

CAP. 258.

CYPRUS

**PUBLIC HEALTH
(MARSH AREAS)**

CHAPTER 258 OF THE LAWS

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CHAPTER 258.

PUBLIC HEALTH (MARSH AREAS).

ARRANGEMENT OF SECTIONS.

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TO PROMOTE PUBLIC HEALTH BY THE ACQUISITION AND RECLAMATION OF MARSH AREAS FOR AGRICULTURAL AND OTHER PURPOSES.

1949
Cap. 141.
43 of 55.

[21st May, 1930.]

Short title. **1.** This Law may be cited as the Public Health (Marsh Areas) Law.

Interpreta-
tion. **2.** In this Law—
 “land” includes land, whether covered by water or not, buildings, trees, easements, standing crops, grazing rights, water and water rights;
 “marsh area” means any area declared to be a marsh area by the Governor under the provisions of this Law;

 “persons interested” include 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.

Power to
Governor to
declare
marsh areas. **3.** The Governor may by notification to be published in the Gazette declare any area to be a marsh area and

authorize the acquisition and reclamation thereof, and from and after the date of the publication of such notification this Law shall be applicable to such marsh area.

4. (1) From and after the publication of the notification aforesaid the Director of Public Works or other officer appointed for the purpose by the Governor shall prepare or cause to be prepared a detailed plan of the marsh area, together with a statement of particulars of the dimensions and boundaries of, and the names of all the persons interested in, any land lying within the marsh area and an estimate of the cost and expense for the acquisition and reclamation of such marsh area.

Preparation of plan, particulars and estimate.

(2) A copy of the plan, particulars and estimate aforesaid shall be transmitted by the Director of Public Works or other officer appointed by the Governor as aforesaid to the Director of Lands and Surveys.

5. (1) Whenever the Director of Public Works or other officer appointed by the Governor as aforesaid considers that a special survey of the marsh area is required the Director of Lands and Surveys shall, at his request cause a special survey to be made and shall, at least two months before making such survey, cause a notice to be published in the Gazette and to be posted in every village within the boundaries of which the marsh area or any part thereof is situate, calling upon all persons interested to appear and point out to the surveyor their land and the boundaries thereof.

Special survey may be made.

(2) A copy of any special survey made as aforesaid shall be transmitted by the Director of Lands and Surveys to the Director of Public Works or other officer appointed by the Governor as aforesaid.

6. (1) The Director of Lands and Surveys shall—

(a) cause a copy of the plan and particulars aforesaid to be deposited with the mukhtar of every village interested in the marsh area to which the plan and particulars refer; and

(b) when any land in question belongs to the Evcaf or any ecclesiastical body in Cyprus cause a notification that the plan and particulars have been so deposited to be sent to the High Council of Evcaf or to the head of the ecclesiastical body concerned; and

Copy of plan and particulars to be deposited with mukhtars, etc. Objections and how to be made.

(c) cause a notification to be published in the Gazette and to be posted in every village within the boundaries of which the marsh area or any part thereof is situate, to the effect that the copies of the plan and particulars have been so deposited and calling upon all persons who claim any land within the marsh area to submit to him within a period of three months from the date of the publication of the notification in the Gazette, their claims in writing together with any title deeds or other document or evidence on which they rely to establish their claims.

(2) No claim shall be valid or shall be entertained by the Director of Lands and Surveys unless made within the period prescribed in this section.

Inquiry and decision on claims, deposit of final plan, etc., and objections thereto.

7. The Director of Lands and Surveys shall inquire into and decide upon all claims made under section 6 of this Law and shall cause to be deposited with the mukhtar of every village interested in the marsh area a final plan and particulars recording the claims made and the claims allowed, if any, and shall cause a notification to be published in the Gazette and to be posted in every village within the boundaries of which the marsh area or any part thereof is situate, to the effect that such final plan and particulars as aforesaid have been so deposited and calling upon all persons who may be dissatisfied with his decision to bring their objections within a period of three months from the date of the publication in the Gazette of the notification referred to in this section.

Hearing of objection.

8. (1) Every such objection shall be brought by an application claiming the rectification of the final plan and particulars deposited under section 7 of this Law to be commenced in the competent District Court by the person objecting as applicant against the Director of Lands and Surveys as respondent and the decision of every such Court on any such objection may be appealed from in the same manner and subject to the same restrictions as though it was a decision in an ordinary civil action:

Provided that the District Court shall have unlimited jurisdiction to hear and dispose of all applications under this section.

(2) No such objection shall be entertained by the District Court unless brought within the period prescribed in section 7 of this Law.

9. At the expiration of the period of three months from the date of the publication of the notification in the Gazette as in section 7 of this Law provided, the final plan and particulars except so far as it may have been thus objected to shall be binding and conclusive on all persons affected thereby.

Plan and particulars to be binding on all persons.

10. If the Governor approves the final plan and particulars referred to in section 7 of this Law, he may at any time after all objections thereto, if any, have been heard and determined by the Court, by order to be published in the Gazette sanction the acquisition of the marsh area or any part thereof, and thereupon the marsh area or part thereof shall, subject only to the payment of compensation to be ascertained in manner hereinafter provided, vest absolutely in the Government free from all encumbrances, and the said order shall be sufficient authority to the Director of Lands and Surveys to cancel or amend all registrations existing within such marsh area or part thereof and to cause the registration of the whole of such area or part thereof to be made in the name of the Government.

Sanction by Governor of acquisition and vesting of marsh area in Government.

11. If within one month from the date of the publication of the order in the Gazette referred to in section 10 of this Law, the persons interested do not agree with the Director of Lands and Surveys as to the sum to be paid by way of compensation for the acquisition of the land within the marsh area, such compensation shall 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.

Compensation and determination thereof. 3 of 1st Sch. 43/55.

12. It shall be the duty of the Government to take all such steps and execute all such works as may be considered necessary for the purpose of reclaiming land within a marsh area acquired under the provisions of this Law: Provided that the Government may entrust to any person the reclamation of such land under such terms and conditions as to the Governor seem fit.

Duty of Government to reclaim.

13. The Government may after reclamation sell, lease, or exchange any land within a marsh area acquired under the provisions of this Law.

Power of Government to sell, etc.

