

No. 20 OF 1931.

A.D. 1931. A LAW TO CONTINUE IN OPERATION THE MUNICIPAL
CORPORATIONS (MOTOR OMNIBUSES) LAW, 1930.

20 of 1931.

RONALD STORRS.] [21st December, 1931.

BE it enacted:—

Short title. 1. This Law may be cited as the Municipal Corporations
(Motor Omnibuses) Continuance Law, 1931.

Continuance
of Law 35 of
1930.

2. Notwithstanding anything contained therein, the
Municipal Corporations (Motor Omnibuses) Law, 1930,
shall continue in force until the 31st day of December, 1932.

Date of
coming into
operation.

3. This Law shall come into operation as from the 1st
day of January, 1932.

*This Law was published in the Cyprus Gazette No. 2187
of the 21st December, 1931.*

No. 21 OF 1931.

A.D. 1931. A LAW TO MAKE PROVISION FOR CERTAIN PAYMENTS.

21 of 1931.

RONALD STORRS.] [21st December, 1931.

WHEREAS disturbances have occurred in Cyprus and
damage has been done and expense has been
incurred in consequence thereof:

AND WHEREAS such damage and expense amounts in
the aggregate to thirty-four thousand three hundred and
fifteen pounds:

AND WHEREAS it is expedient that provision be made
for the payment of the said sum:

BE it enacted:—

Short title. 1. This Law may be cited as the Reparation Impost
Law, 1931.

Imposition
of impost.

2. There shall be paid to the Treasurer on or before the
thirtieth day of June, 1932, by the towns and villages set
out in the first schedule to this Law the amount appearing
against such town or village in such schedule:

Provided that the Governor may reduce all or any of
such amounts or direct that any such amount may be paid
by instalments.

Levying and
collection of
impost.

3.—(1) The amount payable by each town and village
shall be levied upon and collected from the Orthodox-
Christian inhabitants thereof in accordance with the
provisions of the sections following:

Provided that no levy shall be made upon and no amount shall be collected from such,

(a) officials and servants of the Government of Cyprus, or

(b) persons who rendered service to the Government of Cyprus during the disturbances which commenced upon the 21st day of October, 1931, or

(c) other persons whenever there shall appear to the Governor good reason so to do, as the Governor may, at his discretion, exempt from the operation of this Law.

(2) If any dispute shall arise as to whether any person is or is not a person exempted under the proviso to subsection (1) hereof it shall be referred to the Colonial Secretary whose decision shall be final and no appeal shall lie therefrom.

A certificate purporting to be given under the hand of the Colonial Secretary shall, without further proof, be evidence in any Court of Law that the person named therein is so exempted.

(3) For the purposes of this Law Orthodox-Christian inhabitant, (hereinafter in this Law referred to as inhabitant), means any member of the Greek-Orthodox Church resident or possessing property in the town or village upon the 21st day of October, 1931, and includes all persons whose names appear in the list of assessment in respect of the town or village made under the Elementary Education Law, 1929, section 67, last posted before the 21st day of October, 1931.

4.—(1) In towns and villages having municipal corporations the amount payable by each inhabitant liable to contribute shall be assessed by the council in office at the time of the coming into operation of this Law, and a list of such assessments (hereinafter in this Law referred to as the assessment list) shall be prepared and signed by the Mayor and town clerk or town clerk and treasurer.

Assessment of amount payable by inhabitants in towns and villages having municipal corporations.

(2) In the making of such assessment the amount for which any inhabitant is assessed shall as nearly as circumstances permit bear the same proportion to the total amount to be paid by the town or village as the amount for which such person was assessed if he was so assessed, or would have been assessed if he was not assessed, in the list of assessment made under the Elementary Education Law, 1929, section 67, last posted before the 21st day of October, 1931, bore to the total amount for which such assessment under such section was made.

(3) The assessment list so prepared and signed shall within ten days of the coming into operation of this Law be deposited by the Mayor 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, 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.

(4) If any assessment list is not prepared and deposited as required by this section each member of the council responsible for the preparation of such list (unless he shall be able to prove to the satisfaction of the Court that he was prevented by illness) shall be guilty of an offence and shall upon summary conviction be liable to imprisonment for any term not exceeding three years or to a fine not exceeding one hundred pounds or to both such punishments.

(5) If for any reason a municipal commission shall have been appointed in any municipality under the provisions of the Municipal Corporations Law, 1930, the powers and duties by this Law vested in the council which has been superseded by such commission shall be exercised by such commission, without prejudice to the infliction of any penalties which may have been incurred under the preceding sub-section hereof.

(6) The provisions of sections 79 and 80 of the Municipal Corporations Law, 1930, shall apply to any default by a council under this Law as though such default were in the performance of a duty mentioned in the Municipal Corporations Law, 1930.

Appeal from
assessment
by council.

5. Any inhabitant whose name appears therein who may feel himself aggrieved by any assessment list on the ground of his inclusion therein, or of the amount for which he is assessed, or of the omission of any other person therefrom may within seven days of the deposit of such list give notice of appeal therefrom to the Commissioner, and shall in such notice state the grounds of his appeal.

Upon the giving of such notice the Commissioner may require the person giving such notice to deposit with him a sum not exceeding one-eighth of the amount for which the person giving such notice is assessed.

Within fourteen days of the giving of such notice and upon the payment of any deposit required by the Commissioner, the Commissioner shall hear and determine such appeal, and his decision shall be final and no appeal shall lie therefrom.

When all such appeals have been heard and determined by the Commissioner he shall amend the assessment list in red in accordance with his decisions and shall initial the list.

If such appeal is abandoned or upon the hearing thereof fails from any cause, the Commissioner may, in his absolute discretion, direct that the whole or any part of the deposit made on account of such appeal be forfeited and such deposit or part thereof shall thereupon be paid to the council to be used by them in the payment of the amount due by the town or village under this Law. Any deposit or part thereof not ordered by the Commissioner to be forfeited shall be returned to the appellant.

6. Upon the eighth day after the deposit of the assessment list if there are no appeals therefrom, or upon the day upon which it is initialled by the Commissioner if there are appeals therefrom, a copy of the list shall be posted at the place where municipal notices are usually affixed and every inhabitant whose name appears therein shall within seven days of such posting pay to the treasurer or town clerk and treasurer of the municipal corporation the amount appearing therein against his name :

Collection of amount assessed by municipal council.

Provided that where under the provisions of section 2 of this Law the Governor has directed that any sum be paid by instalments the council may give notice that such amount may be paid by such proportionate instalments and upon such dates as may be necessary to comply with the Governor's directions.

7.—(1) If any inhabitant liable to pay any contribution under this Law shall refuse or neglect to pay the same in accordance with the provisions of this Law the Mayor shall issue a warrant under his hand and the corporate seal directed to the town bailiff requiring and commanding him to recover the contribution on the property of such defaulting inhabitant, and every such warrant shall, notwithstanding any of the provisions of the Municipal Corporations Law, 1930, be executed in accordance with the provisions of the second schedule to this Law :

Recovery of unpaid contributions.

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.

(2) Any Mayor who shall refuse or neglect to comply with the provisions of this section shall be guilty of an offence and shall upon summary conviction be liable to imprisonment for any term not exceeding three years or to a fine not exceeding one hundred pounds or to both such punishments.

(3) Town bailiff means the town bailiff appointed under the provisions of the Municipal Corporations Law, 1930. If in any town or village having a municipal corporation no town bailiff has been appointed one shall forthwith be appointed under the provisions of that Law. The municipal corporation shall be liable for all acts done by the town bailiff in execution of the duties of his office under the provisions of this Law.

Procedure on failure to recover from any inhabitant.

8. If for any reason whatsoever the amount for which any inhabitant is assessed or any part thereof is not paid by or recovered from such inhabitant within eight weeks of the posting of the assessment list or within such further time as the Governor may direct either generally or in respect of any town or village such unpaid amount or part thereof shall be assessed by the council and levied upon the other inhabitants of the town or village who are assessed in the assessment list for a sum of two pounds or over two pounds *pro rata* to the sum for which they are so assessed :

Provided that such assessment upon such other inhabitants shall not be deemed to extinguish the liability of the person first assessed.

If after any such assessment upon such other inhabitants the amount assessed or any part thereof shall be recovered from the person first liable therefor the amount so recovered, less any costs properly incurred in the recovery thereof, shall be repaid *pro rata* to the persons who shall have paid upon such assessment.

The Mayor shall cause a list of such additional assessments to be posted at the place where municipal notices are usually affixed and the amount of such additional assessments shall thereupon become payable to the treasurer or town clerk and treasurer of the municipal corporation and if any such amount shall remain unpaid at the expiration of seven days it shall be recovered in accordance with the provisions of section 7 of this Law.

9.—(1) In towns or villages having no municipal corporation the amount payable by each inhabitant liable to contribute shall be assessed by the Commissioner who shall prepare and sign a list of such assessments.

Assessment of amount payable by inhabitants of towns and villages not having municipal corporations.

Any inhabitant whose name appears therein who may feel himself aggrieved by any assessment list on the ground of his inclusion therein, or of the amount for which he is assessed, or of the omission of any other person therefrom may within seven days of the posting of such list give notice of appeal therefrom to the Governor in Council, and shall in such notice state the grounds of his appeal and the decision of the Governor in Council thereon shall be final and no appeal shall lie therefrom.

Where any appeal is made to the Governor in Council, the list prepared by the Commissioner shall, if necessary, be amended by him in accordance with the decision of the Governor in Council.

(2) In the making of such assessment the amount for which any inhabitant is assessed shall as nearly as circumstances permit bear the same proportion to the total amount to be paid by the town or village as the amount for which such person was assessed if he was so assessed, or would have been assessed if he was not assessed, in the list of assessment made under the Elementary Education Law, 1929, section 67, last posted before the 21st day of October, 1931, bore to the total amount for which such assessment under such section was made.

(3) The list prepared and signed by the Commissioner shall be posted in the place where Government notices are usually posted in the town or village.

10. The amount assessed under the provisions of section 9 of this Law shall be collected or recovered in the same manner as Government taxes are collected or recovered :

Collection of amount assessed by Commissioners.

Provided that where under the provisions of section 2 of this Law the Governor has directed that any sum be paid by instalments the Commissioner may give notice that such amount may be paid by such proportionate instalments and upon such dates as may be necessary to comply with the Governor's directions.

11. If for any reason whatsoever the amount for which any inhabitant is assessed under the provisions of section 9 of this Law or any part thereof is not paid by or recovered from such inhabitant within such time as the Commissioner

Procedure on failure to recover.

shall notify such unpaid amount or part thereof shall be assessed and levied upon the other inhabitants of the town or village *pro rata* by the Commissioner and the amount so assessed shall be collected and recovered as Government taxes are collected and recovered :

Provided that such assessment upon such other inhabitants shall not be deemed to extinguish the liability of the person first assessed.

If after any such assessment upon such other inhabitants the amount assessed or any part thereof shall be recovered from the person first liable therefor the amount so recovered, less any costs properly incurred in the recovery thereof, shall be repaid *pro rata* to the persons who shall have paid upon such assessment.

Deputy
mayor to
act for
mayor, etc.

12.—(1) If at any time,

(a) a Mayor is unable to perform the duties or exercise the powers assigned to him by this Law, or

(b) there is no Mayor holding office,

the duties and powers assigned to the Mayor by this Law shall be performed and 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 same penalties for any failure therein.

(2) If at any time,

(a) a Deputy Mayor is unable to perform the duties or exercise the powers assigned to him by this Law, or

(b) there is no Mayor or Deputy Mayor holding office in any municipal corporation,

the duties and powers assigned to the Mayor by this Law shall be performed and exercised by such person as the Governor shall appoint and such person in the performance of such duties and the exercise of such powers shall have all the powers of the Mayor.

Saving.

13. Nothing in this Law contained shall be deemed to derogate from or in any way affect the power of any Court to order any person to make compensation under the provisions of section 32 of the Cyprus Criminal Code Order in Council, 1928, (as set out in section 2(b) of the Cyprus Criminal Code Order in Council, 1928, Amendment Law, 1931).

Date of
coming into
operation.

14. This Law shall come into operation upon its publication in the *Cyprus Gazette*.

FIRST SCHEDULE.

District	Town or Village	Amount of contribution	
		£	s.
Nicosia	Nicosia	14,000	0
"	Morphou	500	0
"	Strovilo	400	0
"	Ayii Omoloyitades	275	0
"	Beyuk Kaimakli	195	0
"	Ayios Dometios	50	0
"	Paliouriotissa	40	0
"	Omorphita	30	0
"	Enkomi	20	0
"	Trakhoni	9	0
"	Nikita	8	0
"	Prastion	8	0
"	Petra	8	0
"	Kambos	6	10
"	Argaki	5	0
"	Kato Kopia	5	0
"	Kato Zodia	5	0
"	Pano Zodia	5	0
"	Vyzakia	4	10
"	Loutros	1	10
Larnaca	Larnaca	2,000	0
"	Pano Lefkara	300	0
"	Pyla	10	0
"	Tersephanou	10	0
"	Xylotymbo	10	0
Limassol	Limassol	5,500	0
"	Pissouri	250	0
"	Monagri	79	0
"	Mandria	55	0
"	Arsos	42	0
"	Kalo Khorio	37	0
"	Dhora	27	0
"	Zoopiyi	27	0
"	Asomatos	10	0
"	Lemithou	10	0
"	Trakhoni	10	0
"	Phasoulla	9	0
"	Pakhna	2	0
"	Episkopi	1	10

District	Town or Village	Amount of contribution	
Famagusta	Famagusta, including Varosha, Kato Varosha, Ayios Loukas and Ayios Memnon	£	s.
		5,000	0
	Rizokarpaso	600	0
	Yialousa	350	0
	Ardana	250	0
	Yerani	250	0
	Ayios Serghios	236	0
	Komi Kebir	208	0
	Akanthou	200	0
	Paralimni	175	0
	Limnia	170	0
	Trikomo	100	0
	Enkomi	93	0
	Prastion	90	0
	Ayios Elias	70	0
	Ayios Theodoros	70	0
	Koma tou Yialou	60	0
	Tripimeni	60	0
	Stylos	52	0
	Spathariko	46	0
	Gouphaes	44	0
	Phlamoudhi	40	0
	Marathovouno	34	0
	Gastria	30	0
	Patriki	27	0
	Ayia Napa	15	0
	Akhyritou	11	0
	Avgora	11	0
	Peristerona Piyi	10	0
	Gaidhoura	10	0
	Derinia	8	0
	Liopetri	8	0
	Angastina	5	0
	Athna (Akhna)	5	0
	Mousoulita	4	0
	Yenagra	3	0
Paphos	Paphos	500	0
"	Yeroskipos	5	0
Kyrenia	Kyrenia	1,000	0
"	Lapithos	350	0
"	Karavas	150	0

SECOND SCHEDULE.

1. The town bailiff upon receiving a warrant (which for the purposes of this schedule shall include a schedule annexed or subjoined to the warrant) issued by the Mayor under the provisions of section 7 of this Law shall proceed to the due execution of the same.

2. Every such warrant shall be executed by the town bailiff after sunrise and before sunset by the seizure of so much of the movable property of the person or each one of the persons named in the warrant as would in his opinion be amply sufficient to satisfy the amount severally due by such person or each one of such persons.

3. For the purposes of executing any such warrant the town bailiff shall have power to enter if need be by breaking open the house, office or premises or by forcible entry upon the lands in the possession, occupation or use of the person in default.

4. It shall be the duty of the town bailiff to keep in safe custody all such movable property as may have been so seized and, unless the amount due has been in the meantime paid, to sell the same by public auction to the highest bidder within three days from the date of the seizure.

5.—(a) In case no bid is made for the movable property so put up to auction or in case the price bid is manifestly too low and inadequate the town bailiff may adjourn the sale to another day being not more than three days from the day of the adjourned sale.

(b) The town bailiff shall post a notice containing the date for such adjourned sale and a description of the movable property to be sold thereat at some conspicuous place within the municipal limits.

(c) On the date fixed for the adjourned sale the town bailiff shall sell the movable property by public auction to the highest bidder.

6. The following sums shall be paid by every person whose name is included in the warrant as costs in connection with the execution thereof and shall be paid and recovered in addition to and in the same manner and at the same time as the amounts due under the warrant :—

Where the amount to be recovered :—

(a) does not exceed 10s.	a sum of	1s.
(b) exceeds 10s. but does not exceed £1	..	„	2s.
(c) exceeds £1 but does not exceed £3	..	„	3s.
(d) exceeds £3 but does not exceed £6	..	„	5s.
(e) exceeds £6	„	10s.

7. Upon the completion of the sale the town bailiff shall pay to the Mayor such parts of the proceeds of the sale as may be sufficient to cover the amount due together with the costs of seizure and sale and shall pay any surplus thereof to the owner of the movable property and obtain from such owner a receipt therefor.

8. It shall not be lawful to seize or sell by virtue of any warrant :—

(a) The necessary wearing apparel of the person in default and his family, and the necessary beds and bedding thereof not exceeding the value of five pounds ;

(b) The necessary baking and cooking utensils of the person in default and his family ;

(c) The books, tools, implements, vessels and receptacles absolutely necessary for the science, art, industry and trade of the person in default, not exceeding in the whole the value of five pounds ;

(d) One pair of neat cattle, or one mule and one ass, or two asses at the option of the person in default ;

(e) Every article which is indispensable to the use of the exempted animals ;

(f) The chopped straw required to feed the exempted animals for three months ;

(g) Provisions for three months for the person in default and his family.

9. If no sufficient movable property of the person in default is found within the town or village in which the warrant was issued but it appears that he has movable property, liable to seizure, in any other place the warrant shall be transmitted by the town bailiff to the Commissioner of the district wherein such movable property is found and the warrant shall thereupon be executed and the amount therein collected and recovered in the same manner as Government taxes are collected and recovered.

10. If no sufficient movable property can be found from which the amount due by a person in default may be collected and recovered it shall be lawful for the District Court of the District in which the person in default resides, upon the application of the Mayor, upon production of the warrant and upon proof of such insufficiency as aforesaid, but without further proof of the amount due, to summon the person in default before such Court and to make inquiry as to his circumstances and means of livelihood, and to make such order for the payment of the sum due, either forthwith or by instalments as the Court shall think fit; and, in default of payment either of the sum due or of the instalment thereof, without further process to commit the person in default to prison, there to be kept without bail for any term not exceeding three months unless payment shall be made before the expiration of that period:

Provided always that no imprisonment under this paragraph shall operate as a discharge of the liability of the person in default to pay any sum or instalment in respect of which the imprisonment was awarded.

11. If on an inquiry under paragraph 10 hereof it shall appear to the Court that the person in default has immovable property capable of being sold for the payment of the sum due it shall be lawful for the Court without further process to issue its warrant for the sale of such immovable property or a sufficient part thereof in like manner as if it were sold by order of a competent Court for the payment of a judgment debt, and the proceeds of such sale shall be applied in payment of the sum due; and the surplus thereof, after deducting the sum due and also the reasonable costs and charges of the sale and of all the proceedings prior thereto, shall be paid to the person in default.

12. It shall not be lawful for the Court in any such inquiry as hereinbefore mentioned to inquire into the justice of the assessment or the correctness of the amount due; but the Court shall proceed to make their order as aforesaid, unless the person in default shall show that the warrant was issued wrongly or by mistake or that he is not the person mentioned therein.

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