

No. 26 OF 1930.

TO ESTABLISH MUNICIPAL CORPORATIONS AND TO CONSOLIDATE WITH AMENDMENTS THE LAWS RELATING TO MUNICIPALITIES. A.D. 1930.
26 of 1930.

H. HENNIKER-HEATON.]

[June 5, 1930.

BE it enacted :—

Amended by law
23/40
24/42
13/43
25/43
41/44
See Law 11 of 1932
12/46

1. This Law may be cited as the Municipal Corporations Law, 1930. Short title.

2. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them (that is to say) :— Interpretation:

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

“ Christian electors ” and “ Christian votes ” shall be deemed to include all electors not being Moslems and the votes of such electors.

“ Cinematograph exhibition ” means any exhibition of pictures or other optical effects presented by means of a cinematograph or other similar apparatus, whether accompanied by spoken words or not.

“ Colony ” means the Colony of Cyprus.

“ Council ” means the council of a municipal corporation constituted in accordance with the provisions of this Law.

“ Councillor ” means a duly elected member of a council.

“ Commissioner ” in relation to a municipal corporation means the Commissioner of the district within which the municipal limits of such corporation are situated.

*For bye
see C. G
1931. p 2
551*

“Elector” means a person enrolled as an elector in accordance with the provisions of this Law.

“Election” means the election of a candidate as a councillor.

“Gazette” means the *Cyprus Gazette*.

“Medical officer of health” means a medical officer of health appointed by a council and includes a District Medical Officer and a Rural Medical Officer.

“Municipal corporation” means a corporation established under the provisions of this Law.

“Municipal limits” means the limits of a municipal corporation determined in accordance with the provisions of this Law.

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

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

“Town” means the town ^{village} or collection of towns or villages comprised within any municipal limits.

PART I.

MUNICIPAL CORPORATIONS AND COUNCILS.

Certain towns to be municipal corporations.

3.—(1) Every town in the Colony which at the coming into operation of this Law has a municipal council shall be a municipal corporation.

(2) The Governor may, at his discretion, if authorised thereto by a resolution of the Legislative Council, proclaim any town or village or collection of towns or villages a municipal corporation.

Such proclamation shall be published in the *Gazette*.

(3) When the Governor declares any town or village or collection of town or villages to be a municipal corporation under the provisions of sub-section (2) hereof he shall fix such days, times and places and nominate such officers and persons for the purpose of an election or otherwise and do such other acts and give such directions as may appear to him to be necessary for applying this Law to such corporation upon the constitution thereof.

4. The municipal corporation of a town shall bear the corporate name of the mayor, deputy mayor, councillors and townsmen of the town, and shall have perpetual succession, a corporate seal and the right to sue and be sued in its corporate name.

Name, etc.,
of municipal
corporation.

5.—(1) No person shall be deemed a townsman for any purpose of this Law unless he is enrolled as an elector.

Townsmen.

(2) A person shall not be entitled to be enrolled as an elector unless he is qualified as follows:—

Qualifica-
tions of
electors.

(a) is a male person of twenty-one years of age, and

(b) is on the first day of January of any year ordinarily resident within the municipal limits and has during the twelve months prior thereto actually resided therein: Provided that he shall not be deemed not to have actually resided within the municipal limits by reason only that he has been temporarily absent therefrom for short periods, and

(c)—(i.) is assessed for and has up to the first day of January of any year paid *verghi kimat* for property situated within the municipal limits, or

(ii.) has on the first day of January of any year and has had for the whole period of twelve months prior thereto any house, warehouse, shop or other building or part thereof within the municipal limits for which he has paid, or is liable to pay, under a lease or contract in writing a rent of not less than three pounds a year, and

(d) has on the first day of January of any year paid any town rate which he is liable to pay in respect of property situated in the town wherein he seeks to be enrolled, and

(e) has at the date of enrolment obtained a licence to carry on a profession, trade or other occupation in accordance with the provisions of this Law, if required so to do.

Determination of municipal limits.
Power to abolish municipal corporation.

6. The Governor may, by notice to be published in the *Gazette*, fix, alter, extend or diminish the municipal limits.

7. The Governor may at his discretion, if authorised thereto by a resolution of the Legislative Council, abolish any municipal corporation and thereupon the affairs of the town or village or collection of towns or villages shall be managed and all property of such corporation shall vest as though such municipal corporation had never existed, and the Governor shall do such acts and give such directions as may be necessary for carrying out the provisions of this section.

Municipal corporations to act by a council.

8.—(1) Municipal corporations shall be capable of acting by a council and such council shall exercise all the powers lawfully vested in the municipal corporation.

(2) The council shall consist of councillors one of whom shall be mayor and one of whom shall be deputy mayor.

Councillors.

9. The councillors shall be fit persons elected by the electors of a town as in this Law provided.

Number of councillors.

10. The Governor in Council shall from time to time direct the number of councillors for each council: Provided that such number, including the mayor and deputy mayor, shall be not less than six nor more than twelve: Provided also that the number of Christian councillors and the number of Moslem councillors shall, so far as possible, be in the same proportion as are the numbers of Christian adult male residents and Moslem adult male residents respectively within the municipal limits as ascertained by the last census. Such direction shall be final and conclusive.

Duration of councils.

11. The duration of a council shall be five years from the first day of April next after the election of the first members thereof: Provided,

(a) If any general election for a new council shall be declared void under the provisions of section 26 or 46 hereof or for any reason any such election is not held in accordance with the provisions of this Law the duration of the council then existing shall be extended until one week after a valid election has been held.

(b) The duration of any council coming into office after the first day of April in any year shall be to such date as shall be five years from the day when the preceding council would have expired save for the provisions of the first proviso hereto.

(c) When any election is held under the provisions of section 62 hereof the duration of the council so elected shall be to the date when the preceding council would have expired save for the provisions of that section.

12.—(1) A person shall not be qualified to be elected or to be a councillor of any town, if—

Qualification of councillors.

(a) he is not a male person enrolled in the electors roll of such town in force for the time being, or

Law 23/48.

(b) he is a judge of any Court in the Colony, or

(c) he holds any office of profit, other than that of

"(d) he is a person who, having been surcharged or charged by the Government Auditor under the provisions of section 110 thereof, has not made good the surcharge or charge to the municipal corporation to the satisfaction of the Government Auditor, at least three days before the date fixed in the notice prepared, signed and published by the returning officer under the provisions of section 19 hereof:

19 of 1945

Provided that no person shall be disqualified under the provisions of this paragraph by reason of a surcharge or charge which is the subject of an appeal, still pending, before the Governor in Council, or".

being a director, manager, officer or agent of such company: Provided that such councillor shall not take part in any discussion upon or vote upon any question directly affecting the affairs of such company, or

(e) he is an undischarged bankrupt, or

(f) he is a lunatic or person of unsound mind, or

(g) within a period of two years next before the election he has been, or having been elected he is, convicted, either on information or summarily, of any crime and

"dd) he is a person who, having been sur-
charged or charged by the Government Auditor
under the provisions of section 110 thereof,
has not made good the surcharge or charge to
the municipal corporation to the satisfaction
of the Government Auditor, at least three
days before the date fixed in the notice
prepared, signed and published by the return-
ing officer under the provisions of section
19 hereof:

Provided that no person shall be disquali-
fied under the provisions of this paragraph
by reason of a surcharge or charge which is
the subject of an appeal, still pending,
before the Governor in Council, or".

(b) The duration of any council coming into office after the first day of April in any year shall be to such date as shall be five years from the day when the preceding council would have expired save for the provisions of the first proviso hereto.

(c) When any election is held under the provisions of section 62 hereof the duration of the council so elected shall be to the date when the preceding council would have expired save for the provisions of that section.

12.—(1) A person shall not be qualified to be elected or to be a councillor of any town, if—

Qualifica-
tion of
councillors.

(a) *he is not a British subject and*
(a) he is not a male person enrolled in the electors roll of such town in force for the time being, or

Law 23/48.

(b) he is a judge of any Court in the Colony, or

(c) he holds any office of profit, other than that of mayor, under or in the gift of the municipal corporation of such town, or

(d) he is concerned directly or indirectly by himself or his wife or his partner in any loan by, or bargain or contract entered into with, the municipal corporation of such town or participates in the profit of any such bargain or contract or in the profit of any work done under the authority of such corporation: Provided that a person shall not be disqualified hereunder by reason only,

Law 19 of 1945

(dd) added
(i.) that he is interested in the sale or lease of any premises to or the loan of any money to such corporation, or

(ii.) that he is interested in any newspaper in which any advertisement relating to the affairs of such corporation is inserted, or

(iii.) that he is interested in any contract between such corporation and any anonyne company or company with limited liability as a shareholder, and not being a director, manager, officer or agent of such company: Provided that such councillor shall not take part in any discussion upon or vote upon any question directly affecting the affairs of such company, or

(e) he is an undischarged bankrupt, or

(f) he is a lunatic or person of unsound mind, or

(g) within a period of two years next before the election he has been, or having been elected he is, convicted, either on information or summarily, of any crime and

sentenced to imprisonment for six months or more, without the option of a fine, and has not received a free pardon in respect of such crime.

(2) Any person who having been ineligible at the time of his election or whilst subject to any of the disqualifications herein mentioned shall sit or vote in a council shall for every day on which he sits or votes forfeit the sum of five pounds to be recovered by action in any District Court by any person who shall sue for the same: Provided that such action is commenced within two months after the cause of action arose.

Electors
lists.

13.—(1) There shall be for each municipal corporation a list of Christian electors and a list of Moslem electors, which shall be called electors lists.

(2) The electors lists shall be prepared and revised yearly in accordance with the regulations in the first schedule to this Law.

(3) Any town clerk who neglects or refuses to prepare any electors list in accordance with the provisions of the first schedule hereto shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding ten pounds.

"(1) When the electors lists have been revised in accordance with the regulations in the First Schedule to this Law, the mayor shall deliver them to the town clerk, and copies thereof, signed by the mayor, shall, subject to any alterations as may be made under the provisions of this Law, be the electors rolls for the Christian electors and for the Moslem electors of the municipal corporation.";

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year therefrom: Provided that if an electors roll is not made or completed before the ^{twenty-seventh} seventh day of ^{March} February of any year the electors roll for the preceding year shall remain in force until such roll is made or completed.

(4) Any mayor who neglects or refuses to revise the electors list and prepare the electors roll in accordance with the provisions of the first schedule hereto shall be

Law 19
of 1945

sentenced to imprisonment for six months or more, without the option of a fine, and has not received a free pardon in respect of such crime.

(2) Any person who having been ineligible at the time of his election or whilst subject to any of the disqualifications herein mentioned shall sit or vote in a council shall for every day on which he sits or votes forfeit the sum of five pounds to be recovered by action in any District Court by any person who shall sue for the same: Provided that such action is commenced within two months after the cause of action arose.

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(2) The electors lists shall be prepared and revised yearly in accordance with the regulations in the first schedule to this Law.

(3) Any town clerk who neglects or refuses to prepare any electors list in accordance with the provisions of the first schedule hereto shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding ten pounds.

Electors
rolls.

14.—(1) When the electors lists have been revised in accordance with regulations in the first schedule to this Law the mayor shall deliver them to the town clerk, and copies thereof, signed by the mayor, shall be the electors rolls for the Christian electors and for the Moslem electors of the municipal corporation. Law 19
9/1945

(2) The name of any person shall not appear more than once in any electors roll, nor in more than one such roll of any municipal corporation.

(3) The electors rolls shall be completed before the ~~seventh~~ ^{twenty-eighth} day of ~~February~~ ^{March} of every year, and shall come into operation on that day and shall remain in operation one year therefrom: Provided that if an electors roll is not made or completed before the ~~seventh~~ ^{twenty-eighth} day of ~~February~~ ^{March} of any year the electors roll for the preceding year shall remain in force until such roll is made or completed.

(4) Any mayor who neglects or refuses to revise the electors list and prepare the electors roll in accordance with the provisions of the first schedule hereto shall be

1950
Municipal Corporation

THE MUNICIPALITY OF ... 1950

... for six months or more ... the option of a fine, and that ... in respect of such crimes.

Any person who having been ineligible at the time of the election or validly subject to any of the qualifications herein mentioned shall sit or vote in a general election ... shall be liable to a fine of not more than five pounds to be recovered by action in any District Court by any person who shall sue for the same. Provided that such action shall be commenced within two months after the date of the election.

The ... for each ... of corporation ... and a list of ...

The ... shall be prepared and revised ... with the regulations in the first ...

Who neglects or refuses to prepare ... in accordance with the provisions of the ... shall be guilty of an offence and shall be liable to a fine not exceeding ...

"(1) When the electors lists have been revised in accordance with the regulations in the First Schedule to this Law, the mayor shall deliver them to the town clerk, and copies thereof, signed by the mayor, shall, subject to any alterations as may be made under the provisions of this Law, be the electors rolls for the Christian electors and for the Moslem electors of the municipal corporation.";

Provided that if an electors roll is not ... day of February of any ... shall remain ... until such roll is made or completed.

Who neglects or refuses to revise the ... shall be liable to a fine not exceeding ... of the first schedule ...

guilty of an offence and shall on summary conviction be liable to a fine not exceeding one hundred pounds: Provided that a prosecution hereunder shall not be instituted except by or with the consent of the Attorney-General.

15.—(1) Any person whose claim to have his name inserted in the electors list has been rejected or whose name has been expunged therefrom may apply, not later than the ^{10th} tenth day of ^{April} February next following the preparation of such list in which his name has not been included or from which his name has been expunged to the President of the District Court of the district in which the municipal corporation is situated for an order directing the mayor to insert the name of such person in the electors roll, and the President of such Court shall thereupon, and in any event not later than the twenty-eighth day of ^{April} February next following such application enquire whether such person is entitled to be enrolled in accordance with the provisions of this Law and if satisfied that such person is so entitled shall order accordingly.

Rectification of electors rolls.

Law
19 of 1945.

(2) Any person whose name appears in the electors roll and whose objection to the inclusion of the name of any person or persons in the electors list has been dismissed by the mayor may apply not later than the ^{10th} tenth day of ^{April} February next following the preparation of such list in which such name has been included to the President of the District Court of the district in which the municipal corporation is situated for an order directing the mayor to strike the name of such person or persons off the electors roll, and the President of such Court shall thereupon, and in any event not later than the twenty-eighth day of ^{April} February next following such application enquire whether such person or persons are entitled to be enrolled in accordance with the provisions of this Law, and if satisfied that such person or persons are not so entitled shall order accordingly.

(3) The decision of the President of the District Court upon any application under this section shall be final and conclusive.

(4) If the President of the District Court order that the name of any person shall be inserted in the electors roll the mayor shall insert it in such roll, and shall add thereto the words "By order of the Court" and his signature,

(5) If the President of a District Court orders that the name of any person shall be struck off the electors roll, the mayor shall strike off such name and shall add thereto the words "By order of the Court" and his signature.

Electors rolls to be kept by town clerk.

16.—(1) The electors roll of every municipal corporation shall be kept by the town clerk thereof, and shall be open to the inspection of every elector thereof.

(2) The town clerk shall supply to any person demanding the same a copy of the electors roll upon payment of two shillings for every hundred names in such copy. All

Law 23/42

17. The town clerk shall, not later than the first day of May next following the final revision of the electors roll, cause a copy thereof, signed by the mayor, to be given to the returning officer together with the voters cards prepared by the town clerk as in section 16A hereof provided."

ch Repealed Law by 19/1945

Notice of election.

18. On or before the first day of March,

19/1945

(a) next following the occurrence of a vacancy in a council, or

(b) next following the expiration of a council under the provisions of section 62 hereof, or

(c) in every year in which the period of duration of a council expires,

the returning officer shall prepare, sign and publish a notice in the form set out in the second schedule to this Law.

Law 11/1932

Nomination of candidates.

20. The nomination of candidates for the office of councillor shall be conducted in accordance with the regulations in the third schedule to this Law.

Deposit by candidates.

21.—(1) Every candidate for the office of councillor who shall be nominated therefor shall deposit with the returning officer the sum of twenty-five pounds.

(2) No candidate who has not complied with the provisions of sub-section (1) hereof shall be elected by poll or otherwise, to the office of councillor.

Return of deposit.

22.—(1) The deposit made by a candidate under the provisions of section 21 hereof shall be returned to such candidate by the returning officer,

(a) if he is elected a member of the council, or

(5) If the President of a District Court orders that the name of any person shall be struck off the electors roll, the mayor shall strike off such name and shall add thereto the words "By order of the Court" and his signature.

Electors rolls to be kept by town clerk.

16.—(1) The electors roll of every municipal corporation shall be kept by the town clerk thereof, and shall be open to the inspection of every elector thereof.

Law 23/42

(2) The town clerk shall supply to any person demanding the same a copy of the electors roll upon payment of two shillings for every hundred names in such copy. All sums so received shall form part of the town fund.

Copy of electors roll to be given to returning officer.

New section 16A added.

17. The town clerk shall during the first week of March next following the preparation of the electors roll, cause a copy thereof, signed by the mayor, to be given to the returning officer.

Repealed Law by 19/1945

Returning officer.

18. The Commissioner shall be the returning officer for the election of councillors for a municipal corporation.

Notice of election.

19. On or before the first day of ^{May} March,

19/1945

(a) next following the occurrence of a vacancy in a council, or

(b) next following the expiration of a council under the provisions of section 62 hereof, or

(c) in every year in which the period of duration of a council expires,

the returning officer shall prepare, sign and publish a notice in the form set out in the second schedule to this Law.

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20. The nomination of candidates for the office of councillor shall be conducted in accordance with the regulations in the third schedule to this Law.

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21.—(1) Every candidate for the office of councillor who shall be nominated therefor shall deposit with the returning officer the sum of twenty-five pounds.

(2) No candidate who has not complied with the provisions of sub-section (1) hereof shall be elected by poll or otherwise, to the office of councillor.

Return of deposit.

22.—(1) The deposit made by a candidate under the provisions of section 21 hereof shall be returned to such candidate by the returning officer,

(a) if he is elected a member of the council, or

(1) If the President of a District Court orders that the name of any elector shall be struck off the electors roll, the mayor shall strike such name and shall add it onto the words "By order of the Court" and his signature.

15. (1) The books roll of every municipal corporation shall be kept by the town clerk thereof, and shall be open to the inspection of every citizen thereof.

(2) The town clerk shall supply in any person demand the same a copy of the electors roll upon payment of two

17. The town clerk shall, not later than the first day of May next following the final revision of the electors roll, cause a copy thereof, signed by the mayor, to be given to the returning officer together with the voters cards prepared by the town clerk as in section 16A hereof provided.*

(1) next following the occurrence of a vacancy in a council or

(2) at the expiration of a council under the provisions of section 16 hereof or

to call a meeting at which the duties of the council shall be performed.

The returning officer shall prepare, sign and publish a notice in the form set out in the schedule to this law.

18. The nomination of candidates for the office of councillor shall be received in accordance with the provisions in the third schedule to this law.

19. (1) Every candidate for the office of councillor who shall be nominated shall forward to the returning officer a declaration in the form set out in the third schedule to this law.

(2) No candidate who has not complied with the provisions of section (1) hereof shall be elected by poll or otherwise to the office of councillor.

20. (1) The duties of a councillor shall be those provided for in section 12 hereof and he shall be elected by the returning officer.

(2) If he is elected a member of the council, or

(b) if being a Christian he obtains not less than ~~thirty~~ ^{twenty} per centum of the total Christian votes validly polled or being a Moslem he obtains not less than ~~thirty~~ ^{twenty} per centum of the total Moslem votes validly polled, or

(c) if he shall resign his candidature as provided in section 23, sub-section (4), hereof.

If he shall not be elected nor obtain such percentage of votes nor resign his deposit shall be forfeited and shall be paid into the town fund.

(2) If any candidate who has made a deposit shall die before the election his deposit shall be returned to his heirs.

23.—(1) If, at the expiration of one hour after the time appointed for the election, no more candidates stand nominated than there are vacancies to be filled, and the candidates so standing nominated shall be Christians and Moslems in the same proportion as are the numbers of Christian and Moslem vacancies on the council, the returning officer or his representative shall declare all the candidates who may stand nominated to be elected.

Election where no poll necessary.

(2) If the number of the candidates who so stand nominated be not divided in the same proportion as the number of Christian and Moslem vacancies on the council, the returning officer or his representative shall declare those candidates, either Christian or Moslem, as the case may be, who shall not exceed the number of vacancies for which they are eligible under the provisions of this Law, to be elected; and shall for the purpose of filling up the other vacancies, adjourn the election in order that a poll may be taken in manner in this Law provided.

Election where candidates not divided in same proportion as Christian and Moslem vacancies.

(3) If, at the expiration of one hour after the time appointed for the election, more Christian and Moslem candidates stand nominated than there are respectively Christian and Moslem vacancies to be filled, the returning officer or his representative shall adjourn the election in order that a poll shall be taken in manner in this Law provided.

Election where more candidates of both communities than vacancies.

(4) Any candidate duly nominated for election may resign his candidature at any time prior to the day of the poll by giving notice in writing signed by himself to the returning officer, and the returning officer shall accept and act upon such notice if he shall be satisfied that the signature is the signature of the candidate resigning his candidature.

(5) If at the time fixed for the commencement of taking the poll, no more candidates stand nominated than there are vacancies to be filled, and the candidates so standing nominated shall be Christians and Moslems in the same proportion as are the numbers of Christian and Moslem vacancies on the council, the returning officer or his representative shall declare all the candidates so standing nominated to be elected.

Election
by poll.

24.—(1) Where any election is by a poll such poll shall take place,

(a) in accordance with the regulations in the fourth schedule to this Law, and

(b) under the control of some person or persons nominated in that behalf by the returning officer, who shall be called the presiding officer or presiding officers.

(2) Any candidate or his duly appointed representative shall be entitled to be present at an election by poll.

(3) The presiding officer shall give such directions as will insure order being kept during the poll.

Manner of
voting.

25.—(1) At every election Christian electors shall vote for Christian candidates only and Moslem electors shall vote for Moslem candidates only.

(2) No elector shall give more than one vote to any candidate.

Declaration
of result
of election.

26.—(1) The Christian and Moslem candidate receiving the greatest number of votes shall, subject to the provisions of sub-section (3) hereof, be publicly declared by the returning officer to be elected to fill the first vacancy for a Christian or Moslem councillor respectively. The Christian and Moslem candidate receiving the next greatest number of votes shall in the same manner be declared to be elected to fill the second Christian or Moslem vacancy respectively, and so on in like manner until all the vacancies have been filled : Provided that if one or more vacancies among the Christian or Moslem councillors is or remain to be filled and two or more Christian or Moslem candidates have received an equal number of votes such vacancy or vacancies shall be filled by the drawing of lots by such candidates or their duly appointed representatives, under the supervision of the returning officer and the candidate or candidates upon whom the lot falls shall be declared duly elected.

(2) Upon the declaration of election of any candidate or candidates the returning officer shall forthwith, in writing, report to the Colonial Secretary the name or names of such candidates, who shall, unless the Governor considers that an election in accordance with this Law has not been held, cause the name or names of such candidates to be published in the *Gazette*.

(3) If the returning officer considers that from any cause an election in accordance with this Law has not been held he shall withhold the public declaration of the result of such election, and forthwith, in writing, furnish a report to the Colonial Secretary for the information of the Governor.

(4) If for any reason the Governor is of opinion that any election has not been held in accordance with this Law, he shall by proclamation declare such election to be void and order another election to be held at the earliest possible date.

27.—(1) If an election is not held on the appointed day, it shall be held on the day next following the appointed day. If the election is not held on such next day the Governor shall appoint a day upon which the election shall be held.

Omission to hold election on appointed day.

(2) If the Governor shall appoint a day for the holding of an election under the provision of sub-section (1) hereof the returning officer shall publish, and keep published for six days before the date thereof, notice of such election, and save as aforesaid such election shall be conducted in accordance with the provisions of this Law.

28. Every person who,

(a) forges or fraudulently defaces or destroys any nomination paper, or delivers to the presiding officer any nomination paper knowing the same to be forged, or

(b) wilfully obstructs, or by threats or violence interferes with, any voter while on the way to vote or while in the polling station, or

(c) without due authority takes, opens or otherwise interferes with any ballot box, or

(d) in any way wilfully interrupts or impedes an election,

shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Certain offences at elections.

Personation.

29. Any person who at an election held under this Law applies for a voting ticket in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any such election, applies at the same election for a voting ticket in his own name, shall be guilty of the offence of personation, and every person so guilty or who is guilty of the offence of aiding, abetting, counselling, or procuring the offence of personation, shall be liable, on summary conviction, to a fine not exceeding twenty pounds or to imprisonment for any term not exceeding three months, or to both such fine and imprisonment.

Treating.

30.—(1) Any person who corruptly by himself or by any other person, either before, during or after an election held under this Law, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment or provision to or for any person, for the purpose of corruptly influencing that person, or any other person to give or refrain from giving his vote at such election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting, at such election, shall be guilty of the offence of treating, and shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(2) Every elector who corruptly accepts or takes any such meat, drink, entertainment or provision shall be guilty of the offence of treating, and shall be liable on summary conviction to the penalty in this section specified.

Undue influence.

31. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict, by himself or any other person any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election held under this Law, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of an elector or thereby compels, induces or prevails upon any elector, either to give or refrain from

giving his vote at any such election, shall be guilty of the offence of undue influence, and shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

32.—(1) The following persons shall be deemed guilty of the offence of bribery, and shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment :—

Bribery.

(a) Every person who, directly or indirectly, by himself or any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election under this Law ;

(b) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises to procure or to endeavour to procure, any office, place or employment to or for any elector or to or for any person on behalf of any elector or to or for any other person in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at an election under this Law ;

(c) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a member of the council, or the vote of any elector at an election under this Law ;

(d) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as a member of the council, or the vote of any elector at any election under this Law ;

(e) Every person who advances or pays or causes to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election under this Law or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election ;

Provided always that the provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election.

(2) The following persons shall also be deemed guilty of the offence of bribery, and shall be liable on summary conviction to the penalty specified in this section :—

(a) Every elector who, before or during an election under this Law, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election ;

(b) Every person who, after any election under this Law, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election.

Disqualifi-
cation for
bribery, etc.

33. Any person who is convicted under this Law of bribery, treating, undue influence, illegal practice or personation or of aiding, counselling or procuring the commission of the offence of personation, shall, in addition to any other punishment,

(a) cease, if he shall be a member thereof, to be a member of the council in the election for which such offence was committed, and

(b) be disqualified from voting at and from being a candidate at any election for a council for such period, not exceeding seven years, as the Court upon such conviction shall order.

34.—(1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate to a council be made,

Certain expenditure to be illegal practice.

(a) on account of the conveyance of the electors to or from the poll whether for the hiring of horses or carriages or motor vehicles or for railway fares or otherwise, or

(b) on account of the hire of any committee room or other premises in connection with the election in excess of the number of such rooms or premises as shall be authorised by the Governor for any election.

(2) If any payment or contract for payment is knowingly made in contravention of this section either before, during or after an election the person making such payment or contract shall be guilty of an illegal practice, and the person receiving such payment or being a party to any such contract knowing the same to be in contravention of this Law shall be guilty of an illegal practice.

35.—(1) No payment or contract for payment shall for the purpose of promoting or procuring the election of a candidate to a council be made on account of bands of music, torches, flags, banners, cockades, ribbons or other marks of distinction.

Certain expenditure to be illegal.

(2) If any payment or contract for payment is made in contravention of this section either before, during or after an election the person making such payment shall be guilty of an illegal payment and any person being party to such contract or receiving such payment shall be guilty of illegal payment if he knew that the same was contrary to law.

36.—(1) No person shall, for the purpose of promoting or procuring the election of a candidate, be engaged or employed by or on behalf of such candidate for payment or promise of payment for any purpose or in any capacity whatever, except as follows, that is to say,

Certain employment to be illegal.

(a) a number of persons may be employed, not exceeding two as clerks and messengers, or in either capacity, and

(b) one polling agent may be employed in each polling station :

Provided that this section shall not apply to any engagement or employment for carrying into effect a contract *bona fide* with any person in the ordinary course of business,

(2) If any person is engaged or employed in contravention of this section, either before, during or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed in contravention of this Law.

Saving for creditors.

37. The provisions of this Law prohibiting certain payments and contracts for payment, and the payment of any sum, and the incurring of any expense, in excess of a certain maximum, shall not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Law.

Limit of election expenses.

38.—(1) No sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election for a council whether before, during or after an election on account of or in respect of the conduct or management of such election save that a sum may be paid and expenses incurred not in excess of ^{fifteen} pounds: Provided that where there are two or more joint candidates the maximum amount of expenses shall, if there are two joint candidates for each such joint candidate be reduced by one-fourth, or if there are more than two joint candidates by one-third.

(2) Where two or more candidates at the election, by themselves or any agent or agents, hire or use the same committee rooms or premises for such election, or employ or use the services of the same clerks, messengers, or polling agent at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this section to be joint candidates at such election.

(3) Any candidate who acts in contravention of this section shall be guilty of an illegal practice.

Return of expenses.

39.—(1) Within seven days after the day of the election of a councillor every candidate at such election shall send to the Commissioner a return of all expenses incurred by such candidate or his agents on account of or in respect of the conduct or management of such election vouched (except in the case of sums under twenty shillings) by bills, stating the particulars and receipts and accompanied by an affidavit made before a Registrar of any District Court in the form set forth in the fifth schedule hereto.

Amended by Law 19 of 1945

(2) If any candidate fails without reasonable cause to make the said return and affidavit within the time specified in sub-section (1) hereof he shall be guilty of an illegal practice, and if he knowingly makes the said affidavit falsely he shall be guilty of an offence and on conviction therefor on information shall be liable to the punishment by law provided for perjury.

40. Any person guilty of an illegal practice as in this Law provided shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Penalty for illegal practice.

41.—(1) Any person guilty of an offence of illegal payment or employment as in this Law provided shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Penalty for illegal payment or employment.

(2) Where an offence of illegal payment or employment is committed by a candidate, or with his knowledge and consent, such candidate shall be guilty of an illegal practice.

42.—(1) Prosecutions for personation, treating, undue influence or bribery or illegal practice, illegal payment or illegal employment under this Law shall only be instituted,

Limitation on prosecutions.

(a) within one month of the publication in the *Gazette* of the result of the election at which the offence is alleged to have been committed, and

(b) by some private person being an elector entitled to vote at the election at which the offence is alleged to have been committed, or

(c) by the police, with the consent of the Attorney-General.

(2) No summons shall be issued under this section at the instigation of any private person unless and until the person applying therefor shall deposit with the Registrar of the District Court to which such application is made the sum of twenty pounds in respect of each defendant. The sum deposited in respect of each person convicted shall be returned to such applicant, the sum deposited in respect of each person acquitted shall be dealt with in such manner as the Court before whom such person is acquitted shall order.

Power to
question
municipal
election
by petition.

43.—(1) The election of any councillor to a council may be questioned by an election petition on the ground,

(a) that the election was avoided by bribery, treating, undue influence or personation, as provided by this Law, or

(b) that illegal practices or illegal payment or employment may be reasonably supposed to have affected the result of the election, or

(c) that the person elected was at the time of the election disqualified from being elected under this Law, or

(d) that the person elected was not duly elected by a majority of lawful votes.

(2) Subject to the provisions of section 33 hereof, the election of a councillor shall not be questioned on any of the grounds set out in sub-section (1) hereof save by an election petition.

Presentation
of election
petition.

44. An election petition shall be presented,

(a) to the Supreme Court of the Colony, and

(b) within fifteen days of the publication in the *Gazette* of the result of the election in respect of which the petition is presented, and

(c) by one or more of the following persons,

(i.) any person who voted or had a right to vote at the election in respect of which the petition is presented, or

(ii.) any person who claims to have had a right to be returned or elected at such election, or

(iii.) any person who alleges himself to have been a candidate at such election.

Trial of
election
petition.

45.—(1) Every election petition shall be tried by a judge of the Supreme Court in open Court.

(2) At the conclusion of the trial of an election petition the judge shall determine,

(a) whether the municipal councillor of whose election complaint has been made was duly elected, or

(b) whether any other person, and if so what person, was duly elected, or

(c) whether the election was void,

and shall certify under his hand such determination to the Governor, and upon such certificate being given such determination shall be final, and the return shall be confirmed or altered or a new election shall be held as may be required by and in accordance with such certificate.

46.—(1) The Governor shall upon the giving of the certificate provided for in the preceding section hereof, by notification in the *Gazette*, declare whether the candidate whose return or election is questioned by such petition or any other and what person is duly elected or whether the election is void.

Declaration by Governor.

(2) If the Governor declares ^{a general} the election ^{to be} void he shall, by the same or a subsequent notification in the *Gazette*, appoint a date for the election of candidates for the council concerned.

R. & R.
Law 12/43.

47. The Governor, with the advice and assistance of the Chief Justice, may make rules of Court for regulating the practice and procedure to be observed on election petitions: Provided that until any such rules are made the provisions of the Rules of Court, 1927, and any amendment thereof, as to election petitions shall apply to election petitions under this Law.

Power to make rules for conduct of petition.

48.—(1) The election of a candidate shall be avoided and shall be invalid if he commits in connection with his election any of the following offences as provided in this Law, that is to say—personation, treating, undue influence, bribery or illegal practice.

Offences by candidate.

(2) A candidate shall be deemed for the purpose of this section to commit an offence if it is committed with his knowledge and consent, or by any person who is acting under the special authority of such candidate with reference to the election.

49. Where upon the trial of an election petition respecting a municipal election it is found by the Court that illegal practices or offences of illegal payment or employment committed in reference to such election for the purpose of promoting the election of a candidate at that election have so extensively prevailed that they may be reasonably supposed to have effected the result of that election the Court may certify, under the provisions of section 45 hereof, the election of such candidate, if he was elected, to be void.

Avoidance of election for extensive illegal practice, etc.

50. No election shall be invalid by reason only of any non-compliance with the regulations in the third and fourth schedules to this Law if it appears that the election was conducted in accordance with the principles laid down in such regulations, or that such non-compliance did not affect the result of the election.

Non-compliance with regulations as to elections and polls.

Name and address of printer on placards.

51. Every bill, placard or poster having reference to a municipal election shall bear upon the face thereof the name and address of the printer and publisher thereof, and any person printing, publishing or posting, or causing to be printed, published or posted, any such bill, placard or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is a candidate, be guilty of an illegal practice, and if he is not the candidate, shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

Resignation of councillor.

52. A councillor may resign his office as councillor by giving notice in writing to the mayor or deputy mayor.

Absence of councillor from meeting of council.

53. If any member of a council, including the mayor or deputy mayor, shall—

(a) wilfully fail to attend at three consecutive meetings of the council, or

(b) be absent from the municipal limits for more than four consecutive months,

such person shall thereupon become disqualified to sit as a councillor, and the council shall declare his place upon the council to be void: Provided that the provisions of this section shall not apply to any councillor whose absence from the council or from the municipal limits is due to illness or is with the permission of the council: Provided also that any person aggrieved by any such decision of a council may appeal to the Governor in Council whose decision shall be final and conclusive.

Taking office by councillor.

R. & R. by Law 12/43.

54. All persons elected as councillors under the provisions of this Law shall come into office as councillors on the first day of April next following their election: Provided that if a general election shall be declared void or for any reason such an election is not held in accordance with the provisions of this Law, the councillors elected at a subsequent election held in consequence thereof shall come into office at the expiration of the duration of the existing council: Provided also that any councillor elected at a bye-election shall come into office upon his election.

Election of mayor and deputy mayor.

55.—(1) The Commissioner or his representative shall as soon as possible upon the constitution of a new council summon a meeting of the councillors thereof over which meeting he shall preside.

(2) The councillors shall at such meeting elect from among their number a mayor and deputy mayor. Such election shall be by open vote: Provided that if any candidates shall receive an equal number of votes the election of such candidates shall be decided by the drawing of lots at such meeting under the supervision of the Commissioner:

Provided also that no person shall be qualified to be elected as or to be mayor or deputy mayor if he is an elected member of the Legislative Council.

(3) The Commissioner shall record the proceedings of such meeting in the minute book of the council, and shall sign such record.

56. The mayor and deputy mayor shall, subject to the provisions of section 57 hereof, hold office for the duration of the council by which they are elected.

Term of office of mayor and deputy mayor.

57. The mayor may resign by giving notice in writing to the Commissioner and to the council. The deputy mayor may resign by giving notice in writing to the mayor.

Resignation of mayor and deputy mayor.

58. If for any reason the mayor shall cease to hold office, the Commissioner shall summon a meeting of the council for the purpose of electing a mayor. The Commissioner shall preside over such meeting and the manner of electing a mayor shall be as in section 55, sub-section (2), hereof provided. The mayor so elected shall hold office, subject to the provisions of section 57 hereof, for the duration of the council by which he was elected.

Vacancy in office of mayor.

59. If for any reason the deputy mayor shall cease to hold office the council shall elect another councillor as deputy mayor. The deputy mayor so elected shall hold office, subject to the provisions of section 57 hereof, for the duration of the council by which he was elected.

Vacancy in office of deputy mayor.

60. The mayor shall receive such annual stipend as the council shall, with the approval of the Governor, vote.

Mayor's stipend.

61.—(1) The calling of meetings of the council and the proceedings thereat shall be regulated by regulations from time to time to be made in that behalf by the council: Provided that until such regulations are made by the council they shall be regulated by the regulations contained in the sixth schedule to this Law: Provided also that

Meetings and proceedings of council.

every regulation made by a council under this section shall be subject to the approval of the Governor, and shall not come into operation until it shall have been approved by him and published in the *Gazette*.

(2) The mayor may, from time to time, appoint from among the members thereof such committees, either special or general, and consisting of such number of persons as the council thinks fit for any purpose which in the opinion of the council would be better regulated or managed by means of a committee. The acts and proceedings of such committees shall be submitted to the council for the approval thereof.

(3) The council may from time to time delegate to an executive committee consisting of the mayor, deputy mayor and two councillors all or any of the powers by this Law conferred upon the council other than,

- (a) the power of raising any loan, or
- (b) the power of making any rate, or
- (c) the power of making any contract.

(4) The mayor and council may respectively, from time to time, discharge, alter, discontinue or reconstitute any committee, and fill vacancies therein: Provided that the constitution of an executive committee shall always be in accordance with sub-section (3) hereof.

Council to be incapable of acting in certain cases.

62.—(1) If at any time and for any reason the number of councillors capable of acting falls below one-third of the total number of councillors as directed in accordance with the provisions of section 10 hereof the council shall be deemed to have expired and the Governor shall appoint a municipal commission which shall have the powers and shall perform all the duties of the council which has so expired until another council shall be elected in accordance with the provisions of this section. *The Governor may appoint etc.*

see law 12/43

(2) On or before the first day of ~~March~~ ^{May} next following the expiration of a council as provided in sub-section (1) hereof the returning officer shall publish a notice of election and an election of candidates for the council shall be held in accordance with the provisions of this Law.

Amended by law 19/1945

Effect of vacancy in council or committee.

63.—(1) No act or proceeding of the council or of any committee thereof shall be deemed to be invalid by reason only of any vacancy in the council,

(2) For the purpose of ascertaining the number of councillors necessary to constitute a quorum of the council the total number of councillors to be elected shall be deemed to have been elected.

64. The minutes of the council and of every committee thereof shall be signed by the mayor, deputy mayor or councillor presiding thereat, and when so signed shall be received in evidence without further proof.

65. Unless and until the contrary is proved every meeting of a council or of a committee thereof in respect of the proceedings of which a minute has been made shall be deemed to have been duly convened and held and all persons present thereat shall be deemed to have been duly qualified councillors, and where the proceedings are the proceedings of a committee such committee shall be deemed to have been duly constituted and to have had power to deal with the matter recorded in the minute.

66. It shall be the duty of the mayor,

(a) to see that all and every decision of the council is duly executed, and

(b) where such decision necessitates the expenditure of town funds to see that such expenditure is in accordance with the estimates as approved by the council, unless special expenditure is authorised by the council with the approval of the Governor.

67.—(1) The council may appoint fit persons, not being members thereof, to be town clerk and treasurer respectively of the town, or a fit person, not being a member thereof, to be both town clerk and treasurer of the town.

(2) The persons or person appointed under sub-section (1) hereof shall hold office during the pleasure of the council and shall receive such salary as the council with the approval of the Governor shall appoint: Provided that such persons or person shall not be removed from office except by a vote of not less than two-thirds of those councillors who shall be present at a meeting of the council specially convened for the purpose after notice of not less than seven or more than fourteen days before such meeting.

(3) A vacancy in the office of town clerk or treasurer or of town clerk and treasurer shall be filled within two months of its occurrence.

Quorum.

Minutes of council and committees.

Presumption of due constitution of council or committee.

Executing decisions of council.

Substituted by Sect 7 of Law 44/32

Town clerk and treasurer.

P. T. P. by Law 23/42.

See sect. 29 of Law 44/32

(4) If from any cause the town clerk or treasurer or town clerk and treasurer is unable to perform his duties the council may appoint a deputy clerk or deputy treasurer or a deputy clerk and treasurer to hold office during the pleasure of the council and such deputy may do all things and perform all acts which by law the town clerk or treasurer or town clerk and treasurer is required to do or perform, and shall be liable to the same penalties for any failure therein.

Town clerk to keep records.

68. In addition to any other duties imposed on the town clerk by this Law, the town clerk shall have the charge and custody of and be responsible for the deeds, records and documents of the town which he shall keep as the council directs. He shall also keep the records of the proceedings of the council and committees thereof.

P.O.R. by 23/42
Other officers
Substituted
by sect 4
of Law 44/1914
sect 4
ceases not
29 of

69. The council may appoint such other officers as they think necessary for the purposes of this Law who shall hold office during the pleasure of the council and shall receive such salary as the council with the approval of the Governor shall appoint: Provided that such persons shall not be removed from their offices except in the manner as provided in section 67, sub-section (2), hereof.

Security to be given by officers.

70. The council shall require every officer appointed by them to give such security as they think proper for the due execution of the duties of his office, and the mayor shall satisfy himself from time to time as to the existence and sufficiency of such security.

Accountability of officers.

71.—(1) Every officer appointed by the council shall at such times during the continuance of his office or within one month after his ceasing to hold it and in such manner as the council may direct, deliver to the council a true account in writing of all matters committed to his charge, and of his receipts and payments together with vouchers, and a list of persons from whom money is due to the council in connection with this office, showing the amount due from each such person.

(2) Every such officer shall pay all moneys due from him to the treasurer or otherwise as the council may direct.

(3) If any such officer,

(a) refuses or wilfully neglects to deliver any account or list which he ought to deliver or any voucher relating thereto or to make any payment which he ought to make, or

(b) after three days notice in writing, signed by the town clerk or by three members of the council, delivered to him or left at his usual or last known place of abode, refuses or delays to deliver to the council, or as they may direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the council or as they may direct,

the President of a District Court may, upon application on behalf of a municipal corporation and upon such terms and conditions as to him seem fit, require him to make such delivery or payment or to give such satisfaction.

(4) Any sum so ordered to be paid shall be deemed a civil judgment debt, and execution may forthwith issue with respect thereto.

(5) Any order, other than for the payment of money, made in pursuance of this section may, in the discretion of the President of the District Court, be enforced by ordering the person in default to pay a sum not exceeding one pound for every day during which he is in default, or to be imprisoned until he has remedied his default: Provided that a person shall not for non-compliance with the requisition of such President of the District Court (whether made by one or more orders) to do or abstain from doing any act or thing, be liable under this subsection to imprisonment for a period or periods amounting in the aggregate to more than three months or to the payment of any sums exceeding in the aggregate one hundred pounds.

(6) Proceedings under sub-sections (3) and (5) of this section shall be deemed to be civil proceedings.

(7) Nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against under this section for the same cause.

72. The mayor may employ at the current rate of daily wages any servants or labourers required in the service of the municipal corporation to carry out any work for which provision is made in the current estimates, as approved by the council.

Employ-
ment of
servants or
labourers.

73. No officer or servant of any council or municipal corporation shall be concerned or interested directly or indirectly by himself, his wife or his partner in any contract

Officers or
servants
not to be
interested
in contracts.

or work made with or executed for such council or municipal corporation. If any such officer or servant be so concerned he shall be incapable of holding any office or employment under such council or municipal corporation, and shall be liable, on summary conviction, to a fine not exceeding ten pounds: Provided that no person shall be so incapacitated or so liable to any fine by reason only that he is a shareholder, not being a director, manager, officer or agent, of any anonyme company or company with limited liability which is a party to any contract with, or executes any work for such council or municipal corporation.

See Law 23/42

73 A

Vesting of property.

section 73 A added see law 44/1934 sets

74. All movable property and all immovable property vested in or held by any person on behalf of, and all rights and liabilities of, any municipal council or municipal commission of any town or village or collection of towns or villages which under the provisions of this Law becomes, or shall hereafter become a municipal corporation shall, without prejudice to the right of any person, vest in such municipal corporation.

Registra-
tion of
immovable
property of
municipal
corporations.

75.—(1) All immovable property vested in a municipal corporation which is by any law or custom required to be registered in the books of the Land Registry Office shall be registered in the name of the municipal corporation.

(2) Upon application being made to register any immovable property in the name of a municipal corporation or to do any act or thing required to be done in the Land Registry Office, the mayor shall be the lawful attorney of the municipal corporation: Provided that a copy of the resolution of the council in regard to such registration or act or thing as aforesaid and certified as a true copy by the mayor and at least one-half of the number of the councillors of the council shall be produced to the Principal Land Registry Officer.

(3) Upon application for registration under this Law there shall be deposited with the Principal Land Registry Officer a writing under the hand of the mayor giving an address as the address of the council. Service of any notice or documents at such address shall be deemed to be good service of the same on the municipal corporation.

(4) Upon application being made to register any immovable property held by any person on behalf of the municipal corporation in the name of that municipal

corporation, the Principal Land Registry Officer may proceed to make such registration upon the production to him of the certificate of the mayor and at least one-half of the number of the councillors of the council that the property is the property of the municipal corporation and is held by such person on its behalf.

76. In the case of immovable property belonging to the Evcaf, such immovable property may be registered in the name of a municipal corporation in manner aforesaid : Provided that the rights of the Evcaf are not in any way prejudiced by such registration and Provided that the consent in writing of the Delegates of Evcaf be first obtained and produced to the Principal Land Registry Officer : Provided also that this section shall not affect any right of compulsory purchase, if any, existing in a municipal corporation by virtue of the provisions of this or any other Law.

Registra-
tion of
immovable
property
belonging
to Evcaf.

77. In addition to the fee leviable upon effecting an original registration or a registration by prescription, sale, gift or exchange, there shall be paid in respect of all immovable property while registered or recorded for assessment in the books of the Land Registry Office in the name of a municipal corporation an annual payment equal to one-fortieth of the fee which would be payable on the devolution by inheritance of such property, the first of such payments being due on the first day of April next following the date of registration or the date of record for assessment, and such payment shall be recovered with and in the same manner as the verghi kimat due upon the property in question :

Annual
payment
in lieu of
fees on
devolution.

Provided always that no fee except a registration fee of six copper piastres shall be leviable upon effecting an original registration in the name of a municipal corporation where the immovable property to be registered stands registered in the name of a person and is held by him on behalf of such municipal corporation.

78. It shall not be lawful for a municipal corporation to sell, mortgage or otherwise deal with any immovable property registered in their name under the provisions of this Law save upon a resolution of three-fourths of the members of the council and with the sanction of an order of the Governor in Council and subject to such terms and conditions as may be prescribed in such order.

Sale or
mortgage of
immovable
property by
municipal
corporation.

S.L. 247/41
No. 196.

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

79.—(1) Where a complaint is made to the Governor that a council has made default in the performance of any of the duties mentioned in this Law, or in enforcing any of the provisions of this Law which it is their duty to enforce, the Governor in Council, if satisfied after due enquiry that the 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.

(2) 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 Governor 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 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. The Governor may from time to time by order change the constitution of any such board.

(3) Any board appointed under this section to perform the duty of a defaulting council shall, in the performance and for the purposes of such duty, be invested with all the powers of such council necessary for the performance of such duty.

Recovery of
sums spent
by council.

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

Power to
levy rates.

81. Any board appointed under the provisions of section 79 hereof shall have the same powers of levying rates and requiring all officers of the defaulting council to pay over any moneys in their hands, as the defaulting council would have in the case of expenses legally payable out of the town fund or rates to be raised by such council, and such board after repaying all moneys due in respect of the order shall pay the surplus, if any, to or to the order of the defaulting council.

PART II.

ESTIMATES, FINANCES AND ACCOUNTS.

ESTIMATES.

82. The annual estimates of the revenue and expenditure of a municipal corporation shall be prepared in accordance with the provisions of this Law at such a date as will admit of their consideration by the council, their submission to the Governor for his approval, and their reconsideration by the council before the beginning of the period to which the estimates relate. The financial year of all municipal corporations shall begin on the first day of January: ~~Provided that in every year in which the duration of a council shall expire estimates shall be prepared for a period of six months only from the first day of January, and estimates for the remainder of such year shall be prepared before the first day of July therein, and the provisions of this Law and the seventh schedule to this Law as to estimates and the making of estimates shall apply as nearly as possible to such estimates.~~ Annual estimates.

83. The estimates of a municipal corporation shall be prepared by the mayor and when they have been passed by the council shall be submitted in duplicate through the Commissioner to the Governor. Preparation of estimates.

84. The estimates shall be prepared in accordance with the provisions of the seventh schedule to this Law: Provided that the Governor may vary or add to such provisions either generally or in respect to the preparation of the estimates of any particular municipal corporation. Form of estimates.

TOWN FUND.

85. For every municipal corporation there shall be a fund, to be called the town fund which shall consist of, Town Fund.

(a) all fees or moneys received by the town clerk in respect of the inspection, the giving of copies of or the sale of any list, book, account or document in his possession, and

(b) all fines, penalties and costs recovered under the provisions of section 196 hereof, and

(c) all fees collected under the provisions of this Law, or any bye-law made by the council, and

(d) all rents and profits of and arising out of all property of the municipal corporation, and

(e) all other moneys received by the municipal corporation or by the council or by an officer, servant or agent thereof for and on behalf of the municipal corporation.

Application of town fund.

86. The town fund shall be applied to and charged with the following payments :—

(a) the stipend, if any, of the mayor, the salaries of the town clerk, the treasurer or town clerk and treasurer and such other officers as the council shall under the provisions of this Law appoint, and

(b) all expenses necessarily and lawfully incurred by the council under the provisions of this Law, and

(c) all other moneys legally due and owing by the municipal corporation or the council.

Provided that no payment shall be made out of a town fund unless it has been authorised by the council in the current estimates or has been specifically authorised by the council with the approval of the Governor.

Treasurer to receive and make payments.

87.—(1) All payments to and out of a town fund shall be made to or by the treasurer.

(2) Where any payment from a town fund is made by cheque such cheque shall be,

(a) signed by the mayor, and

(b) countersigned by the town clerk.

Moneys to be paid into bank.

88. All moneys belonging to or received for or on account of a municipal corporation shall forthwith be paid into the account of the municipal corporation at such bank as the council shall, with the approval of the Governor, appoint: Provided that the council may, from time to time, authorise the treasurer to retain in his hands a sum sufficient for the daily expenses of the council: Provided also that where there is no bank within the municipal limits all such moneys shall be securely kept in accordance with rules to be made by the council, in that behalf.

R. & R. by Law 23/43.

and approved by the Governor. 22 44/1934 sect 6.

Withdrawals from bank.

89. No money shall be withdrawn from the account of a municipal corporation at any bank otherwise than by cheque signed and countersigned in accordance with the provisions of section 87 hereof.

TOWN RATES.

R. 1 R.
by Law 41/44
Interpre-
tation.

90. In sections 91 to 106 hereof inclusive,

“Annual value” means the rent at which the premises in question might reasonably be expected to let from year to year free from all usual tenants’ rates and taxes and deducting therefrom the probable average annual cost of repairs, insurance and other expenses necessary to maintain them in a state to command such rent,

“Occupier” means and includes any person actually occupying any immovable property either as owner or by virtue of any lease or agreement whereby he is entitled as of right to occupy it.

91. If the town fund is insufficient for the purposes to which it is applicable under this Law or otherwise the council may for the purpose of making any payment chargeable on the town fund annually make, by writing under the corporate seal, and levy a rate to be called the town rate.

Power of council to levy rate.

92. The town rate shall be assessed on the annual value of all immovable property within the municipal limits.

Rates to be made on annual value.

93. The council may appoint one or more persons as valuers to prepare a valuation list of all immovable property within the municipal limits, such valuation list shall be in the form set forth in the eighth schedule to this Law and shall be signed by the valuer or valuers and shall be prepared by the first day of February.

Valuation list.

94. For the purpose of making such valuation list it shall be lawful for the valuer or valuers with his or their assistants and servants at all reasonable times until the same be completed to enter, view, examine, survey and admeasure all and every part of any rateable property, and to do or cause to be done any act or thing necessary.

Valuer may enter, examine lands, etc.

95. The council and all and every person or persons shall give the valuer or valuers every facility, by allowing him or them to inspect any books and take any copies or extracts or do any other thing necessary to enable him or them to make the valuation list.

Valuer may inspect books, etc.

Valuation list to be delivered to the mayor and deposited for inspection.

96. The valuation list made and signed by the valuer or valuers as hereinbefore provided, shall be forthwith delivered to the mayor and shall be deposited by him at the offices of the council in some convenient place, where it shall be open to the inspection of all persons assessed or liable to be assessed, with full power to such persons to take copies or extracts therefrom free of charge, and the mayor shall give public notice of the deposit of such list by affixing a notice in writing thereof at the places where municipal notices are usually affixed.

Objections to valuation list.

97. Any person who may feel himself aggrieved by any valuation list, on the ground of unfairness or incorrectness, in the valuation of any property included therein, or on the ground of the omission of any rateable property from such list may, at any time after the deposit as aforesaid of the said list and before the expiration of twenty-eight days after the notice of the deposit as aforesaid, give to the council a notice in writing of his objection specifying the grounds thereof, and, where the ground of any objection shall be unfairness or incorrectness in the valuation of any property in respect of which any person other than the person objecting is liable to be rated, or the omission of such property, shall also give notice in writing of such objection and of the ground thereof to such other person.

Council to hear objections and decide.

98.—(1) After the expiration of the period provided in the last preceding sections for making objections to the valuation list, the council shall, not later than the twenty-eighth day of February fix a day for hearing the objections, and on the day so fixed, the council, after hearing the interested parties in each objection, and the evidence that they may produce shall determine such objections and correct the valuation list accordingly. The council may adjourn or postpone the hearing or further hearing and determination of any such objections.

(2) The valuation list as revised by the council shall be signed by the mayor and posted in a conspicuous place within the municipal offices and the town clerk shall give public notice in writing that the valuation list has been revised by the council, and any person may inspect and take copies or extracts of the valuation list so revised free of charge.

Appeal to the Commissioner.

99.—(1) Any person who has objected to the valuation list and who is not satisfied with the decision of the council on his objection, may within ten days from the date of

the publication of the notice that the valuation list has been so revised by the council and posted, may appeal to the Commissioner, and the Commissioner shall hear and determine the appeal and his decision shall be final and conclusive.

(2) The Commissioner shall communicate to the objector and to the council his decision, and if the decision of the Commissioner requires the correction of the valuation list the mayor shall correct the same accordingly and countersign the correction after adding the words "by decision of the Commissioner."

100.—(1) The council may at any time, whenever it appears that the name of any occupier was not included in the valuation list, either because he was not the occupier at the time of the preparation of the valuation list, or because he was an occupier but was omitted from the valuation list, add his name in the valuation list: Provided that the council shall give him notice in writing that his name has been inserted in the valuation list and of the assessment made in respect of the property of which he is occupier.

Addition to valuation list.

(2) Such occupier shall have the right to appeal to the Commissioner against the insertion of his name in the valuation list and against the valuation of the property of which he is occupier and the decision of the Commissioner shall be final and conclusive.

101. The valuation list when corrected in compliance with the decision of the Commissioner of any appeals made to him shall be the finally revised valuation list.

Finally revised valuation list.

102.—(1) Every occupier whose name appears in the finally revised valuation list shall pay as town rate such sum in respect of each pound appearing against his name in such valuation list as the council shall, with the approval of the Governor, determine: Provided that such sum shall not exceed one shilling: Provided also that the occupiers of the following properties shall be exempt from the payment of town rate in respect thereof,

Payment of town rates

(a) Public burial grounds.

(b) Any church, chapel, mosque, meeting house or premises or such part thereof as shall be exclusively appropriated to public religious worship.

(c) Properties of the annual value of three pounds or under.

(d) Premises used exclusively as hospitals, colleges or schools.

(e) Premises used as government offices.

(2) The council shall give notice of the sum so determined before the first day of April and the town rate shall be payable on the first day of May of the year for which it is made: Provided that where the name of any person is added to the valuation list under the provisions of section 100 hereof such person shall pay the town rate within one month of the date when his name is so added, or if he appeals to the Commissioner, within one month of the decision of the Commissioner.

Town
bailiff.

103.—(1) The council may from time to time appoint a town bailiff, and may at any time in their discretion discontinue such appointment.

(2) The Governor in Council may make rules, to be published in the *Gazette*, providing for the procedure to be adopted by town bailiffs in the seizure and sale of movable property and in the disposal of the proceeds thereof and for regulating costs therein.

(3) The municipal corporation shall be liable for all acts done by the town bailiff in the execution of the duties of his office.

Recovery
from
defaulters.

104. If any occupier liable to pay any rate under this Law shall refuse or neglect to pay the same at the time hereinbefore appointed for the payment thereof, the mayor may issue a warrant under his hand and the corporate seal directed to the town bailiff requiring and commanding him to recover the rate on the movable property of such defaulting occupier, and the town bailiff to whom such warrant shall be directed is hereby empowered and required to execute the said warrant and to make a return thereto within six weeks from the date thereof: Provided that the mayor may, in lieu of issuing separate warrants in respect of each defaulter, issue under his hand and the corporate seal one warrant and annex or subjoin to such warrant a schedule of the names of the defaulters for which it is issued, and such warrant shall be taken to apply in respect of each of the defaulters named in the schedule annexed or subjoined thereto.

105. All property which shall be levied upon by the town bailiff by virtue of any warrant from the mayor issued under the provisions of the preceding section shall be sold by him by public auction within three days from the seizure to the highest bidder.

Property levied on by the town bailiff.

106. The council may, with the approval of the Commissioner, reduce or remit the payment of any town rate on account of the poverty of any person liable to the payment thereof.

Exemption on account of poverty.

New sections 106A, 106B, 106C, 106D, 106E, 106F, added by law 41/44
ACCOUNTS AND AUDIT.

107.—(1) Every council shall cause a true account to be kept by the treasurer of all moneys received and paid by or on behalf of the municipal corporation.

Council to keep accounts.

(2) Within eight days of the thirty first day of March and the thirtieth day of September of every year the accounts of every municipal corporation up to and including such days respectively shall be closed, and shall be certified by the mayor and the treasurer.

R. & R. by law 23/42

108.—(1) The accounts in the preceding section mentioned shall be produced by the treasurer for audit by the Government Auditor at such time as such auditor may, from time to time, require and such accounts shall thereupon be audited by the Government Auditor.

Accounts to be audited.

(2) The Government Auditor shall make and sign a report upon such accounts, and a duplicate of such accounts with the report thereon shall be forwarded to the Colonial Secretary. A copy of the accounts shall be published in the Gazette.

published in the Gazette. Law 44/34 sect 8. audited for every year shall be

(3) When such accounts have been audited and a copy thereof has been published in the Gazette such accounts shall be deemed to be closed and after the expiration of one month from the date of such publication no person shall challenge such accounts for any purpose save only on the grounds of dishonesty or fraud, or for the recovery of arrears of revenue.

109.—(1) For the purpose of any audit under this Law, the Government Auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books,

Power of Government Auditor to call for books, etc. *Section 109 amended by Law 41/44*

deeds, contracts, accounts, vouchers, receipts, documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same.

(2) Any person who,

(a) neglects or refuses to appear before such auditor or to produce any such books, deeds, contracts, accounts, vouchers, receipts or other documents or papers, or to make or sign such declaration, or

(b) falsely or corruptly makes or signs any such declaration knowing the same to be untrue in any material particular

shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding five pounds.

R. 2 R.

Law 41/44

Power of Government Auditor to surcharge illegal payments.

⁽¹⁾ 110. The Government Auditor acting in pursuance of section 108 hereof shall disallow every item of account contrary to Law, and surcharge the same on the person making or authorising the making of the illegal payment, and he shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person, and he shall in every such case certify the amount due from such person. On the application by any party aggrieved thereby he shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made:

Provided that on the application of the person surcharged, and notwithstanding that the disallowance and surcharge are correct and legal, the Governor in Council may, in his discretion, if he should consider that in all the circumstances he is warranted in so doing, cancel or reduce such disallowance and surcharge:

Provided also that any such application shall be made within fourteen days of the person surcharged being notified of the surcharge, or within such further period, if any, as the Governor in Council may allow.

⁽²⁾ 111. Where any surcharge is not cancelled by the Governor in Council on any application under the preceding section, and the amount surcharged, or such amount as reduced by the Governor in Council on such an application as aforesaid, is not made good to the municipal

sec. 110. amended by Law 41 of 1944

sub-s. (2) added

Repealed

New proviso added by Law 41/1944

Duty of council to sue for recovery of payments surcharged.

corporation to the satisfaction of the Government Auditor within one month after such surcharge is reported to the council, or, in the event of such an application as aforesaid, within one month of the applicant being notified of the decision of the Governor in Council, the council shall sue for the same, and shall, if it appears to the Court that such expenditure of the amount surcharged, or of such amount so reduced as aforesaid, was not authorised or was in contravention of any provision of this Law, or of any Law amending the same, be entitled to judgment for the amount surcharged or of such amount so reduced as aforesaid against any person or persons who appears or appear to have concurred in such expenditure. The amount so recovered by the council shall be paid forthwith into the town fund. If it does not appear from the minutes which particular members of the council concurred in any particular expenditure, every member present at the meeting at which such expenditure was authorised shall be deemed to have so concurred until he proves the contrary.

*R. 1 R.
by law 41/44*

112. If any municipal council neglects or refuses to sue for the recovery of the amount surcharged as provided in section 111 hereof, the Governor may appoint a suitable person to sue in the name and on behalf of the council for the recovery of such amount, and the costs of such proceedings shall be payable out of the town fund.

Remedy if municipal council fails to sue for recovery of payments surcharged.

New section 112 added by law 41/1944

113. The Government Auditor may at all reasonable times enter any offices of a council and have access to all books, deeds, contracts, accounts, vouchers, receipts and other documents and papers.

Government Auditor may enter offices of council. *Sec. 113 amended by law 41/44*

114. The Governor in Council may, by order to be published in the Gazette, make rules,

Power to Governor in Council to make rules.

(a) fixing, either generally or in respect of any particular council, the fee to be paid into the general revenue of the Colony by councils on account of the services of the Government Auditor, and

*S. L. 703/40
No. 309.*

(b) prescribing the books and the form in which the accounts of councils shall be kept, and

(c) generally for carrying out any of the purposes or provisions of this Law as to the audit of the accounts of councils.

PART III.

DUTIES AND POWERS OF COUNCILS.

- Duties of councils.** **115.**—(1) Subject to the provisions of this Law and of any other Law in force for the time being the council shall within the municipal limits,
- Accumulations of filth and refuse.** (a) Prevent the accumulation in any public or private place of any filth or refuse so as to be dangerous to the public health and take measures for the abatement of any public nuisance arising from any public or private cesspool or drain, or otherwise.
- Advertisements and notices.** (b) Prevent advertisements or notices being affixed to or inscribed on any building by any person other than the occupier, and shall erect, or cause to be erected, hoardings for the exhibition of advertisements and notices.
- Animals.** (c) Regulate or prevent the keeping of swine, and regulate the keeping of animals and birds so that their keeping shall not be a public nuisance or injurious to health.
- Bakeries and bread.** (d) Supervise and control all bakeries and regulate the sale of bread by fixing the weights by which only it shall be sold.
- Buildings.** (e) Control the erection, alteration and repair of buildings.
- Repealed by Law 12 of 1946*
Dangerous buildings. (f) Provide for the treatment of congested areas, for the closing and demolition of buildings and parts of buildings unfit or dangerous for human habitation and for the prohibition of their use for such habitation.
- Disinfection of houses.** (g) Require any building wherein any person has died of any kind of contagious or infectious disease or consumption and the clothing in and contents of such building to be disinfected or destroyed on payment of compensation.
- Dogs.** (h) Provide for the control of dogs and for the destruction of ownerless dogs.
- Drains, etc** (i.) Provide that all drains, urinals, privies and cesspits shall be so constructed and kept as not to be a nuisance or injurious to health.
- Dust-bins, etc.** (j) Provide and maintain in good order and repair public dust-bins and other receptacles for the temporary deposit and collection of rubbish and maintain such

dust-bins and other receptacles in good order, and cause such public dust-bins and other receptacles to be so kept as not to be a nuisance or injurious to health.

(k) Provide and maintain appliances for extinguishing fires and water buckets, pipes, fire-escapes and other implements for safety or use in case of fire. Fires

(l) Provide for the inspection of all flesh, fresh fish, vegetables and all other food-stuffs of whatever kind or nature, and of liquids intended for human consumption, whether exposed for sale or deposited and seize and destroy all such foodstuffs or liquids as are unfit for human consumption or seize and otherwise deal with any food-stuffs or liquids intended for human consumption when and in such manner as may by bye-laws be directed or allowed. Food.

(m) Regulate funeral processions with the advice and assistance of the competent religious authorities. Funerals.

(n) Regulate the depth and length of graves. Graves.

(o) Prevent any hotel, khan, cook-shop, bar, coffee-house, confectioner's shop, pastry shop, cake-bakery of any kind, bath or barber's shop and the various tools and objects used therein being in an uncleanly or injurious state. Hotels, etc.
para (o) R. & R.
by 23/42.

(p) Provide and maintain public latrines, urinals and cesspits and maintain the same in good order and cause the same to be so constructed and kept as not to be a nuisance or injurious to health. Latrines
and cess-
pits.

(q) ~~Grant licences and permits.~~ ~~R. & R. by 23/42.~~
Licences, etc.

(r) Provide for the removal of all night soil and refuse from every house and regulate the fees to be taken for such removal. Night soil
and refuse.

(s) Take steps to abate any nuisance, and from time to time cause inspections to be made with a view to ascertain what nuisances exist. Nuisances.

(t) Keep suitable municipal stores for storing any explosive substance or petroleum or dangerous petroleum in accordance with the explosive and petroleum Laws in force for the time being and regulate the storage fees for such explosive substance or petroleum or dangerous petroleum stored in such municipal stores and the fees to be paid on introducing into or bringing Petroleum
and explo-
sives,
storage.
Law 19 of
1915

within the municipal limits any explosive substance, petroleum or dangerous petroleum for sale, whether stored or not within the municipal limits.

Petroleum and explosives, sale.

(u) Define the parts within the municipal limits in which any explosive substance, petroleum or dangerous petroleum or other inflammable substance may be sold or exposed for sale, and declare what explosive substance, petroleum, dangerous petroleum or other inflammable substance may be sold in any part so defined and regulate the erection and construction of pumps for the sale of dangerous petroleum.

Poor houses.

(v) Establish adequate poor houses 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, and prevent begging.

Slaughter-houses.

(w) Provide slaughter-houses and regulate the slaughter of animals and the fees to be taken for the slaughter of each animal.

Streets.

(x) Keep all streets clean and in good repair and sufficiently drained, lightened and clear of obstructions, and control the construction or alteration of any street, and prevent obstructions thereover by awnings or otherwise *with the approval of the Governor*

R. & R. by Law 23/42

Street names.

(y) Name, or re-name where necessary, all roads, streets, lanes and squares, such names to be affixed in a conspicuous place therein, and cause the buildings in such roads, streets, lanes and squares to be numbered.

Law 44/24 50/29

Theatres.

(z) Grant licences for the use of theatres, etc.

Trades.

(aa) Regulate any trade or business which may be injurious to public health, or a source of public danger or which otherwise it is in the public interest expedient to regulate.

Traffic.

(bb) Regulate the traffic in the streets and fix the places at which public carriages must stand when plying for hire, and not actually hired, and the number of carriages allowed to stand at any time in each place so fixed and fix the fares payable by persons hiring public carriages within the municipal limits or within five miles from the Commissioner's office.

Wash-houses.

(cc) Provide, and maintain public bathing places and public washing houses, and all such matters and things as may be necessary for the convenient use of such

bathing places and washing houses, and regulate the same and the fees to be taken for the use thereof.

(dd) Provide, or cause to be provided, a good and sufficient supply of water, and keep, or cause to be kept, cleansed and in good repair all public fountains, drains and aqueducts, and preserve the same from contamination. Water.

R. & K. (ee) Keep sufficient balances, scales and weights for the weighing of goods and measures for measuring wines and spirits and apparatus for testing spirits, in accordance with this Law. Weights and measures
Law 23/34 sec 9
new paras (ff) & (gg) added by Law 23/42.

(2) The council shall with regard to any of the matters in sub-section (1) hereof enumerated comply with the requirements and directions of the Director of Health.

(3) The council shall contribute towards the cost of, Hospitals and infant welfare.

(a) maintaining public hospitals, and

(b) providing and maintaining infant welfare centres established with the authority of the Social Hygiene Council within municipal limits:

Provided that such contribution shall not be less in any one year than two and a half per centum in the case of hospitals, and one-half per centum in the case of infant welfare centres, of the annual revenue of the municipal corporation: Provided also that in calculating such revenue the net receipts only from any undertaking, certified by the Governor to be an industrial undertaking, carried on by a municipal corporation shall be taken into account.

(4) The council shall generally do such acts as may be necessary for the conservancy of the town, the preservation of public health therein and of the safety thereof. *R. & K. by Law 23/42.*

116. Subject to the provisions of this Law, it shall be within the power of the council within the municipal limits, Powers of council.

(a)—(i.) To borrow, with the consent and under the authority of an order of the Governor in Council and subject to the terms and conditions that may be imposed by such order, money from the Loan Commissioners or from any other person for carrying out any work of public utility and for the purpose of securing the payment of the principal and interest of any such loan to mortgage any rates, fees or duties to the lender. Borrowing power.

(ii.) To borrow temporarily from the bank at which the account of the municipal corporation is kept any

without the consent of the Governor.
Law 44/34 sect 10.

sum or sums: Provided that the amount so borrowed shall not exceed five per centum of the estimated revenue of the municipal corporation for the period for which the current estimates are made, and Provided also that the amount so borrowed shall be repaid from the revenue of and during such period.

Charitable and educational schemes.

(b) To contribute towards or to undertake the cost of any scheme or institution for public education, or of any charitable scheme or charitable institution.

Land and buildings.

(c) ~~To acquire lands or buildings, or any part thereof,~~ for any purpose of public utility, which shall include,

(i.) the construction of new streets,

(ii.) the opening, widening, straightening or improving existing streets,

(iii.) the erection of public buildings.

Municipal markets.

(d) To provide for the establishment and regulation of municipal markets and to regulate the fees, rents and tolls to be paid for the use of such markets.

substituted by Markets for perishable goods. Law 44/34.

(e) To provide for the allotment of special places for the sale of perishable goods, and to regulate the fees, rents and tolls for the use of such special places.

Parks, etc.

(f) To provide, establish, lay out, plant, improve, maintain and regulate parks, gardens and other places of resort or recreation for the use of the public, and to contribute to the cost of maintenance of parks, gardens and other places of resort or recreation, provided by any person for the use of the public.

Payments.

(g) With the approval of the Governor to make any payment or contribute to any scheme or institution.

Pensions.

Law 19 of 1945

(h) To grant gratuities and pensions to officers and servants of the municipal corporation, subject to the approval of the Governor and to establish a pension fund. Any such pensions or gratuities shall be granted in accordance with bye-laws to be made by the council under the provisions of section 117 hereof.

Public buildings, etc.

(i) To build public buildings and to do other public works and with the licence of the Governor first obtained to construct quays, docks or piers.

Streets.

(j) To provide for the paving or improvement of streets.

Trees.

(k) To plant trees in any street or public place and to erect tree guards: Provided that such street or place is not unduly obstructed thereby.

Law 21 of 1942. New paragraph (l) from (m), (10) added.
(l) To regulate bathing in the sea and to secure the safety and pleasure of persons who resort to the beach within the municipal limits.
(M.) with the approval of the Governor to

BYE-LAWS.

117.—(1) A council may from time to time make and when made vary and revoke bye-laws for all or any of the following purposes and may impose a penalty not exceeding five pounds for any breach thereof or in the case of a continuing breach, not exceeding one pound for every day during which such breach shall continue: Provided that such bye-laws are not inconsistent with the provisions of this or any other Law: Provided also that every such bye-law or the variation or revocation thereof shall be subject to the approval of the Governor and shall not come into operation until it has been approved by him and published in the *Gazette*. Bye-laws.

(a) To enable or assist a council to perform any of the duties assigned to it by section 115 hereof and to provide for the payment of any fees or charges in connection therewith, and

(b) To enable or assist a council to carry out any of the provisions of section 116 hereof and to provide for the payment of any fees or charges in connection therewith, and

(c) To regulate and control the grant or issue of any licences or permits which by this Law the council is empowered to issue or grant and to prescribe the fees to be paid for any such licences or permits.

(d) To regulate the weighing, measuring and testing of goods and the payment of fees therefor and to control the collection of fees payable under sections 189 and 190 hereof.

(2) Any person contravening any bye-law for the breach whereof no penalty is provided by such bye-law or by any other section of this Law shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding five pounds.

COMPULSORY ACQUISITION OF LAND.

118. In sections 119 to 130 hereof inclusive "land" shall extend to and include buildings, trees and other immovable property situated within any municipal limits which may by law be sold and purchased or exchanged. Definition.
R. C. K.

119. Whenever any council decide by a resolution of a majority composed of not less than two-thirds of the members actually holding office that any land within the Resolution
to acquire
land.

municipal limits shall be acquired for public purposes, 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 council to the Commissioner of the district, and shall be submitted for the consideration of the Governor as hereinafter provided.

Notice to be served on owner.

120. The Commissioner before submitting for the consideration of the Governor the documents in the preceding section mentioned, shall cause a notice to be served on the owner of the land it is proposed to acquire or his legal representative or if both be absent from the municipal limits 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 such month the Commissioner shall forward to the Governor the resolution, minutes and plan together with the objection made, if any.

Governor may sanction acquisition.

121. If the Governor approves the plan submitted and considers it expedient, having regard to all the circumstances, that the municipal corporation should be permitted to acquire the land in question, he may, by notification published in the *Gazette*, sanction the acquisition of the land; and thereupon, if the owner of the land does not agree with the council as to the sum to be paid for it, the council shall proceed as is hereinafter prescribed: Provided that a municipal corporation shall not be permitted to acquire a part only of any building if the owner thereof is willing and able to give a good title to the whole thereof.

Valuation of land by arbitration.

122. The council shall apply to the District Court to refer the determination of the value of the land to arbitration, 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.

123. On the day appointed as aforesaid, if all the parties appear and each party shall appoint an arbitrator on his behalf, the District Court 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, or if they disagree 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.

124. 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.

125. When the award of the arbitrators or of the umpire has been filed the District 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 the 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 municipal corporation to pay the sum awarded to the owner or owners of the land: Provided 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 the Colony, the council may pay the sum into Court.

126. 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 municipal corporation and thereupon all the interest of the owner, occupier, mortgagee or lessee respectively of the land in the land shall be deemed to be transferred to and vested in the corporation by which the sum has been paid. Transfer of land to corporation.

127. 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 the Land Registry in the district may cause notice to be served on any person Amendment of registration of land.

in whose name the land is registered calling upon him to bring to the Land Registry Office, within a 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 Governor, and if any person as aforesaid fails, within the time allowed, to present for amendment his certificate of registration, the Principal Officer of the 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.

Corporation may acquire land on either side of new street.

128. Where land is required by any municipal corporation 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.

Corporation may sell or lease lands compulsorily acquired.

129. Any municipal corporation 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.

Council may abandon project.

130. Notwithstanding anything in this Law contained, a municipal corporation 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 126 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 municipal corporation to take the land shall be paid by the municipal corporation.

CONSTRUCTION OF STREETS.

Permit to construct streets.

131.—(1) No person shall, within any municipal limits, lay out or construct, or attempt to lay out or construct any street without a permit to that effect first obtained from the council in manner hereinafter provided.

(2) Any person contravening the provisions of this section shall be liable on summary conviction to a fine not exceeding five pounds.

Repealed by Law 12 of 1946

132. Any person who intends to lay out or construct a street within the municipal limits shall give notice of his intention to the council, and may be required by the council to furnish such plans, sections, drawings or descriptions of the intended street as to the council seem necessary or desirable.

Plans and descriptions to be furnished.

133. Every council 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 council to alter plans and make orders.

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

(b) as to its level, inclination and drainage, and

(c) as to the materials of which and the manner in which it shall be constructed: Provided that any order made under the provisions hereof shall be restricted to materials ordinarily in use for the construction of streets of a like description in the same municipal limits.

134. The provisions of sections 131, 132 and 133 hereof shall not apply to streets to be constructed,

Exemption.

(a) by the Government of the Colony, or

(b) upon land of the arazi mirié category or of the arazi mevcoufé takhsisat category.

135. Every street constructed under the provisions of sections 131, 132 and 133 hereof 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 municipal corporation, and thereafter the expense of repairing and maintaining it shall be borne by the municipal corporation. The provisions of this section shall apply to streets constructed prior to the passing of this Law, which have been opened as public thoroughfares.

New streets to come under the control of the municipal corporation.

136. Every municipal corporation shall have power, with the object of widening and straightening any existing street within the municipal limits, to prepare, or cause to be prepared, plans showing the width of such street and the direction that it shall take.

Power to widen and straighten existing streets.

All such plans shall be published and shall be open to inspection at the office of the council for a period of three months, and every owner of property affected by any such

plan may appeal to the Governor, who may require the council to alter or modify it in such manner as he may see fit, and the decision of the Governor in regard to such appeal shall be binding on the municipal corporation

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

137. Without a permit first obtained from the council, 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 the municipal limits ; and the council may,

(a) refuse to issue such a permit, unless and until payment be made of such sum, to be determined by the council, as may reasonably be estimated to cover the expense that will be incurred by the council in restoring the street to the condition in which it was before the work was undertaken, and

(b) direct the manner in which any work referred to in this section shall be executed.

Special list.

138.—(1) A council may, without prejudice to any of the powers herein contained, place any street within the municipal limits on a special list for the purpose hereinafter mentioned : Provided that before placing any street on the special list the council shall give not less than six weeks notice of its intention so to do in the *Gazette* and in not less than two newspapers published in the Colony and by notice posted in the street in question. Any person concerned may petition the council in writing either in favour of or against the placing of the street on the special list, and the council shall take such petitions into consideration. If the council shall decide to place the street on the special list, the council 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 for the consideration of the Governor. The Governor in Council may confirm or disallow the placing of the street on the special list.

(2) If the placing of the street on the special list shall be confirmed by the Governor in Council, the council before granting a permit as provided by section 139 hereof may by an order require such alteration in the plans, sections and drawings as to the council 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 hereinafter provided.

Repealed
by law 12 of 1946

BUILDINGS.

139.—(1) No building shall be erected, pulled down or reconstructed, and no alteration, addition or repair shall be made to any building within any municipal limits, without a permit to that effect first obtained from the council in manner hereinafter prescribed: Provided,

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

(a) 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 council, such demolition, alteration or repair may be effected forthwith, but notice of the same shall be given to the council within twenty-four hours of the arising of any such necessity.

(b) 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.

P. & P.
+ the leaves which do not open of proj into the street
Law 44/30
Sect 11

(2) The provisions of this section shall not apply to,

(a) the Government of the Colony or the Evcaf Department, or

(b) any department or service of His Majesty the King, or

(c) any building upon or to be erected upon any land of the arazi mirié category or of the arazi mevcoufé takhsisat category.

(3) Before granting a permit under this section, the council 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.

P. & P.
Council may require production of plans, etc.

section a drawing so produced to it. or requires the alteration of any plan
Law 44/30
Sect 11

140. Every council shall have power to make orders to the following effect with regard to any intended new building or addition to an existing building:—

Power of council 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.

Frontage of new buildings.

141. 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 136 hereof determining the width of the street upon which such building or addition abuts.

Powers of council in regard to repairs of buildings.

142. Every council 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.

143.—(1) When in any street which has been placed upon a special list in accordance with the provisions of section 138 hereof 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 ~~the said section~~ ^{sect. 136 hereof} provided for :

P. & R. by Law 23/42

Provided that the municipal corporation shall pay to the owner of the building such compensation for any loss or damage he may sustain in consequence of the building

143 A. See Law 44/34 sect 14.

being set back or forward as may be agreed between them or failing agreement such sum as may be determined between them by arbitration as in this Law hereinafter provided.

(2) Where any payment is made by a municipal corporation under the provisions of sub-section (1) hereof any owner or occupier of any premises adjacent to the building which has been rebuilt or reconstructed who has directly benefited by such rebuilding or reconstruction shall contribute towards such payment such sum as shall be agreed between such owner or occupier and the council or failing agreement such sum as may be determined between them by arbitration as in this Law hereinafter provided.

143A added by Law 23 of 1942.

144. Every council 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 council shall determine.

Power to close buildings unfit for habitation.

145. (1) Any person contravening any of the provisions of sections 139 to 144 hereof, inclusive, or of any order made thereunder shall be guilty of an offence and shall upon summary conviction be liable to a fine not exceeding five pounds: Provided that the Court before which any such person is convicted may, in substitution for or in addition to any such penalty, having regard to all the circumstances of the case,

Penalties. Powers of Court.

Substituted by sect. 15 of Law 44/2

(a) order that the building in respect of which the offence was committed shall be pulled down or removed by such person, or

sections 143A, 144, 145 R. & R. by Law 23/42.

(b) make such other order as to such building or the construction or alteration thereof or otherwise as to the Court seems just.

(2) Any person who shall fail or neglect to comply with any such order of the Court shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment and the Court may upon any such conviction direct that any such order shall be carried out by the council and such order shall thereupon be carried out by the council and the cost of carrying out such order shall be payable to the council by the person convicted and shall be recoverable as a civil debt.

(3) Any person against whom any order has been made under the provisions of sub-section (1) hereof may appeal therefrom to the Supreme Court and the provisions of clause 101 of the Cyprus Courts of Justice Order, 1927, and the provisions of the Criminal Evidence and Procedure Law, 1929, shall, as nearly as possible, apply to any such appeal: Provided,

(a) that notice of the hearing of such appeal shall be given by the Chief Registrar of the Supreme Court to the council concerned and that such council may be heard upon the appeal, and

(b) that the Supreme Court upon the hearing of the appeal shall have the like powers to those conferred by section 156 hereof.

Power of council to deal with buildings in dangerous state.

146. If any building within any municipal limits is deemed by the council to be in a ruinous state and dangerous to passengers or to occupiers of the neighbouring buildings, the council shall immediately cause a proper hoarding or fence to be put 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 limits, 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 circumstances 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 possible, the council 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 council 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 municipal corporation 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 as a civil debt.

NUISANCES.

147. 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.

(a) Any premises in such a state as to be a nuisance or injurious to health.

(b) 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.

(c) Any animal so kept as to be a nuisance or injurious to health.

(d) Any accumulation or deposit which is a nuisance or injurious to health. R. R.

(e) Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates.

(f) Any factory, workshop, workplace, thrashing floor or kiln or any place where animals are kept,

(i.) of such a nature or so situated, constructed, worked or kept as to be detrimental to the amenities of the place, or

(ii.) not kept in a cleanly state, or

(iii.) 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

(iv.) so overcrowded as to be dangerous or injurious to the health of those employed therein.

(g) Any chimney (not being the chimney of a private dwelling house) sending forth black smoke in such quantities as to be a nuisance.

(h) Any brothel or disorderly house which, either from its situation or from the manner in which it is conducted or for any other reason, it is desirable in the interests of the public to close or remove.

(i) 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, or to be a nuisance to passengers.

(j) Any unpaved frontage, path or place attached to any premises and forming part of or adjacent to any street 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.

(k) Any pavement or sidewalk, awning or similar construction which does not comply with the provisions of any bye-law made under this Law respecting the construction or maintenance of pavements or sidewalks, awnings or similar constructions.

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.

Notice to
abate
nuisance.

148. On the receipt of any information respecting the existence of a nuisance, the council shall, if satisfied of the existence of a nuisance, serve through the mayor or as he shall direct 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 the 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 council may themselves abate it without further order.

On non-
compliance
with notice
legal pro-
ceedings to
be taken.

149. 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 council likely to recur on the same premises, the council shall thereupon commence proceedings in the Magisterial Court for obtaining an order compelling him to abate the nuisance.

150. If the Magisterial Court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the Magisterial 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 the 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.

Power of Court to make order dealing with nuisance.

The Magisterial Court may by its order impose any 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.

151. Where the nuisance proved to exist is such as to render a house or building in the judgment of the Magisterial Court unfit for human habitation, the Magisterial 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.

152. Any person who wilfully or negligently fails to obey an order to comply with the requisitions of the council 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 council or any of its officers or servants 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 by action the expenses incurred by them from the person on whom the order is made.

Penalty on contravention of order of Court.

153. Whenever it appears to the satisfaction of the Magisterial 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 Magisterial Court may be addressed to and executed by the council.

In certain cases order may be addressed to council.

154.—(1) Any person who has been ordered by a Magisterial Court to abate a nuisance may within three days of the making of such order and upon giving an address

Appeal to Supreme Court.

for service apply to such Magisterial Court for leave to appeal against such order to the Supreme Court, and the Magisterial Court shall grant such leave on condition that the applicant shall forthwith, and within such time as the Magisterial Court shall specify, do all such things and execute all such works in connection with the nuisance as are, in the opinion of the Magisterial Court, absolutely necessary to obviate danger or injury to health pending the hearing of the appeal and an appeal shall thereupon lie to the Supreme Court: Provided that if the applicant shall fail to comply with such condition the appeal shall be dismissed by the Supreme Court.

(2) If the Magisterial Court has refused to make an order for the abatement of a nuisance the council may appeal to the Supreme Court from such refusal: Provided that the council shall within three days declare to the Magisterial Court their intention to appeal and shall give an address for service.

(3) Where any appeal is made to the Supreme Court under the provisions of this section the Magisterial Court shall forthwith transmit to the Registrar of the Supreme Court the file of the proceedings including the notes of evidence and of any statement which may have been made by the defendant before the Magisterial Court and any documents which were produced in evidence.

Fixing day
of hearing.

155. The Registrar of the Supreme Court shall upon receiving the notes and documents in the preceding section mentioned fix a day for the hearing of the appeal, and shall notify the parties thereof.

Power of
Supreme
Court on
appeal.

156. The Supreme Court on perusing the file of proceedings, and after hearing the applicant and the respondent or such of them as shall attend at the day fixed for the hearing, shall give judgment, and shall have power,

(a) to confirm, set aside or vary the order of the Magisterial Court, or

(b) to reduce or increase any penalty imposed by the Magisterial Court, or

(c) to make such order or to impose such penalty as may seem just, and

(d) to make such order with regard to the costs of the appeal as may appear just.

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

157.—(1) The council or any of its officers or a medical officer of health shall be admitted into any premises for the purpose of examining whether any nuisance exists thereon at any time between the hours of sunrise and sunset, or, in the case of any business premises, at any hour when the business is usually carried on.

Power of council or medical officer of health to enter premises.

(2) Where under this Law an order of abatement or prohibition of nuisance has been made by any Court, the council 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 council 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 authorise the council 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 Magisterial Court shall, on oath made before it of that fact, by order authorise the council or any of its officers or a medical officer of health to enter the premises during the hours aforesaid.

158. Any person refusing to obey an order under the last preceding section for admission of the council or any of their officers or a medical officer of health to any premises shall be liable to a penalty not exceeding five pounds.

Penalty for disobedience of order.

159. The Magisterial Court may in its discretion on issuing an order to abate a nuisance direct the defendant to pay the costs of the proceedings, and such costs may be recovered in the same way as costs in criminal cases; and in case the order to abate the nuisance is addressed to the council as provided by section 153 hereof, the costs of the proceedings and the expenses incurred in carrying the order of such Court into effect shall be deemed to be money paid for the use and at the request of the person by whose act or default the nuisance was caused, and such costs and expenses may be recovered from such person as a civil debt.

Costs and expenses of execution of provisions relating to nuisance.

for service apply to such Magisterial Court for leave to appeal against such order to the Supreme Court, and the Magisterial Court shall grant such leave on condition that the applicant shall forthwith, and within such time as the Magisterial Court shall specify, do all such things and execute all such works in connection with the nuisance as are, in the opinion of the Magisterial Court, absolutely necessary to obviate danger or injury to health pending the hearing of the appeal and an appeal shall thereupon lie to the Supreme Court: Provided that if the applicant shall fail to comply with such condition the appeal shall be dismissed by the Supreme Court.

(2) If the Magisterial Court has refused to make an order for the abatement of a nuisance the council may appeal to the Supreme Court from such refusal: Provided that the council shall within three days declare to the Magisterial Court their intention to appeal and shall give an address for service.

(3) Where any appeal is made to the Supreme Court under the provisions of this section the Magisterial Court shall forthwith transmit to the Registrar of the Supreme Court the file of the proceedings including the notes of evidence and of any statement which may have been made by the defendant before the Magisterial Court and any documents which were produced in evidence.

Fixing day
of hearing.

155. The Registrar of the Supreme Court shall upon receiving the notes and documents in the preceding section mentioned fix a day for the hearing of the appeal, and shall notify the parties thereof.

Power of
Supreme
Court on
appeal.

156. The Supreme Court on perusing the file of proceedings, and after hearing the applicant and the respondent or such of them as shall attend at the day fixed for the hearing, shall give judgment, and shall have power,

(a) to confirm, set aside or vary the order of the Magisterial Court, or

(b) to reduce or increase any penalty imposed by the Magisterial Court, or

(c) to make such order or to impose such penalty as may seem just, and

(d) to make such order with regard to the costs of the appeal as may appear just.

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

157.—(1) The council or any of its officers or a medical officer of health shall be admitted into any premises for the purpose of examining whether any nuisance exists thereon at any time between the hours of sunrise and sunset, or, in the case of any business premises, at any hour when the business is usually carried on.

Power of council or medical officer of health to enter premises.

(2) Where under this Law an order of abatement or prohibition of nuisance has been made by any Court, the council 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 council 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 authorise the council 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 Magisterial Court shall, on oath made before it of that fact, by order authorise the council or any of its officers or a medical officer of health to enter the premises during the hours aforesaid.

158. Any person refusing to obey an order under the last preceding section for admission of the council or any of their officers or a medical officer of health to any premises shall be liable to a penalty not exceeding five pounds.

Penalty for disobedience of order.

159. The Magisterial Court may in its discretion on issuing an order to abate a nuisance direct the defendant to pay the costs of the proceedings, and such costs may be recovered in the same way as costs in criminal cases; and in case the order to abate the nuisance is addressed to the council as provided by section 153 hereof, the costs of the proceedings and the expenses incurred in carrying the order of such Court into effect shall be deemed to be money paid for the use and at the request of the person by whose act or default the nuisance was caused, and such costs and expenses may be recovered from such person as a civil debt.

Costs and expenses of execution of provisions relating to nuisance.

Power to
make rules.

160. The Governor 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 Magisterial Courts in any proceedings for an order to abate a nuisance or upon any appeal therefrom and for prescribing the fees to be taken upon any such proceedings or appeal.

Power of
Governor
in Council
where
council
makes
default.

161. Where it is proved to the satisfaction of the Governor in Council that a council has made default in doing its duty in relation to any nuisance under this Law the Governor may authorise an officer of police to institute any proceeding which the council might institute with respect to such nuisance, and such officer may recover from the defaulting municipal corporation in any Court of competent jurisdiction, any expenses incurred by him and not paid by the person proceeded against.

OFFENSIVE TRADES.

Restriction
of establish-
ment of
offensive
trades.

162. Any person who establishes within any municipal limits without the consent in writing of the council any noxious or offensive trade, business or manufacture, shall be liable to a penalty not exceeding five 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.

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

163.—(1) Where any manufactory, building or place used for any trade, business, process or manufacture causing effluvia is certified to any council by the medical officer of health, or by any two legally qualified medical practitioners, or by any twenty inhabitants of the municipal limits, to be a nuisance or injurious to the health of any of the inhabitants of the municipal limits, the council shall cause proceedings to be taken in the Magisterial 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.

(2) The Magisterial Court shall inquire into the complaint, and if it appears to such Court that the business carried on by the person complained of is a nuisance, or causes any effluvia which are a nuisance or injurious to the health of the inhabitants of the locality, the person so offending, being the owner or occupier of the premises, or being a

*R. & R.
by law 23rd 1942*

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 of double the amount of the penalty imposed for the last preceding conviction, but the penalty shall not in any case exceed one hundred pounds.

164.—(1) It shall not be lawful for any person to keep a place or building, as

(a) a khan or public stable,

(b) a tannery,

(c) a skin drying or skin storing factory,

(d) a farrier's shop,

(e) a factory where steam power is used or in which any explosive substance is used, or

(f) a coffee-house,

without a licence first obtained therefor from the council.

(2) Any person contravening the provisions of this section shall be liable on summary conviction to a fine not exceeding five pounds.

R. & P.
Power of council to restrict certain classes of trades.

*substituted by
sect. 16 of
Law 44/34*

TRADE OR PROFESSIONAL LICENCES.

165. No person shall, within any municipal limits, carry on, exercise or practise any business, trade, calling or profession for profit unless he has obtained a licence so to do in accordance with the provisions of this Law:

No person to carry on trade, etc., without licence.

Provided that,

(a) no person shall be required to obtain more than one licence in the same municipal limits during any period;

(b) any person who has taken out a licence in any municipal limits shall not be required to take out another licence in any other municipal limits unless he has a permanent place of business therein or remains therein for the purpose of carrying on his business, trade, calling or profession at any one time for a period exceeding seven days;

(c) this section shall not apply to persons performing only religious duties;

(d) officers and servants permanently in the service of the Government of the Colony or of the Evcaf Department and in receipt of an annual salary shall not be required to obtain such licence but shall pay the fees hereinafter provided.

Application substituted for licence by sect. 17 of Law 44/34 R. & R. by Law 41/44.

~~166. Any person desiring to carry on, exercise or practise any business, trade, calling or profession within any municipal limits shall apply to the council for a licence and the council shall thereupon decide the business, trade, calling or profession of such person and the class of such business, trade, calling or profession to which such person belongs: Provided that any person aggrieved by any such decision of a council may appeal to the Commissioner of the district whose decision shall be final and conclusive.~~

Fee for licence.

167. The fee payable for a licence shall be in accordance with the scale of fees set out in the ninth schedule to this Law.

Fees payable by officers and servants of Government.

168.—(1) Officers and servants permanently in the service of the Government of the Colony or of the Evcaf Department and in receipt of an annual salary shall pay to the municipal corporation within the limits of which they reside or usually perform their duties the fees set out in the ninth schedule to this Law.

sec. 168 amended by Law 41/1944.

(2) The Treasurer or the Delegates of Evcaf shall respectively on the thirty-first day of March and the thirtieth day of September of each year deduct from the salary of such officers and servants one-half of such annual fee payable by them and shall pay the sums so deducted to the treasurer of the municipal corporation concerned: Provided that no such deduction shall be made if the officer has not for the period of six months preceding any such date resided in or carried out his duties within any municipal limits.

(3) Any dispute arising under the provisions of this section as to,

- (a) whether any or what fees are payable, or
- (b) the municipal corporation to which any fees are payable,

shall be referred to the Colonial Secretary whose decision shall be final and conclusive.

R. & R. Form of licence. by Law 41/44

Term of licence.

169. A licence shall be in the form set out in the ninth schedule to this Law.

170. A licence may be a yearly licence which shall expire on the thirty-first day of December next following the issue thereof, or a half yearly licence which shall expire on the thirtieth of June or the thirty-first of December next following the issue thereof.

171. Any person who within any municipal limits carries on, exercises or practises any business, trade, calling or profession without,

Carrying on trade, etc., without licence, an offence.

(a) having obtained a licence so to do within one month of his having commenced or recommenced so to do, or

(b) renewing any licence so to do within one month of the expiry of any licence previously granted to him, shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding five pounds.

172. Any person who is required by this Law to hold a licence in respect of his business, trade, calling or profession who,

Offences in connection with licence.

(a) upon demand being made therefor by any peace officer or by an officer of the council refuses or fails to produce his licence, or

(b) lets out, hires or lends his licence to any other person, or

(c) not having a licence shall produce, exhibit or use any paper or thing with intent to cause it to be believed that he has such licence,

shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding five pounds.

HAWKERS.

173.—(1) Every person hawking within any municipal limits shall pay a fee in accordance with the scale of fees set out in the tenth schedule hereto.

Hawkers to pay fees.

be fined by the Law made by the Council

(2) Any person contravening the provisions of this section shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding ten shillings.

P. 9 P.

THEATRES, ETC.

174.—(1) Within any municipal limits ^{place} no theatre shall be used for any purpose and no building or tent shall be used for the performance of any stage play or cinematograph exhibition or for dancing or for any entertainment to which the public is admitted or for any public meeting without a licence first obtained from the council in accordance with the provisions of this Law.

Theatres, etc., not to be used without a licence.

(2) The council may grant such licence either for a single performance or for any period not exceeding one year: Provided that no such licence shall be granted unless and until the applicant therefor shall produce a certificate from,

(a) the Director of Public Works or his representative that the premises or tent and the fixtures, fittings and furniture therein and the lighting and ventilation thereof are respectively suitable and safe in all respects for the purpose for which they are intended to be used, and

(b) the officer in charge of the police within the municipal limits that adequate provision has been made in the premises or tent to,

(i.) prevent fire, and

(ii.) extinguish fire, and

(iii.) allow of all persons leaving in safety in case of fire.

Grant and form of licence.

175.—(1) Any licence granted under the preceding section shall be granted to the owner, lessee or occupier of the premises and shall be in the form set out in the eleventh schedule to this Law and in accordance with and subject to the conditions in such form, and the council may in addition thereto impose any special condition or conditions.

(2) The council may charge such fee for any such licence as they may by bye-laws made in that behalf prescribe.

Special provisions for superintendence by officer.

176.—(1) Where a council grants a licence as aforesaid upon a special condition that the premises shall only be used for the purpose for which such licence is granted under the superintendence of some officer or person designated in the licence it shall be lawful for such officer or person and such officer or person shall,

(a) if he considers it necessary for the safety of the premises or the persons therein order that the stage play, cinematograph exhibition, entertainment, public meeting or other purpose for which the premises are being used shall cease, or

(b) give such other directions as he shall consider necessary for the safety of the premises or the persons therein,

and in any such event the person in charge of the premises and all persons therein shall forthwith obey such order or comply with such directions.

(2) Any person contravening the provisions of subsection (1) hereof shall be guilty of an offence and shall on summary conviction be liable to the penalties provided in section 179 hereof.

177. Notwithstanding anything in this Law contained the council shall revoke any licence granted under the provisions of section 174 hereof if, Revocation
of licence.

(a) the Director of Public Works or his representative shall certify to them that the premises or tent or the fixtures, fittings, furniture or lighting or ventilation thereof respectively have become unsafe or unsuitable in any respect for the purpose for which the licence was granted, or

(b) the officer in charge of the police within the municipal limits shall certify to them that adequate provision is no longer made to prevent fire or to extinguish fire or to allow of all persons leaving the premises or tent in safety in case of fire,

and the council may revoke any such licence upon any failure by any person to comply with, or with any of the terms of, any such licence or upon any breach thereof by any person.

178. Any person aggrieved by the grant or refusal of a licence or by the revocation of or the refusal to revoke a licence may appeal therefrom as in this Law provided. Appeals.

179. Any person using or causing to be used or authorising or allowing the use of any building ^{place} or tent for any of the purposes in section 174 hereof mentioned in respect of which no valid and subsisting licence has been issued or in breach of any term or condition of any licence issued in respect thereof shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment and upon any such conviction the Court may, notwithstanding that the offence was committed by some person other than the licensee, revoke or suspend for any period, any such licence. Offences.

180.—(1) A police officer of any rank not lower than that of sergeant or any officer appointed for the purpose by a council may, at all reasonable times, including the time when any premises or tent are in use, enter, Police, etc.,
to enter.

(a) any premises or tent in respect of which a licence has been granted hereunder in order to see that the terms and conditions of such licence and the provisions of this Law have been complied with, or

(b) any premises or tent which he has reason to believe are being used, or are to be used in contravention of the provisions of section 174 hereof.

(2) Any person preventing or obstructing the entry of any officer acting under the provisions of sub-section (1) hereof shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Dogs.

Licence to
keep dogs.

181.—(1) No person shall within any municipal limits keep any dog not being under the age of six months unless he has obtained a licence from the council so to do.

(2) The treasurer shall keep a register of all such licences granted by the council specifying the name and place of abode of every licensee and the number of dogs he is licensed to keep.

(3) The council shall supply to every person taking out a dog licence a metal badge to be worn by the dog for which the licence is issued, which upon the expiration of the licence shall, on demand, be delivered to the treasurer.

(4) Any licence granted under the provisions of this section shall expire upon the thirty-first day of December next following the issue thereof.

(5) The council may charge such fee for any such licence as they may by bye-laws made in that behalf prescribe.

Destruction
of stray
dogs.

182. The council may authorise the destruction of any dog found wandering within the municipal limits and not wearing the metal badge in the preceding section mentioned.

Offences.

183.—(1) Any person who within any municipal limits,
(a) keeps any dog for which a licence is required under this Law without having obtained a valid licence therefor, or

(b) keeps a greater number of dogs than he is licensed to keep, or

*Sections 181, 181A
181B, 181C, 182
183, 183A
Repealed & replaced
by Law 23/42.*

(c) being the holder of any dog licence refuses or neglects without sufficient excuse to produce it within a reasonable time when required by a member of the police force or officer of the council so to do, or

(d) allows any dog not wearing the badge required by section 181 hereof to be at large,

shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding one pound.

(2) Any person who shall neglect or refuse without sufficient excuse to return any metal badge to the treasurer as required by section 181 hereof shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding one pound.

(3) In any proceedings under this section,

(a) the onus of showing that any dog is under the age of six months shall be upon the defendant, and

(b) every person in custody, charge or possession of a dog or in whose possession a dog is found shall be deemed to be keeping such dog until the contrary is proved.

Section 183A added by Law 23/42.

WEIGHING AND MEASURING AND TOLLS.

184.—(1) Whenever a sale takes place within any municipal limits, or whenever goods, the subject matter of any sale, are delivered or are to be delivered within such limits, the vendor or the purchaser of such goods shall inform a municipal weigher that the same are ready and require to be weighed, measured or tested and shall afford to the municipal weigher every facility to enable such weighing, measuring or testing to take place, and all such goods shall be weighed, measured or tested by the municipal weigher. Upon such weighing, measuring or testing the vendor, or the purchaser for the account of the vendor, shall pay to the municipal weigher for such weighing, measuring or testing the fees specified in the twelfth schedule hereto :

Compulsory weighing, measuring and testing.

Provided that the minimum fee to be paid shall be the sum of twenty paras :

Provided also that the provisions of this section shall apply only to goods enumerated in such schedule, not being imported goods, and to quantities of such goods being not less than the minimum weight or measure therein specified.

Penalty for
contraven-
tion.

(2) Any person contravening this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding three pounds:

Provided that if the municipal weigher on receipt of notice as herein prescribed does not within one hour of the time at which such notice was received proceed to weigh, measure or test the goods for which he received notice, the vendor or purchaser, or both may weigh, measure or test the goods without incurring any penalty and without being liable to pay any fees.

S. 184A added by law 25 of 1943

Transaction
to be
entered in
book and
certificate
to be given.

185. Upon the completion of any weighing, measuring or testing under the provisions hereof, the municipal weigher shall enter, in a book to be kept for that purpose, full particulars of the transaction and the amount of fees payable in respect thereof, and, upon receipt by him of the prescribed fees, shall hand to the person who requires such weighing, measuring or testing, a certificate setting forth the required particulars and the amount of fees paid.

Defaults by
municipal
weigher.

186. Any municipal weigher who shall,

(a) improperly or inaccurately weigh, measure or test any goods or articles which he is required to weigh, measure or test in pursuance of this Law, or

(b) make any false entry or a false certificate or record with regard to such weight, measure or test with intent to defraud,

shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Weighing
at instance
of customs
officers.

187. Whenever the proper officer of customs for any lawful purpose in performance of the duties of his office shall require of a council that any goods or other articles within the municipal limits shall be weighed, the municipal weigher shall effect such weighing and the fees payable in respect thereof shall be paid to the municipal weigher by the owner of such goods or articles.

Council to
appoint
municipal
weighers.

188. The council shall appoint such number of persons as municipal weighers as shall be necessary for carrying out the provisions of this Law. Such persons shall receive such salaries as the council, with the approval of the Governor, shall appoint.

189.—(1) Any person bringing within the municipal limits of any town from any place within the district in which such town is situated for disposal in such town or for export therefrom any goods upon the sale of which the vendor would be liable to the payment of fees under the provisions of section 184 hereof shall, subject to the provisions of this section, notwithstanding that such goods are not weighed, measured or tested pay to the municipal weigher the fees set forth in the twelfth schedule to this Law as though such goods have been weighed, measured or tested in accordance with the provisions of section 184 hereof, and the municipal weigher shall give to such person a receipt showing the particulars of the goods and the amount paid.

Tolls.

Proviso added by Law 25/43

(2) If such person shall,

(a) take such goods or any part thereof within the municipal limits of any other town, or

(b) sell such goods or any part thereof in the municipal limits of the town in which such fees were paid or in any other municipal limits and in consequence of such sale such goods or part thereof are weighed, measured or tested,

such person upon the production of such receipt and upon proving to the reasonable satisfaction of the municipal weigher that such goods so taken or sold are the goods or part thereof in respect of which the receipt was given shall not be liable to pay any further fee in respect of such goods or the weighing, measuring or testing thereof but save as aforesaid the provisions of this Law as to weighing, measuring or testing shall apply to such goods.

(3) The provisions of this section shall not apply to any goods in transit from one part of the Colony to another.

190. All flour, coffee, sugar, rice and beans imported into the Colony which are brought within the municipal limits of any town shall be subjected to the fees mentioned in the thirteenth schedule to this Law: Provided that when such goods are brought within any municipal limits in transit to some other municipal limits they shall not be subject to such fees.

Tolls on certain foreign goods.

191. Any person failing or neglecting or refusing to pay fees in accordance with the provisions of sections 189 and 190 hereof shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding three pounds.

Failure to pay tolls.

New section 191A (see Law 23/42)

Substituted by
Act 21 of 1930
4/34
P. & P.

Saving of Government

192. This part of this Law shall not apply to any goods the subject matter of any sale or purchase by the Government of the Colony, nor to any goods brought into any municipal limits, nor to any goods imported into the Colony, by such Government.

PART IV.

OFFENCES AND LEGAL PROCEEDINGS.

Certain offences.

Animals at large.

Dangerous loads.

Dangerous openings.

Dirty water.
P. & P.

Extinguishing lights.

Obstruction.

193. Any person who, in any street or public place within any municipal limits,

(a) Suffers any horse, mule, ass or cattle to be at large at any time without any person having the charge thereof, or

(b) Causes any tree, timber or iron beam to be drawn in or upon any carriage without having efficient means of safely guiding it, or

(c) Leaves open any vault or cellar or the entrance from any street to any cellar or room underground, without a sufficient fence or handrail, 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 falling thereinto, or

(d) Pours or allows any dirty water to pass into any street or street channel, or

(e) Wilfully and unlawfully extinguishes the light of any street lamp or breaks any such electric lamp, or

(f)—(i.) Wilfully causes any obstruction by means of any cart, carriage, truck or barrow, or any animal or other means, or

(ii.) 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, showboard or other thing, or places any blind, shade, covering or other projection over or along any such street or public place, unless it is ten feet in height at least in every part thereof from the ground, or

(iii.) 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 pavement 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, or

(iv.) 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, or

(v.) Places any line, cord or pole across or along any such street or public place, or hangs or places any clothes or other things to dry therein, or

(g) Being a common prostitute, loiters and importunes passengers for the purpose of prostitution, or **Prostitutes,**

(h) Rides or drives furiously any horse or vehicle, or drives furiously any cattle, or **Riding and driving.**

(i) Shakes or dusts any carpets or other similar articles into any such street or public place from any shop, window or balcony, or **Shaking carpets, etc.**

(j) Does any wilful damage or injury to such street, or **Street, and damage to.**

(k) Throws from the roof or any part of a house or other building any earth, tile, wood, rubbish, water or other thing, **Throwing missile.**
for New paras (l) & (m) see Law 23/42.

shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding two pounds or to imprisonment for a term not exceeding fourteen days.

194. Any person who obstructs any officer or servant of a municipal corporation in the execution of any provision of this Law shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding two pounds or to imprisonment for a term not exceeding fourteen days or to both such fine and imprisonment, and the Court before which the offence is tried may order him to pay to the corporation such sum by way of damages occasioned by the obstruction as to the Court shall seem just. **Obstructing officers or servants of corporation in execution of their duties.**

195.—(1) If the Magisterial Court before which any person is brought for any contravention of this Law or for an offence against this Law or for the breach of any bye-law of a municipal corporation made under this Law, finds such person guilty of such contravention or offence or breach of any bye-law such Court shall in addition to the penalty it may consider fit to impose on such person **Magisterial Court to order payment of fees or duties not paid.**

and in addition to the costs of the proceedings order such person to pay any fees or duties connected with the charge which such person ought to have paid and which he failed or refused or neglected to pay.

(2) All such fees and duties ordered by the Court to be paid shall be recoverable in the same way as fines and penalties are recovered under any Law in force for the time being for the recovery of fines and penalties.

196. All fines, fees, penalties and costs recovered under this Law shall be paid to and shall form part of the town fund unless otherwise provided therein.

197. Any person who shall contravene any provision of this Law for the contravention whereof no penalty is provided by this Law shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding five pounds.

198. For the purposes of sections 97 to 102 (inclusive) of the Cyprus Criminal Code Order in Council, 1928, any mayor, deputy mayor or other councillor shall in respect of his duties as mayor, deputy mayor or councillor be deemed to be a person employed in the public service.

PART V.

MISCELLANEOUS.

199. Any person aggrieved by,

(a) the grant or refusal to grant a licence by a council for any of the purposes enumerated in section 164 hereof, or

(b) any order of the council requiring any alteration in any plans, sections or drawings with a view to preserving the uniform character of buildings in any street upon a special list, or

(c) the grant or refusal of, or the revocation or refusal to revoke a licence by a council to use any theatre or other building, structure or tent for the presentation of stage plays, cinematograph exhibitions, dancing or other entertainments or public meetings, or

may appeal to the Governor in Council, whose decision thereon shall be final and conclusive.

200. Whenever in this Law it is provided that any decision, order or other act shall be final and conclusive no appeal shall lie therefrom to the Supreme Court or to any other Court.

Penalties to be paid to the town fund.

New section 1969 added see Law 20/4/29

Offences not otherwise provided for.

Councillor or officer accepting bribes, etc.

Appeals in certain cases.

within fourteen days after the date of notification of the decision of the Council upon any matter in this section is entered, or the day may be

R. & P. by Law 23/4/29

No appeal in certain cases.

(cf d) see Law 44/24 sect 22

201. Wherever in this Law it is provided that any matter shall be referred to arbitration without any express provisions as to the manner of such arbitration such matter shall be referred to a single arbitrator to be agreed upon between the parties or failing such agreement to be nominated by the Colonial Secretary.

Arbitration.

202. Any municipal corporation or council may appear before any Court or in any legal proceedings by their town clerk, or by any officer or councillor authorised generally or in respect of any special proceedings by resolution of the council, and service of any summons or order or other proceeding upon the mayor or the town clerk shall be deemed effectual service on the corporation or council.

Appearance in legal proceedings, etc.

~~202A~~ ~~sections of Law 44/21~~ *New section 202 P. & R. by Law 23/42*

203. All permits, licences, notices or documents issued by a council under the provisions of this Law shall, unless otherwise provided therein, be issued by the mayor.

Issue of permits, etc.

204. If at any time a mayor is absent from the municipal limits or is for any other reason unable to perform the duties or exercise the powers assigned to him by this Law, or any Law amending this Law, such duties shall be performed and such powers shall be exercised by the deputy mayor who in the performance and execution thereof shall have all the powers of the mayor and shall be liable to the like penalties for any failure therein.

Deputy mayor to act for mayor.

~~provisions etc. see art 24 Law 44/21~~ *Proviso to sec. 204 P. & R. by 23/42*

205. Notices, orders or any other documents required or authorised to be served under this Law, may be served by delivering the same to or at the residence of the persons to whom they are respectively addressed or, where addressed to the owner or occupier of the premises, by delivering the same or a true copy thereof to same person on the premises, or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises. Any notice by this Law required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

Service of notices, etc., how to be effected.

206. The Governor in Council may, from time to time, by order, to be published in the *Gazette*, vary or amend the regulations and forms contained in the first, second, third and fourth schedules to this Law.

Power to amend certain regulations.

Power to
close
licensed
premises
on account
of poll.

207.—(1) The Governor may from time to time by order direct the closing during and for any periods before or after any election by poll held under the provisions of this Law of all or any of the premises licensed for the sale of intoxicating liquors by retail (including clubs) situate within the area in which such election is taking place.

(2) Any person who,

(a) opens any premises in contravention of any such order, or

(b) is found in any premises opened in contravention of any such order,

shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(3) All such orders shall be published in the *Gazette*.

Provision
in respect
of public
holidays.

208. Whenever any day by this Law appointed for doing any act or thing shall fall on a Sunday, Christmas day, Good Friday or any day appointed for a general public holiday, such act or thing so appointed to be done shall be done on the day next following, not being one of the aforesaid days.

Repeal and
savings.

209.—(1) The Laws set forth in the fourteenth schedule to this Law are hereby repealed: Provided,

(a) that all municipal councils constituted under the provisions of any of the Laws so repealed shall be deemed to have been lawfully constituted under the provisions of this Law and to have come into office on the first day of April, 1930, and from the commencement of this Law all the provisions thereof shall apply as nearly as possible to such councils as though the members thereof had been elected and such councils had been constituted under the provisions of this Law upon such date, and the presidents and vice-presidents thereof shall be deemed to be the mayors and deputy mayors as though they had been elected under the provisions of this Law, and

(b) all bye-laws lawfully made under the provisions of any of such Laws by any municipal council shall remain in full force and effect in so far as they are not inconsistent with the provisions of this Law until they are repealed by bye-laws made under the provisions

of this Law or if not so repealed until the thirty-first day of December, 1930, whereupon they shall be deemed to be repealed, and

(c) all existing licences and permits issued by any municipal council shall be deemed to have been issued under this Law and it shall not be necessary to obtain under the provisions of this Law any further licence or permit in respect of the matters, acts or things for which such existing licences or permits were issued until the expiration thereof.

(2) Where estimates have been prepared by any municipal council under the Laws hereby repealed such estimates shall be good and valid until the thirty-first day of December, 1930.

(3) Where in any Law or other enactment in force at the commencement of this Law reference is made to any municipality or municipal council or to the president or vice-president thereof such reference shall, unless the context otherwise requires, be deemed to apply to the municipal corporation, or the council thereof or to the mayor or deputy mayor thereof respectively substituted therefor under the provisions of this Law.

FIRST SCHEDULE.

R. & P. by Law 23/4 B.

REGULATIONS FOR THE PREPARATION AND REVISION OF
ELECTORS LISTS

1. On or before each first day of January in every year, the town clerk shall make and sign a list in the form set forth as form one in this schedule, called the electors list, of all Christians entitled to be enrolled in the electors roll for the year, and a list in the same form of all Moslems entitled to be enrolled in the electors roll for the year.

2. The town clerk shall keep open to public inspection on the first fifteen days of every January a copy of each electors list made by him.

3. Every person whose name is not in the electors list and who claims to have it inserted therein (in this schedule referred to as a claimant) shall on or before the fifteen day of January give notice in writing of his claim to the town clerk in the form set forth as form two in this schedule.

4. Every person whose name is in the electors list may object in writing to any other person as not being entitled to have his name retained in the electors list.

5. Every person so objecting shall on or before the fifteenth day of every January give to the town clerk, and also serve in the manner provided by the Law on the person objected to, notice in writing of the objection in the form set forth as form three in this schedule.

6. The town clerk shall make two separate lists in the form set forth as forms four and five respectively in this schedule of the claimants and the persons objected to (in this schedule referred to as respondents) and shall cause copies thereof to be kept open for inspection by the public at the town clerk's office during office hours, during the last seven days of every January.

7. The mayor shall in every year revise the electors lists.

8. He shall for this purpose hold an open court in the municipal office during the last seven days of January.

9. The town clerk shall publish three days' notice of the holding of the election court.

10. The town clerk shall at the opening of the election court produce the electors lists and a copy of the lists of claimants and respondents.

11. The mayor shall insert in the electors lists the name of every person who has duly claimed to have his name inserted therein and is proved to the satisfaction of the mayor to be so entitled.

12. Subject as aforesaid the mayor shall retain in the electors lists the name of every person to whom objection has not been duly made.

13. The mayor shall also retain therein the name of every respondent unless the objector appears in person, or by a person authorised by him, in support of the objection.

14. Where the objector so appears, the mayor shall require proof of the respondent's qualification, and, if it is not proved to the satisfaction of the mayor, he shall expunge the respondent's name from the electors list.

15. If the name of any person is entered in respect of premises situate in more than one quarter the mayor shall call upon him to choose and if he does not choose may determine in which of those quarters he shall be entitled to vote.

16. The mayor shall correct any mistake and supply any omission proved to have been made in any of the lists with respect to the name or abode of any person or the description of any premises.

17. The town clerk and the treasurer of the council shall attend the hearing of all such claims and objections.

18. The mayor may examine on oath the town clerk and the treasurer and any claimant, objector, respondent or witness.

19. The mayor shall determine the validity of all claims and objections.

20. The mayor shall write his initials against each name inserted or expunged and against any part of the list in which a mistake has been corrected or omission supplied, and shall sign his name on every page of the list so revised.

21. The mayor may adjourn the hearing from time to time, so that, however, no adjourned hearing shall be held after the seventh day of any February.

22. The mayor in his discretion may award costs to any party in any claim or objection and such costs may be recovered as a civil debt.

FORM ONE.

ELECTORS LIST.

List of electors in the town of _____

No.	Surname of voter.	First name of voter.	Profession or occupation.	Nature of premises for which issued.	Quarter in which premises are.

Dated this _____ day of _____ 19____.

Town Clerk.

FORM TWO.

NOTICE OF CLAIM.

To the Town Clerk of _____.

I _____
claim to have my name inserted in the Electors List for Christians (or Moslems) for the town of _____ because :—

(1) I am 21 years old, and

(2) I have been ordinarily resident within the municipal limits since _____, and

(3) I am assessed for verghi kimat for property situate in _____ street or _____

(4) I have been paying rent at the rate of _____ per year since _____ in respect of _____ (house, room, shop) _____ No. _____

(5) I have paid town rate in respect of property situated at _____

(6) I have obtained a licence to carry on the trade, etc., of _____

Dated this _____ day of _____ 19____.

FORM THREE.
NOTICE OF OBJECTION.

To
The Town Clerk of _____
and to _____ (the person objected to).

I give you notice that I object to the name of _____
being retained in the electors list for Christians (or Moslems) on the
ground _____

Dated _____ day of _____ 19____.

(Signed) _____

FORM FOUR.
LIST OF CLAIMANTS.

The following claim to have their names inserted in the Electors
List for Christians (or Moslems) of the town of _____

Surname and other name of each claimant.	Profession or occupation.	Nature of premises for which he claims.	Quarter.

Dated this _____ day of _____ 19____.

(Signed) _____

Town Clerk.

FORM FIVE.
LIST OF PERSONS OBJECTED TO.

The following persons have been objected to as not being entitled
to have their names retained in the electors list for Christians (or Moslems)
of the town of _____

Surname and other names of each person objected to.	Quarter.	Objector.	Nature and situation of premises for which he is entitled.

Dated this _____ day of _____ 19____.

(Signed) _____

Town Clerk.

New schedule 1A added
by Law 23/1942
(Voters Card)

SECOND SCHEDULE.

NOTICE OF GENERAL
BYE ELECTION.

Election of _____ Christian (Moslem) Councillors
for _____

TAKE NOTICE.

1. That an election of _____ Christian (Moslem)
Councillors for _____ will be held on the _____
day of _____ 19____, between the hours of _____
at the following places :—

2. Each candidate must be nominated in writing, on nomination
forms supplied at my office, on the day immediately preceding the
election.

3. Each candidate must be nominated by a separate nomination
paper subscribed by two electors, as proposer and seconder, and signed
by the candidate.

4. Nomination papers must be delivered by the candidate himself,
or his proposer or seconder, at my office not later than _____
on the _____ day of _____ 19____.

Date _____

Commissioner of _____

THIRD SCHEDULE.

REGULATIONS FOR THE NOMINATION OF CANDIDATES, AND
FOR ELECTION WHERE NO POLL NECESSARY.

1 The Commissioner of each district shall, from time to time,
appoint the time and place at which an election is to be held for each
of the councils in his district.

The time so appointed shall be such hours between eight in the
morning and five in the afternoon of the day of election as the Commis-
sioner shall determine.

The place of election shall be within the municipal limits of the town
or village for which such election is to be held.

The Commissioner shall cause to be posted at several conspicuous
places within the municipal limits of the town or village for which the
election is to be held, not less than six days before the day of election,
a notice declaring the time and place appointed for such election.

2. The election shall be held in such convenient place or places within
the municipal limits of the town or village as shall be provided by the
Commissioner or his representative.

3. The nomination papers of Christian candidates shall be subscribed
by Christian electors only and the nomination papers of Moslem candi-
dates shall be subscribed by Moslem electors only.

4. Each candidate shall be nominated by a separate nomination paper, but the same electors or any of them may subscribe as many nomination papers as there are vacancies to be filled and no more.

5. The name of each candidate shall be subscribed in the nomination paper in such manner, as in the opinion of the Commissioner or his representative, is sufficient to identify such candidate. The description, shall include his name and the name, if any, of his family, or, if none, the name of his father, his abode and his profession or calling.

No objection to a nomination paper on the ground of the description of the candidate therein being insufficient or not being in compliance with this regulation shall be allowed or deemed valid unless such objection is made by the Commissioner or some other person at or immediately after the time of the delivery of the nomination paper.

6. The nomination paper shall be in the form prescribed herein and may be obtained from the Commissioner or his representative on the day immediately preceding the day of election.

7. The candidate nominated by each nomination paper and his proposer and seconder and one other person selected by the candidate and no other person (except the Commissioner and his assistants) shall be entitled to attend the proceedings during the time appointed for the election.

8. The Commissioner or his representative shall on the nomination paper being delivered to him forthwith publish notice of the name of the person nominated as a candidate and the names of his proposer and seconder, by placarding or causing to be placarded the names of the candidate and his proposer and seconder in a conspicuous position outside the building in which the election is to be held.

9. Where the Commissioner or his representative shall, under section 23 (1) of the Municipal Corporations Law, 1930, declare any candidate or candidates who stand nominated, to be elected, he shall forthwith publish a notice in the form prescribed herein by posting or causing to be posted the same in the manner provided in the preceding regulation of these regulations and shall return the name or names of such candidate or candidates to the Colonial Secretary.

10. If, at the expiration of one hour after the time appointed for the election there are more nominations than vacancies the Commissioner or his representative shall adjourn the election for the purpose of taking a poll, such poll shall be taken in the manner provided in the fourth schedule to the Municipal Corporations Law, 1930.

11. If after the adjournment of an election by the Commissioner for the purpose of taking a poll, one of the candidates nominated shall die before the poll has commenced, the Commissioner shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if notice of the election had been given on the day on which proof of such death was made to the Commissioner: Provided that no fresh nomination shall be necessary for a candidate who stood nominated at the time of the countermand of the poll.

12. No person shall be entitled to receive votes as a candidate for election unless he has been nominated in manner hereinbefore provided and every person whose nomination paper has been delivered to the Commissioner during the time appointed for the election shall be deemed

to have been so nominated unless objection be made to his nomination paper by the Commissioner or some other person before the expiration of the time appointed for the election or within one hour afterwards.

13. The Commissioner shall decide on the validity of every objection made to a nomination paper, and his decision if disallowing the objection, shall be final, but if allowing the same, shall be subject to reversal on petition questioning the election.

FORM OF NOMINATION PAPER.

Election to the Council of the municipal corporation of.....

We the undersigned.....

of.....

and.....

of.....

being entitled to vote at an election of councillors for the municipal corporation of.....do hereby nominate the following person as a proper person to serve as a councillor on the said council :

Name of person nominated in full.	Place of abode.	Profession or calling.

And I the said.....do hereby consent to the nomination appearing above.

Dated the.....day of.....19.....

Proposer.....

Secunder.....

Candidate.....

FORM OF DECLARATION OF ELECTION WHERE NO POLL NECESSARY.

Election to the council of the municipal corporation of.....

I hereby declare the following nominated candidate, viz. :—

to be elected under section 23 of the Municipal Corporations Law, 1930, to serve as councillor on the council of the municipal corporation of.....

Dated the.....day of.....19.....

(Signed).....
Commissioner,

FOURTH SCHEDULE.

REGULATIONS FOR THE TAKING OF A POLL.

1. For the purpose of taking a poll the Commissioner shall appoint one or more polling places as shall be, in his opinion, most convenient for the electors.

2. The poll shall be taken on such day as the Commissioner shall appoint. The hours of polling shall be from seven a.m. to noon and from one p.m. to six p.m. or may be continued to such later hour up to midnight as the Commissioner in his unfettered discretion may deem fit and so direct.

3. The Commissioner shall cause notice of the day or days, the time and place or places so appointed for taking the poll and of the name, place of abode and calling or profession of each candidate for election to be posted at several conspicuous places in the municipal limits of the town or village for which the election is to be held and to be served on the mukhtar of each quarter of such town or village not less than three days before the first of the days so appointed for taking the poll.

4. The presiding officer shall conduct the poll and shall take such steps as he shall deem necessary for the purpose of keeping order at his station.

5.—(1) Upon the receipt by the mukhtar of the notice herein before mentioned he shall communicate the same forthwith to the azas of his quarter and the mukhtar and azas shall, prior to the day of polling choose one of their number (hereinafter called the village representative) to attend personally at the polling station during the time appointed for taking the votes of such quarter, and the person so chosen shall during that time accompany any inhabitant of his quarter requiring to record his vote into the polling station for the purpose of identifying him.

(2) In case—

(a) a mukhtar shall fail to communicate such notice to the azas of his quarter, or

(b) the mukhtar and azas shall make default in choosing one of their number as village representative, or

(c) the representative shall without due cause absent himself from the polling station at any time during the polling,

any such person making default as aforesaid shall be liable to a fine not exceeding one pound.

The absence of the village representative shall not prevent the presiding officer from taking the votes of the quarter concerned.

6. There shall be present in the polling station during the taking of the poll the presiding officer, and such clerks, not exceeding four in number, as the Commissioner may appoint, one person to be appointed by the Commissioner for the control and custody of each ballot box and such interpreter or interpreters as the case may require and the village representatives of the town for which the election is to be held, and each candidate may, if he thinks fit, attend in person or appoint an agent who may be present in the polling station during the taking of the poll.

*Amended by
Law 23 of 1942.*

7.—(1) The Commissioner shall provide the presiding officer with,

(a) a copy of the electors roll of the municipal corporation for which the poll is taken, and

(b) a number of ballot boxes equal to the number of candidates for the election, and

(c) a sufficient number of voting tickets.

(2) Each ballot box shall bear the full name of one of the candidates plainly and legibly printed or written thereon in English and Greek or English and Turkish according as to whether the candidate is a Christian or Moslem.

8. Each ballot box shall be of the same kind in all respects as a ballot box in use under the regulations in force for the time being relating to elections for the Legislative Council.

9. Immediately before the commencement of the polling the presiding officer shall show each ballot box empty to such persons as may be present so that they may see that it is empty, and shall then lock it and place his seal upon it, in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of voting tickets, and shall keep it so locked and sealed.

10. Not more than ten voters shall be allowed to be in the polling station at the same time. On admission each voter shall in the presence of the persons named in regulation 6 hereof state his name and place of residence and shall be identified by the village representative of his quarter, and the clerk shall thereupon place a mark against the name of such voter in a copy of the electors roll which he shall have for that purpose.

*R. & R. by
law 23 of
1942*

11. The presiding officer shall then hand to each of the persons in custody of the ballot boxes a number of voting tickets equal to the number of voters present in the polling station. Each such person holding the ballot tickets shall stand near the ballot box to which he is attached and hand over to every voter as he passes by the ballot box one voting ticket stating at the same time in a clear manner, in English, Greek or Turkish as the case may be, the full name of the candidate to whom the ballot box belongs. The voter on receiving the voting ticket and holding the same shall raise his hand in order to show that he holds but one voting ticket and immediately afterwards shall put his hand into the ballot box and vote, and the same process shall be repeated until the voter passes by all the ballot boxes.

12. No person other than the persons appointed in custody of the ballot boxes shall hand over the voting tickets to the voters or state the names of the candidates.

13. No person shall be entitled to vote at any polling station except at the one allotted to him nor at any time except at the hours appointed for taking his vote.

*R. & R. by
law 23/42*

14. No person shall be permitted to vote unless his name is entered in the electors roll and unless he shall be identified as the person whose name is so entered either by the presiding officer or by the village representative.

15. Each presiding officer shall as soon as practicable after the close of each day's polling in the presence of the candidates or their agents close and seal up the openings of all the ballot boxes in use at his station, and shall on the ensuing day in the presence of the candidates or their agents immediately before the time fixed for the re-opening of the poll uncloset and remove such seals from the openings of the ballot boxes.

16. Each presiding officer shall take such steps as he may think necessary for the safe custody of the ballot boxes and voting tickets in use at his station between the hours of polling, and for preventing all persons except his assistants from having access thereto.

17. Each presiding officer shall as soon as practicable after the close of the poll in the presence of the candidates or their agents secure and seal up the openings of all the ballot boxes, and shall deliver the said boxes with all convenient speed to the Commissioner.

18. The candidates or their agents may attend the counting of the votes.

19. The Commissioner shall make arrangements for counting the votes in the presence of the candidates or their agents as soon as practicable after the close of the poll and shall give to the candidates or to their agents appointed to attend at the counting of the votes notice in writing of the time and place at which he will begin to count the votes.

20. The Commissioner, his clerks and assistants, and the candidates or their respective agents and no other person except with the sanction of the Commissioner, may be present at the counting of votes.

21. If any ballot box contains more or less voting tickets than the number of voters who voted at the poll it shall not vitiate the election but if the number of voting tickets are in excess of such number of voters the Commissioner shall deduct them from the "Ayes" appearing in such ballot boxes.

22. If the candidate or his agent shall fail to be present at the close of the polling as in regulations 15 and 17 hereof mentioned, or at the counting of the votes as in regulation 19 hereof mentioned the presiding officer or the Commissioner, as the case may be, shall proceed in accordance with the provisions of these regulations as if the candidate was present in person or represented by his agent.

FIFTH SCHEDULE.

FORM OF AFFIDAVIT BY CANDIDATE AS TO EXPENSES.

I, _____, having been a candidate at the election of a councillor (or councillors) for the council of the municipal corporation of _____, on the _____ day of _____ make oath and say as follows:—

I have paid _____ for my expenses at the said election, and, except, as aforesaid, I have not, and to the best of my knowledge and belief, no person, nor any club, society, or association, has on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further swear that, except as aforesaid, no money, security, or equivalent for money, has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of myself, or any other person, for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

And I further swear that I will not at any future time make or be a party to the making or giving of any payment, reward, office, employment or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any moneys security, or equivalent for money for the purpose of defraying any such expenses.

Signature_____

Sworn by the above-named on the _____ day of _____ before me.

(Signed)_____

Registrar of District Court of_____

SIXTH SCHEDULE.

REGULATIONS FOR MEETINGS AND PROCEEDINGS OF COUNCILS.

R. 7 R. by 23/42.

1. Meetings of the council shall be held on the second Monday of every month for the transaction of general business. *any date of the second week.*

2. Meetings of the council shall be private, and every question coming before the council shall be decided by open voting.

3. The mayor may at any time call a meeting of the council.

4. Twenty-four hours at least before any meeting of the council a summons to attend the meeting, specifying the business to be transacted thereat, and signed by the mayor shall be left at the usual place of abode of every member of the council.

5. If the mayor refuses to call a meeting after a requisition for that purpose, signed by half of the members of the council, has been presented to him, such members of the council may forthwith on that refusal, call a meeting. If the mayor, without so refusing, does not within seven days after such presentation call a meeting such members of the council may on the expiration of these seven days, call a meeting.

6. Twenty-four hours at least before any meeting of the council notice of the time and place of the intended meeting, signed by the mayor or if the meeting is called by members of the council, by those members shall be posted on or near the outer door of the town clerk's office during office hours. When the meeting is called by members of the council, the notice shall specify the business proposed to be transacted thereat.

7. Want of service of the summons on any member of the council shall not affect the validity of the meeting.

8. No business shall be transacted at a meeting other than that specified in the summons relating thereto, unless there are present and consenting at least two-thirds of the entire number of the council.

9. At every meeting of the council the mayor, if present, shall be chairman, if the mayor is absent, then the deputy mayor shall be chairman. If both the mayor and deputy mayor are absent, then such councillor as the members of the council then present choose, shall be the chairman.

10. All acts of the council and all questions coming or arising before the council may be done and decided by a majority of such members of the council as are present and vote at a meeting held in pursuance of the Municipal Corporation Law, 1930, the whole number present at the meeting whether voting or not, not being less than a quorum, that is to say :—half of the number of the whole council, except in such cases where such Law provides for a special quorum.

11. In case of equality of votes, the chairman of any meeting shall have in addition to his own vote, a second or casting vote.

12. Minutes of the proceedings of every meeting shall be drawn up correctly and entered in a book kept for that purpose and shall be signed in manner authorised by the Municipal Corporation Law, 1930.

13. Any member, who in the opinion of the chairman, uses language which is disrespectful to the chairman, or any member who uses language which in the opinion of the chairman is personally approbrious to the chairman or to any member of the council present or any member who is in the opinion of the chairman guilty of conduct calculated to retard or obstruct the business of the council, may be called to order by the chairman and if the member does not apologise for such language or misconduct forthwith, or offends against this regulation a second time during any one meeting, he may be called upon by the chairman to withdraw, and on his failing to do so may be expelled by any peace officer at the request of the chairman.

14. Any member who has withdrawn or has been expelled under the provisions of these regulations shall be liable in respect of any second offence against such regulations at any subsequent meeting within three months from the date of such withdrawal or expulsion to be suspended by the chairman from attendance at meetings and performance of all powers of a councillor for such period, not exceeding three months, as the chairman shall think fit.

SEVENTH SCHEDULE.

PREPARATION OF MUNICIPAL ESTIMATES.

The estimates shall be prepared in accordance with the following provisions :—

1. Against each item of revenue and expenditure the amount estimated for the coming year, and the amount of the approved estimate for the current year, shall be shown.

2. The estimates of revenue shall include all fees, fines, dues, rents, rates and other moneys payable into the town fund and shall be arranged under comprehensive heads.

3. The estimates of expenditure shall be framed so as to show as nearly as possible the amount which it is expected will actually be spent during the year.

4. No item of receipt or expenditure shall be included under the head "miscellaneous" which can appropriately be placed under any other head.

5. Any item for "contingencies" or "miscellaneous" shall be confined to petty and casual charges which are foreseen but are too unimportant to be provided for separately.

6. New heads or sub-heads shall be opened for items of receipt or expenditure not properly falling within any of those already appearing in the estimates.

7. The total estimated expenditure of the year should not in ordinary circumstances be allowed to exceed the total estimated revenue.

8. There will be two heads for public works, all annually recurrent services being placed under the first head, and other works under the second.

9. The estimates when submitted to the Governor shall be accompanied by explanations respecting every item of an unusual nature therein comprised and of the difference under each item between the proposed expenditure or anticipated revenue and the approved estimate for the preceding year, as shown in the parallel columns.

R. R.
by Law 41 of 1944.

EIGHTH SCHEDULE.

FORM OF VALUATION LIST.

An assessment for the rating for municipal purposes of the town of _____ made the _____ day of _____ 19 _____

Serial No.	Name of occupant.	Name of owner.	Description of property.	Name or situation.	Annual value.
1	A.B.	C.D.	Land and buildings	_____chiftlik	£50
2	A.B.	C.D.	House and gardens	No. 10 in street_____	£48
3	A.K.	C.D.	House	No. 2 in street_____	£40
4 etc.	J.K. etc.	C.D. etc.	Shop etc.	No. 25_____ etc.	£60 etc.

The particulars contained in the above assessment are correct, so far as I (we) have been able to ascertain.

(Signed) _____

Valuer.

NINTH SCHEDULE.

SCALE OF FEES FOR PROFESSION, TRADE OR BUSINESS LICENCES.

New Ninth Schedule inserted

	CLASS				
	i.	ii.	iii.	iv.	v.
	Shillings per annum.				
Advocates	60	40	30	20	10
Agricultural implement makers ..	20	15	12	10	5
Animals for hire, proprietors of ..	20	15	10	8	4
Auctioneers	30	20	15	10	5
Bakers	60	40	20	10	5
Banking establishments	200	160	120	80	40
Bankers	60	40	30	20	10
Barbers	20 20	15 20	10 15	5 10	3
Bath-keepers	20	15	10	8	4
Blacksmiths	30	20	10	5	3
Boilermakers	30	20	10	5	3
Booksellers	40	30	20	10	5
Boot and shoemakers (English and native)	30	20	10	5	3
Bread-sellers	60	40	20	10	5
Brokers	60	40	20	10	5
Builders and building contractors ..	30	20	10	5	3
Butchers	20 20	15 20	10 15	5 10	3
Cabinetmakers	40	20	10	5	3
Calico printers and head cloth printers..	30	20	10	5	3
Carpenters	40	20	10	5	3
Candlemakers	30	20	15	10	5
Cartwrights	30	20	15	10	5
Cattle dealers	30	20	10	5	3
Chair-makers and repairers	20	15	10	5	3
Chemists and druggists	30	20	10	5	—
Cigarette makers	20	15	10	5	3
Coffee-house keepers and coffee-sellers ..	20	15	10	5	3
Commission agents	60	40	20	10	5
Commission agents, (travelling) on each arrival	20	10	5	—	—
Companies not otherwise enumerated ..	100	60	30	20	10
Confectioners and pastry works	30	20	10	5	3
Coppersmiths	30	20	10	5	3
Curd-milk makers, including makers of cheese and butter	20	15	10	8	4
Cycles for hire, proprietors of	20	15	10	5	3
Diligence companies and proprietors or holders for the time being of diligences and other carriages plying for hire:—					
In respect of each diligence plying for hire or carriage so employed:—					
(a) If drawn by one animal	5	—	—	—	—
(b) If drawn by two or more animals	10	—	—	—	—
Dyers	30 20	20 20	10 10	5 5	5
Engineers	30	20	10	5	3
Farriers	10	8	5	4	—
Felt-makers	10	8	6	4	—

	CLASS				
	i.	ii.	iii.	iv.	v.
		Shillings per annum.			
Fishmongers and game-sellers..	20	15	10	5	3
Flour-sellers	20	10	10	5	—
Fruit-sellers	40	20	10	5	3
Fruit and vegetable gardeners ..	20	15	10	5	3
Glass-workers	10	8	6	4	—
Grocers	40	20	10	5	3
Gunpowder and explosives vendors ..	30	20	10	5	—
Haberdashers	30	20	10	5	3
Hairdressers	20	15	10	5	3
Halva-makers	20	15	10	5	3
Insurance agencies	200	160	120	80	40
Jewellers, goldsmiths, silversmiths, and watchmakers	30	25	20	10	5
Journalists	40	30	20	10	5
Keepers of hotels, khans and taverns ..	40	30	20	10	5
Knife-makers	10	8	6	4	—
Lantern-makers	10	8	6	4	—
Managers of clubs, restaurants and establishments of public entertainment of all kinds	40	30	20	10	5
Manufacturers not otherwise enumerated	60	40	30	20	10
Medical practitioners	60	40	30	20	10
Merchants not otherwise enumerated ..	60	40	30	20	10
Midwives	60	40	30	20	10
Moneylenders	60	40	30	20	10
Motor cars for hire, proprietors of ..	100	60	40	20	10
Municipal officials	60	40	20	10	5
Oil-makers and oil-sellers	20	15	10	8	4
Pack-saddlers	10	8	6	4	—
Painters	20	15	10	5	3
Peddlers	30	20	15	10	5
Persons in private employ	60	40	25	10	3
Petroleum agencies	200	160	120	80	40
Petroleum vendors and hawkers	20	10	5	3	—
Plasterers	60	40	20	10	3
Professors	40	30	20	10	5
Proprietors of printing offices	40	30	20	10	5
Quilt-makers	20	15	10	5	3
Rope-makers	10	8	6	4	—
Sack-makers	10	8	6	4	—
Saddlers	20	15	10	5	—
Savings Banks	100	80	60	40	20
Schoolmasters	20	15	10	5	3
Sculptors and marblers	60	40	20	10	3
Sheep-fold users	20	15	10	8	4
Sheep and goat dealers	30	20	10	5	3
Silk winders	20	15	10	8	4
Steamship agencies	100	80	60	40	20
Tailors	30	20	10	5	3
Tanners and skin merchants	60	30	10	5	—
Telegraph agencies	100	80	60	40	20

	CLASS				
	i.	ii.	iii.	iv.	v.
	Shillings per annum.				
Theatrical, cinematograph and musical companies, conjurers and travelling showmen in respect of one exhibition or performance	4	3	2	1	$\frac{1}{2}$
Where more exhibitions than one are given :—					
(a) not exceeding a stay of one week	20	15	10	5	2
(b) exceeding one week but not exceeding one month	60	40	30	20	5
Tile-makers and potters	30	20	15	10	3
Timber merchants	40	20	10	5	3
Tinsmiths	10	8	6	4	—
Tobacconists	20	15	10	5	3
Tobacco manufacturers	100	80	60	40	20
Tradesmen not otherwise enumerated ..	60	40	30	20	10
Travelling traders on each arrival ..	20	10	5	—	—
Vegetable sellers	40	20	10	5	3
Well sinkers	10	8	6	4	—
Wine and spirit merchants, wholesale or retail, selling foreign wines and spirits and other intoxicating liquors ..	100	60	40	25	50
Wine and spirit merchants, wholesale, selling wines and spirits and other intoxicating liquors manufactured in the Colony	100	60	40	25	50
Wine and spirit merchants retail, selling wines and spirits manufactured in the Colony	30	20	10	5	—
Wine and spirit manufacturers and distillers	60	40	30	15	5
Any other trade, profession, business or occupation carried on for profit not above mentioned but not including persons performing only religious duties	60	40	20	10	5

FORM OF LICENCE TO CARRY ON TRADE, ETC., WITHIN MUNICIPAL LIMITS.

LICENCE TO CARRY ON PROFESSION, TRADE OR BUSINESS.

Licence is hereby granted to (1).....
of....., to carry on the profession,
trade or business of (2).....
within the town of..... until the
day of..... 19.....

Duty paid £.....

(Signed).....

Treasurer.

N.B.—This licence expires on the..... day of..... 19.....

- (1) Name and address of licensee.
- (2) Describe the business, trade or profession.

FEES PAYABLE BY OFFICERS AND SERVANTS OF THE GOVERNMENT OF THE COLONY OR OF THE EVCAF DEPARTMENT.

	Shillings per annum.
Class 1. Officers and servants whose salary does not exceed £100 per annum	5
„ 2. Officers and servants whose salary exceeds £100 but does not exceed £300 per annum	10
„ 3. Officers and servants whose salary exceeds £300 but does not exceed £600 per annum	20
„ 4. Officers and servants whose salary exceeds £600 but does not exceed £1,000 per annum	40
„ 5. Officers and servants whose salary exceeds £1,000 per annum	60

TENTH SCHEDULE.

HAWKING FEES.

Vegetable and fruits, etc. :	Daily.
For a usual animal load	2cp.
For half a load or one big basket (kofina)	1cp.
For an ordinary basket	½cp.
For larger quantities—proportionate sums.	
Other articles : <i>articles not otherwise enumerated</i>	
For hawking drapery and other articles	4cp.
Fowl and chicken :	
For every live chicken or fowl exposed for sale	½cp.
„ „ turkey „ „ „	½cp.
For every chicken or fowl killed, exposed for sale	1cp.
„ turkey „ „ „	2cp.

ELEVENTH SCHEDULE.

FORM OF LICENCE TO USE A BUILDING, Etc., FOR CERTAIN PURPOSES.

_____ being the owner, (lessee or occupier) of premises (or a tent) known as _____ and situated at _____ is hereby authorised to use the said premises or to cause or allow the said premises to be used for the purpose of _____

for a period of _____ from the _____ day of _____ (or upon the _____ day of _____) upon the following conditions and subject to the provisions of the Municipal Corporations Law, 1930, and any law amending the same.

Conditions.

1. The said premises (or tent) and the fittings, fixtures, furniture, and lighting and ventilating arrangements thereof respectively, shall not be altered without the consent in writing of the council first had and obtained.

2. Not more than.....persons, including children, shall be allowed in the premises (or tent) at any one time, of whom not more than.....shall be allowed in.....(*set out particulars of numbers who may be allowed in various parts of the premises.*)

3. All fire appliances shall be kept in good working order and ready for use.

4. Whenever the public is admitted to the premises (or tent) at least.....persons shall be in charge of the fire appliances.

5. No cinematograph film shall be publicly exhibited in the premises (or tent) which has not been passed by the censor under any enactment in force for the time being respecting the censorship of such films.

6. This licence cannot be transferred without the consent of the council first obtained. Any such consent must be in writing signed by the mayor and the town clerk.

7. This licence shall be exhibited in a conspicuous place near the main entrance of the premises (or tent).

8. Fee paid for this licence £.....no part of which shall be returnable if this licence is cancelled or revoked for any reason.

Special conditions (if any) :

Dated

Signed.....
Mayor.

Signed.....
Town Clerk.

N.B.—This licence expires on the.....day of.....
19.....

TWELFTH SCHEDULE.

WEIGHING AND MEASURING FEES.

	Minimum Weight, Okes	Fees
Almond	10	1 para per oke
Aniseed	20	2 paras „
Barley	20	6 „ per 20 okes
Beans	20	1 para per oke
Butter (of milk)	10	5 paras „
Butter, other—such as cocoline vegeta- line, etc.	10	2 „ „
Carobs, natural or ground	40	20 „ per cantar
Carobs, natural or ground, on exporta- tion	40	2½cp. „
Charcoal	20	1 para per oke
Coal	40	½ „ „
Colocas	20	1 „ „
Cotton, unginced	40	1 „ „
Cotton, ginned	20	2 paras „

	Minimum Weight, Okes.	Fees
Cotton seed	20	$\frac{1}{2}$ para per oke
Cumin seed	20	2 paras "
Fayetta	20	10 " per 20 okes
Flour	20	1 para per oke
Fruit, fresh (other than oranges and lemons)	10	1 " "
Fruit, dry (raisins, dry or boiled)	20	$1\frac{1}{2}$ paras "
Fruits, dry, with shells removed	10	3 " "
Fuel	40	$\frac{1}{2}$ para "
Gypsum	40	$4\frac{1}{2}$ cp. per ton
Gypsum, on exportation	75	2 " "
Hazelnuts	10	1 para per oke
Hay	40	$\frac{1}{2}$ " "
Konari	20	1 " "
Lime	40	$\frac{1}{2}$ " "
Linseed	20	1 " "
Mavrokokko	20	2 paras "
Nuts	10	1 para "
Oats	20	6 paras per 20 okes
Oil, olive	10	3 " per oke
Oil, other	10	1 para "
Olives	20	2 paras "
Olive stones	40	$\frac{1}{4}$ para "
Onions	20	$\frac{1}{2}$ " "
Peas and other pulse	20	1 " "
Potatoes	20	1 " "
<i>pumice stone</i>	20	1 " " <i>per stone</i>
Sesame	20	1 " "
Silk	3	$3\frac{1}{2}$ cp. para "
Silk cocoons, dry	10	5 paras "
Silk cocoons, fresh	20	3 " "
Straw	40	$\frac{1}{2}$ para "
Straw, on exportation	75	$\frac{1}{2}$ " "
Sumac	40	$\frac{1}{2}$ " "
Terra umbra, natural, in lumps or ground	40	$2\frac{1}{2}$ cp. per ton
Terra umbra, calcined, in lumps or ground	40	$4\frac{1}{2}$ cp. "
Vetches	20	10 paras per 20 okes
Vikos	20	10 " "
Wheat	20	10 " "
Wines and spirits	20	1 para per oke
Wood	40	$\frac{1}{2}$ " "
Wool	40	3 paras "
Zivania : weighing and testing by Cartier's hydrometer	40	$1\frac{1}{2}$ " "
Zivania : measuring and testing by Sikes' hydrometer	40	6 " "
	Minimum measure.	
Lemons	100	5 " per 100
Oranges (Jaffa)	100	10 " "
Oranges (other kinds)	100	5 " "

Fees shall be calculated on the actual weight of the goods weighed at the above rates: Provided that,

Fractions under 5 paras shall not be collected.

For fractions of 5 paras and over and under 15 paras the sum of 10 paras shall be collected.

For fractions of 15 paras and over and under 20 paras the sum of 20 paras shall be collected:

Provided also that the minimum fee for any one weighing or measuring shall be $\frac{1}{2}$ cp.

THIRTEENTH SCHEDULE.

TOLLS ON FOREIGN GOODS.

Beans generally	..	..	..	..	per oke	1 para
Coffee	..	..	..	..	„	3 paras
Flour	..	..	..	..	„	1 para
Rice	..	..	..	..	„	1 „
Sugar	..	..	..	..	„	2 paras

FOURTEENTH SCHEDULE.

ENACTMENTS REPEALED.

The Municipal Councils Law, 1882.

The Municipal Councils Law, 1885.

The Weighing (Municipalities) Law, 1923.

The Municipal Councils (Amendment) Law, 1926.

The Municipal Councils (Amendment, No. 2) Law, 1926

The Municipal Councils (Amendment) Law, 1927.

The Municipal Councils (Amendment) Law, 1929.

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