAW TO AMEND AND CONSOLIDATE THE PROVISIONS RELATING TO FEES AND CHARGES LEVIED AND TAKEN IN THE DEPARTMENT OF LAND REGISTRATION AND SURVEYS.

J. FLETCHER-COOKE,] [17th February, 1954.
Officer Administering the Government.

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

1. This Law may be cited as the Land Registration and Survey Department (Fees and Charges) Law, 1954. Short title.

2. In this Law, unless the context otherwise requires—
 “Director” means the Director of Land Registration and Surveys and includes any officer appointed by him for any of the purposes of this Law.

Fees and charges in the First Schedule to be levied and taken.
 First Schedule.

3. The several fees and charges set out in the First Schedule shall be levied and taken, to the nearest shilling, in respect of the several matters therein set out in such manner as may be directed from time to time by the Director, and the same shall, when levied and taken, form part of the revenue of the Colony :

Provided that the Governor in Council may by Order published in the *Gazette*—

- (a) delete or reduce any such fee or charge, or increase the same by an amount not exceeding one-half thereof ;
- (b) exempt from the payment of any such fee or charge the government of any foreign power with which Her Majesty's Government in the United Kingdom has made arrangements for reciprocal exemption from such fees or charges :

Provided further that the Director may, at his discretion, waive or reduce any such fee or charge in respect of any matter relating to a case promoting or tending to promote the consolidation of immovable property or of separate interests in immovable property or the elimination of dual ownership of immovable property.

Power to require deposit of fees.

4.—(1) Before performing any service for which a fee or charge is leviable under the provisions of this Law, the Director may require any person who applies for such service to deposit at the Land Registry Office such sum as shall, in the opinion of the Director, be sufficient to cover the fee or charge that may be required for the performance thereof.

(2) When a sum has been deposited for the performance of any service, as in sub-section (1) provided—

- (a) upon performance of such service, any part of the sum so deposited in excess of the fee or charge leviable for such service under the provisions of this Law shall, if not less than three shillings, be refunded ;
- (b) any balance of the fee or charge leviable for such service under the provisions of this Law which remains unpaid shall, if less than three shillings, be waived ;
- (c) subject to the provisions of paragraph (a) of this sub-section where the person who applies for such service withdraws his application or the Director

is unable to perform such service, there may be refunded the whole or such part of the sum so deposited as the Director may, at his discretion, determine having regard to the time spent in preparatory work relating to that service.

5. Subject to the provisions of sub-section (2) of section 4, where any service in a matter relating to immovable property has been performed by the Director on the application or at the request of the owner of such immovable property or of the person entitled to be registered as the owner thereof, any balance of the fee or charge leviable for such service under the provisions of this Law which remains unpaid shall be a charge on such immovable property and shall have priority over all other charges and incumbrances whatsoever, whether accruing before or after such service has been performed, and no transfer or mortgage of such property shall be registered except upon payment of such balance; and where the property is to be sold for the satisfaction of any other charge or incumbrance, the sale shall be subject to a reserve price which shall not be less than the balance hereinbefore mentioned.

Fees and charges to be a charge on immovable property.

6. Notwithstanding anything in this Law contained, no fee or charge shall be levied or taken in respect of any transaction to which the Government is a party.

No fee for transactions with the Government.

7. No fee or annual charge shall be levied or taken upon the registration of a title to immovable property acquired by inheritance.

No fee or annual charge upon registration of immovable property acquired by inheritance.

8. The enactments set out in the first column of the Second Schedule are hereby repealed to the extent specified in the second column of the said Schedule.

Repeal.
Second Schedule.

9. This Law shall come into operation on the first day of March, 1954.

Date of commencement.

FIRST SCHEDULE.

(Section 3.)

TABLE OF FEES AND CHARGES TO BE LEVIED AND TAKEN IN THE LAND REGISTRATION AND SURVEY DEPARTMENT, IN MATTERS RELATING TO IMMOVABLE PROPERTY.

1. Local Enquiries—

(i) for each application	10s.
(ii) plus, for each parcel of property involved.. .. .	1s.

- (iii) plus, for survey work done, such fee as the Governor may, by a notice in the *Gazette*, from time to time approve, having regard to the time spent, salaries, allowances and any incidental expenses incurred :

Provided that—

- (a) no fee shall be levied for survey work done for correcting or adding to the plan of an existing registration unit ;
- (b) no fee other than the fee for survey work shall be levied for the demarcation of the boundaries of a registered property or for special surveys unconnected with Land Registration ;
- (c) an additional fee of 3s. shall be levied for each parcel of property involved in an application for partition by the Director of immovable property held in undivided shares ;
- (d) the Director may, at his discretion, allow a refund of any fee paid for a local enquiry for transferring or writing off an assessment, if it is established that the property to which the assessment relates either belonged to a person other than the person assessed at the time the assessment was made or that it does not exist at the date of the local enquiry ;
- (e) where, at the Director's discretion, an enquiry is treated as an accelerated one, the Director may increase the fee by an amount not exceeding one-half thereof, and, in addition, levy such extra charge as he may determine having regard to salaries, allowances, travelling and other incidental expenses and the priority given.

2. Registration of title (payable by the person to be registered)—

- (a) by undisputed adverse or *ab antiquo* possession, reckoned on the value of the property 4 per cent.
- (b) by transfer—
 - (i) upon exchange, reckoned on the value of immovable property taken by each party 2 per cent.
 - (ii) upon gift or sale by parent to child, reckoned on the value of the property 2 per cent.
 - (iii) upon gift other than by parent to child, reckoned on the value of the property 4 per cent.
 - (iv) upon sale other than by parent to child, reckoned on the sale price 4 per cent.

Provided that the fee so chargeable shall not be less than 4 per cent of the value.

- (c) by purchase at auction, reckoned on the sale price . . 4 per cent.
- (d) by compulsory acquisition, reckoned on the compensation paid 4 per cent.

3. Mortgages—

on registration, on the amount advanced, payable by the mortgagor 1 per cent.

Provided that where an existing mortgage is cancelled and on the same day a new mortgage is declared, the parties to the declaration and either the properties mortgaged or the amount advanced being the same, the fee shall be either—

- (a) 1 per cent on the amount advanced under the new mortgage ; or
- (b) £1 plus 1 per cent. on the amount, if any, by which the amount advanced under the new mortgage exceeds the amount advanced under the previous mortgage,

whichever is less.

4. Transmission fees (payable by the transferee or the mortgagor)—
per declaration of transfer or mortgage made in one
district for transmission to another district 1s.
5. Sales by auction—
- (a) for acceptance of documents authorizing sale 5s.
(b) for acceptance of documents applying for sale 8s.
(c) for preparing notices of sale—
- (i) where the value of property to be sold does not
exceed £100 6s.
(ii) for every additional £100 or part thereof 3s.
Provided that the total fee shall not exceed £2.
- (d) for distribution of proceeds of sale of indivisible prop-
erty held in undivided shares 5s.
(e) for making a final account 3s.
(f) for issuing a copy of the final account 1s.
6. Charges—
- for acceptance of documents attaching or purporting
to attach or charge immovable property and for
noting the attachment or charge in the books .. 3s.
7. Record of rights, easements, etc.—
- for recording the grant or existence of any right, pri-
vilege, liberty, easement or other advantage in the
Land Register and in the certificate or certificates of
registration of the properties involved 2s.
8. Searches—
- (a) for the registered properties of a named owner or
co-owners—
- (i) per village or quarter, for each certificate of search or
copy thereof 6s.
(ii) plus, where the boundaries of the properties are
required to be given, such extra charge as the
Governor may, by a notice in the *Gazette*, from
time to time approve, having regard to the time
spent in supplying the information, salaries and
allowances ;
- (b) for the registered properties standing on the land of a
named person but belonging to a person other than
the person named—
per plot of land 6s.
- (c) for the registered land on which properties belonging to
a named person stand but which does not belong to the
person named—
per plot of land 4s.
- (d) for particulars of previous registrations of a specific
registered property 4s.
(e) for particulars of subsequent transfers of a specific
registered property 4s.
(f) for the name of the registered owner or co-owners of
a specific registered property—
per property 4s.

- (g) for the registration number, given sufficient particulars to identify the registration—
per registered property 1s.
- (h) for the assessed properties of a named person—
per village or quarter, for each certificate of search or copy thereof 2s.
- (i) for any other information not specified above such fee as the Governor may, by a notice in the *Gazette*, from time to time approve, having regard to the time spent, salaries and allowances.

9. Certificates of Indivisibility—
per property involved 2s.

10. Certificates of Registration—
of title, mortgage or charge 2s.

Cap. 236.

11. Leases under the Public Lands (Leases) Law—
- (a) for registration, including the issue of one true copy of the lease, per donum or part thereof 10s.
- (b) for every subsequent copy of the lease—
- (i) on the first 200 words 5s.
- (ii) for every further 100 words or part thereof 1s.

12. Copies—
- (a) of maps and plans—
a charge determined by the Director according to size and scale, with a minimum charge of 2s.
- (b) of other documents—
- (i) for preparing and certifying a copy, per 200 words or less 1s.
- (ii) for certifying a copy made outside the Department, per 300 words or less 1s.

13. Evidence before any Court, Tribunal, Board, or person empowered to summon witnesses—
such fee as the Governor may, by a notice in the *Gazette*, from time to time approve, having regard to the time spent in preparing for and giving the evidence, salaries, allowances and travelling expenses incurred.

14. Any service not otherwise specified—
such fee as the Governor may, by a notice in the *Gazette*, from time to time approve, having regard to the time spent in preparing for and giving the evidence, salaries, allowances and travelling expenses incurred.

In this Schedule—

“value” means the value of the property registered or recorded in the books of the Land Registry Office or, where there is no such value, the value assessed or determined under the provisions of the Immovable Property (Tenure, Registration and Valuation) Law or the Immovable Property Tax Law, or a value determined by the Director for the purposes of this Law.

SECOND SCHEDULE.

(Section 8.)

REPEALS.

Enactments	Extent of repeal
1. The Corporate Bodies (Immovable Property Registration) Law (Cap. 225).	1. Section 10.
2. The Immovable Property (Registration and Survey Fees and Charges) Law (Cap. 229).	2. The whole.
3. The Immovable Property (Tenure, Registration and Valuation) Law (Cap. 231 and Laws 8 of 1953 and 4 of 1954).	3. Sub-section (1) of section 46.
4. The Municipal Corporations Law (Cap. 252 and Laws 11 of 1950, 31 of 1951 and 20 of 1953).	4. Section 78.

17th February, 1954.

A. F. BATES,
Acting Colonial Secretary.