

CAP. 351.

CYPRUS

WELLS

CHAPTER 351 OF THE LAWS

1959 EDITION

PRINTED BY

C. F. ROWORTH LIMITED, 54, GRAFTON WAY, LONDON, W.1.

[Appointed by the Government of Cyprus the Government Printers of this Edition of Laws within the meaning of the Evidence (Colonial Statutes) Act, 1907.]

1959

CHAPTER 351.

WELLS.

ARRANGEMENT OF SECTIONS.

<i>Section</i>	<i>Page</i>
1 Short title	2
2 Interpretation	2
3 Permit for the sinking or construction of wells	2
4 Power to Governor as respects certain areas	3
5 Widening, etc., of wells	4
6 Licensing of drillers	4
7 Protection of wells in certain cases	6
8 Remedies by person beneficially interested	6
9 Wells sunk or constructed by local authorities or departments	7
10 Protection of water supplies serving the public	7
11 Permission to sink or construct well not to be withdrawn	7
12 Ensuring that wells are not source of public danger	8
13 Offences and penalties	8
14 Section 88 of the Criminal Procedure Law not to apply to offence under Section 3	9
15 Repair of wells, etc.	9
SCHEDULE	10

A LAW TO MAKE BETTER PROVISION FOR THE SINKING OR
CONSTRUCTION OF WELLS AND THEIR PROTECTION AND
THE PROTECTION OF WATER RIGHTS.

1949.
Cap. 312.
19 of 51.
42 of 53.

[1st September, 1946.]

Short title.

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

Interpreta-
tion.

2. In this Law—

“local authority” means a municipal authority or a village authority and any board or body, constituted under any Law in force for the time being, charged or having power to deal with the supply of water in any town or village;

“well” means any shaft or borehole sunk on any land for obtaining underground water and includes a line of wells.

Permit for
the sinking
or construc-
tion of wells.

3. (1) No well shall be sunk or constructed in or upon any land unless the person proposing to sink or construct the well applies for, and obtains, a permit from the Commissioner of the district in which such well is to be sunk or constructed:

Provided that, where the applicant is not the owner of the land on which the well is to be sunk or constructed, no permit shall be granted by the Commissioner unless the applicant obtains therefor the written permission of the owner of the land, duly certified by a certifying officer.

(2) Every application for a permit to sink or construct a well shall be in the form and shall contain the particulars set out in the Schedule to this Law.

Schedule.

(3) In granting a permit under the provisions of subsection (1) of this section, the Commissioner may impose such conditions and restrictions as to him may seem necessary or desirable regarding the sinking or construction of the well, the manner in which the water shall be taken therefrom and generally regarding the use of the water of such well:

2 of 19/51.

Provided that upon the application of the holder of a permit the Commissioner may vary or modify any conditions or restrictions imposed in such permit.

(4) A well in respect of which a permit has been granted under the provisions of this section must be sunk and constructed within a period of twelve months from the date of such permit:

2 of 19/51.

Provided that, if the sinking or construction of the well is not completed within the aforementioned period, the permit may be renewed by the Commissioner for a further period of twelve months upon payment of the fee prescribed in subsection (5) of this section.

4. (1) Notwithstanding anything in this or any other Law contained, where the Governor is satisfied that special measures for the conservation of water in any area are necessary in the public interest, whether for the protection of public water supplies or for the protection of water supplies used for industrial, domestic or other purposes, he may make an Order defining such area and, thereupon, no permit for the sinking or construction of a well in any such area shall be issued by a Commissioner and no variation or modification of any condition or restriction imposed in such permit shall be effected, save with the concurrence of the Director of Water Development.

Power to Governor as respects certain areas.

3 of 19/51.

(2) Before making an Order under this section, the Governor shall cause to be published in the Gazette a notice—

(a) giving particulars of the proposed Order;

(b) specifying a place where a copy of the draft Order and of every relevant map and plan may be inspected by any person free of charge at all reasonable hours during a period of fourteen days from the date of the publication of the notice and stating that, within the same period, any person may, by notice addressed to the Commissioner, object to the making of the Order.

(3) Any person who objects to the making of the Order may, within the period mentioned in paragraph (b) of subsection (2), give notice thereof to the Commissioner giving full particulars of his objection and the Commissioner, at the expiration of the aforementioned period, shall transmit the same to the Governor.

(4) The Governor, after considering any objections, may make the Order either in the terms of the draft or in those terms as modified in such manner as he thinks fit:

Provided that, when he proposes to make any modification and considers that other persons may be adversely affected thereby, he shall give and publish an additional notice in such manner as he thinks best adapted for informing all persons likely to be so affected by the modification proposed.

(5) The Director of Water Development, in giving or withholding his concurrence under this section, shall have regard to the extent to which the general water situation in the area (including its further development) or the requirements of prior users of water may be affected by the proposed well.

Widening,
etc., of wells.
3 of 19/51.

5. For the purposes of this Law, widening, deepening or otherwise extending any existing well shall be deemed to be an operation in respect of which a permit must be obtained under the provisions of this Law.

Licensing
of drillers.
2 of 42/53.

6. (1) Notwithstanding the provisions of section 15 of this Law, no person shall, by, or with the assistance of, drilling machinery, drill, sink or construct a well, or deepen, enlarge, repair or clean an existing well, unless he is the holder of a licence issued by the Director of Water Development in that behalf (hereinafter referred to as a "driller's licence").

(2) Every driller's licence shall be subject to such terms and conditions as the Director of Water Development

may deem fit to impose and, unless previously revoked, shall expire on the 31st day of December in the year in which it is issued.

(3) A fee of five hundred mils shall be paid in respect of every driller's licence.

(4) The Director of Water Development may refuse to issue a driller's licence if, in his opinion, the applicant for such licence is not competent to carry on the operation of drilling, sinking or constructing a well, or of deepening, enlarging, repairing or cleaning an existing well.

(5) Every holder of a driller's licence shall give the Director of Water Development not less than seven days' notice in writing of his intention to drill, sink or construct a well, or to deepen, enlarge, repair or clean an existing well.

(6) Every holder of a driller's licence shall—

(a) keep such records of any work carried out by him in such form as the Director of Water Development may from time to time direct;

(b) transmit to the Director of Water Development copies of the said records of any work carried out by him within one month of the date of the completion of such work;

(c) retain all samples of materials penetrated by him in drilling, sinking or constructing a well, or in deepening, enlarging, repairing or cleaning an existing well, for a period of two weeks after the transmission to the Director of Water Development of the records relating to such drilling, sinking or construction, or deepening, enlarging, repairing or cleaning, and such samples may be examined and retained by the Director of Water Development or any person authorized by him in that behalf.

(7) Every holder of a driller's licence shall, before commencing any operation of drilling, sinking or constructing a well, or deepening or enlarging an existing well, satisfy himself that the person for whom he is drilling, sinking or constructing a well, or deepening or enlarging an existing well, is in possession of a valid permit issued under the provisions of section 3 of this Law.

(8) Any person who fails to comply with the provisions of this section or with the terms or conditions of a driller's

licence shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine, and a driller's licence issued to any such person may be revoked by the Director of Water Development.

(9) A fee of one hundred mils in stamps to be affixed on the application shall be paid for every application made under this section.

Protection
of wells
in certain
cases.

7. Notwithstanding that a permit may have been granted by the Commissioner under section 3 or 15 of this Law, no well shall be sunk or constructed within a distance of six hundred feet of any point of any chain or system of wells whereby underground water flows to the surface or of any spring or source of any water which flows naturally to the surface or within eighty feet of any other well from which water is raised to the surface by any means whatsoever if, by the sinking or the construction of any such well, the amount of water in any such chain or system of wells or spring or source or other well is or is likely to be substantially diminished.

Remedies
by person
beneficially
interested.

8. (1) If a person, beneficially interested in any chain or system of wells or in any spring or source of water or in any other well, brings an action against any person who has sunk or constructed a well contrary to the provisions of section 7 of this Law, the Court may—

(a) make such order (including the filling in or closing of such well) as may be required to prevent damage to the plaintiff and may award to the plaintiff such compensation as may appear reasonable and just:

Provided that the Court shall not order the filling in or closing of any such well, unless it is satisfied that there is a reasonable probability that its filling in or closing will prevent the continuation of the damage complained of;

(b) order the person who has sunk or constructed the well to provide the plaintiff with such supply of water, continuous or periodical, as the Court may think reasonable and just.

(2) No action shall be brought under this section unless such action be commenced within two years of the completion of the sinking or construction of the well in respect of which the claim is made.

9. Notwithstanding anything in section 8 of this Law contained, no order shall be made by any Court for the filling in or closing of any well sunk or constructed by any local authority or any department for the supply of water to the residents of any town or village, if it appears that—

Wells sunk or constructed by local authority or department.

- (a) the sinking or construction of the well was absolutely necessary for the supply of drinking water or water for the domestic use of the residents or for any other public purpose; and
- (b) there was no other reasonably accessible means of supplying water for the above-mentioned purposes; and
- (c) the sinking or construction of the well does not substantially diminish the supply of water required by the residents of any other town or village for any of the purposes enumerated in paragraph (a) of this section:

Provided that the Court may award such compensation as shall be considered to be reasonable and just to the person beneficially interested in the water prejudicially affected by the sinking or construction of the well.

10. If any water supply serving the public or any part of the public is prejudicially affected by the sinking or construction of any new well, the Attorney-General, for and on behalf of the Government, or any person or local authority interested in the supply, may bring an action in the District Court of the district within which the supply is situate and, if it is proved that the supply has been prejudicially affected by the sinking or construction of such well, the Court may, with a view to preventing damage and restoring the supply to its former condition and quantity, make such order as it may deem requisite, and may further award such compensation in respect of the damage as may appear to be reasonable and just.

Protection of water supplies serving the public.

11. When any owner of property has granted to any other person permission to sink or construct a well, it shall not be lawful for such owner or his heirs or successors in title—

Permission to sink or construct well not to be withdrawn.

- (a) to withdraw the permission or to prevent the sinking or construction of the well until the expiration of the period for which the permission has been granted; or
- (b) fill in or close any well sunk or constructed in or upon his land under a permission granted as aforesaid,

unless the person to whom permission had been granted fails or refuses to observe the terms or conditions subject to which the permission was granted.

Ensuring
that wells
are not
source of
public
danger.
4 of 19/51.

12. (1) The holder of a permit granted under the provisions of this Law shall—

- (a) during the sinking or construction of the well, keep the same adequately covered or fenced so as not to be a source of public danger;
- (b) upon completion of the sinking or construction of the well, cause the same to be adequately covered with masonry or fenced in by a stone parapet of not less than two feet high.

(2) The owner and every person in charge of a well, whenever sunk, shall keep the same at all times adequately covered or fenced so as not to be a source of public danger.

Offences
and
penalties.
5 (a) of 19/51.
3 of 42/53.

13. (1) Any person who fails to comply with the provisions of section 3 or 12 of this Law or with any conditions and restrictions imposed in any permit granted under section 3 of this Law or who uses or possesses a well sunk or constructed in contravention of section 3 of this Law shall be guilty of an offence and shall, on conviction, be liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both.

5 (a) of 19/51.

(2) Upon the conviction of a person for an offence under section 3 of this Law, the Court shall order any well sunk or constructed without a permit, or in deviation from the conditions and restrictions imposed in the permit, to be filled in or closed at the expense of the person convicted within such time as shall be specified therein but in no case exceeding two months, unless the permit or consent in writing of the Commissioner of the district is, in the meantime, granted or obtained:

Provided that the Commissioner may, in granting such permit or giving such consent, impose such terms and conditions as to him may seem necessary or desirable.

3 (b) of 19/51.

(3) If any person against whom an order has been made under subsection (2) shall fail or neglect to comply with such an order within the time specified therein, it shall be lawful for any person authorized by the Commissioner to carry out such an order and any costs incurred for the carrying out thereof shall be payable to the Commissioner by the person against whom the order was made and such

costs shall be deemed to be a penalty within the meaning of the Criminal Procedure Law, and payment thereof shall be enforced accordingly. Cap. 155.

(4) Any person against whom an order has been made under subsection (2) who disobeys or fails to comply with such order shall, notwithstanding that the Commissioner 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. 2(b) of 19/51.

(5) Any person who obstructs or prevents any person authorized by the Commissioner as in subsection (3) provided to carry out any order issued by the Court under subsection (2) shall 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. 5(b) of 19/51.

14. The provisions of section 88 of the Criminal Procedure Law shall not apply to a charge brought against any person for an offence committed in contravention of the provisions of section 3 of this Law.

Section 88
of the
Criminal
Procedure
Law not to
apply to
offence
under
section 3.
4 of 42/53.
Cap. 155.

15. Nothing in this Law shall apply to the repair of any well lawfully sunk or constructed, whether before or after the commencement of this Law, or to the sinking or construction of any new well sunk or constructed on the land of the owner or with such owner's permission, within a distance not exceeding twenty feet from another well belonging to the same person which has been abandoned and filled in:

Repair of
wells, etc.

Provided that if within a distance of eighty feet of such new well there is a well belonging to another owner, no such new well shall be sunk or constructed without a permit from the Commissioner obtained under the provisions of section 3 of this Law.

[SCHEDULE

SCHEDULE.

(Section 3 (2).)

The Wells Law, Cap. 351.

APPLICATION FOR PERMIT TO SINK OR CONSTRUCT WELL.

To the Commissioner of

PARTICULARS:

1. Name of applicant
Address
2. Name of locality where well(s) is/are to be sunk or constructed
3. Number and date of the title deed of land
Plot No. Sheet/Plan Quarter/Block
4. Number of wells proposed to be sunk or constructed
5. Purpose for which the water is to be used

I request that I may be granted a permit to sink or construct well(s) in accordance with the particulars given above and the duplicate plans submitted herewith.

* The written permission of the owner of the land on which the well(s) is/are to be sunk or constructed, duly certified by a certifying officer, is also submitted.

Dated this day of , 19 .

(Signature of Applicant)

(Space for stamps, not exceeding five in number, to the value of 100m.)

- Strike out if applicant is the owner of the land.