

**CAP. 96.**

**CYPRUS**

**STREETS AND BUILDINGS**

**CHAPTER 96 OF THE LAWS**

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1959

**CHAPTER 96**  
**STREETS AND BUILDINGS.**

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**A LAW TO CONSOLIDATE AND AMEND THE LAWS RELATING  
TO THE CONSTRUCTION OF STREETS AND THE ERECTION  
OF BUILDINGS.**

[1st September, 1946.]

Short title.

1. This Law may be cited as the Streets and Buildings Regulation Law.

Interpre-  
tation.  
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2. In this Law—

“alteration”, “addition” or “repair”, when used with reference to buildings, means any structural alteration, addition or repair whereby any dimension of such building is altered but shall not include—

(a) the replacing of tiles, mud or other material in order to render any roof watertight ;

- (b) the repair of any existing door the leaves of which do not open or project into a street ;
- (c) the repair of any window, balcony or verandah which does not open or project into a street ;
- (d) the white-washing, colour-washing, plastering or painting of any wall, ceiling, woodwork or ironwork in any building ;
- (e) the relaying, re-boarding or re-paving of any floor or pavement contained within the external walls of any building or within any existing balcony or verandah attached to the building but which does not open or project into a street ;

“ appropriate authority ” means the appropriate authority constituted or appointed under the provisions of section 3 of this Law, exercising powers in relation to any relevant matter under the provisions of this Law within the area in respect of which it is constituted or appointed ;

“ building ” means any construction, whether of stone, concrete, mud, iron, wood or other material, and includes any pit and any foundation, wall, roof, chimney, verandah, balcony, cornice or projection or part of a building, or anything affixed thereto, or any wall, earthbank, fence, paling or other construction enclosing or delimiting or intended to enclose or delimit any land or space ;

“ municipal corporation ” means a corporation established under the provisions of the Municipal Corporations Law, or any Law amending or substituted for the same ;

Cap. 270.

“ street ” includes any road, bridle-path, pathway, blind alley, passage, footway, pavement or public square.

**3. (1) No person shall—**

- (a) lay out or construct a street ;
- (b) erect, or suffer or allow to be erected a building or demolish or reconstruct or make any alteration, addition or repair to any existing building, or suffer or allow any such demolition or reconstruction or any such alteration, addition or repair to be made ;

Layout, etc., of streets and erection, etc., of buildings prohibited without permit of appropriate authority.  
3(a) of 44/54.

- (c) lay out or divide any land (irrespective of whether any buildings, other than buildings used solely for agriculture or forestry, exist thereon or not) into separate sites ;
- (d) divide any building (irrespective of whether any such division necessitates any construction or not) into separate tenements ;
- (e) start to do any of the works or matters hereinbefore set out,

without a permit in that behalf first obtained from the appropriate authority as in subsection (2) provided.

(2) The appropriate authority within—

- (a) any area of a municipal corporation, shall be the municipal council of such corporation :

Provided that in any rural municipality in lieu of the municipal council thereof the Governor may appoint as an appropriate authority the Commissioner of the district or a board consisting of not more than six persons with the Commissioner as Chairman.

3(b) of 44/54.

- (b) any area, not being the area of a municipal corporation, shall be the Commissioner of the district :

Provided that in lieu of the Commissioner the Governor may appoint as an appropriate authority for such area a board consisting of not more than six persons with the Commissioner as Chairman :

3(c) of 44/54.

Provided further that in any improvement area the Governor may appoint as an appropriate authority for such area the Board established for that area under the provisions of the Villages (Administration and Improvement) Law.

Cap. 243.

- (3) For the purposes of paragraph (a) of subsection (2)—

“ rural municipality ” means any municipal corporation other than the municipal corporations of Nicosia, Limassol, Famagusta, Larnaca, Paphos and Kyrenia.

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- (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 subsection (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 subsection on and after the 1st day of September, 1946, shall be deemed to have been properly issued under the provisions of this subsection.
- (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.

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

Proposed works to comply with the Law and Regulations and remedy with regard to permits not so complying.  
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the Court that a permit granted on or after 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 subsection 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 subsection (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.

5. A permit shall be valid for one year from the date of the issue thereof :

Duration of  
permit and  
renewal.

Provided that, if the work or other matter is not completed within that period, the permit shall be renewable at any subsequent time if not conflicting with any Regulations in force at the time of such renewal, upon payment of the fee prescribed for the original permit or of two pounds whichever is the less. The permit so renewed shall be valid for one year from the date of renewal.

Power to require construction of street or deposit of proportionate share in cost of construction.

6. (1) The appropriate authority in granting a permit to lay out a street under section 3 of this Law, may impose a condition that the permit holder shall construct the street within such time as may be specified in the permit or shall deposit with the appropriate authority such sum of money as in the opinion of the appropriate authority would be the proportionate share of the permit holder in the estimated cost of constructing the street as a whole, having regard to the length of the frontage of his property abutting on such street.

(2) Every sum of money deposited with the appropriate authority as in subsection (1) provided, shall be utilized by the appropriate authority for the construction of the street in respect of which such deposit was made.

Demolition of buildings in dangerous state.

7. Where the demolition, alteration or repair of any building is rendered necessary in order to secure the safety of the building or of any other building in close proximity thereto or of any passenger on any street and it is not reasonably possible to obtain a previous permit therefor, such demolition, alteration or repair may be effected forthwith provided that notice therefor in writing shall be given to the appropriate authority within twenty-four hours of the arising of any such necessity.

Plans, etc., to be produced.

8. Before granting a permit under section 3 of this Law, the appropriate authority may require the production of such plans, drawings and calculations or may require to be given such description of the intended work as to it may seem necessary and desirable and may require the alteration of such plans, drawings and calculations so produced, particularly—

(a) with the object of securing proper conditions of health and safety in connection with the building to which such plans, drawings and calculations relate ;



- (b) with a view to preserving the uniform or proper character and style of buildings erected or to be erected in the area in which the plot is situated ;
- (c) with the general object of securing proper conditions of health, sanitation, safety, communication, amenity and convenience in the area in which the intended work is to be carried out.

9. (1) In granting a permit under the provisions of section 3 of this Law, the appropriate authority shall have power, subject to any Regulations in force for the time being, to impose conditions as hereinafter, to be set out in the permit, that is to say—

Conditions  
by  
appropriate  
authority.

- (a) with regard to the laying out or the construction of a street, conditions as to—
  - (i) its width, length and position ;
  - (ii) its level, inclination and drainage ;
  - (iii) the materials of which and the manner in which it shall be constructed ;
  - (iv) the construction of bridges, culverts and side ditches ;
  - (v) the widening of any street which adjoins the street to which the application relates. 2(a) of 18/55.
- (b) with regard to the erection of any new building or addition, alteration or repair to any existing building, conditions as to—
  - (i) the materials of which any external wall, foundation, roof, chimney or other external portion of a building shall be constructed and the size and thickness thereof ;
  - (ii) the materials of which any internal portion of a building, so far as it affects the stability of the building, shall be constructed ;
  - (iii) the provision to be made for drainage and sewerage ;
  - (iv) the provision to be made for the prevention or the spreading of any fire in any building ;
  - (v) the width of any balcony or erection projecting over a street upon which such building abuts ;

(vi) wells, waterclosets, earthclosets, privies, pits, septic tanks, soakaways and cesspools in or in connection with any building ;

(vii) the ventilation, lighting and sanitation of any building in regard to its occupation as a dwelling house or for any other purpose for which it may be erected or intended ;

(viii) the use to which the building may be put ;

(ix) the safety of persons employed for the purpose ;

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

(c) with regard to the laying out or division of any land for building purposes, conditions as to—

(i) the demarcation and size of boundary marks ;

(ii) the installation of adequate water supply ;

(iii) the diversion of natural and artificial water courses ;

(iv) the levelling of the site ;

(v) the construction of streets, ditches, bridges and culverts ;

2(b) of 18/55.

(vi) the widening of any street upon which the land, to which the application relates, abuts.

(2) Where an application is made under section 3 (1) (c) of this Law in respect of any land having a frontage on an existing road, the appropriate authority may refuse to grant a permit to divide that land unless the application includes the laying out of sites not fronting on to the existing road ; and the number of such sites shall be in such proportion to the number of sites fronting on the existing road as the appropriate authority may at its discretion deem desirable.

Certificate  
of approval.  
4 of 44/54.

**10.** (1) No person shall occupy or use, or cause, permit, or suffer any other person to occupy or use, any building unless and until a certificate of approval has been issued in respect thereof by the appropriate authority.

(2) 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 and is satisfied that all requirements of this Law and the Regulations in force for the time being are complied with, furnish the holder of the permit with a certificate of approval for part only of the work or matter.

11. Every street constructed by virtue of a permit granted under the provisions of section 3 of this Law shall, as soon as the certificate of approval has been granted, be deemed to be a public street and shall—

Control  
of streets.

(a) if within the limits of a municipal area, come under the control of the municipal corporation concerned and thereafter the expense of repairing and maintaining such street shall be borne by the municipal corporation ;

(b) in every other case, unless otherwise provided by any Law in force for the time being, come under the control of the Government and the expense of repairing and maintaining such street shall be borne by the Government.

12. (1) Notwithstanding anything contained in this Law, an appropriate authority may, with the object of widening or straightening any street, prepare or cause to be prepared plans showing the width of such street and the direction that it shall take.

Special  
provisions  
relating to  
widening or  
straighten-  
ing of streets.

(2) When any plans have been prepared under subsection (1), the appropriate authority shall deposit such plans in its office and shall also cause a notice to be published in the Gazette and in one or more local newspapers to the effect that such plans have been prepared and deposited in its office and are open to inspection by the public and such plans shall be open to the public for inspection, at all reasonable times, for a period of three months from the date of the publication of the notice in the Gazette.

(3) At the expiration of the period set out in subsection (2), the plans shall, subject to any decision by the Governor in Council on appeal as in section 18 of this Law provided, become binding on the appropriate authority

and on all persons affected thereby and no permit shall be issued by the appropriate authority save in accordance with such plans.

Space between new and old alignments to be part of street.

13. (1) Where a permit is granted by an appropriate authority and such permit entails a new alignment for any street, in accordance with any plan which has become binding under section 12 of this Law, any space between such alignment and the old alignment, which is left over when a permit is granted, shall become part of such street without the payment by the appropriate authority of any compensation whatsoever :

Provided that, if it is established that hardship would be caused if no compensation were paid, the appropriate authority shall pay such compensation as may be reasonable having regard to all the circumstances of the case.

(2) When a permit is granted under subsection (1), the District Lands Office shall, upon application by any interested party, cause the necessary amendments to the relative registrations to be effected and the amended registration shall be held final notwithstanding that any certificate relating thereto remains unaltered.

Power to appropriate authority to define zones.

14. (1) The appropriate authority may, with the approval of the Governor, by notice to be published in the Gazette, define zones—

- (a) within which buildings for special trades or industries may or may not be erected or which shall be reserved exclusively for residential or other purposes ;
- (b) within which buildings of a lesser value than that specified in the notice shall not be erected.

(2) Notwithstanding anything in this Law contained, from and after the publication of a notice under subsection (1), no permit shall be issued by the appropriate authority save in accordance with such notice :

2 of 12/57.

Provided that if the appropriate authority declares itself to be satisfied that the public interest requires the issue of a permit, the Governor, after receiving and considering such declaration, may, in his absolute discretion, authorise the appropriate authority to issue a permit otherwise than in accordance with such notice.

Power to close buildings unfit for human habitation.

15. The appropriate authority may by order close any building which in the opinion of the authority is unfit for

human habitation on account of its insanitary, ill-ventilated or overcrowded condition or is dangerous for human habitation on account of its structural defects, and may prohibit the future use of the building for such habitation until it shall have been dealt with, rebuilt, altered or repaired in such manner as the authority shall determine.

16. No registration of any work or matter in respect of which a permit is required under the provisions of section 3 of this Law shall be effected by the District Lands Office unless the applicant produces a certificate of approval issued by the appropriate authority : Registration.

Provided that the production of a certificate of approval may be dispensed with in any case in which the Director of Lands and Surveys so directs.

17. (1) For the purposes of this section—

“owner” means the person registered or entitled to be registered in the books of the District Lands Office as the owner of immovable property affected by a notice published under subsection (3) ; Construc-  
tion, recon-  
struction  
and im-  
provement  
of streets.  
5 of 44/54.

“proper construction, reconstruction and improvement of a street” includes the widening or reconstruction of the foundations of a street, proper provision for surface water drainage, the construction of pavements, and the asphaltting or paving of both carriageways and pavements but shall not include works of maintenance.

(2) Where an appropriate authority considers that a street should be properly constructed, reconstructed or improved, such authority may pass a resolution to this effect and prepare plans and specifications for such work :

Provided that where an appropriate authority is the municipal council of a municipal corporation or the Board of an improvement area or a board appointed by the Governor under the proviso to paragraph (a) of subsection 2 of section 3 of this Law or under the first proviso to paragraph (b) of subsection (2) of section 3 of this Law, such resolution shall be taken by majority of two-thirds of the members of such authority holding office.

(3) When a resolution has been taken and any plans and specifications have been prepared under subsection (2), the

appropriate authority shall deposit such plans and specifications in its office and shall cause a notice to be published in the Gazette and in one or more local newspapers to the effect that such resolution has been taken and such plans and specifications have been prepared and deposited in its office and that such plans and specifications are open to inspection by the public, at all reasonable times, for a period of two months from the publication of the notice in the Gazette.

Such notice shall also state—

- (a) the estimated cost of the work ;
- (b) any unexpended sum of money deposited with the appropriate authority under section 6 of this Law ;
- (c) the names of the owners who will contribute to the cost ;
- (d) the proportion in which their contribution shall be made ;
- (e) the number of years over which such owners may pay their contribution in equal annual instalments.

(4) Any owner of immovable property affected by any plans and specifications prepared and deposited in accordance with subsection (3) may, within the period during which such plans and specifications are deposited for inspection, lodge an objection thereto in writing with the appropriate authority.

(5) After the expiration of the period during which the plans and specifications prepared and deposited for inspection under subsection (3), the appropriate authority shall submit, through the Commissioner of the district, to the Governor in Council, a copy of the resolution taken under subsection (2) together with a copy of the plans and specifications prepared and deposited under subsection (3) and of any objections submitted under subsection (4) for his consideration.

(6) If the Governor in Council, after considering any objection made, approves the plans and specifications submitted and considers it expedient having regard to all the circumstances that the appropriate authority should be permitted to construct, reconstruct or improve the street in question, the Governor in Council may approve such

plans and specifications absolutely or subject to such modifications or conditions as he may deem fit and his decision shall be final and conclusive and no appeal or other proceedings shall lie therefrom to the Supreme Court or to any other Court.

(7) When the Governor in Council has granted his approval, notice thereof shall be published in the Gazette and the plans and specifications shall be binding on the appropriate authority and upon all owners affected.

(8) The cost of such construction, reconstruction or improvement, after the deduction of any unexpended sum of money deposited with the appropriate authority by a permit holder under the provisions of section 6 of this Law, shall be borne by the owners of immovable property abutting on such street, and such cost shall be apportioned amongst the owners affected according to the frontage of their respective immovable property which fronts or abuts the street in question :

Provided that the appropriate authority may reduce the amount of the cost to be apportioned amongst the owners affected by such percentage as the Governor in Council may approve :

Provided also that no such apportionment of cost shall be made in respect of any of the following immovable properties :—

- (a) places or buildings belonging to any religious community consecrated and used exclusively for public worship ;
- (b) cemeteries or burial grounds ;
- (c) land registered or recorded as common pasture grounds in the books of the District Lands Office ;
- (d) land or open spaces recorded or assigned *ab antiquo* for the common use of a community ;
- (e) immovable property belonging to Her Majesty or to the Government ;
- (f) any immovable property held and registered in the books of the District Lands Office in trust for elementary schools of any religious community under the Elementary Education Law and for secondary schools under the Secondary Education Law, or any other Law amending or substituted for the same.

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(9) When the work of construction, reconstruction or improvement has been completed, an exact statement of the cost shall be published in the Gazette together with a final apportionment of the cost between the owners affected or between the appropriate authority and the owners affected, as the case may be. The proportion in such cost and the annual instalment on such proportion due by such owners shall be registered in the books of the District Lands Office and shall be deemed to be a charge on the immovable property concerned and a tax due by such owners and shall be collected from each such owner in the manner prescribed in the Tax Collection Law, and thereafter no such owner shall sell, transfer, alienate or dispose of any of his immovable property so affected, unless prior to such sale, transfer, alienation or disposal, he produces to the District Lands Office a receipt from the Tax Collector of payment of all outstanding amounts due by him on such affected immovable property.

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Appeals.

18. (1) Any person aggrieved by the refusal of an appropriate authority to grant a permit under the provisions of section 3 of this Law, or by any condition imposed under section 6 or 9 of this Law may, within ten days from the date of the communication to him of such refusal or condition, as the case may be, appeal to the Governor in Council.

(2) Any person who objects to any plans prepared and deposited under the provisions of section 12 of this Law may, at any time within which such plans are open to inspection, appeal to the Governor in Council.

(3) Any person aggrieved by any order of an appropriate authority made under the provisions of section 15 of this Law may, within ten days from the date of the communication to him of such order, appeal to the Governor in Council.

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(4) The decision of the Governor in Council on an appeal under this section shall be final and conclusive and no appeal or other proceeding shall lie therefrom to the Supreme Court or to any other Court.

Regulations.

19. (1) The Governor in Council may make Regulations to be published in the Gazette for all or any of the following purposes, that is to say—

(a) the manner in which application for permits may be made and the terms under which such permits



- may be issued and for enabling appropriate authorities to prescribe forms for the purpose ;
- (b) the attachment of special conditions to any permit ;
  - (c) providing for the means of supervision and control over streets or buildings for which permits have been granted either generally or in respect of streets or buildings in a particular area ;
  - (d) the minimum dimensions and shape of building plots in respect of which permits may be issued, the proportionate area of any building plot which may be built on and the distance of any building from the boundaries of the building plot ;
  - (e) the materials for, and manner of construction, repair, or alteration of, or the external appearance, stability, resistance to fire, ventilation, drainage, sanitation, and water supply of, buildings ;
  - (f) the safety of occupiers, or users of and persons resorting to, buildings ;
  - (g) the fees to be paid for any permit granted under this Law and the manner in which such fees are to be paid ;
  - (h) any matters necessary for, or incidental to, securing the observance of the Regulations made under the provisions of this Law ;
  - (i) generally for the better carrying out of the provisions of this Law.

(2) Any Regulations made under the provisions of subsection (1) may be made with respect to any particular area in which an appropriate authority exercises powers under the provisions of this Law.

**20.** (1) Any person who contravenes—

- (a) any of the provisions of section 3 or 10 of this Law; or
- (b) any condition imposed under section 6 or 9 of this Law; or
- (c) any order made under the provisions of section 15 of this Law; or
- (d) any Regulations made under this Law,

Offences and penalties.  
7 of 44/54.

shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds.

3 of 18/55.

(2) When an offence is committed under subsection (1), each of the following persons shall be deemed to have taken part in committing the offence and be guilty of the offence and may be charged and tried with actually committing it and may be punished accordingly, that is to say :—

- (i) every person who actually does the act or makes the omission which constitutes the offence ;
- (ii) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence ;
- (iii) every person who procures, aids or abets another person in committing the offence ;
- (iv) every person who solicits or incites or endeavours to persuade another person to commit the offence ;
- (v) every person who does any act preparatory to the commission of the offence.

(3) In addition to any other penalty prescribed by this section, the Court, before which a person is convicted for any offence under subsection (1), shall order—

(a) that the building or any part thereof, as the case may be, in respect of which the offence has been committed shall be pulled down or removed within such time as shall be specified in such order, but in no case exceeding two months, unless a permit is obtained in respect thereof in the meantime from the appropriate authority :

Provided that such authority may, in granting such permit, impose such terms and conditions as to it may seem fit and the provisions of section 4 of this Law shall apply to every such permit ;

7(a) of 10/50.

(b) the person convicted to pay the costs of the proceedings and any fees connected with the charge, which such person ought to have paid and which he failed or refused or neglected to pay.

(4) If any person against whom an order has been made under the provisions of subsection (2) shall fail or neglect

to comply with such order within the time specified therein, it shall be lawful for the appropriate authority to carry out such order and any costs incurred for the carrying out thereof shall be payable to the appropriate authority 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, and payment thereof shall be enforced accordingly. Cap. 155.

(5) Any person against whom an order has been made under subsection (2) who disobeys or fails to comply with such order shall, notwithstanding that the appropriate authority 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 fifty pounds or to both such imprisonment and fine.

(6) All fines recovered in respect of any offence committed against this section shall be payable to the appropriate authority concerned. 7(b) of 10/50

**21.** (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. Failure of appropriate authority to comply with provisions of Law and Regulations.  
8 of 10/50.

(2) When the costs and expenses payable under subsection (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.  
8 of 10/50.

22. (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 subsection (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 subsection (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.

**23.** Whenever a person or board is appointed by the Governor under the provisions of section 21 or 22 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.

Suspension  
of powers of  
appropriate  
authority.  
8 of 10/50.

**24.** Nothing in this Law shall affect the operation of section 11 of the Antiquities Law or of any Law amending or substituted for the same, and no permit issued under this Law shall be operative unless and until a permit under the said section of the said Law is obtained.

Permits  
under  
Antiquities  
Law.  
Cap. 31.

**25.** Nothing in this Law shall apply to the Government or to any department of the Government.

Government  
to be  
exempted.

**26.** (1) Notwithstanding anything in this Law contained, the appropriate authority, for the purpose of granting any permit or any certificate of approval under this Law, relating to any land belonging to a Service Department shall be the Director of Planning and Housing :

Special  
provision  
with regard  
to Service  
Depart-  
ments.  
4 of 18/55.

Provided that the Director of Planning and Housing, before granting any permit under this section, shall, if he

considers it appropriate, consult the municipal council of the municipal corporation within the area in which such land is situated.

(2) The Director of Planning and Housing in exercise of his powers under this section may, where in his opinion owing to the nature of the intended work such a course is desirable, dispense with any permit or certificate of approval under this section.

(3) The provisions of section 11 of this Law shall not apply to any street laid out or constructed by a Service Department by virtue of any permit granted by the Director of Planning and Housing, under the provisions of this section, and any such street, unless the Governor otherwise directs, shall not be deemed a public street and the expenses of repairing and maintaining any such street shall be borne by the Service Department concerned.

(4) A Service Department, other than a Civil Department, shall be exempted from the payment of any fees under the provisions of this Law, or of any Regulations made thereunder.

(5) For the purpose of this section—

“land belonging to a Service Department” means any immovable property which is registered in the name of a Service Department or any immovable property which is owned, held or enjoyed by the Government and which has been made available to a Service Department by a lease from, or under some other arrangement with, the Government, but does not include any immovable property, leased or otherwise occupied by a Service Department which is not registered in its name, or, which is not owned, held or enjoyed by the Government, except such property which is leased or occupied by a Service Department for the purpose of erecting a temporary camp thereon or for any other temporary purpose which the Service Department satisfies the Governor is of such a nature that, in the public interest, the provisions of this section should operate :

Provided that any temporary camp or building erected for any temporary purpose on any immovable property leased or occupied by a

Service Department for a temporary purpose shall be removed by such Department when no more required or when such purpose is served, unless a permit is obtained in respect thereof by the owner of such immovable property from the proper appropriate authority ;

“ Service Department ” means Her Majesty’s Naval, Military or Air Force Authorities, and includes any Department of Her Majesty’s Government in the United Kingdom (in this section referred to as a “ Civil Department ”), but does not include the Navy, Army or Air Force Institutes or any similar or benevolent naval, military or air force institutions.

27. (a) Any permit lawfully granted and any order lawfully made under any of the Laws repealed by this Law\* and subsisting on the date of the coming into operation of this Law shall be valid and effective and shall be deemed to be a permit granted or order made under the provisions of this Law ; Saving.

(b) any plans lawfully made by any municipal corporation under the provisions of section 136 of the Municipal Corporation Laws, 1930 to 1945, and in force on the date of the coming into operation of this Law, shall be valid and effective and shall be deemed to have been made under the provisions of this Law ;

\* The following enactments were repealed by this Law :—

<i>Law</i>	<i>Extent of repeal</i>
The Construction of Buildings, Streets and Wells on Arazi Mirié Laws, 1927 to 1938 ... ..	The whole.
The Construction of Buildings, Streets and Wells on Arazi Mirié (Special Provisions) Law, 1938 ... ..	The whole.
The Municipal Corporations Laws, 1930 to 1945 ... ..	(a) section 115 (1), paragraph (e) ; (b) sections 131 to 136, both inclusive ; (c) sections 138 to 145, both inclusive ; (d) section 199 (1), paragraph (d).
The Summer Resorts (Development) Law, 1938 ... ..	(a) section 24 (1) paragraph (i), except in so far as it relates to tents ; (b) section 24 (1) paragraph (u), the words “ and control the construction or alteration of any street ” ; (c) sections 39 to 43, both inclusive.

(c) any special list lawfully made by a municipal council, under the provisions of section 138 of the Municipal Corporations Laws, 1930 to 1945, and in force on the date of the coming into operation of this Law, shall be valid and effective as if this Law had not been enacted ;

(d) any public instrument made under any of the Laws or sections of the Laws repealed by this Law\* dealing with matters in respect of which Regulations are made under the provisions of this Law or which are inconsistent with any such Regulations, shall, upon the making of such Regulations, be cancelled.

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\* See footnote previous page.