

CAP. 78.

CYPRUS

PIERS

CHAPTER 78 OF THE LAWS

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1959

CHAPTER 78.

PIERS.

ARRANGEMENT OF SECTIONS.

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A LAW TO REGULARIZE THE LEGAL POSITION OF EXISTING
PIERS AND TO REGULATE AND CONTROL THE ERECTION
OF NEW PIERS.

1949
Cap. 134.

[19th June, 1947.]

Short title.

1. This Law may be cited as the Piers Law.

Interpreta-
tion.

2. In this Law—

“ owner ”, in relation to a pier, includes the occupier ;

“ pier ” includes every wharf, jetty or other structure of any description whatsoever erected upon the fore-shore or extending into the territorial waters of the Colony and any pontoon moored in any such waters and used as a pier, wharf or jetty.

Erection,
etc., of pier
without a
licence
prohibited.

3. (1) No person shall erect or re-erect or extend or attempt to erect, re-erect or extend any pier save under a licence granted under this Law by the Governor in Council and subject to such conditions, to be specified in such licence, as he may think fit to impose.

(2) Any person who acts in contravention of the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds and any pier in respect of which the offence has been committed and any materials used or intended to be used in connection therewith shall be forfeited.

4. The owner of every pier existing at the commencement of this Law shall, within three months after the commencement thereof—

Procedure as to existing piers.

(a) if he holds any authority from the Government for the erection and continuance of the pier contained in a grant, licence or other formal instrument, produce to the Governor in Council such grant, licence or other formal instrument or a certified copy thereof :

(b) if he does not hold any such grant, licence or other formal instrument, apply to the Governor in Council for a licence under this Law to authorize the continuance of the pier and furnish the Governor in Council with a statement in writing, setting forth the following particulars—

- (i) the name and address of the owner;
- (ii) a description of the pier;
- (iii) the situation of the pier;
- (iv) the purposes for which the pier is used;
- (v) whether the pier is used solely for the purposes of the owner ;

(vi) if any persons other than the owner are permitted to use the pier, whether any charge is made by the owner for such use, and the amount of the charge ;

(vii) the date when the pier was first erected and, if re-erected, altered or extended, the date of the last re-erection, alteration or extension;

(viii) the nature of the authority given for the erection of the pier, the date thereof and the person by whom and the person to whom such authority was given ;

(ix) the grounds, if any, on which he claims a right to continue to use and maintain the pier, and for what term of duration such right is claimed.

5. If the owner of any pier existing at the commencement of this Law does not within the time prescribed in section 4 hereof either—

Removal of pier when section 4 is not complied with.

(a) produce an authority from the Government for the

erection and continuance of such pier contained in a grant, licence or other formal instrument; or

- (b) apply to the Governor in Council for a licence under this Law to authorize the continuance of such pier,

the Governor in Council may by notice in writing require the owner to remove such pier within such time as may be specified in the notice.

Establishment by owner of right to a pier.

6. If the owner of a pier existing at the commencement of this Law applies for a licence for the continuance thereof and establishes a claim to the continuance of such pier he shall be entitled to receive from the Governor in Council a licence under this Law preserving to the owner such claim with regard to the use and maintenance thereof and the re-erection and alteration and extension thereof as the owner had before the commencement of this Law.

Failure of owner to establish right to a pier.

7. If the owner of a pier existing at the commencement of this Law applies for a licence for the continuance thereof and fails to establish a claim to such continuance, the Governor in Council may—

- (a) by notice in writing require the owner to remove such pier within such time as may be specified in the notice; or
- (b) grant the owner a licence to continue to use and maintain the pier for such period and on such terms and conditions as the Governor in Council may think fit.

Determination by Supreme Court of disputes as to rights to pier.

8. If the Governor in Council and an applicant for a licence for the continuance of a pier are unable to agree as to whether the applicant has established a right to such licence or as to the terms and conditions which should be inserted therein to preserve the rights acquired by the owner with regard to such pier, such question shall be settled by the Supreme Court upon a summons taken out by the Attorney-General or by the applicant for the licence and in the like manner or as nearly as conveniently may be as questions are determined by the Supreme Court under the law for the time being regulating appeals to such Court.

Cancellation of licence for breach of conditions.

9. The Governor in Council may cancel any licence issued under this Law if the owner of the pier fails to comply with any of the conditions of the licence.

10. (1) The Governor in Council may cancel any licence issued under this Law whensoever he may think proper in the public interest :

Cancellation of licence in the public interest.

Provided that in such case the owner of the pier shall be entitled to compensation unless express provision to the contrary is contained in such licence.

(2) When the amount of such compensation is not agreed it shall be determined by the District Court in the district in which the pier is situate in the like manner as the amount of compensation is determined under the law for the time being regulating the acquisition of land for public purposes.

11. (1) Any person acting on the authority of the Governor in Council may remove a pier or any portion thereof, and for such purpose may enter upon any land in any of the following cases—

Removal of pier.

- (a) where the owner is required by or under this Law to remove a pier and refuses or neglects to do so within the time specified ;
- (b) where, after the commencement of this Law, the pier has been erected, re-erected, altered or extended without a licence ;
- (c) where the licence for the pier has been cancelled under the provisions of this Law :
- (d) where the licence or other authority for the pier has expired.

(2) Except in the case where the licence for the pier has been cancelled under section 10 hereof, the costs and expenses of and in connection with such removal shall be defrayed by the owner of the pier and may be recovered from him at the suit of the Attorney-General in any Court of competent jurisdiction.

12. All vessels and boats in the service of the Government and all officers of the Government in the exercise of their duties shall have full and unrestricted use and right of access at all times to any pier ; and in case of public emergency certified under the hand of the Governor any officer in the service of the Government shall be entitled to take temporary possession of any pier required for the public service.

Use of piers by Government.

Power to
make
Regulations.

13. The Governor in Council may make Regulations for all or any of the following purposes—

- (a) for the maintenance of piers and the approaches thereto in a proper state of repair ;
- (b) for the proper lighting of piers ;
- (c) for the supply and maintenance on piers of life-saving apparatus ;
- (d) for prescribing the fees to be paid for a licence granted under this Law ; and
- (e) generally for better carrying into effect the provisions and purposes of this Law.

Law not to
apply in
certain cases.

14. Nothing in this Law shall apply to—

- (a) any pier the property of the Government ;
- (b) any raft, float or movable jetty fixed or floated for use exclusively by bathers and pleasure boats with the prior written permission of the Commissioner within a distance not exceeding five hundred yards from the foreshore.