

SCHEDULE B. (S. 74.)

FORM OF DECLARATION.

I, the undersigned, do hereby declare that I have examined and compared the several particulars set forth in the above estimate with the valuation list in force within the municipal limits of this town, under the authority of the Municipal Councils Law, 1882; and the several immovable properties therein rated are, to the best of my belief, rated according to the value appearing in such valuation list.

G. H.

President of the Municipal Council of

8 OF 1885.

TO REGULATE THE DUTIES AND POWERS OF MUNICIPALITIES.

ROBERT BIDDULPH.]

[March 26, 1885.

PART 1.

DUTIES AND POWERS OF MUNICIPALITIES ⁽¹⁾.

Duties of
Municipali-
ties.

1. Subject to the provisions of this Law it shall be the duty of every Municipality:—

To keep all roads, streets, squares and public places within the Municipal area clean and in good repair, and sufficiently drained, lighted, and clear of obstructions.

To provide for the removal of all night soil and refuse from every house within the Municipal area.

To provide that all drains, urinals, privies and cesspits within the Municipal area shall be so constructed and kept as not to be a nuisance or injurious to health.

To prevent any trade or business from being carried on within the Municipal area in such a manner as to be injurious to public health, or a source of public danger.

To prevent the accumulation, in any public or private place within the Municipal area, of any filth or refuse so as to be dangerous to the public health, and to take measures for the abatement of any public nuisance arising from any public or private cesspool or drain, or otherwise.

(1) And see pp. 348-352,

- To provide, or cause to be provided, a good and sufficient supply of water for the use of persons dwelling within the Municipal area, and to keep, or cause to be kept, cleansed and in good repair all public fountains, drains and aqueducts, and to preserve the same from contamination.
- To provide slaughter-houses and to regulate the slaughter of animals within the Municipal area.
- To provide for the inspection of all flesh, fish, vegetables and other provisions exposed for sale within the Municipal area, and to seize and destroy all such provisions as are unfit for human food.
- To prevent any hotel, khan, cook-shop, drinking-shop, coffee-house, bake-house, confectioner's shop or cakebakery of any kind, bath, or barber's shop and the various tools and objects used therein being in an uncleanly or injurious state. 11, 1913, 2.
- To require any building wherein any person has died of any kind of contagious or infectious disease or consumption and the clothing and objects contained in such building to be disinfected.
- To provide for the destruction of ownerless dogs.
- To regulate funeral processions with the advice and assistance of the competent religious authorities.
- To regulate the depth and length of graves.
- To prevent begging, after establishing adequate poorhouses for the reception therein of disabled or crippled poor persons and work-places for giving work therein to such poor persons as may be able to work.
- To prevent advertisements or notices being affixed to or inscribed on any building or wall by any person other than the owner of the building or wall without the consent of the owner. 15, 1917, 4.
- To provide for the protection of avenues and trees the property of the Municipality.
- To make regulations for the traffic in the streets.
- Generally to do such acts as may be necessary for the conservancy of the town, and preservation of the public health therein.

2. Every Municipality may administer its affairs under the supervision of the Government, dispose of its moneys and undertake all or any of the following things:— Powers of Municipalities.

The paving, or improvement of any street or public place within the Municipal area.

The establishment and regulation of markets.

The allotment of special places within the Municipal area for the carrying on of particular trades dealing in perishable goods;

The construction and maintenance of public urinals and privies, ashpits and receptacles for the temporary collection and deposit of rubbish;

The fixing of the weights by which household bread exposed for sale is to be sold within the Municipal area, and providing that it shall not be sold otherwise than by weight.

Powers with consent of High Commissioner in Council.

3. Every Municipality may with the consent of the High Commissioner in Council undertake all or any of the following things:—

The arrangement and execution of general plans for the widening and straightening of roads and other public places within the Municipal area;

The building of public buildings, quays, piers, docks, or other public works within the said limits;

The establishment, maintenance and regulation of hospitals, dispensaries, poor-houses, and other philanthropic establishments;

Generally the doing of anything which may tend to promote the comfort and convenience of the people residing within the Municipal area.

Power to make bye-laws (1).

4. Every Municipality shall have power to make bye-laws for the carrying out of all or any of the objects hereinbefore mentioned, and for the fixing and regulation of the following rates and fees to be received by it:—

The fees to be taken for the slaughtering of animals at any Municipal slaughter-house.

The rates and fees to be paid by way of stallages, rents and tolls in respect of the use by any person of the Municipal markets.

11, 1913, 3.

The fees to be paid by hawkers.

The fees to be paid by owners of dogs.

The rates to be taken in respect of trades and professions carried on within the Municipal area, hitherto known as trade rates.

The rates on the issue of permits for building within the Municipal area and the fees taken on the legalisation of contracts within the Municipal area.

13, 1911, 2.

The fees to be taken for the removal of night-soil, dung, excreta, and any other insanitary solid or fluid matter from latrines, houses and places situated within the Municipal limits.

(1) See also ss. 22, 38, 40 and 71 *infra*.

5. Every bye-law made by any Municipality shall be subject to the approval of the High Commissioner, and shall not come into force until it shall have been approved by him and published in the *Cyprus Gazette*, and shall have the force of Law from the date of such publication.

Bye-laws to be approved by High Commissioner.

PART 2.

NUISANCES.

6. For the purposes of this Law, the following shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Law:—

Nuisances.

- (1) Any premises in such a state as to be a nuisance or injurious to health.
- (2) Any pool, ditch, gutter, water-course, privy, urinal, cesspool, drain or ashpit, so foul or in such a state as to be a nuisance or injurious to health.
- (3) Any animal so kept as to be a nuisance or injurious to health.
- (4) Any accumulation or deposit which is a nuisance or injurious to health.
- (5) Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates.
- (6) Any factory, workshop, or workplace not kept in a cleanly state, or not ventilated so as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein, which are a nuisance or injurious to health, or any such premises so overcrowded as to be dangerous or injurious to the health of those employed therein.
- (7) Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantities as to be a nuisance.
- (8) Any brothel or disorderly house which, either from its situation or from the manner in which it is conducted, it is desirable in the interests of the public to close or remove.
- (9) Any roofing, awning, gutter, pipe, channel, overflow or other outlet for water which discharges water in or upon any street or road within the Municipal limits in such a manner as to be the cause of damage thereto.

13, 1911, 3.

(10) Any unpaved frontage, path or place attached to any premises and forming part of or adjacent to any road within the Municipal limits, provided that the person responsible for the abatement of such nuisance shall be the owner or occupier of such adjacent premises.

Provided that a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on of any business or manufacture if it is proved to the satisfaction of the Court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury to the public health.

Inspection of nuisances.

7. It shall be the duty of every Municipality from time to time to cause inspection to be made of all places within the Municipal area with a view to ascertain what nuisances exist which call for abatement, and to enforce the provisions of this Law in order to abate the same.

Notice to abate nuisance.

8. On the receipt of any information respecting the existence of a nuisance, the Municipality shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or if he cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate it within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.

Provided that where the person causing the nuisance cannot be found, and the nuisance does not arise or continue by the act, default or sufferance of the owner or occupier of the premises, the Municipality may themselves abate it without further order.

On non-compliance with notice legal proceedings to be taken.

9. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance is in the opinion of the Municipality likely to recur on the same premises, the Municipality shall thereupon commence proceedings in the District Court for obtaining an order compelling him to abate the nuisance.

Power of Court to make order dealing with nuisance.

10. If the Court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the Court shall make an order on such person requiring him to comply with all or any of the requisitions of the notice, or otherwise to

abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

The Court may by its order impose a penalty not exceeding five pounds on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

11. Where the nuisance proved to exist is such as to render a house or building in the judgment of the Court unfit for human habitation, the Court may prohibit the using thereof for that purpose until the house or building is to the satisfaction of the Court rendered fit for that purpose.

Order of prohibition in case of house unfit for human habitation.

12. Any person who wilfully or negligently fails to obey an order to comply with the requisitions of the Municipality or otherwise to abate a nuisance, shall be liable to a penalty not exceeding five shillings per day during his default; and any person knowingly acting contrary to an order of prohibition shall be liable to a penalty not exceeding ten shillings per day during such contrary action; and the Municipality may enter the premises to which any order relates, and abate the nuisance and do whatever may be necessary for the execution of the order, and recover in a summary manner the expenses incurred by them from the person on whom the order is made.

Penalty on contravention of order of Court.

13. Whenever it appears to the satisfaction of the Court that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, is not known, or cannot be found, then the order of the Court may be addressed to and executed by the Municipality.

In certain cases order may be addressed to Municipality.

14. Where an appeal would ordinarily lie from the order of any Court, and the Court has ordered any person to comply with all or any of the requisitions contained in any notice from the Council to abate a nuisance, or otherwise to abate the nuisance, or to do any works necessary for that purpose, no such appeal shall lie except the person appealing from the order shall undertake forthwith to execute all such works and do all such things as in the judgment of the Court may be absolutely necessary to obviate danger or injury to health pending the hearing of the appeal, nor unless and

No appeal unless person appealing first executes necessary works.

until he shall have to the satisfaction of the Court executed all such works and done all such things as aforesaid within such time as shall be specified by the Court.

Power of
Municipality
to enter.

As amended
by
16. 1921, 2.

15.—(1) The Municipality or any of its officers or a Medical Officer of Health shall be admitted into any premises for the purpose of examining into the existence of any nuisance thereon at any time between the hours of sunrise and sunset, or, in the case of a nuisance arising in respect of any business, at any hour when the business is usually carried on.

(2) Where under this Law an order of abatement or prohibition of nuisance has been made, the Municipality or any of their officers or a Medical Officer of Health shall be admitted from time to time into the premises at such hours as aforesaid until the nuisance is abated or the works ordered to be done are completed.

(3) Where any such order as aforesaid has not been complied with or has been disobeyed, the Municipality or any of their officers shall be admitted at such hour as aforesaid into the premises where the nuisance exists in order to abate it.

(4) If admission to premises for any of the purposes of this section is refused, any Magisterial Court may by order authorize the Municipality or any of its officers or a Medical Officer of Health to enter the premises during the hours aforesaid until the nuisance for the abatement of which, or the work for which the entry was necessary, has been abated or done. If no person having custody of the premises can be found, the Court shall, on oath made before it of that fact, by order authorize the Municipality or any of its officers or a Medical Officer of Health to enter the premises during the hours aforesaid.

Penalty for
disobedience
of order.

As amended
by
16, 1921, 3.

16. Any person refusing to obey an order under the last preceding section for admission of the Municipality or any of their officers or a Medical Officer of Health on any premises shall be liable to a penalty not exceeding five pounds.

Costs and
expenses of
execution of
provisions
relating to
nuisances.

17. All reasonable costs and expenses incurred in making a complaint or giving notice, or in obtaining any order of any Court of Justice in relation to a nuisance under this Law, or in carrying the order into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the Municipality, or if no order is made, but the

nuisance is proved to have existed when the complaint was made or the notice given, then for the use and at the request of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of the premises, such costs and expenses may be recovered from any person who is for the time being the owner of the premises.

Such costs and expenses, and any penalties incurred in relation to any such nuisance, may be recovered in the same manner as an ordinary debt.

18. Where it is proved to the satisfaction of the High Commissioner in Council that a Municipality has made default in doing its duty in relation to nuisances under this Law the High Commissioner may authorize any officer of police to institute any proceeding which the Municipality might institute with respect to such nuisances, and the officer may recover from the defaulting Municipality in any Court of competent jurisdiction any expenses incurred by him and not paid by the person proceeded against.

Power of
Officer of
Police to
proceed in
certain cases.

PART 3.

OFFENSIVE TRADES.

19. Any person who establishes within any Municipal area without the consent in writing of the Municipality any noxious or offensive trade, business or manufacture, shall be liable to a penalty not exceeding four pounds in respect of the establishment thereof; and any person carrying on a business so established shall be liable to a penalty not exceeding ten shillings for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

Restriction of
establishment
of offensive
trades.

20.—(1) Where any manufactory, building or place used for any trade, business, process or manufacture causing effluvia is certified to any Municipality by the Medical Officer of the Municipality or of the District, or by any two legally qualified medical practitioners, or by any twenty inhabitants of the Municipality, to be a nuisance or injurious to the health of any of the inhabitants of the Municipal area, the Municipality shall cause proceedings to be taken in the District Court against any person by or on whose behalf the trade so complained of is carried on in respect of the matter alleged in the certificate.

Duty of
Municipality
to complain of
nuisance
arising from
offensive
trade.

(2) The Court shall inquire into the complaint; and if it appears to the Court that the business carried on by the person complained of is a nuisance, or cause any effluvia which are a nuisance or injurious to the health of the inhabitants of the locality, and unless it be shown that he has used the best practicable means for abating the nuisance, or preventing or counteracting the effluvia, the person so offending, being the owner or occupier of the premises, or being a foreman or other person employed by the owner or occupier, shall be liable to a penalty not exceeding five pounds nor less than five shillings, and on a second or any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the penalty shall not in any case exceed two hundred pounds.

Removal of
offensive
trades.

21. Where any offensive trade, business or manufacture has been carried on on any premises within the Municipal area before the passing of this Law⁽¹⁾, and the same shall have continued to be carried on upon the same premises without the written licence of the Municipality, after the passing hereof, then upon the certificate of the Medical Officer of the Municipality or of the District, or of any two legally qualified medical practitioners, that the business so carried on is injurious to health, and that it cannot by any reasonable means be rendered otherwise, the Municipality may give the person causing the nuisance (being the owner or occupier of the premises or any foreman or other person employed by the owner or occupier) three months' notice in writing to cease to carry on the offensive trade, business or manufacture. If after the expiration of the notice the person to whom it has been given continues to carry on the offensive trade, business or manufacture upon the premises, the Municipality may take proceedings in the District Court claiming a perpetual injunction prohibiting the carrying on of the offensive trade, business or manufacture upon the premises; and the Court may thereupon grant such injunction, upon such terms as to compensation or the provision by the Municipality of other premises for the carrying on of the trade, business or manufacture as to the Court shall seem just.

Bye-laws as
to offensive
trade.

22. The Municipality may from time to time make bye-laws to regulate the carrying on of any offensive trade, business or manufacture established with their consent either before or after the passing of this Law.

(1) Passed 16th March, 1885.

PART 4.

STREETS.

23. No person shall, within any Municipal area, lay out or construct, or attempt to lay out or construct any street without a permit to that effect first obtained from the Municipality in manner hereinafter provided.

Permit required for construction of streets.

24. Any person who intends to lay out or construct a street shall give notice of his intention to the Municipality, and may be required by the Municipality to furnish such plans, sections, drawings or descriptions of the intended street as to the Municipality seems necessary or desirable.

Plans and descriptions to be furnished.

25. Every Municipality may, before granting a permit for the laying out or construction of a street, require any alteration to be made in the plans, sections or drawings of the street that seems to it to be necessary or desirable, and may modify any such plan, section or drawing, and make orders with regard to any street to the following effect and purpose:—

Power of Municipality to alter plans and make orders.

(a.) As to its width and length, and the course or direction it shall take;

(b.) As to its level, inclination and drainage;

(c.) As to the materials of which and the manner in which it shall be constructed. Provided that any order made under the provisions of this sub-section shall be restricted to materials ordinarily in use for the construction of streets of a like description in the same Municipal area.

26. Every street constructed under the provisions of sections 23, 24, and 25, shall, so soon as it is opened as a public thoroughfare, be deemed to be a public street and shall come under the control of the Municipality, and thereafter the expense of repairing and maintaining it shall be borne by the Municipality. The provisions of this section shall apply equally to streets constructed prior to the passing of this Law⁽¹⁾, which have been opened as public thoroughfares.

New streets to come under the control of the Municipality.

27. Every Municipality shall have power, with the object of widening and straightening existing streets within the Municipal area:—

Power to widen and straighten existing streets.

(1.) To prepare lists of existing streets, classifying the same and assigning to each class a minimum width.

(¹) 15 of 1896, passed 22nd May, 1896.

- (2.) To prepare or cause to be prepared plans showing the width of each street and the direction that it shall take.

All such lists and plans shall be published and shall be open to inspection at the Municipal office for a period of three months, and any owner of property affected by any such classification or plan may appeal to the High Commissioner, who may require the Municipality to alter or modify it in such manner as he may see fit, and the decision of the High Commissioner in regard to such appeal shall be binding on the Municipality.

Power of Municipality to control the laying of pipes, opening up of streets, etc.

28. Without a permit first obtained from the Municipality, no person shall in any street lay down or take up any water-pipe, open any drain, well or cesspit, or in any way excavate, break up or disturb any street within a Municipal area; and the Municipality may:—

- (1.) Refuse to issue such a permit, unless and until payment be made of such sum, to be determined by the Municipality, as may reasonably be estimated to cover the expense that will be incurred by the Municipality in restoring the street to the condition in which it was before the work was undertaken.
- (2.) Direct the manner in which any work referred to in this section shall be executed.

Naming of streets and numbering of houses.

29. The Municipality may assign names to the streets within the Municipal area and affix boards or plates bearing the names in a convenient part thereof, and number the houses in each street; and any person who shall remove, deface or destroy any name or number so affixed shall be guilty of an offence.

PART 5.

BUILDINGS.

Permit of Municipality required for the erection, alteration or repair of buildings.

30. No building shall be erected, pulled down or re-constructed, and no alteration, addition or repair shall be made to any building within any Municipal area, without a permit to that effect first obtained from the Municipality in manner hereinafter prescribed; and any person erecting, pulling down, re-constructing, altering, adding to or repairing any building without such permit shall be deemed to have acted in contravention of this Law. Provided—

- (1.) That when the demolition, alteration or repair of any building is rendered necessary to secure the safety of the building

or of any other building in dangerous proximity thereto, or of any passenger on any street, and it is not possible to obtain the previous permit of the Municipality, such demolition, alteration or repair may be effected forthwith, but notice of the same shall be given to the Municipality within twenty-four hours of the arising of any such necessity;

- (2.) That the terms "alteration" and "repair" shall not extend to the replacing of tiles, mud or other material in order to render any roof watertight, or to the repair of any existing door, window, balcony or verandah, or to the white-washing, colour-washing or painting of any wall, woodwork or ironwork in or about any building, or to the relaying, re-boarding or re-paving of any floor or pavement contained within the external walls of any building or within any existing verandah or balcony attached to the building.

31. Before granting a permit under the preceding section, the Municipality may require the production of such plans, sections and drawings, or may require to be given such descriptions of the intended work as may seem to it to be necessary or desirable.

Municipality may require production of plans, etc.

32.—(1) Every Municipality shall have power to make orders to the following effect with regard to any intended new building or addition to an existing building:—

Powers of Municipality to make orders with regard to new buildings and additions.

- (a.) As to the materials of which any external wall, foundation, roof, chimney or other external portion of a building shall be constructed, or any internal portion of a building so far as it affects the stability of the building;
- (b.) As to the provision to be made for the drainage or sewerage of any building, or of the roof of any building, or of any yard or place in or about or connected with any building;
- (c.) As to wells, water-closets, earth-closets, privies, ashpits and cesspools in or in connection with any building;
- (d.) As to the provision to be made for the prevention of fire in any building;
- (e.) As to the width which any balcony or other erection in a building may be made to project over a street upon which such building abuts;
- (f.) Generally as to the ventilation and sanitation of any building in regard to its occupation as a dwelling-house or for any other purpose for which it shall be erected or intended.

11, 1913, 4.

15, 1917, 5.

(2.) (a.) Without prejudice to any of the powers herein contained, a Municipality may place any street within the municipal area on a special list for the purposes hereinafter mentioned. Provided that before placing any street on the special list the Municipality shall give notice of its intention so to do in the *Cyprus Gazette* and in not less than two newspapers published in Cyprus and such notice shall be posted up in the street in question. The notice shall be given and posted as aforesaid not less than six weeks before the question of placing the street on the special list is finally considered by the Municipality. Any person concerned may petition the Municipality in writing either in favour of or against the placing of the street on the special list, and the Municipality shall take such petitions into consideration. If the Municipality shall decide to place the street on the special list, the Municipality shall send a copy of their resolution to that effect with their reasons and any petition in favour of or against such resolution received by them to the Commissioner, who shall submit the same to the consideration of the High Commissioner. The High Commissioner in Council may confirm or disallow the placing of the street on the special list.

(b.) If the placing of the street on the special list shall be confirmed, the Municipality before granting a permit as provided by Section 30 may by an order require such alteration in the plans, sections and drawings as to the Municipality shall seem fit with a view to preserving the uniform or proper character and style of buildings to be erected on the said street: Provided always that any person may appeal from any such order in manner herein provided.

Frontage of
new build-
ings.

33. The front of every new building or addition to a building shall not be erected so as to encroach upon the roadway indicated in any plan referred to in section 27, determining the width of the street upon which such building or addition abuts.

Powers of
Municipality
in regard to
repairs of
buildings.

34. Every Municipality shall have power to make orders to ensure that every repair or alteration of an existing building shall be effected in such a way as to secure the stability of all walls, foundations, roofs, chimneys and other external parts of the building, and the proper ventilation and sanitation of the building.

Setting back
of frontage of
buildings.

35. When any building or the front thereof has been taken down in order to be rebuilt, or where it is proposed to reconstruct the front of any building, the building or the front thereof shall not be

rebuilt or reconstructed except in accordance with the plan determining the width of the street in which it is situate as in section 27 provided for.

Provided that the Municipality shall pay to the owner of the building such compensation for any loss or damage he may sustain in consequence of his building being set back or forward as may be determined between them or by arbitration as in Part 6 of this Law.

36. Every Municipality may by order close any building unfit for human habitation, and may prohibit the future use of the building for such habitation until it shall have been rebuilt, altered or repaired in such manner as the Municipality shall determine.

Power to close buildings unfit for habitation.

37. If any building within any Municipal area is deemed by the Municipality to be in a ruinous state and dangerous to passengers or to occupiers of the neighbouring buildings, the Municipality shall immediately cause a proper hoarding or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner of the building, if he is known and resident within the Municipal area, and shall also cause a notice to be put on the door or other conspicuous part of the building or otherwise to be given to the occupier thereof, if any, requesting him forthwith to take down, secure or repair the building as the case shall require; and if the owner or occupier does not begin to repair, take down or secure the building within the space of three days after any such notice has been so given or put up as aforesaid, and complete the repairs or taking down or securing as speedily as the nature of the case will admit, the Municipality may cause all or so much of the building as shall be in a ruinous condition and dangerous as aforesaid to be taken down, repaired, rebuilt or otherwise secured in such a manner as shall be requisite. Provided that if the condition of the building is such that in the interests of the public safety it is necessary that it be taken down, secured or repaired immediately, the Municipality shall forthwith proceed to cause the same, or so much thereof as is in a dangerous condition, to be taken down, secured or repaired without service of notice on the owner or occupier as herein provided for. In any of the foregoing circumstances all expenses incurred by the Municipality in putting up every fence or hoarding and in taking down, repairing, rebuilding, or securing the building, shall be paid by the owner thereof, unless he is actually a pauper, and may be recovered by the Municipality by civil process.

Power of Municipality to deal with buildings in dangerous state.

Rates to be charged on issue of building permits.

38. Every Municipality may, by bye-laws to that effect, determine the rates to be charged on the issue of permits for the erection, repair, or alteration of buildings within the Municipal area.

Power of Municipality to restrict certain classes of buildings.

39. It shall not be lawful for any person to keep a place or building as:—

- (1.) A khan or public stable;
- (2.) A tannery;
- (3.) A skin drying or skin storing factory;
- (4.) A farrier's shop;
- (5.) A factory where steam power is used or in which any explosive substance is used;
- (6.) A café;

without a licence first obtained therefor from the Municipality.

Provided that no place or building kept as above described at the date of the coming into operation of this Law⁽¹⁾, shall be prohibited to be continued to be so kept by virtue of this Law unless and until the person keeping it shall have been convicted of an offence in respect of such place or building under some one of the provisions of Parts 2 and 3 of this Law.

Power to make bye-laws.

40.—(1) Every Municipality shall have power to make bye-laws for the carrying out of the purposes of Parts 4 and 5 of this Law. Every bye-law so made by any Municipality shall be subject to the approval of the High Commissioner, and shall not come into force until it shall have been approved by him and published in the *Cyprus Gazette*.

Bye-laws as to pavements or sidewalks.
15, 1917, 2.

(2.) Notwithstanding anything contained in any other law and without prejudice to any power now vested in a Municipality, every Municipality may make bye-laws for the carrying out of all or any of the objects hereinafter mentioned, namely:—

- (a.) Prescribing the width of any pavement or sidewalk of any street either generally throughout its whole length on both or either side or with reference to any particular part of any street;
- (b.) Prescribing the formation of any pavement or sidewalk and the materials of which and the manner and time in which it is to be constructed;
- (c.) Prescribing the manner in which any pavement or sidewalk now or hereafter to be constructed is to be maintained;

(¹) 11th July, 1896.

- (d.) Prescribing that so much of any pavement or sidewalk as shall abut on any premises shall be constructed or maintained by or at the cost of the owner of such premises;
- (e.) Prescribing that in the event of the Municipality being satisfied that any owner of property is too poor to construct or maintain any part of a pavement or sidewalk, such pavement or sidewalk may be constructed or maintained in whole or in part by and at the cost of the Municipality;
- (f.) Prescribing the notice to be given to the owner of the premises and other proceedings in respect to the construction or maintenance of the pavement or sidewalk abutting on those premises;
- (g.) Prescribing the height from the ground, the width and other dimensions, and the materials of any awning or similar construction which projects from a house over any public road, pavement or sidewalk.

(3.) Any person who shall not comply with any bye-law made under the provisions of the preceding sub-section in respect to the construction or maintenance of any pavement or sidewalk, awning or similar construction shall be deemed to have committed a nuisance, and the provisions in regard to nuisances contained in this Law shall apply in so far as the same are applicable.

Penalty for non-compliance with Bye-laws. 15, 1917, 3.

PART 6.

COMPULSORY ACQUISITION OF LAND FOR PUBLIC PURPOSES.

41. In this Part of this Law the word "Land" shall extend to and include buildings, trees, and other immovable property situated within any Municipal area which may by law be sold and purchased or exchanged.

Definition.

42. Every Municipality shall have power at any of its meetings, by resolution of a majority composed of not less than two-thirds of its members, to decide that any land within the Municipal area shall be acquired for any of the following purposes:—

Power to acquire land.

- (a.) The construction of a new street;
- (b.) The opening, widening, straightening, or improving of any existing street;
- (c.) The erection of a public building;
- (d.) Any other purpose of public utility.

Provided that in the case of a Municipal Commission no decision for the acquisition of land shall be valid save by the unanimous vote of the Commission.

Submission of proposal to High Commissioner.

43. A copy of the resolution and of the minutes relating to it, together with a plan of the land to be acquired, shall be forwarded by the Municipality to the Commissioner of the District, and shall be submitted by him to the consideration of the High Commissioner as hereinafter provided.

Notice to be served on owner of land it is proposed to acquire.

44. The Commissioner of the District, before submitting to the consideration of the High Commissioner the documents aforesaid, shall cause a notice to be served on the owner of the land it is proposed to acquire, or his legal representative, or, in his absence, on the occupier of the land, advising him of the proposed acquisition and that he may examine the plan thereof and present any objections he may have to make thereto within one month of the service of the notice. At the expiration of the month the Commissioner shall forward to the High Commissioner the resolution, minutes, and plan, together with the objections made, if any.

High Commissioner may sanction acquisition of land.

45. If the High Commissioner approves the plan submitted and shall consider it expedient, having regard to all the circumstances of the case, that the Municipality shall be permitted to acquire the land in question, he may, by notification published in the *Cyprus Gazette*, sanction the acquisition of the land; and thereupon, if the owner of the land does not agree with the Municipality as to the sum to be paid for it, the Municipality shall proceed as is hereinafter prescribed.

Valuation of land by arbitrators.

46. The Municipality shall apply to the District Court to refer the determination of the value of the land to arbitrators; and the Court shall thereupon order that a notice be sent to the owner of the land, and shall fix a day for the appearance of the parties before the Court.

Appointment of arbitrators.

47. On the day appointed as aforesaid, if all the parties appear and each party shall appoint an arbitrator on his behalf, the Court sitting in full shall record the appointment of the arbitrators and appoint a date for the filing of their award, and shall, at the same time, name an umpire who may enter on the reference if the arbitrators fail to make an award by the date appointed, and shall further fix the date on which the umpire shall file his award in

any case referred to him. If any party fails to appear or refuses to appoint an arbitrator the Court shall name an arbitrator on his behalf.

48. The District Court may make any order it may think right as to the amount of fees and expenses to be paid to the arbitrators or umpire in connection with their arbitration and award, and may direct by whom they are to be paid.

Fees and expenses of arbitrators.

49. When the award of the arbitrators or of the umpire has been filed the Court shall, on the application of any party to the proceedings, fix a date for the parties to appear before the Court, and shall for this purpose cause a notice to be served on each party interested.

Award of arbitrators.

On the date fixed the Court shall make known to the parties the award of the arbitrators or umpire, which shall for all purposes be final and conclusive, and shall order the Municipality to pay the sum awarded to the owner or owners of the land.

Provided always that the Court may order that the whole or any portion of the sum awarded, as hereinbefore mentioned, be paid to any mortgagee of the land in satisfaction, in whole or in part, of the sum secured by the mortgage, or to any lessee of the land as compensation in respect of the determination of his tenancy, or to any judgment creditor who has registered his judgment in the manner provided by law in satisfaction in whole or in part of the sum due under the judgment.

Provided also that if any person refuses to accept any sum ordered to be paid to him under the provisions of this section, or is absent from Cyprus, the Municipality may pay the sum into Court.

Payment into Court.

50. On payment of the sum awarded to the party entitled to receive it or into Court in the manner provided in the preceding section, the Court shall order that the land be acquired by the Municipality; and thereupon all the interest of the owner, occupier, mortgagee, or lessee of the land in the land shall be deemed to be transferred to and vested in the Municipality by which the sum has been paid.

Transfer of land to Municipality.

51. On production of evidence of the payment of any sum agreed upon or of any sum awarded for land acquired under this Law, the Principal Officer of Land Registry in the District may cause notice to be served on any person in whose name the land is registered calling upon him to bring to the Land Registry Office, within a

Amendment of registration of land.

given time, his certificate of registration, and the certificate, and the registration to which it corresponds, shall be amended in accordance with the plan sanctioned by the High Commissioner; and if any person as aforesaid fails, within the time allowed, to present for amendment his certificate of registration, the Principal Officer of Land Registry in the District may amend the original registration as aforesaid, and the amended registration shall be held final, notwithstanding that the certificate which corresponds thereto remains without amendment.

Municipality may be required to take the whole of a building.

52. Notwithstanding anything in this Law contained, a Municipality shall not be empowered to acquire under the provisions of this Law a part only of any building if the owner is willing and able to give a good title to the whole thereof.

Municipality may acquire land on either side of a new street for the erection of buildings.

53. Where land is required by any Municipality for the opening of a new street, it may acquire a sufficient extent of land on each side of the proposed street to admit of the erection thereon of suitable buildings or tenements with a frontage on the new street.

Power to Municipality to sell and lease lands compulsorily acquired.

54. Any Municipality may sell, lease, or exchange any land acquired under the provisions of this Law in excess of the extent actually required for the purpose of public utility in respect of which it has been acquired.

Power to Municipality to abandon project of improvement.

55. Notwithstanding anything in this Law contained, a Municipality, if it shall think fit to abandon the project in respect of which proceedings for the acquisition of land under this Law have been taken, shall not be compelled to take the land unless it has been transferred under section 51 hereof or the owner or occupier has delivered up possession thereof.

Provided that all costs and expenses incurred by any owner or occupier by reason of the failure of a Municipality to take the land shall be paid by the Municipality.

PART 7.

OFFENCES AND LEGAL PROCEEDINGS.

Penalties for certain offences.

56. Every person who in any street or public place, to the obstruction, annoyance or danger of the residents or passengers:—

(a.) Rides or drives furiously any horse or carriage, or drives furiously any cattle;

- (b.) Wilfully causes any obstruction in any public footpath or any other public thoroughfare by means of any cart, carriage, truck or barrow, or any animal or other means;
- (c.) Causes any tree, timber or iron beam to be drawn in or upon any carriage without having efficient means of safely guiding it;
- (d.) Without necessity places or leaves any furniture, goods, wares or merchandise, or any cask, tub, basket or bucket, or places or uses any standing place, stool, bench, stall, show-board or other thing on any road or footway, or places any blind, shade, covering or other projection over or along any such road or footway, unless it is ten feet in height at least in every part thereof from the ground;
- (e.) Places, hangs up or otherwise exposes for sale any goods, wares, merchandise or thing whatsoever so that they project into or over any road or footway, or beyond the line of any house, shop or building at which they are so exposed, so as to obstruct or incommode the passage of any person along the road or footway;
- (f.) Rolls or carries any cask, tub, hoop or wheel, or any ladder, plank, pole, timber or log of wood upon any footway, except for the purpose of loading or unloading any cart or carriage, or of crossing the footway;
- (g.) Places any line, cord or pole across any street, or hangs or places any clothes or other things to dry thereon;
- (h.) Being a common prostitute, loiters and importunes passengers for the purpose of prostitution;
- (i.) Wilfully and indecently exposes his person;
- (k.) Publicly offers for sale or distribution, or exhibits to public view, any profane, indecent or obscene book, paper, print, drawing, painting or representation, or sings any profane or obscene song, or uses any profane or obscene language;
- (l.) Wilfully and unlawfully extinguishes the light of any lamp;
- (m.) Throws from the roof or any part of a house or other building any earth, tile, wood, rubbish, water or other thing;
- (n.) Leaves open any vault or cellar, or the entrance from any street to any cellar or room underground, without a sufficient fence or hand-rail, or leaves defective the door, windows or other covering of any vault or cellar, or does not sufficiently fence any area, pit or sewer left open, or leaves such open area, pit or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto;

(o.) Suffers any horse, mule, ass or cattle to be at large at any time in any street within the Municipal area without any person having the charge thereof;

(p.) Pours or allows to pass any dirty water into any street or street channel;

11, 1913, 5.

(q.) Shakes or dusts any carpets or other similar articles into any street from any shop, window or balcony;

(r.) Acts in contravention of any Municipal bye-law made under sections 4 or 22;

shall be liable to a penalty not exceeding forty shillings for each offence, or to imprisonment for a period not exceeding fourteen days.

Penalty for
contravention
of the Law.

57.—(1.) Any person who, in any Municipal area knowingly does any act in contravention of Parts 4 or 5 of this Law, or of any bye-law or order made by any Municipality under section 40 (1), shall be liable for each offence to a penalty not exceeding two pounds.

The provisions of this section shall apply as well to any contractor, mason, bricklayer, carpenter, or other workman engaged on any work as to the person by whose orders the work is being executed.

Penalty for
obstruction of
Municipality
or its servants.

(2.) Any person who obstructs any Municipality or any officer or servant of a Municipality in the execution of any provision of Parts 4 or 5 of this Law shall be liable to a fine not exceeding two pounds or to imprisonment for a term not exceeding fourteen days or to both such punishments; and the Court before which the offence is tried may order him to pay to the Municipality such sum by way of damages occasioned by the obstruction as to the Court shall seem just.

14, 1923, 2.

(3.) In addition to any other penalty prescribed by this Law, any building or other erection erected, reconstructed, or made, without any permit required by this Law, or erected, reconstructed, or made in contravention of the terms of any permit or of any of the provisions of this Law or of any Bye-law, shall be ordered by the Court to be pulled down or removed by or at the expense of the owner or occupier of the premises, unless the consent of the Municipality to the continuance of such building or other erection is granted.

Penalties to
be paid to
Municipality

58. All penalties recovered under this Law, other than those recovered under section 57, shall be paid to and shall form part of the Municipal Fund.

Proceedings
under ss. 9,
19 and 20.

59.—(1) Every proceeding instituted by a Municipality under section 9 to obtain an order compelling any person to abate a

nuisance, or under sections 19 and 20 in respect of a nuisance arising from the carrying on of an offensive trade, shall be instituted by summons, requiring the person to whom it is addressed, in the case of a proceeding under section 9, to appear before the District Court and show cause why an order should not issue to compel him to abate the nuisance complained of and, in the case of a proceeding under sections 19 and 20, to appear and show cause why he should not be punished in the manner provided by Law.

(2.) Upon the day fixed by the summons for the appearance of the defendant, the District Court shall proceed to hear and determine the matter summarily; and, subject to any rules of Court that may be made under the provisions of this Law, every such proceeding, so far as circumstances permit, shall be regulated by the procedure for the time being in force with regard to the summary trial of an accused person before a Magisterial Court in like manner as if the Municipality were the prosecutor and the defendant were the accused person.

District Court to hear and determine summarily.

(3.) In every such proceeding the District Court shall have jurisdiction to exercise, in a summary way, the powers with regard to the making of orders, the imposing of penalties and the awarding of costs and expenses conferred upon the Court by Parts 2 and 3.

Powers of District Court.

(4.) An appeal from any order imposing a penalty or penalties amounting to ten pounds, or from an order to compel the abatement of a nuisance, shall, subject as to the last named order, to the provisions of section 14, lie to the Supreme Court.

Summary jurisdiction of District Court.

Where the District Court has refused to make an order or to impose a penalty on the ground that the facts proved at the hearing do not, in point of Law, justify the making of an order or the imposing of a penalty, the Municipality may appeal to the Supreme Court from the refusal.

Appeal to Supreme Court.

(5.) Provided that the party desiring to appeal shall, within three days after the decision of the Court has been pronounced, declare to the Court his intention to appeal.

Notice of appeal.

Whenever any party shall declare his intention to appeal, in accordance with the provisions of this section, a note of the declaration shall be entered on the notes of the proceedings by the President of the Court.

(6.) Where any person who has been ordered to pay a penalty has declared his intention to appeal in the manner by this Law provided, the District Court may either cause the sentence to be put into execution or shall take such security as it shall think necessary,

Intermediate effects of appeal where penalty ordered to be paid.

either by recognizances with or without security, or by deposit of money, for securing the payment of any penalty that may have been imposed.

Documents to be forwarded to Supreme Court.

(7.) Where any party has declared his intention to appeal as aforesaid, the Registrar of the District Court shall forthwith transmit to the Registrar of the Supreme Court the notes of evidence taken on the hearing of the matter, and of any statement or statements which may have been made by the defendant before the District Court, and any documents in his custody, which were produced in evidence.

Fixing day for hearing of appeal.

(8.) The appellant may at any time within seven days from the day when he has given notice of his intention to appeal, and the respondent may at any time after the expiration of such seven days, apply to the Registrar of the Supreme Court to fix a day for the hearing of the appeal; and the Registrar upon such application shall fix the earliest convenient day, not being less than seven days from the day on which the application was made.

The party upon whose application a day has been fixed for the hearing shall give to the other party at least seven days' notice of the day so fixed.

Powers of Supreme Court on hearing of appeal.

(9.) The Supreme Court on perusing the file of proceedings, and after hearing the appellant and the respondent or such of them as shall attend at the day fixed for the hearing, shall give judgment, and shall have power to confirm, set aside or vary the order of the District Court, or to reduce or increase the penalty imposed by the District Court, or to make such order or to impose such penalty as may seem just, and to make such order with regard to the costs of the appeal as may appear just.

On the hearing of any appeal under this Law the Supreme Court may call for further evidence, and reserve its decision until such evidence has been adduced.

Proceedings under section 21.

(10.) Any proceeding under Section 21, to obtain a perpetual injunction prohibiting the carrying on of an offensive trade shall be taken before the District Court having local jurisdiction, and shall in all respects be subject to the Rules of Court regulating the procedure in Civil actions.

Power to make rules.

(11.) The High Commissioner, with the advice and assistance of the Chief Justice, may, from time to time, make Rules of Court for regulating the practice and procedure of the District Courts, and of the Supreme Court in relation to any of the matters provided for in this Section,⁽¹⁾ and for prescribing the fees to be taken on proceedings thereunder.

(1) This Section = 8 of 1897.

PART 8.

DEFAULTS OF MUNICIPAL COUNCIL.

60. Where a complaint is made to the High Commissioner that a Municipal Council has made default in the performance of any of the duties mentioned in Section 1 of this Law, or in enforcing any of the provisions of this Law which it is their duty to enforce, the High Commissioner in Council, if satisfied after due enquiry that the Municipal Council has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint.

Remedy in case of default in performance of duty by Council.

If such duty is not performed by the time limited in the order, such order may be removed into the Supreme Court and enforced as if the same had been an order of such Court, or the High Commissioner may appoint a temporary Board consisting of three or more persons to perform such particular duty, and shall by order direct that the expenses of performing the same shall be paid by the Municipal Council in default, and any order made for the payment of such expenses may be removed into the Supreme Court and enforced as if the same were an order of such Court.

Any Board appointed under this section to perform the duty of a defaulting Municipal Council shall, in the performance and for the purposes of such duty, be invested with all the powers of such Municipal Council necessary for the performance of such duty, and the High Commissioner may from time to time by order change any person so appointed.

61. Any sum specified in an order of the High Commissioner for payment of the expenses of performing the duty of a defaulting Municipal Council shall be deemed to be expenses properly incurred by such Municipal Council and to be a debt due from such Municipal Council, and payable out of any moneys in the hands of such Municipal Council or its officers, or out of any rate applicable to the payment of any expenses properly incurred by such Municipal Council.

Recovery of sums spent by Council.

62. Any Board appointed under the provisions of Section 60 shall have the same powers of levying rates and requiring all officers of the defaulting Municipal Council to pay over any moneys in their hands, as the defaulting Municipal Council would have in the case of expenses legally payable out of the Municipal fund or rates to be raised by such Municipal Council, and the said Board

Power to levy rates.

after repaying all moneys due in respect of the order shall pay the surplus, if any, to or to the order of the defaulting Municipal Council.

Failing a Council High Commissioner may appoint Municipal Commission. As amended. by 15, 1917, 6.

63.—(1.) Whenever in any town or village or collection of towns or villages, the affairs of which are by law entrusted to a Municipal Council it shall appear to the High Commissioner that there is no Municipal Council duly qualified to act according to law, the High Commissioner may by writing under his hand appoint a Commission consisting of not less than three persons to exercise and perform the powers and duties of a Municipal Council for that town or village or collection of towns or villages.

(2.) Such Commission shall be called the Municipal Commission and shall hold office until the 31st of March following the date of its appointment; and the High Commissioner shall nominate one of its members to be President of it.

(3.) Every such Commission shall have and exercise all the powers of a Municipal Council in as full and the like manner as if they were a Municipal Council duly elected according to law.

(4.) Whenever the office of a member of a Municipal Commission becomes vacant by reason of death, resignation or any other cause, the High Commissioner may, by writing under his hand, appoint some fit and proper person to be a member of the Commission in the place of the member whose office has become vacant as aforesaid, and to exercise and perform the powers and duties of a member of a Municipal Commission.

PART 9.⁽¹⁾

THEATRES, ETC.

Interpretation.

64. In this Part of this Law:—

“Theatre” means any building, tent or other erection, open to the public, gratuitously or otherwise, where a stage play or cinematograph exhibition is performed or presented.

“Stage play” includes any tragedy, comedy, farce, opera, melodrama, dialogue, pantomime, circus, dancing, singing, music, or other public entertainment of the like kind.

“Cinematograph exhibition” means any exhibition of pictures or other optical effects presented by means of a cinematograph or other similar apparatus.

⁽¹⁾ Part 9 = 8 of 1913.

65. No theatre within a municipal area shall be used for the performance of stage plays or the presentation of cinematograph exhibitions without a licence first obtained therefor from the Municipality.

Licence necessary for performance at theatre.

66. The Municipality may:—

Licences.

- (a.) Grant such licence either in respect of any single performance or presentation or generally for such period not exceeding one year as may be thought desirable, if the Municipality shall consider the safety of persons attending such performances or presentations at such theatre is adequately provided for;
- (b.) Refuse such licence or grant it subject to such terms and conditions as may be deemed necessary to ensure the safety of persons attending performances or presentations at such theatre;
- (c.) Revoke such licence if it is deemed likely that the safety of persons attending such performances or presentations is or may be endangered.

67. Where the Municipality grants any licence as aforesaid upon condition that the stage play or cinematograph exhibition be conducted under the superintendence of some officer or person designated in the licence, then it shall be lawful, at any time, for the officer or person so designated to order such stage play or cinematograph exhibition to cease or to give any other direction which he may think necessary for ensuring the safety of the premises at which the stage play or cinematograph exhibition takes place and of the persons attending the stage play or cinematograph exhibition.

Supervision to ensure safety.

68. The occupier or other person who manages or receives the rent of any theatre at which it may be proposed to perform or present any stage play or cinematograph exhibition shall ascertain whether the prescribed licence has been obtained, and, if so, the terms of such licence. Such occupier or person shall give notice to the officer in charge of the nearest police station, if and so soon as he has reason to believe that there is an intention to proceed with any stage play or cinematograph exhibition either without the prescribed licence or without everything having been done which may be required under such licence or under any Bye-Laws made under Section 71 of this Law to be done previous to such stage play or cinematograph exhibition taking place.

Duty of occupier, etc., of theatre.

Power of entry.

69. A police officer of any rank not under that of a sergeant, or any officer appointed for the purpose by the Municipality, may at all reasonable times enter any premises in which he has reason to believe that any stage play or cinematograph exhibition is being or is about to be performed or presented with a view to seeing whether the provisions of this Part of this Law or any Bye-Laws made thereunder and the conditions of any licence granted under this Part of this Law have been complied with.

Any person preventing or obstructing the entry of any police officer of any rank not under that of a sergeant or any officer appointed as aforesaid shall be guilty of an offence under section 70 of this Law.

Penalty.

70. Any person who commits any breach or non-observance or attempts to commit any breach of this Part of Law or of any Bye-Law made thereunder or of any of the terms and conditions specified in any licence granted under this Part of Law shall be liable to a fine not exceeding twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months or to both.

Bye-Laws.

71. The Municipality may make Bye-Laws:—

- (a.) Prescribing the fees to be taken for any licence under section 66.
- (b.) Prescribing conditions to be observed in reference to the safety from fire or otherwise of any theatre or for the safety and control of persons attending such theatre.

PART 10.

MISCELLANEOUS.

When Council not qualified.
9, 1907, 32.

72. A Municipal Council shall be deemed to be not duly qualified to act according to law if by reason of vacancies, arising otherwise than by resignation or by the operation of sub-section (2) of section 33 of the Municipal Councils Law, 1882, there shall not be at least one-half of the entire number of Councillors constituting the Council duly elected and holding office: Provided, nevertheless, that a Municipal Council shall, in no case, be deemed to be duly qualified as aforesaid unless there be at least one-third of the entire number of Councillors constituting the Council duly elected and holding office.

Quorum.

73.—(1.) Except as hereinafter mentioned no business shall be transacted or any vote passed by a Municipal Council unless there

are present one-half of the members and one more. In case of an equality of votes, the President or presiding member shall have the casting vote.

(2.) Whenever the requisite number of members of a Municipal Council are not present as above required at any three consecutive meetings duly convened according to law, it shall be lawful for the members present at the third of such meetings to transact business and pass votes in the same manner as if the requisite number of members were present. Exception.

74. Where any notice, plan, drawing or description of, or any objection to any work or proposed work is required to be given by Parts 4, 5, or 6 of this Law, or by any order issued by any Municipality or authority under any of the said Parts, the same shall be written or drawn in ink, and shall be delivered at the office of the Municipality or other such authority. Manner of preparing and delivering notices, plans, etc.

75. Every permit, notice, or order which any Municipality or other authority is by Parts 4, 5, or 6 of this Law empowered to give, shall be given in writing, and shall be deemed to be duly given if served on the person by whom or by whose orders any work to which it relates is being or has been executed, or upon the owner or occupier of any building to which it relates, or, where such person is not known or cannot be found, by depositing or affixing the same at, or on, or to such work or building. Preparation and service of permits, etc.

76. If any work be begun or done in contravention of Parts 4 or 5 of this Law or of any bye-law or order made by any Municipality under section 40, the President of the District Court or a Judge thereof may, on the application of the Municipality, by summary order, direct that such work shall be stopped pending the determination by the District Court, on the application of the Municipality, of the questions that have arisen in regard thereto; and upon the determination of the questions aforesaid the District Court may make such order as shall seem to it fit with regard:— Power to stop and make orders with regard to work done in contravention of this Law.

(1.) To any work so begun or done;

(2.) To the payment of any expenses arising out of such contravention.

Every order made by a President or Judge of a District Court or by a District Court under the provisions of this section may be enforced in accordance with the provisions of section 39 of the Cyprus Courts of Justice Order, 1882.

77. Where any person is prejudiced or damaged by any order made by a Municipality under Parts 4 or 5 of this Law, or by Appeal to High Commissioner by person prejudiced or damaged by action of Municipality.

the omission or neglect of any Municipality to grant any permit or make any order thereunder, such person may appeal to the High Commissioner and it shall be lawful for the High Commissioner, by writing under the hand of his Chief Secretary, to make any order that shall seem to him fit, or to require such Municipality to rescind any order or to take such action or to cease to take such action as shall seem to him fit; and if any Municipality shall fail, without lawful excuse, to comply with such order, it shall be liable to pay to any person damaged by its omission to comply with such order of the High Commissioner such damages as he may have sustained.

Exemption from application of the Law to Government streets and buildings.

78. Parts 4, 5 and 6 of this Law shall not apply to any street or building constructed by the Government of Cyprus or by or on behalf of any Department or Service of Her Majesty the Queen or to any street or building in the possession of Her Majesty or of the Government of Cyprus or employed or intended to be employed for the use or service of Her Majesty or of the Government of Cyprus.

Objections to trade rates. 9, 1907, 30.

79. When a Municipality seeks to recover by legal process any rate in respect of a trade or profession which for the purposes of the rate is divided into classes, it shall be lawful for the Court by whom the proceedings are heard, on the motion of the defendant, to enquire whether the defendant is rightly included in the class in which he is rated, and to adjudge that he do pay the rate according to the class in which the Court shall decide that he ought to be rated.

Interpretation.

80. In this Law the following words and expressions have the meanings hereinafter assigned to them, unless such meanings are repugnant to or inconsistent with the subject matter in which the words or expressions occur:—

“Municipal Area” means the limits of the town, village or place in respect of which any Municipality exercises authority;

“Municipality” means the Municipal Council, Municipal Commission or other body duly constituted by law to exercise Municipal authority and government within the Municipal area;

“Street” means any street, road, bridle-path, pathway, blind-alley, passage, footway, pavement or public place;

“Building” means any dwelling-house, shop, khan, warehouse, factory, store, office or other like construction, whether of stone, mud, iron, wood or other material, including any stable, privy or other outbuilding attached thereto or connected there-

with, and any foundation, wall, roof, chimney, verandah, balcony or part of a building, or anything affixed thereto, and any wall, earthbank, fence, paling or other construction inclosing or delimiting or intended to enclose or delimit any space; "Medical Officer of Health" means a Medical Officer appointed by the High Commissioner to be a Medical Officer of Health.

16, 1921, 4.

81. This Law may be cited as the Municipal Councils Law, 1885. Short title.

15 OF 1923.

TO PROVIDE FOR WEIGHING AND MEASURING BY MUNICIPALITIES.

MALCOLM STEVENSON.]

[May 15, 1923.]

1. This Law may be cited as the Weighing (Municipalities) Law, 1923. Short title.

2. In this Law:—

"Goods" means any goods, wares or merchandise of the nature or description mentioned in the Schedule of a weight or quantity not less than that specified in the Schedule.

Interpretation.

"The Schedule" means the Schedule to this Law.

"Municipal Weigher" means a person appointed by a Municipality to be a Municipal Weigher within such Municipality.

3. There shall be kept by every Municipality sufficient balances, scales and weights for the weighing of goods within the Municipal limits, and such balances, scales and weights shall be kept in some public and convenient place or places and shall be under the custody and control of a Municipal Weigher.

Municipality to keep balances, scales and weights.

4.—(1.) Whenever a sale of goods takes place within the limits of any Municipality, or whenever goods, the subject matter of any sale, are delivered or are to be delivered within such limits, in either of such cases, such goods shall be weighed by the Municipal Weigher, and upon such weighing there shall be paid by the vendor to the Municipal Weigher in respect of the weighing of such goods, the fees specified in the Schedule: provided that the minimum fee to be paid shall be the sum of 1cp.

Compulsory weighing.

(2.) All goods which are brought within the Municipal limits of the town from the district in which such town is situate are subjected to the fees mentioned in the Schedule. Provided that goods which are brought within the Municipal limits of the town from a district other than the district in which such town is situate in transit to some other district shall not be subject to the fees mentioned in the Schedule.