

Amended by Law 81/36

22/35

No. 28 OF 1930.

A.D. 1930.
28 of 1930.

TO PROVIDE FOR THE RESERVATION OF TREE PLANTING AREAS IN THE VILLAGES OF THE COLONY OF CYPRUS.

H. HENNIKER-HEATON.]

[June 5, 1930.

BE it enacted:—

Short title.

1. This Law may be cited as the Tree Planting Village Areas Law, 1930.

Definitions.

2. In this Law:—

“ Tree Planting Area ” means the area in each village declared to be reserved as the Tree Planting Area of the village by an order of the Governor made under this Law ;

“ Arazi Mirié ” includes lands of the category of Arazi Mevcoufé Takhsisat ;

“ Owner in the village ” means any male person of over eighteen years of age who, whether being an inhabitant of the village or not, is the proprietor or possessor of Arazi Mirié land situated within the limits of the village whether such land is or is not registered in the name of such person in the books of the Land Registry Office ;

“ List of Voters ” means the list of owners in the village prepared under the provisions of this Law ;

“ Animal ” means any bull, cow, ox, heifer, calf, camel, horse, mule, donkey, sheep, goat or swine ;

“ Passage ” means any street, road, footpath or bridle-path, situated within or passing through any Tree Planting Area.

3. The Commissioner of the District may, whenever he thinks it advisable, or shall upon a requisition signed by not less than ten owners in the village, serve or cause to be served upon the Mukhtar of the village a notice in writing calling upon him to convene a meeting of the owners in the village for the purposes specified in Section 10 of this Law.

Meeting of owners in the village.

*See Law 28 of 1935
repealed by Law 69 of 1948*

4. Within fourteen days of the receipt of a notice in writing as in the preceding section provided, the Mukhtar of the village shall:—

List of voters.

(1) Prepare or cause to be prepared a list of voters (in this Law called the "List of Voters") showing therein the name and surname and place of residence of every owner in the village, and shall sign the List of Voters so prepared as aforesaid. Provided that the names and surnames and place of residence of the Christian and Moslem owners in the village shall be shown therein in the Greek and Turkish languages respectively as the case may be;

(2) Post or cause to be posted on the door of the Church and Mosque, if any, of the village or in a conspicuous place in the village a copy of the List of Voters, such copy to be signed and sealed by the Mukhtar;

(3) Forward to the Commissioner of the District a copy of the List of Voters, such copy to be signed and sealed by the Mukhtar.

5. Any owner in the village, who is not included in the List of Voters and claims to be included therein, and any owner in the village who objects to the inclusion of a person in the List of Voters, shall deposit his claim for rectification duly signed by him, with the Mukhtar of the village within seven days of the posting of the List of Voters as in the preceding section provided.

Claims for rectification.

6. Within seven days of the expiration of the period in the preceding section prescribed, the Mukhtar of the village shall:—

Consideration of claims by Mukhtar.

(1) Consider and decide upon such claims;

(2) Notify his decision in writing to the owner in the village concerned and to the person affected by such decision, if any;

(3) Make such alterations in the List of Voters as he thinks necessary;

(4) Notify such alterations in writing to the Commissioner of the District.

Objections
to decisions
of Mukhtar.

7. Any owner in the village or any person affected by any decision given by the Mukhtar of the village and notified to such owner in the village or person as in the preceding section provided, may object to such decision by depositing in writing his objection, duly signed by him, at the Office of the Commissioner of the District within seven days of the expiration of the period in the preceding section prescribed.

Revision of
List of
Voters by
Commis-
sioner.

8.—(1) The Commissioner of the District, having considered such objections, shall make such alterations in the List of Voters as he thinks necessary or shall confirm the List of Voters, and shall cause a copy thereof to be served upon the Mukhtar of the village and to be posted on the door of the Church and Mosque, if any, of the village or in a conspicuous place in the village within ten days of the expiration of the period in the preceding section prescribed.

(2) The List of Voters so revised or confirmed by the Commissioner of the District as aforesaid shall be final and conclusive for all the purposes of this Law. Provided that if no claims for rectification have been deposited with the Mukhtar of the village as in section 5 of this Law provided, the List of Voters prepared and posted by the Mukhtar of the village under the provisions of section 4 of this Law, shall, on the expiration of the period therein prescribed, be deemed to be final and conclusive for all the purposes of this Law.

Notice of
meeting.

9.—(1) The Mukhtar of the village shall, within two months of the receipt of a notice in writing from the Commissioner of the District as in section 3 of this Law provided, post or cause to be posted on the door of the Church and Mosque, if any, of the village or in a conspicuous place in the village a notice, duly signed and sealed by him, convening a meeting for the purposes of this Law and specifying in such notice the date, place and hour for holding the meeting.

(2) Copy of the notice posted as aforesaid, duly signed and sealed by him, shall be forwarded forthwith by the Mukhtar of the village to the Commissioner of the District.

10.—(1) Every meeting so convened:—

Proceedings
at meeting.

(a) Shall be duly qualified to transact business if one-third of the owners in the village and whose names appear in the List of Voters are actually present thereat. Provided that at an adjourned meeting any number of owners in the village and whose names appear in the List of Voters and who are actually present at such adjourned meeting shall form a quorum;

(b) Shall be held under the presidency of the Mukhtar of the village on the date and at the place and time appointed as in section 9 of this Law provided. Provided that the Mukhtar of the village may adjourn the meeting for seven days if one third of the owners in the village and whose names appear in the List of Voters are not actually present at such meeting.

(2) At every such meeting every owner in the village and whose name appears in the List of Voters and who is actually present at the meeting shall be entitled to vote on all questions or resolutions proposed at such meeting.

(3) All questions and resolutions proposed at every such meeting shall be determined in open voting by a majority consisting of two-thirds at least of the owners in the village present thereat and entitled to vote.

(4) Every such meeting shall determine whether an area is to be reserved as the Tree Planting Area of the village and shall fix and describe with boundaries and particulars the area so to be reserved. Provided that such area shall be a consecutive area and shall comprise as nearly as the circumstances of the case may permit the one-fifth of the total extent of the Arazi Mirié lands situated within the limits of the village.

*P. & R.
by Law 82/35*

11. Whenever at any meeting convened and held as aforesaid, it is determined that an area is to be reserved as the Tree Planting Area of the village, the Mukhtar of the village shall forward forthwith to the Commissioner of the District a report, signed and sealed by him, containing a description with boundaries and particulars of the area in question and stating whether such area fulfils the conditions in section 10 (4) of this Law prescribed.

Report of
Mukhtar.

Commissioner to transmit report for the consideration of Governor.

12. The Commissioner of the District shall as soon as possible transmit the report of the Mukhtar, together with any observations or recommendations he has to make thereon, to the Colonial Secretary for the consideration of the Governor.

On consideration of report, Governor may make orders.

13. (1) If the Governor approves the report submitted and considers it expedient, having regard to all the circumstances, that the area described in such report should be reserved as the Tree Planting Area of the village concerned, he may by order declare it to be reserved as the Tree Planting Area of the village. Provided that the Governor may in such order limit or extend the area described in such report.

(2) Every such order shall be published in the *Cyprus Gazette* and shall come into force after the expiration of one month from the date of its publication and shall remain in force for a period of ten years thereafter. Provided that the Governor may, on good cause shown, by order to be published in the *Cyprus Gazette* abridge the said period of ten years or extend the said period of ten years for a further period not exceeding five years.

(3) A copy of every such order in the Greek or Turkish language or in both languages, as the case may be, shall, as soon as possible after its publication in the *Cyprus Gazette*, be posted or caused to be posted by the Commissioner of the District on the door of the Church and Mosque, if any, of the village concerned or in a conspicuous place in the said village.

Duties of Director of Agriculture.

14. The Director of Agriculture shall once at least in each year depute an officer of his department to:

(a) Inspect every Tree Planting Area;

(b) Submit a report to Government respecting the condition and development of every Tree Planting Area.

Provision when there is more than one Mukhtar.

15. When in any village there is more than one Mukhtar, the Mukhtar of the community in numerical majority in the village shall be the Mukhtar who shall perform the duties or do the acts imposed upon Mukhtars by this Law.

Power to Commissioner.

16. When the Mukhtar of any village is unable or unwilling or neglects or refuses to perform any of the duties or do any of the acts imposed upon Mukhtars by

this Law, the Commissioner of the District may appoint a fit person to perform the said duties or do the said acts, and the duties or acts performed or done under this Law by the person so appointed as aforesaid shall be as valid and effective as if performed or done by the Mukhtar of the village.

17.—(1) The Governor in Council may from time to time, on the recommendation of the Director of Agriculture, by order exclude any village from the operation of this Law, and may revoke such order.

Power to Governor in Council to make orders.

(2) Every such order shall be published in the *Cyprus Gazette* and thereupon none of the provisions of this Law shall be applicable to the village named in the order.

18.—(1) Any person who after the commencement of any plantation on any land situated within such area shall graze or drive or lead or take or allow or suffer to be grazed or driven or led or taken any animal in or upon or along any Tree Planting Area; or

See Law 22/35 Penalties. See Law R.O.R. by Law 1/36.

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(2) Any Mukhtar or other person appointed as in section 16 of this Law provided, who shall refuse or neglect without reasonable excuse to perform any duty or do any act to be performed or done under this Law, or who shall knowingly make any report to the Commissioner of the District false in any material particular; or

(3) Any person who shall prevent or obstruct any Mukhtar or other person appointed as in section 16 of this Law provided to perform any duty or do any act to be performed or done under this Law; or

(4) Any person who acts in contravention of any Regulations made under this Law, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five pounds or to imprisonment not exceeding one month or to both such punishments.

Proviso: see law 22/35 D.U(6)

19.—(1) The Governor in Council may by order make Regulations to be published in the *Cyprus Gazette* for carrying the purposes or provisions of this Law into effect.

Power to Governor in Council to make Regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such Regulations may:—

R.O.R. by Law 22/35

(a) Prescribe the forms to be used in connection with any act to be done under this Law;

(b) Establish for any village a Fund into which all fines recovered under this Law for offences committed in the Tree Planting Area of such village shall be paid or deposited ;

(c) Prescribe the object for which and the mode in which any fines recovered under this Law shall be utilised or expended.

New section 19A
inserted
See Law 22/35
Saving.

20. Nothing in this Law contained shall be construed—

(1) To affect the Police Law, 1878, Part 2, or any amendment thereof ;

(2) To prevent any person from taking any animal along a passage situated in or passing through any Tree Planting Area, provided that such animal is being taken from and to places outside a Tree Planting Area and that such journey is prosecuted with all reasonable speed ;

(3) To prevent any person from driving or leading or taking in or upon or along a Tree Planting Area any camel, horse, mare, bull, cow, ass or mule absolutely necessary for the cultivation or repair of any immovable property situated within a Tree Planting Area or for the transport of any products produced in or upon a Tree Planting Area ;

(4) To impose any obligation on any person to plant trees or to cause trees to be planted in any Tree Planting Area ;

(5) To prevent a prosecution under any other law, but so that a person shall not be punished twice for the same offence ;

Date of
coming into
operation.

21. This Law shall come into operation on a date to be fixed by notice by the Governor in the *Cyprus Gazette*.

*This Law was published in the Cyprus Gazette No. 2063
of the 10th June, 1930.*