



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3362 OF 18TH MARCH, 1948.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 11 OF 1948.

A LAW TO AMEND AND CONSOLIDATE THE LAWS RELATING
TO THE PROTECTION AND PRESERVATION OF PUBLIC ROADS.

WINSTER,]

Governor.

[10th March, 1948.

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Public Roads Law, 1948. Short title.

Interpre-
tation.

2. In this Law, unless the context otherwise requires—
“ public road ” means any street, square, pathway, open place or space vested in the Crown for the use of the public under any law in force for the time being (notwithstanding that the same may be under the control of any other authority or body and notwithstanding that the expense of repairing and maintaining the same is borne by such authority or body) and includes any pathway, open place or space over which the public has a right of way and any bridge and culvert over which a public road passes and the parapets and battlements of any such bridge or culvert and any ditch, embankment, drain, causeway or supporting wall used in connection with a public road and any land adjacent to any public road which has been reserved for its protection or benefit.

Offences for
acts in, upon
or over
public roads.

3. A person shall be guilty of an offence under this Law who does or causes to be done any of the following acts in, upon or over any public road, that is to say :—

- (a) constructs or erects any structure or erection whatsoever, whether of stone (including loose stones), concrete, mud, iron, wood or of any other material whatsoever ;
- (b) constructs or erects any fence of any kind or of any material whatsoever ;
- (c) constructs or erects any traffic sign ;
- (d) lays any timber, stone, manure, lime, soil, ashes, rubbish or any other matter or thing whatsoever ;
- (e) pulls down, destroys, defaces or obliterates any mile-stone, post or traffic sign ;
- (f) digs up, destroys or causes any other injury or damage to any such road ;
- (g) suffers any filth, dirt or offensive matter or thing whatsoever to run or flow into or upon any such road ;
- (h) does anything on any land adjacent or in close proximity to any such road so as to damage any such road or to affect or to be likely to affect the safety of any such road ;
- (i) rides, drives, leads or suffers any animal to be on such road in a manner likely to cause annoyance to any passenger thereon or to obstruct or endanger any traffic on such road ;
- (j) plays any game likely to cause annoyance to any passenger on such road or to obstruct any traffic thereon ;
- (k) in any way wilfully obstructs the free passage.

4. The Director of Public Works may, from time to time by notice published in the *Gazette*, prohibit or regulate the use on any public road, as may be mentioned in the notice, of any type of vehicle, as may be mentioned therein, which in his opinion is likely to cause damage to such road, and any person who acts in contravention of the terms of such notice shall be guilty of an offence under this Law.

Power to Director of Public Works to prohibit or regulate use of certain types of vehicles on public roads.

5.—(1) Any person guilty of an offence under this Law shall be liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine and in addition thereto—

Penalty.

(a) if the person is convicted under paragraph (a), (b), (c) or (d) of section 3 of this Law, the court shall order such person to demolish or remove, within such time as shall be specified in the order but in no case exceeding fourteen days, any matter or thing in respect of which the offence has been committed and to pay such amount of compensation for any damage occasioned thereby as the court may direct;

(b) if the person is convicted under paragraph (e), (f), (g) or (h) of section 3 of this Law or under section 4 of this Law, the court shall order such person to pay such amount of compensation for any damage occasioned thereby as the court may deem fit.

(2) If any person against whom an order has been made as in paragraph (a) of sub-section (1) hereof fails or neglects to comply with such order within the time specified therein, it shall be lawful for the appropriate authority to carry out such order and any costs incurred for the carrying out such order shall be payable to the appropriate authority by the person against whom the order was made and such costs shall be deemed to be a penalty within the meaning of the Fines and Penalties Recovery Law, 1883, or any law amending or substituted for the same and payment thereof may be enforced accordingly.

3 of 1883.

(3) If any person against whom an order has been made as in paragraph (a) of sub-section (1) hereof disobeys or fails to comply with such order shall, notwithstanding that the appropriate authority has proceeded to carry out or has carried out such order, be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine.

(4) For the purposes of this section—

“appropriate authority” means the authority or body having control of, or bearing the expense of repairing and maintaining, the public road in respect of which the offence has been committed.

Power to
Director of
Public
Works to
enter upon
lands
adjacent to
public roads
for certain
purposes.

6. The Director of Public Works or any person authorized by him, and any servants, workmen and labourers employed by or under him or by or under such person may, at all reasonable times and with all necessary carriages, animals and other means, enter upon any land adjacent to or near any existing or intended public road, and there—

- (a) do all acts, matters and things necessary for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving or fencing any such road ;
- (b) search for, dig, cut, take and carry away any water, timber, brushwood, stone, gravel, clay or any other materials whatsoever, for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving or fencing or in any way assisting in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving or fencing any existing or intended public road or in any way connected therewith ; and may carry away the same through the property of any person, without being deemed a trespasser.

Compensation for
loss or
damage to
property.

7.—(1) Every person who shall sustain any loss or damage by reason of the exercise of any of the powers conferred by section 6 of this Law shall be entitled to receive such compensation for the same as may be agreed upon between the claimant and the Commissioner or as may be assessed in accordance with the provisions of section 8 of this Law :

Provided that no compensation shall be payable unless a claim therefor is made in writing to the Commissioner within two months after completion of the act, matter or thing in respect of which such compensation is claimed.

(2) For the purposes of this section and of section 8 of this Law—

“Commissioner” means the Commissioner of the district in which the property, in respect of which compensation is claimed, is situate,

8.—(1) If, within one month from the date of the receipt of the claim for compensation made in pursuance of the provisions of section 7 of this Law, the claimant does not agree with the Commissioner as to the amount of compensation, the Commissioner shall apply to the District Court of the district in which the property in respect of which compensation is claimed is situate to refer the assessment of such compensation to arbitrators; and the court shall thereupon fix a day for the appearance of the parties before the court and shall cause a notice of such date to be served on the Commissioner and on the person claiming compensation. Arbitration.

(2)—(a) On the day so fixed, if all the parties appear and each names a person as arbitrator on his behalf, the court shall appoint such persons as arbitrators;

(b) if any party fails to appear or refuses to appoint an arbitrator, the court shall appoint an arbitrator on behalf of such party;

(c) on appointing the arbitrators, the court shall limit the period within which the award shall be filed and may at any time extend such period;

(d) the award of the arbitrators shall be filed as directed by the court;

(e) if the arbitrators fail to agree or to file their award within the period or extended period fixed by the court, the court shall be the sole arbitrator.

(3) The court may make any order it may think right as to the course and costs of the proceedings, including the amount of fees or expenses to be paid in connection with the arbitration and award, and may direct by whom they are to be paid.

(4) The decision of the arbitrators, if they agree, or of the court, if the court has acted as sole arbitrator, shall be final and conclusive and no appeal shall lie therefrom.

(5) For the purposes of this section—

“court” includes any member of a District Court.

9. Notwithstanding anything in this Law or any other Law or public instrument contained, with the approval in writing of the Director of Public Works previously obtained and subject to such terms and conditions as he may deem fit to impose, there may be constructed or erected in, upon or over any public road, such mile-stones, posts, traffic signs, street-refuges and such other constructions or erections as the Director of Public Works may approve in the public interest. Constructions or erections in, upon or over public roads in certain cases.

Saving.

10. Nothing in this Law—

(a) shall exempt any person from any civil or criminal liability under any other law :

Provided that, as regards criminal liability, no person shall be punished twice on the same set of facts ;

(b) shall apply to any act in, upon or over any public road which is performed under and in accordance with the provisions of any law or public instrument in force for the time being.

Repeals.
3 of 1885
25 of 1922.

11. The Roads Protection Law, 1885, and the Roads Law, 1922, are hereby repealed.

R. E. TURNBULL,

11th March, 1948.

Colonial Secretary.