

CAP. 137.

CYPRUS

**HELLENIC MINING COMPANY
LIMITED**

CHAPTER 137 OF THE LAWS

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1959

CHAPTER 137.

HELLENIC MINING COMPANY LIMITED.

ARRANGEMENT OF SECTIONS.

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A LAW TO EMPOWER THE GOVERNOR TO GRANT A LICENCE TO THE HELLENIC MINING COMPANY LIMITED TO CONSTRUCT, EQUIP AND MAINTAIN A JETTY AND TO CONSTRUCT CERTAIN STORES AND OTHER ERECTIONS AND TO CONSTRUCT A ROAD IN CONNECTION WITH ITS MINING ACTIVITIES.

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[25th January, 1958.

Short title. 1. This Law may be cited as the Hellenic Mining Company Limited (Road and Jetty) Law, 1958.

Interpretation.

2. In this Law, unless the context otherwise requires—
 “ the Company ” means the Hellenic Mining Company Limited a company incorporated in Cyprus whose registered office is in the town of Nicosia ;
 “ jetty ” includes a pier ;
 “ land ” includes—
 (a) land with the grazing rights on or over such land ;
 (b) land with all water and water rights on, over or under such land ;

- (c) buildings and other erections ;
- (d) trees, vines and standing crops ;
- (e) easements, privileges and liberties appertaining or reputed to appertain to land ;

“ mining activities ” means any activities of the Company carried on for the purpose of obtaining or extracting any minerals by any mode or method, or any purpose directly or indirectly connected therewith or incidental thereto, under or by virtue of any mining lease granted to the Company and in force for the time being ;

“ person interested ” includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Law, and a person shall be deemed to be interested in land if he is interested in an easement affecting the land.

3. (1) The Governor may, in connection with the mining activities of the Company, grant a licence to the Company, on such terms and conditions and upon payment of such fees as he thinks fit—

Power to Governor to grant licence.

- (a) to erect a pier into the sea at the locality Livadhia in the vicinity of Karavostasi in the District of Nicosia ;
- (b) to construct, equip and maintain, at such places in the vicinity of the said pier as the Governor may approve, such sheds, stores and buildings, structures and erections as may be shown to the satisfaction of the Governor to be required by the Company in connection with the efficient operation of the said pier ;
- (c) to construct and maintain a road from the northern boundary of the area, in the vicinity of Mitsero in the District of Nicosia, covered by the mining lease granted to the Company and dated the 27th April, 1937, to a point on the Kato Moni-Peristerona road in the District of Nicosia, for the purpose of affording efficient means of communication to the Company between Mitsero and Karavostasi.

(2) The provisions of section 11 of the Streets and Buildings Regulation Law shall not apply to the road constructed under the provisions of this Law, and such road,

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unless the Governor otherwise directs, shall not be deemed to be a public road and the expenses of repairing and maintaining such road shall be borne by the Company.

Notice in
Gazette of
grant of
licence.

4. Upon the grant by the Governor to the Company of a licence under the provisions of section 3, a notice of such grant shall be published in the *Gazette*.

Plans and
particulars
to be
submitted.

5. (1) If, after the publication of a notice as in section 4 provided, the Company requires any land to be acquired compulsorily for any of the purposes in respect of which a licence under section 3 has been granted, the Company shall make application therefor to the Governor accompanied by plans showing the particulars of the land to be acquired and by a statement giving the particular reasons for the proposed compulsory acquisition and, if the Governor is satisfied that *prima facie* the acquisition may proceed, he shall request the Company to deposit the plans and particulars in duplicate with the Commissioner of Nicosia.

(2) It shall be lawful for the Company and its servants and workmen to do all or any of the following things in respect of any land which it proposes to make the subject of an application under subsection (1) of this section:—

- (a) to enter upon and survey and take levels of any such land ;
- (b) to dig or bore into the subsoil ;
- (c) to do all other acts necessary to ascertain whether the land is suitable for such purpose and the value of the land and of the buildings, trees and crops thereon ;
- (d) to clear the land proposes to be acquired and to set out and mark the boundaries of such land and the work, if any, proposed to be made thereon :

Provided that no person shall enter into any building or upon any enclosed Court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice of his intention to do so.

(3) As soon as conveniently may be after any entry made under subsection (2), the Company shall pay for all damage done, and in case of dispute as to the amount to be paid either the Company or the person claiming compensa-

tion may refer such dispute to the Compensation Assessment Tribunal constituted under section 3 of the Compensation Assessment Tribunal Law, whose decision shall be final.

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6. (1) The Company, after depositing the plans and particulars as in section 5 provided, shall cause notices to be served (in the manner hereinafter provided) on all the persons interested in the land it is proposed to acquire, notifying to them the proposed acquisition and informing them that they are at liberty to examine the plan and particulars of the land to be acquired at the offices of the Commissioners of Nicosia at Nicosia and Lefka and present any objections they may have to make thereto within six weeks from the service thereof.

Notice to persons interested.

(2) Where a notice is required to be served under this section, service shall be effected by delivery of the notice to the person to be served or, if he cannot be conveniently found, by leaving it at his usual place of abode with any adult inmate thereof :

Provided that, where service is not effected by delivery of the notice to the person to be served, or where it is impossible or impracticable to ascertain the persons interested, the District Court of the district in which the land in question is situate may order that the notice be advertised in any newspaper, and that a copy of the notice be posted on some conspicuous part of the land acquired or to be acquired.

(3) At or after the expiration of the period of six weeks from the service of the notices in subsection (1) provided, the Commissioner of Nicosia shall forward to the Governor the plans and particulars, together with the objections made, if any.

7. If the Governor approves the plans and particulars submitted and considers it expedient, having regard to all the circumstances of the case, that the land in question shall be acquired, he may, by notification in the *Gazette*, sanction the acquisition of the land and thereupon the land shall be acquired and compensation, which may include compensation for damage occasioned by determination of a lease, shall be paid for its acquisition such compensation to be determined in accordance with the provisions of any Law, in force for the time being, providing for the acquisition of land for public purposes.

Sanction by Governor of acquisition of land.

Refusal of
sanction by
Governor of
acquisition.

8. If the Governor does not approve the plans and particulars or does not consider it expedient, having regard to all the circumstances of the case, that the land in question shall be acquired, he may, by notice in the *Gazette*, refuse to sanction the acquisition of the land and, in such case the Company may submit fresh plans and particulars, and fresh proceedings under this Law may be taken.

Vesting
land in
Company.

9. When the Governor has notified his sanction to the acquisition of any land, the land shall thereupon vest absolutely in the Company, free from all encumbrances and the notification of the Governor's sanction shall be sufficient authority to the Director of Lands and Surveys to cause registration to be made or amendments of registration to be effected in accordance with the plans and particulars so approved by the Governor.

Saving.

10. Nothing in this Law contained shall prejudice or affect, or shall be construed as prejudicing or affecting, the rights of Her Majesty, Her Heirs and Successors or of any body politic or corporate or of any person or persons, except such as are mentioned in this Law and those claiming by, from or under them.