

CYPRUS

RURAL CONSTABLES

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CHAPTER 287.

RURAL CONSTABLES.

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A LAW TO MAKE BETTER PROVISION FOR THE APPOINTMENT OF RURAL CONSTABLES AND TO REGULATE THEIR DUTIES AND POWERS.

[1st January, 1933.]

1949

Cap. 267.

46 of 54.

59 of 55.

64 of 55.

16 of 58.

PART I.

PRELIMINARY.

1. This Law may be cited as the Rural Constables Law. Short title.

2. In this Law—

Interpre-
tation.

“animal” means any ass, bull, calf, camel, cow, dog, fowl, gelding, goat, heifer, hog, horse, kid, lamb, mare, mule, ox, pig, rabbit, sheep, sow, steer or any other domestic animal;

“Commissioner” means the Commissioner of the district in which the village or group is situated;

“group” means two or more adjacent villages which have been formed into a group by notification by the Governor under this Law;

"Group Commission" means a commission formed of the united Village Commissions of two or more villages forming a group;

"occupier" means the occupier of any land, vineyard, tree or water in the village or group and includes the owner of any flock of sheep or goats or of sheep and goats in the village or group;

2 of 21/49.

"produce" means crops, fruit, or other realizable yield of land or of trees and the yield of flocks of sheep, goats or of sheep and goats;

"sign" or "signed" or "subscribe" with reference to a person who is unable to write his name includes making his mark;

2 of 52/34.

"Superintendent" means a person appointed by the Commissioner to be the Superintendent of rural constables and temporary rural constables in the district under the provisions of section 40 of this Law;

"village" includes a quarter thereof;

"Village Commission" means the mukhtar and azas of a village.

PART II.

APPOINTMENT OF RURAL CONSTABLES AND ASSESSMENTS.

Governor may by notification direct formation of group.

3. (1) The Governor may, on the recommendation of the Commissioner, by notification in the Gazette direct that two or more adjacent villages shall be united into a group, and thereupon the villages specified therein shall form a group for the purposes of this Law.

(2) Every such notification may direct that the mukhtar of any of the Village Commissioners forming the Group Commission shall be the mukhtar of the Group Commission for all or any of the purposes of this Law.

(3) The Governor may at any time in like manner amend, vary or revoke any such notification.

Every village or group to have a rural constable.

4. In every village or group there shall be a rural constable or rural constables appointed as in this Law provided.

Meeting of Village Commission or Group Commission for appoint-

5. (1) The Village Commission of every village and the Group Commission of every group shall, between the 1st day of November and the 31st day of December in every two years after the 31st day of December, 1947, hold a meeting

of their members at which they shall decide by resolution of the majority of the members present—

ment of
rural
constables,
etc.
2 of 21/47

- (a) the number of rural constables required for the village or group and the number of temporary rural constables, if any, required during any period or periods in the two years next following and the duration of such period or periods;
- (b) whether any rural constable or temporary rural constable is required to keep a horse during the period of his office;
- (c) subject to any order made under subsection (3) hereof, the amount of the monthly salary to be paid to every rural constable and to every temporary rural constable, if any;
- (d) the building or place to be set apart as a pound for the keeping of animals impounded under this Law and the rent and cost, if any, required for providing such building or place as a pound.

(2) Every resolution under subsection (1) hereof shall be reduced into writing and shall be signed and sealed by the mukhtar and a copy thereof, signed and sealed in like manner, shall be forwarded by him with all convenient speed through the Superintendent to the Commissioner.

(3) The Governor may, from time to time by an Order made at any time before the holding of a meeting as in subsection (1) hereof provided, fix the minimum monthly salary to be paid to every rural constable or temporary rural constable.

(4) The salary of every rural constable and temporary rural constable shall be paid to him out of the Village Rural Constables Fund by the mukhtar of the village or group, as the case may be, on the last day of each month.

6. (1) The Commissioner shall, upon receipt of the resolution in the last preceding section mentioned, appoint such number of fit and proper persons to be rural constables or temporary rural constables as may be required for the purpose.

Appoint-
ment of
rural con-
stables, etc.
4 of 52/34.

(2) Every rural constable shall be appointed for a period of two years and shall, if he has carried out his duties to the satisfaction of the Commissioner, be eligible for re-appointment for a further period or periods of two years.

Decision by
Commissioner on
failure of
Village Com-
mission or
Group Com-
mission to
decide
matters
required to
be decided.

7. (1) Where—

- (a) no meeting has been held as provided by section 5 (1) of this Law; or
- (b) a meeting has been held but one or more of the matters required to be decided thereat have not been decided; or
- (c) no copy of the resolution at such meeting has been forwarded to the Commissioner as provided by section 5 (2) of this Law,

the Commissioner shall decide all or any of the matters which are required to be decided by section 5 (1) of this Law, and shall notify such decision to the mukhtar.

(2) Every such decision of the Commissioner shall be valid and effective as if it were made by the Village Commission or Group Commission concerned.

Assessment
and prepara-
tion of
assessment
list.
3 of 21/47.

8. (1) The mukhtar in conjunction with the Village Commission or Group Commission shall, between the 1st day of November and the 31st day of December in every year, assess any amount required for the purposes of section 5 of this Law for the ensuing year together with a fee for the mukhtar calculated at the rate of two and a half per centum on the amount so required (but not exceeding a total fee of five pounds in any one year) upon all occupiers of the village or group and shall make a list (hereinafter referred to as "the assessment list") containing the name and occupation of every occupier and the amount assessed upon each and shall make such a number of copies of the same as may be required.

(2) Such assessment shall be made in proportion to the amount of the produce or estimated produce of each occupier in the year to which the assessment relates.

(3) Every assessment list shall—

- (a) be dated as of the date on which it was made; and
- (b) be signed by the majority of the Village Commission or Group Commission concerned; and
- (c) be signed and sealed by the mukhtar.

(4) The copies of the assessment list shall be dealt with in the manner following, that is to say:—

- (a) the first copy thereof shall be retained and kept by the mukhtar;
- (b) the second copy thereof shall be posted or caused to be posted by the mukhtar, within three days of

its date, in a conspicuous place in the village or group;

- (c) the third copy thereof shall be forwarded by the mukhtar to the Commissioner within seven days of its date accompanied by a certificate signed and sealed by the mukhtar to the effect that a copy of the assessment list has been duly posted in the village or group and the date on which it has been so posted.

(5) Any resident occupier who may feel himself aggrieved by any amount assessed upon him in the assessment list may appeal to the Commissioner within ten days of the posting of the assessment list in the village or group. Every such appeal shall be in writing and shall be signed by the appellant and shall state the grounds on which the assessment is objected to, and a copy of such appeal shall, within the same period, be handed to the mukhtar by the appellant. 5 of 52/34.

(6) Whenever any amount is assessed on property attached to a monastery or throne or on any non-resident occupier of land in the village or group a special notice of the amount so assessed shall be immediately forwarded by the mukhtar to the head of the monastery, Metropolitan of the throne, or non-resident occupier, as the case may be, and such assessed party may, within twenty days from the date of receipt of such notice appeal to the Commissioner in the manner prescribed by subsection (5) of this section and shall, within the same period, forward a copy of his notice of appeal to the mukhtar. 5 of 52/34.

(7) The Commissioner shall as soon as possible proceed to inquire into the justice of the assessment and into any appeals that may have been made.

(8) The Commissioner, after such inquiry, shall make such alterations and amendments including the rectification of any omissions in the assessment list, and shall then approve it over his signature and seal, and shall cause a copy of the assessment list so approved to be handed to the mukhtar.

(9) The assessment list approved by the Commissioner as in the immediately preceding subsection provided shall be conclusive evidence that the occupiers named therein are liable to pay the amounts of money therein assessed upon them, and such amount shall be payable as from the date of such approval. Assessment list to be conclusive evidence of amounts payable.

Joint and
several
liability of
members of
Village
Commission
or Group
Commission
in certain
cases.

5 of 52/34.

(10) If the mukhtar in conjunction with the Village Commission or Group Commission concerned fail to prepare and make or post or forward to the Commissioner the assessment list in manner or within the period in this section provided, the members of such Village Commission or Group Commission (including the mukhtar thereof) shall be jointly and severally liable to pay the amount or amounts of money required for the purposes of subsection (1) (c) and (d) of section 5 of this Law, and shall at the request of the Commissioner and within such period of time as he may direct pay the said amount or amounts into a fund to be called the Village Rural Constables Fund. On their failure to do so the Commissioner may recover it by action in a Court of competent jurisdiction.

5 of 52/34.

(11) Where any amount has been paid by a Village Commission or Group Commission as in the immediately preceding subsection provided, such Village Commission or Group Commission may, with the leave of the Commissioner, assess the amount so paid on the occupiers of the village or group, and upon the approval of the assessment list therefor by the Commissioner the amount therein appearing shall be collected and recovered as in section 9 of this Law provided and when recovered it shall be refunded to the members of the Village or Group Commission who have paid the same.

Recovery
and
disposal
of sum
assessed.

6 of 52/34.

2 of 16/58.

9. (1) The amounts appearing in any assessment list shall be paid by the persons assessed to the mukhtar of the village or group at any time between the date of the approval of the assessment list by the Commissioner and the 30th day of September in each year either in one sum or by instalments and shall be paid by the mukhtar into the Village Rural Constables Fund:

3 of 13/37.

Provided that any amount representing the fee of the mukhtar in section 8 (1) prescribed shall, when paid to the mukhtar, be retained by him.

2 of 16/58.

(2) Any sum appearing in the assessment list remaining unpaid after the 6th day of September in any year shall be collected and recovered in the same manner as Government taxes may be collected and recovered.

3 of 21/49.

(3) Any person who fails or neglects to pay within the prescribed period the amount for which he is assessed shall be liable to pay in addition twenty-five per centum of the sum for which he was assessed and such additional amount shall be recoverable at the same time and in the like manner as the sum for which he was assessed:

Provided that whenever any additional amount payable under this subsection consists of a fraction of five mils there shall be paid in respect thereof the sum of five mils.

(4) The additional amount collected under subsection (3) hereof shall form part of the public revenue of Cyprus.

10. Every rural constable, unless he has been appointed under the provisions of section 12 or section 14 of this Law, shall, subject to the provisions of this Law, hold office for a period of two years commencing on the 1st day of January next ensuing after the date of his appointment and he shall, if otherwise qualified, be capable of re-appointment for a further period or periods of two years.

Term of
office of
rural
constable.

11. Every rural constable or temporary rural constable shall, before taking up the duties of his office, take and subscribe the following oath before the Commissioner or his representative:—

Oath by
rural
constable or
temporary
rural
constable.

“ I, _____, of _____,
do swear faithfully to serve Her Majesty Queen Elizabeth II, Her Heirs and Successors and to perform the duties of my office truly and without fear, favour or ill will during the term of my engagement.
Sworn the _____ day of _____ 19____

12. (1) Any owner or lessee of a chiftlik, monastery, metochi, tekye or other landed property (in this section referred to as “institution or property”) and any Committee of an Irrigation Division may, with the approval of the Commissioner of the District in which such institution or property or Irrigation Division is situated, appoint a special rural constable for the purposes of such institution or property or Irrigation Division.

Appoint-
ment, etc.,
of special
rural
constable.

(2) Every appointment of a special rural constable under this section shall be notified as soon as possible by the owner or lessee of the institution or property or by the Committee of the Irrigation Division making such appointment to the mukhtar of the village within the lands of which such institution or property or Irrigation Division is situated, to the Superintendent and to the Commissioner of the district in which such institution or property or Irrigation Division is situated.

(3) The salary of any special rural constable appointed under this section shall be paid by the owner or lessee of the

institution or property or by the Committee of the Irrigation Division appointing him.

(4) Any special rural constable appointed under this section shall be liable to be dismissed by the owner or lessee of the institution or property or the Committee of the Irrigation Division appointing him, and such owner or lessee or Committee shall notify such dismissal as soon as possible to the mukhtar of the village within the lands of which such institution or property or Irrigation Division is situated and to the Superintendent.

4 of 21/49

(5) Save as provided in subsections (3) and (4) of this section or as may be specifically provided in any other section of this Law, every special rural constable appointed under this section shall be liable and subject to all the other provisions of this Law relating to rural constables, and shall, within the area within which he is appointed to act, perform the following duties and have the following powers and no others—

- (a) to keep watch over the fields, gardens, vineyards, crops, trees and waters of the party appointing him;
- (b) to patrol by night and day the lands of the party appointing him in such manner as such party or his nominee may direct or the necessities of the time or place may require;
- (c) to assess any damage done to any property over which he keeps watch and to report the same as soon as possible to the party appointing him or his nominee and, if so directed by such party or nominee, to serve, within three days of the date of assessment, a notice upon the owner of the animals causing the damage or the person in charge of such animals calling upon him to pay the assessment.

4 of 21/49.

(6) If the assessment of a special rural constable appointed under this section is unacceptable to the owner of the animals which caused the damage or the person in charge of such animals, such owner or person in charge may, within ten days of the service upon him of the notice referred to in paragraph (c) of subsection (5), appeal to the Commissioner whose decision in the matter shall be final and conclusive.

4 of 21/49.

(7) An assessment by a rural constable or the decision of

the Commissioner, as the case may be, may be lodged with the Registrar of the District Court of the district in which the property in respect of which the damage has been assessed is situate, and thereupon the assessment or decision may be enforced in the same manner as an order of such Court.

13. (1) Notwithstanding anything in this Law contained any owner or owners of landed property in any town may, with the approval of the Commissioner of the district in which such property is situated, appoint a special rural constable for the purposes of such property.

Appointment of special rural constables in towns.
2 of 19/43.

(2) Every appointment of a special constable under this section shall be notified as soon as possible by the owner or owners of the property to the Commissioner of the district, the Superintendent and the mukhtar of the quarter of the town within which the property is situated.

(3) The salary of any special rural constable appointed under this section shall be paid by the owner or owners of the property.

(4) Any special rural constable appointed under this section shall be liable to be dismissed by the owner or owners appointing him and such owner or owners shall notify such dismissal as soon as possible to the Commissioner of the district, the Superintendent and the mukhtar of the quarter of the town within which the property is situated.

(5) Save as provided in sub-sections (3) and (4) of this section or as may be specifically provided in any other section of this Law, the provisions of subsections (5), (6) and (7) of section 12 of this Law shall apply *mutatis mutandis* to special rural constables appointed under this section as they apply to special rural constables appointed under that section.

5 of 21/49.

(6) Where several owners of landed property appoint a special rural constable for the purposes of their property, they may nominate one of them to give, on their behalf, any notice required to be given under the provisions of this section.

14. (1) The Commissioner may from time to time—

- (a) appoint a rural constable for any camp, public garden or Government plantation; and
- (b) fix his salary; and
- (c) dismiss him for good cause.

Rural constables for camps, public gardens or Government plantations.

(2) The salary of every rural constable appointed under this section shall be defrayed out of the public revenue of Cyprus.

Punishment
and
dismissal
of rural
constables
and tem-
porary rural
constables.
8 of 52/34.

15. (1) Every rural constable or temporary rural constable shall be liable to dismissal at any time by the Commissioner for any neglect of duty, breach of discipline or other misconduct:

Provided that the Commissioner may, in lieu of dismissal, impose a fine not exceeding the amount of one week's salary of the delinquent.

(2) Any fine imposed by a Commissioner under the provisions of this section shall be paid into the Village Rural Constables Fund.

Liability of
rural
constable or
temporary
rural
constable
who resigns
or is
dismissed,
etc.

16. (1) If any rural constable or temporary rural constable shall resign or shall be dismissed or shall abandon his office without sufficient cause, except for reasons of ill health, before the expiration of his term, he shall be liable to pay to the Village Commission or Group Commission concerned all such extra expenses, if any, as such Village Commission or Group Commission may incur in respect of the appointment of a new rural constable or temporary rural constable to take his place for the remainder of such term.

(2) Such expenses may be recovered from him in an action at the suit of such Village Commission or Group Commission in a court of competent jurisdiction.

Filling
vacancies.
9 of 52/34.

17. If any rural constable or temporary rural constable shall—

- (a) die;
- (b) become incapable of acting;
- (c) resign;
- (d) be dismissed; or
- (e) refuse or neglect to act,

the Commissioner shall appoint a fit and proper person to be rural constable or temporary rural constable for the residue of the term of office of such rural constable or temporary rural constable.

Qualifica-
tions
of rural
constables.
6 of 21/49.
2 of 64/55.

18. No person who—

- (a) is under the age of twenty-one years; or
- (b) is over the age of sixty years; or

- (c) has within seven years of his proposed appointment as a rural constable or temporary rural constable been convicted of homicide, rape or perjury; or
- (d) has within three years of his proposed appointment as a rural constable or temporary rural constable been convicted of larceny and sentenced to imprisonment for a period of not less than six months,

shall be capable of being appointed as rural constable or temporary rural constable.

19. (1) The Governor may at his discretion from time to time direct that a contribution out of the public revenue of Cyprus should be made in any year in part payment of the salary of any rural constable or temporary rural constable.

Government
contribution.

(2) In every case in which a contribution is made under this section, a sum sufficient to cover the balance only of the rural constable's or temporary rural constable's salary shall be assessed on the occupiers in accordance with the provisions of this Law.

PART III.

RETIREMENT OF RURAL CONSTABLES AND GRATUITIES.

20. For the purpose of this Part of this Law—

Definitions.
2 of 46/54.

“gratuity” means any gratuity granted under this Part of this Law;

“salary” shall be exclusive of any amount paid by way of bonus under subsection (2) of section 33 of this Law.

21. Subject to the provisions of this Part of this Law every rural constable appointed under subsection (2) of section 6 of this Law who has served for not less than seven years shall, on his retirement, be granted a gratuity at the rate of half a month's salary for every complete year of service at the average rate of the salary such rural constable was receiving for the last three years immediately preceding the date of his retirement:

Gratuities on
retirement.
2 of 46/54.

Provided that a gratuity may be granted to a rural constable who retires after three years' service in any of the following cases:—

- (a) when by reason of age or other disability, not arising

from his own misconduct or neglect, his efficiency is in the opinion of the Commissioner impaired or affected;

- (b) when he has been certified by a District Medical Officer (or a Medical Board appointed to enquire into the state of his health) to be unfit for further employment on account of ill-health:

2 of 59/55.

Provided further that where a rural constable resigns voluntarily, with the leave of the Commissioner, after a minimum period of seven years' service, such rural constable shall be granted a gratuity at half the rate specified in this section.

Qualifying service.

2 of 46/54.

22. Service qualifying for gratuity shall be the continuous service between the date of the appointment of the rural constable under subsection (2) of section 6 of this Law and the date of his leaving the service without deduction of any period during which he was on vacation or sick leave.

Rural Constables Gratuity Account.

3 of 59/55.

23. There shall be opened and kept in each district, under the control of the Commissioner, an account to be called "the Rural Constables Gratuity Account" which shall be operated on a district basis and into which there shall be paid all village and Government contributions made under the provisions of this Part of this Law and out of which all gratuities to rural constables shall be paid.

Village contribution.

3 of 59/55.

24. (1) Every village in each district in which an assessment is made under section 8 of this Law in any year shall make a contribution in respect of that year to the Rural Constables Gratuity Account of the district.

(2) The Commissioner shall in each year determine the amount which each village in the district shall contribute to the Rural Constables Gratuity Account in the ensuing year, so as to ensure that the total amount of the contributions of the villages of the district in that year, together with the amount of the Government contribution under section 25 in respect of the district in that year, will be sufficient to make payments out of the Rural Constables Gratuity Account of the district taking one year with another:

Provided that the amount which any village shall be liable to contribute to the Rural Constables Gratuity

Account in any year shall not be in excess of three per centum of the total amount of the assessment made under section 8 of this Law for that year.

(3) Notwithstanding anything in section 8 of this Law contained, there shall be included in every annual assessment made thereunder the amount required for the purpose of making the annual contribution of the village under subsection (2) of this section to the Rural Constables Gratuity Account for the ensuing year.

25. (1) The Governor shall direct that out of the public revenue of Cyprus a contribution shall be made in every year in payment of the one-half of the amount required in that year for the payment of gratuities to rural constables under this Part of this Law.

Government
contribution.
3 of 59/55.

(2) Any contribution made under subsection (1) of this section shall be appropriately distributed amongst the Rural Constables Gratuity Accounts.

26. (1) The Commissioner may, at his discretion, grant to the dependants of a rural constable who dies while he is serving a sum not exceeding the amount which might have been granted to such rural constable if he had retired at the date of his death in any of the circumstances described in the first proviso to section 21.

Gratuity
in case of
death.
3 of 64/55.

(2) For the purposes of subsection (1) of this section— 2 of 46/54.

“dependants” means those members of the family of a rural constable who were wholly or in part dependent upon his earnings at the time of his death, or would but for any of the grounds mentioned in the proviso to section 21 of this Law have been so dependent, and, where the rural constable, being the parent or grandparent of an illegitimate child, leaves such child so dependent upon his earnings, or being an illegitimate child, leaves a parent or grandparent so dependent on his earnings, shall include such an illegitimate child or parent or grandparent respectively:

Provided that a person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position.

Power of
Governor
to make
Regulations.
2 of 46/54.

27. The Governor may make Regulations for all or any of the following matters:—

2 of 59/55.

- (a) to provide for the grant of vacation leave or sick leave to a rural constable and the conditions of such grant;
- (b) to regulate the operation of the Rural Constables Gratuity Accounts and the books to be kept in connection therewith;
- (c) generally for the better carrying out of the purposes of this Part of this Law.

Date of
coming into
force of
this Part.
2 of 46/54.

28. This Part of this Law shall come into force on the first day of November, 1954, and shall apply to any rural constable who on that date shall be eligible for gratuity under section 21 of this Law.

PART IX.

DUTIES OF RURAL CONSTABLES.

Duties of
rural
constables or
temporary
rural
constables.

29. The duties of every rural constable or temporary rural constable shall be as follows

- (a) to keep watch over the fields, gardens, vineyards, crops, trees and waters within the village or group for which he is appointed;
- (b) to patrol the lands of the village or group by night and day in such manner as the Village Commission or Group Commission may direct, or the necessities of the time or place may require;
- (c) to watch and report to the Village Commission or Group Commission all shepherds grazing their flocks where they are not entitled to do so;
- (d) to impound any stray animal likely to do damage or any animal found on any sown or cultivated land or in a vineyard or garden in which the owner of the animal has no right to allow the animal to be ;
- (e) to impound any animal feeding on any tree upon which the owner of the animal has no right to allow the animal to feed;
- (f) to report as soon as possible all injuries done to crops, vines, trees, fences, water-courses, buildings, lands or animals to the Village Commission

or Group Commission and to the owner or occupier of the thing or immovable property injured;

- (g) to report as soon as possible to the Village Commission or Group Commission any person whom he finds damaging any crops, vines or trees, not being his own property, without having in his possession the written permission of the owner thereof;
- (h) to see that no person gathers carobs or olives before the date fixed by the Commissioner as in this or any other Law provided, and to report immediately to the nearest police station the name of any person who does so;
- (i) to preserve game and wild birds and report to the nearest police station immediately any infringement of the Game and Wild Birds Protection Law; Cap. 65.
- (j) to report to the nearest police station the commission of any crime which may be brought to his notice;
- (k) to assist the police in the counting of sheep, goats and pigs;
- (l) to assist and co-operate with the police in the prevention or detection of crime;
- (m) to perform such other duties as may be assigned to him by the Commissioner;
- (n) generally, to carry into effect the provisions of this Law and of any Regulations made hereunder.

30. (1) Any report required to be made by the rural constable or the temporary rural constable to the Village Commission or Group Commission under this Law, may be made to any two or more members of the Village Commission or Group Commission, and shall be in such form as may be prescribed by Regulations made under this Law.

To whom
reports may
be made,
etc.

(2) In making such report the rural constable or the temporary rural constable shall as far as possible give particulars of the manner in which the injury has been caused, the amount of damage done, the person causing it, and, in case of trespass by animals, the name of the owner of the animals.

(3) On such report being made to the Village Commission or Group Commission, the members to whom it is made shall

take it down in writing and shall sign it, and it shall be read over to, and signed by, the rural constable or the temporary rural constable making it.

(4) A report drawn up and signed as provided by the immediately preceding subsection shall be receivable as evidence of all that is stated therein in any proceedings before a court of competent jurisdiction or the Village Commission or Group Commission, and the presence of the rural constable or the temporary rural constable who made it shall not be necessary in any proceeding in relation thereto:

Provided that any person affected by the report may require the rural constable or the temporary rural constable making it to attend at the proceedings and be examined thereat, but in such case such person shall pay in advance, at the time of making the requisition, all costs of procuring the attendance of the rural constable or the temporary rural constable and of his attendance, including the costs of a substitute, if required, during his absence.

(5) Any rural constable or temporary rural constable wilfully making any false statement in any report drawn up and signed or sealed as provided by subsection (3) of this section, shall be guilty of an offence and on conviction thereof shall be liable to the same penalties as if he had given false evidence in a judicial proceeding.

PART V.

IMPOUNDING OF ANIMALS.

Pound to be provided.

31. (1) The Village Commission or Group Commission shall set apart a building or place as a pound for the keeping of such animals as may be impounded by the rural constable under the provisions of this Law.

(2) The rent and cost, if any, incurred in providing such building or place shall be assessed, collected and recovered in manner in this Law provided.

Impounding of animals.

32. (1) Any rural constable or temporary rural constable may impound—

(a) any stray animal likely to do damage; or

(b) any animal found on any sown or cultivated land or

in a vineyard or garden in which the owner of the animal has no right to allow the animal to be; or

- (c) any animal feeding on any tree upon which the owner of the animal has no right to allow the animal to feed,

until claimed by the owner of such animal and payment is made for any damage done and for the cost of maintaining such animal until so claimed and the poundage fee.

(2) Every animal so impounded shall be kept and fed and otherwise provided for by the rural constable or the temporary rural constable in the pound provided under section 31 of this Law, until the owner of the animal has claimed it and paid to the rural constable or the temporary rural constable—

- (a) the costs of keeping it during the time it has been 10 of 52/34. impounded;

- (b) a poundage fee of fifty mils for each animal, 7 of 21/49. other than fowls;

- (c) a poundage fee of ten mils for each fowl.

(3) If any animal so impounded is not claimed by the owner thereof within thirty days in the case of an animal being a beast of burden, or within fifteen days in the case of a smaller animal, or if the owner neglects or refuses to pay any of the costs or fees in the last preceding subsection mentioned within ten days from the time when they have been lawfully demanded, the mukhtar of the Village Commission or Group Commission concerned may cause the animal to be sold by public auction, and repay out of the purchase money the costs and fees payable as provided by the last preceding subsection, and any other sums as may have been assessed and awarded for damages in respect of any injury caused by the animal, together with the costs, if any, of sale. The balance, if any, of the purchase money shall be paid to the owner of the animal, or if he cannot be found or is unknown shall be deposited in the Village Rural Constables Fund and shall be dealt with in manner in 10 of 52/34. section 33 (2) of this Law prescribed.

(4) When any animal has been impounded under the provisions of this section, and it is necessary for the purpose of maintaining such animal to put it out to pasture, the rural constable or the temporary rural constable in whose custody it is may entrust it to some trustworthy person to take out

to pasture, and any expenses incurred for this purpose shall be recoverable by the rural constable or the temporary rural constable from the owner of such animal as part of the cost of keeping the same.

(5) Any person who unlawfully takes out of the pound provided under section 31 of this Law or out of the custody of a rural constable or temporary rural constable or his agent any animal impounded under the provisions of this section, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding two pounds.

Poundage
fees to be
deposited
in the
Village
Rural
Constables
Fund.

11 of 52/34.
11 of 52/34.

33. (1) All poundage fees paid to the rural constable or the temporary rural constable under the provisions of section 32 (2) of this Law shall be deposited by him as soon as possible after such payment in the Village Rural Constables Fund.

(2) The Commissioner may, in his discretion and having regard to the manner in which any rural constable or temporary rural constable has performed his duties during the previous year, pay out of the moneys deposited in the Village Rural Constables Fund under the provisions of subsection (1) hereof and section 32 (3) of this Law, a bonus of such amount as he may think fit to such rural constable or temporary rural constable, as the case may be.

PART VI.

TRESPASS AND DAMAGES.

Trespass by
animals.

8 of 21/49.

34. (1) If any animal is found trespassing on any sown or cultivated land or in any vineyard or garden, or damaging the property of any person both the owner of the animal and the person (if any) in whose charge it was at the time of committing the trespass or damage shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding two hundred and fifty mils in respect of each such animal, and every Court of competent jurisdiction before which any person charged with such offence is being tried shall have power to award such compensation by way of damages as the Court think fit:

Provided that, save as otherwise in this Law provided, nothing in this section contained shall prevent any proceeding by action before a court of competent jurisdiction in respect of trespass or damage by any animal.

(2) Every prosecution under this section shall be instituted by the person injured by the act complained of or by a Superintendent, in his discretion, upon the complaint of such person. No court fees shall be charged in respect of any prosecution under this section. 12 of 52 34.

(3) In every prosecution under this section the onus of proving that the act complained of has been done with the permission or consent of the person entitled to give such permission or consent shall lie upon the accused.

35. (1) If any animal is found damaging the property of any person, the owner of such animal shall be liable to pay damages to the owner of the property damaged, which damages shall be assessed in manner in this section provided. Damage by animals to be paid for.

(2) The rural constable or the temporary rural constable alone shall assess the said damages when the amount does not, in his opinion, exceed the sum of two pounds, and shall make a report to the Village Commission or Group Commission in manner in section 30 of this Law provided, and upon such report having been made the rural constable or the temporary rural constable shall demand payment of the amount so assessed by him from the person liable to pay it, and if the said amount shall be paid within seven days of such demand, the rural constable or the temporary rural constable shall pay it over to the person entitled thereto and obtain his receipt therefor.

(3) If the amount so assessed be not paid within the period in the last preceding subsection prescribed, the rural constable or the temporary rural constable shall notify the person entitled thereto that it remains unpaid, and the amount may then be claimed and recovered only in manner in Part VII of this Law provided.

(4) If, in the opinion of the rural constable or of the party injured, the amount of the damage exceeds two pounds, the Village Commission or Group Commission shall, at the request of the party injured, appoint two valuers to assess the damage. The two valuers shall make a report assessing the damage and their report shall be appended to and form part of the report of the rural constable or the temporary rural constable.

(5) Every valuer sent to assess damage under the provisions of this section shall be entitled to a fee of from fifty mils to one hundred and fifty mils as may be directed by the

Village Commission or Group Commission, to be prepaid by the person who suffered the damage in question. Every such fee may be recovered as costs in any proceeding in respect of the said damage.

(6) Any valuer who shall make a false estimate of any damage which he is called upon to assess under this section, or take a bribe directly or indirectly, shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten pounds or to both such imprisonment and fine.

PART VII.

SUMMARY PROCEEDINGS.

Jurisdiction
of Village
Commission
or Group
Commission
in cases of
trespass or
damage by
animals.
9 of 21/49.

36. (1) Every Village Commission or Group Commission shall have jurisdiction to hear and determine claims, and to award damages, in respect of trespass or damage by any animal, subject to the following conditions, that is to say—

- (a) that the amount of the claim to be adjudicated upon shall not exceed five pounds;
- (b) that before the hearing of any claim, the claimant shall pay to the mukhtar a fee of one shilling for the price of paper and writer's fee;
- (c) that twenty-four hours' notice at least be given to the respondent of the place and hour at which the claim is to be heard, and of the nature of the claim;
- (d) that such notice, if verbal, be given in the presence of two witnesses, and, if written, be served on the respondent in the presence of one witness;
- (e) that the Village Commission or Group Commission shall not proceed to the hearing of a claim in the absence of the respondent unless and until it has been proved that due notice of the proceedings has been given or served on the respondent;
- (f) that the majority of the Village Commission or Group Commission (counting the mukhtar as one member) shall form a quorum;
- (g) that no person who is an interested party shall sit as a member of the tribunal or take any part in the proceedings;

- (h) that the Village Commission or Group Commission shall not adjudicate on any claim unless the trespass or damage in respect of which the claim is made has taken place within the limits of the village or group;
- (i) that the Village Commission or Group Commission in adjudicating upon any claim shall not make more than one decision in respect thereof;
- (j) that the Village Commission or Group Commission shall not inflict any fine or otherwise punish any offender;
- (k) that no claim shall be heard in respect of any trespass or damage unless the same is made within six months from the day of the trespass or damage in respect of which the claim is made. 9 of 21/49.

(2) Every decision of a Village Commission or Group Commission made under the last preceding subsection shall be reduced into writing in triplicate and shall be in such form as may be prescribed by Regulations made under this Law, and each member of the tribunal shall sign each copy.

(3) One of the copies of such decision shall be retained and kept by the mukhtar, another copy shall be delivered by the mukhtar to the claimant and the third copy shall be delivered by the mukhtar to the respondent.

(4) If the claimant is successful in his claim, the Village Commission or Group Commission may in their decision direct that the fee paid to the mukhtar under this section and any fee paid to any valuer under the provisions of section 35 (5) of this Law be recovered by the claimant from the respondent as costs of the proceedings.

37. The Village Commission or Group Commission may require any person residing within the village or group to attend at the hearing of a claim under section 36 of this Law. Any person who without reasonable excuse fails to attend when so required shall be guilty of an offence and shall be liable to a fine not exceeding ten shillings. Power to require attendance of witnesses. 13 of 52/34.

38. Any person aggrieved by any decision of a Village Commission or Group Commission involving an amount exceeding one pound may, within fourteen days and upon payment of a fee of fifty mils in stamps, appeal to the Commissioner whose decision thereon shall be final and conclusive. Appeals. 10 of 21/49.

Execution
of decisions
of Village
Commission
or Group
Commission
15 of 52/34.

39. (1) If any sum adjudged to be paid by any decision of a Village Commission or Group Commission under this Part of this Law is not paid within seven days after a copy of the decision has been delivered to the respondent the Village Commission or Group Commission, as the case may be, shall, upon the application of the complainant, issue a warrant commanding the mukhtar of such Village Commission or Group Commission to recover the amount due together with a fee of five mils for every fifty mils of the amount due.

(2) Every such warrant shall be executed in the like manner as a warrant issued by the Commissioner under section 11 of the Recovery of Compensation for Injury to Property Law:

3 of 45/5.

Provided that the Court to which an application by the Mukhtar for an order directing a defaulter to pay the sum due together with costs of execution shall be made (under paragraph 7 of the First Schedule to the Recovery of Compensation for Injury to Property Law) shall be the District Court of the district within which the damage was caused.

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(3) The fee mentioned in subsection (1) of this section shall be retained by the mukhtar.

(4) No execution shall issue in respect of any decision under appeal.

PART VIII.

SUPERINTENDENT OF RURAL CONSTABLES.

Appoint-
ment of
Superinten-
dents.
16 of 52/34.

40. In every district the Commissioner shall appoint one or more fit and proper persons to be Superintendent of rural constables and temporary rural constables.

Duties of
Superin-
tendents.

41. The duties of every Superintendent shall be as follows—

- (a) to supervise in his district the work and operations of rural constables or temporary rural constables;
- (b) to report to the mukhtar of the village or group concerned and to the Commissioner any misconduct or failure of duty of any rural constable or temporary rural constable;

17 of 52/34.

- (c) to inspect the records and books kept by mukhtars and rural constables or temporary rural constables;

- (d) to receive and lodge forthwith with the Commissioner all documents which are required to be forwarded by the mukhtar to the Commissioner under this Law;
- (e) to perform such other duties as may be assigned to him by the Commissioner;
- (f) generally, to carry into effect the provisions of this Law and of any Regulations made hereunder.

42. Superintendents shall be under the direct control and orders of the Commissioner of their district, and shall furnish such Commissioner with a monthly report of their work during the month immediately preceding such report.

Superintendents to be under control of Commissioner.

PART IX.

MISCELLANEOUS.

43. All Superintendents and rural constables or temporary rural constables shall wear such uniform or distinguishing badge as from time to time the Governor may determine.

Uniform or badge of Superintendents, etc.

44. (1) The Commissioner shall fix the date in each year at which the gathering of carobs shall begin in each village or group, and shall give public notice of every date so fixed by public placard to be posted on the door of every church and mosque in the village or group, or, should there be no church or mosque, in some conspicuous place in the village.

Gathering of carobs.

(2) Any person who shall gather carobs before the date so fixed, shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding five pounds, or to both such imprisonment and fine.

45. (1) Where there is both a Christian and a Moslem mukhtar in any village or quarter, the mukhtar to perform the duties and to receive the fees referred to in this Law shall be the mukhtar of the community to which the injured party belongs and the fees to be received by a mukhtar under the provisions of this Law shall be divided between such mukhtars in such proportion as the Commissioner may direct.

Provision in cases in which there are both Christian and Moslem mukhtars.

(2) Where there is in any village, not composed of such mixed population of Christians and Moslems as necessitates the appointment of a separate mukhtar for each community, more than one quarter and in consequence more than one mukhtar the mukhtar to perform the duties and to receive the fees referred to in this Law shall be the mukhtar of the quarter to which the injured party belongs and the fees to be received by a mukhtar under the provisions of this Law shall be divided between such mukhtars in such proportion as the Commissioner may direct.

Offences and penalties. Mukhtars, etc., failing to perform duty.

46. (1) Any mukhtar or member of a Village Commission or Group Commission, or any rural constable or temporary rural constable, or any Superintendent, who fails without reasonable excuse to perform any of the duties assigned to him under this Law, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

Persons obstructing mukhtars, etc., in execution of duty.

(2) Any person who obstructs or prevents any mukhtar or member of a Village Commission or Group Commission, or any rural constable or temporary rural constable, or any Superintendent in the execution of his duty, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds.

Contravention of Regulations.

(3) Any person who contravenes or fails to comply with any Regulations made under this Law shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding two pounds.

Remedy in case of default of performance of duty by mukhtar, Village Commission, etc.
4 of 64, 55.

47. (1) Where it appears to the Commissioner that a mukhtar, Village Commission or Group Commission, or a member of any such Commission, has made default in the performance of any duties under this Law or in enforcing any of the provisions of this Law or any Regulations made thereunder, the Commissioner may make an order limiting a time for the performance of the duty in respect of which the default has been made.

(2) If the duty is not performed by the time limited in the order, the Commissioner may appoint a temporary board consisting of one or more persons to perform such particular duty and shall by order direct that the expenses of performing the same shall be paid by the Village Commission or the Group Commission, as the case may be, concerned, and any order made for the payment of such expenses may be removed into the District Court of the

District in which the village or villages over which the defaulting mukhtar, Village Commission or Group Commission, as the case may be, exercises authority is situate, and such order shall thereupon be enforced as if the same were an order of such Court.

The Commissioner may from time to time change the constitution of any such board.

(3) Any temporary board appointed under this section shall, in the performance of such duty, be invested with all the powers necessary for the performance of such duty.

(4) Any sum specified in an order of the Commissioner for the payment of the expenses of performing the duty of a defaulting mukhtar, Village Commission or Group Commission, as the case may be, shall be deemed to be expenses properly incurred by such Village Commission or Group Commission and to be a debt due from the Village Commission or Group Commission, as the case may be, and payable out of any moneys held on behalf of the Village Commission or Group Commission, as the case may be, or out of any fee, charge or rate applicable to the payment of any expenses properly incurred by any such Commission.

(5) The provisions of this section may be invoked in addition to, or in lieu of, any other action which may be taken, under this or any other Law in force for the time being, in respect of any default in the performance of any duties under this Law.

48. The Governor in Council may from time to time make Regulations to be published in the Gazette for all or any of the following matters, that is to say—

Power to
Governor
in Council
to make
Regulations.

- (a) the forms and books to be used;
- (b) the manner of keeping books;
- (c) the procedure of a Village Commission or Group Commission when hearing claims made under this Law;
- (d) the discipline of rural constables;
- (e) generally, for the better carrying out of the purposes of this Law.

49. The Governor, with the assistance and advice of the Chief Justice, may from time to time by writing under the hand and official seal of the Governor and the hand of the Chief Justice, make, alter and revoke Rules of Court regulating the practice and procedure of any Court under this Law.

Rules of
Court.

