

CYPRUS

VILLAGE AUTHORITIES

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1959.

CHAPTER 244.

VILLAGE AUTHORITIES.

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A LAW TO CONSOLIDATE AND AMEND THE LAW WITH RESPECT TO THE APPOINTMENT OF MUKHTARS AND AZAS AND THE REGULATION OF THE DUTIES THEREOF.

1949 Cap.
256.

17 of 51.
60 of 55.
30 of 57.

[30th November 1931].

Short title.

1. This Law may be cited as the Village Authorities Law.

Interpretation.

2. In this Law—

“Commissioner” means the Commissioner of the district in which the village or quarter is situated.

Appointment of mukhtars and azas.

3. One mukhtar and four azas from among the Christian community and one mukhtar and four azas from among the

Moslem community shall respectively be appointed by the Governor for every village or quarter to serve as village Commissions in such village or quarter:

Provided that where in any village or quarter there is a mixed population of Christians and Moslems and one section of such population does not, according to the latest census or latest periodical census, number at least thirty inhabitants the Governor shall appoint one mukhtar and four azas for the whole village or quarter to serve as a village commission in such village or quarter.

4. Notwithstanding anything in this Law contained, mukhtars and azas, or, as the case may be, additional mukhtars or azas, may be appointed by the Governor at any time when any such appointment is rendered necessary or considered advisable—

Appoint-
ment in
case of
emergency
or for a
specific
purpose.
2 of 60/65.

- (a) by reason of the formation of any new village or quarter;
- (b) by reason of the provisions of any Law in force for the time being and for the better carrying out of the provisions of any such Law; or
- (c) by reason of any emergency not otherwise provided for by this Law,

and the mukhtars and azas so appointed shall, unless the Governor otherwise directs, hold office until the date when the other mukhtars and azas holding office at the time of such appointment shall cease to hold office.

5. Every inhabitant of a village or quarter over twenty-five years of age not being—

Qualifica-
tions of
mukhtars
and azas.
2 of 34/35.

- (a) the holder of a religious office; or
- (b) the holder of an appointment under the Government of Cyprus; or
- (c) a member of any municipal council; or
- (d) an advocate or medical practitioner or schoolmaster actually practising his profession; or
- (e) a person who within ten years of the date when his appointment but for the provisions of this paragraph, would take effect has been—
 - (i) convicted of any crime and has undergone in respect thereof a term of imprisonment exceeding one year, or
 - (ii) convicted of any offence under the provisions of this Law, or

2 of 18/37.

(iii) dismissed by the Governor from the office of mukhtar or aza,

2 of 34/35.

shall be qualified and liable to serve as a mukhtar or aza therein:

Provided that no person who is over sixty years of age shall be liable to serve as mukhtar or aza except with his consent.

Term of office of mukhtars and azas.

6. On the first day of December in every second year after the 1st day of December, 1933, the Governor shall appoint mukhtars and azas in accordance with the provisions of section 3 of this Law:

Provided that if at any time any mukhtar or aza shall become disqualified to hold or shall be dismissed from his office or shall resign his office with the consent in writing of the Governor, he shall thereupon cease to be a mukhtar or aza.

Dismissal of mukhtars or azas.

7. The Governor may dismiss any mukhtar or aza—

- (a) for misconduct or neglect of duty; or
- (b) if he shall for any reason become, in the opinion of the Governor, incapable of efficiently performing the duties of his office.

Filling vacancies.

8. If any mukhtar or aza shall die or if any vacancy in the office of mukhtar or aza shall occur by reason of the provisions of this Law the Governor shall proceed to fill such vacancy by appointing another qualified person to serve as mukhtar or aza and the mukhtar or aza so appointed shall hold office until the date when the other mukhtars and azas holding office at the time of such appointment shall cease to hold office.

Acting mukhtar.
2 of 17/51.

9. In the case of a temporary illness, absence or other temporary incapacity of a mukhtar, the Commissioner may appoint any other person to act as mukhtar during the continuance of the temporary illness, absence or other temporary incapacity of the mukhtar and every such person so appointed shall, while so acting, exercise all the powers and perform all the duties of a mukhtar.

Swearing of mukhtar.

10. (1) Every person duly appointed to serve as mukhtar of a village or quarter shall, on a day to be named by the Commissioner, as early as conveniently may be after such appointment, attend at the office of the Commissioner, and

shall in the presence of such Commissioner take the following oath, according to the form prescribed by his religion, that is to say:—

“ I, A.B., do swear faithfully to serve Her Majesty Queen Elizabeth II., Her Heirs and Successors in the performance of my duties as mukhtar of during my term of office.”

(2) Every person duly appointed to serve as mukhtar of any village or quarter who shall be duly summoned to be sworn and take upon him the said office and who shall refuse or without reasonable cause to be allowed by the Governor, shall neglect to attend and be sworn shall be guilty of an offence and shall on summary conviction be liable to imprisonment for any term not exceeding six months or to a fine not exceeding ten pounds or to both such imprisonment and fine.

11. It shall be the duty and right of every mukhtar— Duties and rights of mukhtars.
- (a) to keep the peace within the village or quarter of which he is the appointed mukhtar;
 - (b) to send information as soon as possible to the nearest police station of every serious offence or accident occurring in his village or quarter;
 - (c) to assist the officers of the Government in the collection of the revenue;
 - (d) to publish within his village or quarter all such notices, proclamations and other official documents as may be sent to him by the Commissioner or by the mudir of the nahieh for that purpose;
 - (e) to execute all such writs of execution as may be delivered to him by or on behalf of the Sheriff for that purpose;
 - (f) subject to his obtaining a certificate from the Director of Lands and Surveys of his fitness for the duties of an auctioneer and to giving financial security to the satisfaction of the Director of Lands and Surveys, to conduct all sales on execution of immovable property in his village or quarter:

Provided that—

- (i) when the owner of the immovable property to be sold belongs to the Christian community, the qualified Christian mukhtar shall conduct

the sale, and when the owner of the immovable property to be sold belongs to the Moslem community, the qualified Moslem mukhtar shall conduct the sale;

(ii) where there is no qualified mukhtar in a village or quarter the sale shall be conducted by the qualified Christian or Moslem mukhtar, as the case may be, of the nearest village or quarter in the district;

(iii) where the qualified Christian or Moslem mukhtar, as the case may be, in a village or quarter is ill or unavoidably absent from his village or quarter and is thereby prevented from conducting a sale, such mukhtar or the aza appointed by him to perform his duties shall give notice in writing of such illness or absence to the qualified Christian or Moslem mukhtar, as the case may be, of the nearest village or quarter in the district, who shall then conduct such sale at the time and place originally fixed therefor;

Cap. 275.

- (g) to carry into effect the duties imposed upon him by the Births and Deaths Registration Law;
- (h) to keep a seal as mukhtar and to affix the same to all certificates and documents requiring the seal;
- (i) to wear a badge in the form to be prescribed by the Governor;
- (j) to report to the District Lands Officer of his district the death of any person possessed of or beneficially interested in immovable properties, together with a list of such properties and the heirs left by the deceased; and to report the failure of heirs entitled to inherit such properties:

Provided always that no mukhtar shall be disqualified by reason of his office from having a right to obtain such remuneration for giving such information as aforesaid as any other person might be entitled to;

- (k) to provide on prepayment quarters, food and forage when required for any officer of the Government travelling in execution of his duty at prices to be fixed from time to time by the District Council (Mejlis Idaré);

- (l) to report to the proper local authority every case which shall come to his knowledge of the use of false or unjust weights or measures, the use of which is prohibited by law;
- (m) to give information to the Commissioner or to the mudir of the nahieh or a police constable of the outbreak of any contagious or infectious disease or any suspected contagious or infectious disease among people or cattle;
- (n) to furnish any certificate about movable or immovable property when there is no impediment justifying the refusal to give such certificate;
- (o) generally, to carry into effect all duties imposed upon or confided to him by law or custom.

12. (1) The Governor in Council may, by Order published in the Gazette, direct that, with regard to such village as may be specified in the Order, the village Commission thereof shall have power within the village—

- (a) to hold and administer such property as may be described in the Order;
- (b) to establish and maintain village markets, slaughter-houses and such other premises as may be described in the Order and charge in connection therewith such fees as the village Commission may prescribe with the approval of the Commissioner;
- (c) to exercise such other powers as may be specified in the Order,

and, thereupon, the village Commission shall have and exercise the powers set out in the Order in accordance with the tenor thereof.

(2) Any Order made under this section may contain such incidental, consequential or supplementary provisions for the regulation, use, control, restriction or prohibition of anything in connection with, or arising out of, any matter referred to in subsection (1), as the Governor in Council may think necessary or expedient for the effective carrying out of the Order, including the establishment of a fund into which money received by the village Commission under this section shall be paid and out of which payments shall be made for such purposes as may be specified in the Order.

Power to Governor in Council to enable village Commissions to hold property, etc.

3 of 17/51.

(3) Any person who acts in contravention of any of the provisions of any Order made under this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine.

(4) Where in a village there is more than one village Commission, the village Commission shall, for the purposes of this section, consist of the mukhtar and one aza from each such village commission to be appointed by the Commissioner under the chairmanship of such one of the mukhtars as the Commissioner may appoint.

Duty of
aza.

13. It shall be the duty and right of an aza to carry into effect all duties imposed upon or confided to him by law or custom.

Refusal or
wilful
neglect
to act by
mukhtar
or aza.

14. Every person duly appointed to serve as mukhtar or aza of any village or quarter who shall—

- (a) refuse or wilfully neglect to act in execution of his office; or
- (b) refuse or wilfully neglect to carry out any of the duties imposed upon or confided to him under the provisions of this Law,

shall be guilty of an offence and shall on summary conviction be liable to imprisonment for any term not exceeding six months or to a fine not exceeding ten pounds or to both such imprisonment and fine without prejudice to any other remedy against him for such refusal or wilful neglect.

Mukhtars
to have the
powers of a
constable.

15. Every mukhtar shall have, within the district in which his village or quarter is situate, all such power, authorities, protections and privileges as belong to a constable as defined by clause 2 of the Cyprus Courts of Justice Order, 1927,* but shall not be bound to act as a constable beyond the village or quarter for which he is appointed without the special warrant of a District Court.

* The definition was as follows:—

“ Constable shall mean and include every member of the Police Force of Cyprus not being an officer thereof and every other person lawfully authorized to discharge police duties.”

For the purposes of this section the word "village" shall include the whole of the lands appertaining to each village.

16. (1) A mukhtar who has been specially authorized by the Governor in that behalf may, on the application in writing of a police officer of any rank not lower than that of sergeant, or of any police officer in charge of a Police Station, issue a warrant under his hand authorizing the officer to whom it is addressed to search any building or thing whatever for anything on or in respect of which any offence has been or is suspected to have been committed, or which there is reasonable ground to suspect is intended to be used for the purpose of committing any offence and to seize any such thing and carry it before any District Court having jurisdiction in the matter, to be dealt with according to law. The mukhtar issuing the warrant shall authorize the officer to whom it is addressed to execute it either between the hours of sunrise and sunset, or may, if he thinks fit, authorize such person to execute it at any hour.

Certain mukhtars to have power to issue search warrants.
2 of 28/33.
2 of 8/35.
4 of 17/51.

(2) If under any such warrant there is brought before any District Court any forged document, or anything of which the use or possession is unlawful, in the absence of some lawful excuse to be proved by the person in possession thereof, such Court may cause such thing to be defaced or destroyed, although no person may be committed for trial in respect thereof.

(3) A mukhtar who has been specially authorized by the Governor in that behalf may, on the application in writing of an Excise Officer, issue a warrant under his hand authorizing the officer to whom it is addressed to search any dwelling house wherein he has reasonable grounds to believe that tobacco or manufactured tobacco is kept in contravention of the Tobacco Law, or any Law amending or substituted for the same. The mukhtar issuing the warrant shall authorize the officer to whom it is addressed to execute it either between the hours of sunrise and sunset, or may, if he thinks fit, authorize such person to execute it at any hour.

2 of 8/35.

Cap. 147.

17. Every person who shall without good and sufficient cause refuse or neglect when called upon to aid and assist a mukhtar in the execution of his duty in keeping the peace or in the lawful arrest of any criminal or suspected person shall be liable for each such offence to a fine not exceeding three pounds.

All persons to assist the mukhtar in keeping the peace.

Fees to mukhtars and azas, and penalty. Schedule. 2 of 12/37.

18. (1) The mukhtars appointed under this Law shall be entitled to receive the fees specified in part I of the Schedule, in respect of the several matters therein mentioned.

(2) The azas appointed under this Law shall be entitled to receive the fee specified in part II of the Schedule, in respect of the matter therein mentioned.

(3) No mukhtar or aza shall be entitled to demand or receive any fee that is not prescribed by this or any other Law.

(4) Any mukhtar or aza who—

(a) acts in contravention of subsection (3); or

(b) knowingly furnishes a false certificate,

shall be guilty of an offence and shall on conviction be liable for each such offence to a fine not exceeding ten pounds, without prejudice to any other penalty which he may have incurred.

Provisions in cases where both Christian and Moslem mukhtar. Cap. 84.

19. (1) Where there is both a Christian and Moslem mukhtar in any village or quarter, the mukhtar to perform the duties and to receive the fees referred to in the Recovery of Compensation for Injury to Property Law, shall be the mukhtar of the community to which the complainant belongs.

Cap. 29.

(2) In the case of a sale of animals, as mentioned in the Animals Certificates Law, the mukhtar to issue the certificate (unless the parties otherwise agree) shall be the mukhtar of the community to which the vendor belongs.

(3) In the case of certificates given by mukhtars or by village commissions such certificates shall be given by the mukhtar or village commission of the community to which the applicant belongs.

(4) Except where otherwise provided, where there is a Christian and a Moslem commission in any village or quarter the combined commissions shall be the village commission for the purpose of performing any duty or discharging any obligation imposed by law on a village commission, and where any dispute arises as to which mukhtar ought to discharge the duties by law assigned to the mukhtar the dispute shall be referred to the Commissioner, whose decision thereon shall be final:

Provided always that for the purposes of the Births and Deaths Registration Law, each mukhtar shall be the registrar for his own community. Cap. 275.

- 20.** The Governor shall have, and shall be deemed always to have had, power by Proclamation—
- Power to Governor to form new village, etc.
5 of 17/51.
- (a) to provide for the formation of a new village or the formation of new quarters in any town or village;
 - (b) to abolish any village or quarter in any town or village;
 - (c) to fix or alter the boundaries of any town, village or quarter of any town or village.

21. (1) The Governor in Council may make Rules and Regulations for carrying into effect the provisions of this Law. Rules and Regulations.

- (2) In particular and without prejudice to the generality of the foregoing power, such Rules or Regulations may—
- (a) prescribe the mode of taking the periodical census referred to in section 3 of this Law;
 - (b) provide for the imposition on offenders against any Rules or Regulations made under this Law of penalties not exceeding one pound for each offence.

22. All Rules or Regulations made under the provisions of the Village Authorities Laws, 1923 to 1930, shall remain in full force and effect until varied or revoked by Rules or Regulations made under the provisions of this Law. Saving.

23. (1) Notwithstanding anything in section 6 of this Law to the contrary contained, and subject always to the proviso to the said section, all mukhtars and azas holding office on the 30th day of November, 1955, shall continue to hold office as mukhtar or aza until the 30th day of November, 1958. Extension of term of office of mukhtars and azas.
3 of 60/55.
2 of 30/57.

(2) The proviso to section 5 of this Law shall not apply to any person who continues to hold office as mukhtar or aza under the provisions of this section.

[SCHEDULE.]

SCHEDULE.

(Section 18.)

PART I.

FEES TO MUKHTARS.

1. In the execution of any writ of execution on behalf of the sheriff:—

(a) Where the total amount bid for all the property sold does not exceed five hundred mils ... 25 mils.

(b) Where it exceeds five hundred mils ... } A fee at the rate of 2½ per centum on the amount bid, provided that the minimum fee be 50 mils.

2. For posting notices in connection with any sale of immovable property and for conducting such sale } Such fees as may be from time to time prescribed by any Rules of Sale made under the Civil Procedure Law, Cap. 6, or otherwise.

3. On affixing his seal to any certificate relating to movable or immovable property... } At the discretion of the mukhtar, a fee not exceeding 50 mils.

4. For reporting under the provisions of section 12 (j) the death of persons possessed of, or beneficially interested in, immovable property, etc. ... } 25 mils to be paid out of the estate of the deceased.

3 of 12/37.

5. For every certificate on the back of every duplicate unmounted photograph accompanying an application for a passport and required to be certified under instructions issued by the Governor ... 35 mils.

PART II.

3 of 12/37.

FEE TO AZAS.

For every certificate on the back of every duplicate unmounted photograph accompanying an application for a passport and required to be certified under instructions issued by the Governor ... 15 mils.