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Legislation incorporated in this Consolidation	Ordinance	Date in Force
Immovable property (Tenure, Registration and Valuation) Law	CAP. 224	1959 Edition
Immovable property (Tenure, Registration and Valuation) (Amendment) Ordinance 1966	12/1966	05/09/1966
Immovable property (Tenure, Registration and Valuation) (Amendment) Ordinance 1984	11/1984	22/10/1984
Immovable property (Tenure, Registration and Valuation) (Amendment) Ordinance 1985	01/1985	07/02/1985
Immovable property (Tenure, Registration and Valuation) (Amendment) Ordinance 1985	12/1985	19/08/1985
Immovable property (Tenure, Registration and Valuation) (Amendment) Ordinance 1990	14/1990	01/10/1990
Immovable property (Tenure, Registration and Valuation) (Amendment) Ordinance 1993	13/1993	26/07/1993
Immovable property (Tenure, Registration and Valuation) (Amendment)(No.2) Ordinance 1996	05/1996	29/07/1996
Immovable property (Tenure, Registration and Valuation) (Amendment) Ordinance 2011	7/2011	13/06/2011
Immovable property (Tenure, Registration and Valuation) (Amendment) Ordinance 2014	12/2014	01/05/2014
Immovable property (Tenure, Registration and Valuation) (Amendment) (No.2) Ordinance 2014	28/2014	30/08/2014

**IMMOVABLE PROPERTY (TENURE,
REGISTRATION AND VALUATION) LAW**

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IMMOVABLE PROPERTY (TENURE, REGISTRATION AND VALUATION) LAW

A Law to consolidate and amend the Law relating to Tenure, Registration and Valuation of
Immovable Property

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as
follow:—

PART 1

Preliminary provisions

Short title

1. This Law may be cited as the Immovable Property (Tenure, Registration and Valuation) Law.

Interpretation

2. In this Law—

“adverse possession,” with its grammatical variations and cognate expressions, means a possession by a person not entitled thereto where the express or implied consent or permission of the person so entitled has not been given or obtained for such possession;

“*Area Officer*” means the *Area Officer of the Area in which the immovable property in question is situated and references to the “Area Office” are to be construed accordingly;* (a)

“*corresponding Republican Law*” means the *Immovable Property (Tenure, Registration and Valuation) Law (b) of the Republic;* (c)

“*credit institution*” has the meaning given in the *Republic’s Law 66(I) of 1997 (as amended) (Credit Institution Business Law);* (d)

“the Court,” in connection with any matter relating to immovable property, means the District Court of the district in which such property is situate;

“Director” means the Director of Lands and Surveys and includes any officer appointed by the Director for all or any of the purposes of this Law either generally or for any particular purpose;

“dealing,” with its grammatical variations and cognate expressions, in relation to immovable property, means the voluntary transfer or mortgage of immovable property and any other voluntary charge or transaction affecting immovable property required by any Law in force for the time being to be carried out in a ~~District Lands Office~~ *Area Office* (e);

~~“District Lands Office” means the office of the Department of Lands and Surveys for the district and includes any sub-office in the district;~~

(a) Definition inserted by Ordinance 7/2011 – came into force on 13 June 2011

(b) CAP.224, Laws of Cyprus

(c) Definition inserted by Ordinance 7/2011 – came into force on 13 June 2011

(d) Definition inserted by Ordinance 28/2014 – came into force on 30 August 2014

(e) Change “District Lands Office” to “Area Office” wherever it appears amended by Ordinance 7/2011 – came into force on 13 June 2011

~~Provided that only such transactions shall be carried out in a sub office as may be authorized from time to time by the Director;~~ (a)

“immovable property” includes—

- (a) land;
- (b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure;
- (c) trees, vines, and any other thing whatsoever planted or growing upon any land and any produce thereof before severance;
- (d) springs, wells, water and water rights whether held together with, or independently of, any land;
- (e) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure;
- (f) an undivided share in any property hereinbefore set out.

“land register” means the register kept under section 51 of this Ordinance (and section 51 of the corresponding Republican Law) and includes entries made in that register either in paper form or electronic form; (b)

“owner ” means the person entitled to be registered as the owner of any immovable property whether he is so registered or not;

“prescribed fee” means the fees prescribed in the Lands and Surveys (Fees and Charges) Ordinance 2010 (c); (d)

“public road ” means any street, square, pathway, open place or space over which the public has a right of way and includes any land set apart by, or with the consent of, the appropriate authority as a public road;

~~“registered,” with its grammatical variations and cognate expressions, means recorded in the Land Register kept under the provisions of this Law;~~

“registered” and grammatical variations of that word means entered in the land register; (e)

“registration fee” means the fee payable in respect of the registration of title to immovable property under any Law in force for the time being;

“religious corporation ” includes any religious establishment or religious institution belonging to any denomination and any throne, church, chapel, monastery, mosque, tekya, shrine or synagogue;

“value,” in connection with immovable property, means the amount which the immovable property if sold in the open market by a willing seller to a willing purchaser might be expected to realize.

Categories immovable property under Ottoman Laws abolished

3.—(1) The categories of immovable property hitherto known under the Ottoman Land Code as “Mulk,” “Arazi Memloukk,” “Arazi Mirié,” “Arazi Metrouké,” or “Arazi Mevat ” shall be abolished and thereafter all immovable property whatsoever shall be owned, held and enjoyed subject to and in accordance with the provisions of this Law or any other Law in force for the time being.

(2) All immovable property hitherto known as “ Mulk” or “Arazi Memlouké” and privately owned as such at the date of the coming into operation of this Law shall continue to be owned, held and enjoyed as private property.

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- (a) Definition deleted by Ordinance 7/2011 – came into force on 13 June 2011
 - (b) Definition inserted by Ordinance 7/2011 – came into force on 13 June 2011
 - (c) Ordinance 32/2010 as amended
 - (d) Definition inserted by Ordinance 28/2014 – came into force on 30 August 2014
 - (e) Definition inserted by Ordinance 7/2011 – came into force on 13 June 2011

(3) All immovable property known “Arazi Mirié” and privately possessed as such at the date of the coming into operation of this Law shall be owned, held and enjoyed as private property.

(4) All immovable property which at the date of the coming into operation of this Law is held, administered and enjoyed as Vakf property in accordance with the provisions of the Cyprus Evcaf (Mohammedan Religious Property Administration) Order and Law, 1928 and 1931, shall continue to be so held, administered and enjoyed as if this Law had not been passed subject only to the provisions of sections 36, 37 and 38 of this Law.

(5) All immovable property hitherto known as “Arazi Metrouké” lawfully held or enjoyed communally by a town, village or quarter at the date of the coming into operation of this Law shall continue to be held or enjoyed as the communal property of such town, village or quarter.

(6) All immovable property hitherto known as “Arazi Mevat ” and all immovable property other than that specified in subsections (‘2) to (5) of this section and all vacant or unoccupied immovable property not privately owned or lawfully possessed at the date of the coming into operation of this Law shall be owned, held and enjoyed by the Crown as Crown property.

No right, etc., on immovable property except under this Law

4. Notwithstanding anything in paragraph (c) of subsection (1) of section 33 of the Courts of Justice Law contained and subject to the law relating to trusts, the law relating to vakfs and the provisions of any other Law in force for the time being, no estate, interest, right, privilege, liberty, easement or any other advantage whatsoever in, on or over any immovable property shall subsist or shall be created, acquired or transferred except under the provisions of this Law.

PART 2

Tenure

Provisions relating to Immovable Property other than Vakf Property

Extent of private ownership of land

5.—(1) Private ownership of any land shall, subject to the provisions of this Law or any other Law in force for the time being, extend to the surface and to the substance of the earth beneath the surface and to the space above the surface, reasonably necessary for the enjoyment thereof, but shall not extend to minerals:

Provided that the private ownership of any land being land which lies within the areas specified, for the purposes of this section, on the survey map signed by the Director and deposited in the Area Office before the coming into operation of this Law, shall extend to the substance of the earth beneath the surface without any restriction as aforesaid.

(2) For the purposes of this section—

“minerals” includes all materials of economic value forming part of, or derived naturally from, the crust of the earth including mineral oil, pitch, asphalt and natural gas but not minerals whilst in solution or peat, trees, timber and similar kinds of forest produce.

(3) Nothing contained in this section or in any survey map deposited in the Area Office under the proviso to subsection (1) of this section shall diminish or enlarge any rights, conferred under a mining lease granted by or on behalf of the Government under any Law relating to mines in force for the time being and subsisting at the date of the coming into operation of this Law; but such rights shall continue to be enjoyed, during the continuance of such lease, to the same extent as if this Law had not been enacted.

Ownership of a storey of a building (a)

~~6.—(1) When a building consists of more than one storey, each storey which can be properly and conveniently be held and enjoyed as a separate and self-contained tenement, may be owned, held and enjoyed separately as private property.~~

~~(2) The site on which the building is standing, the foundations thereof, the main walls supporting the whole building, its roof, the main staircase leading to the various storeys, the main corridors thereof and any other part of the ground or building which is of common use to the owners of the various storeys, shall be owned, held and enjoyed by all of them in undivided shares.~~

~~(3) The owner of each storey may make any alterations, additions or repairs to his storey provided that they do not prejudice the rights of the owner of any other storey and they do not unduly interfere with the enjoyment thereof by the owner of such other storey.~~

~~(4) Subject to any agreement between themselves, the owners of the several storeys shall maintain, repair, or restore any part owned, held and enjoyed by them in undivided shares as in subsection (2) of this section provided and the cost thereof shall be borne by every such owner in proportion to the value of his storey as registered or recorded immediately before the need for incurring such cost had arisen:~~

~~Provided that, if any owner fails or neglects to comply with the requirements of this subsection, any other owner may do all such acts and incur such expense as may be reasonably necessary for the purpose and may recover the amount for which the owner in default may be liable, by civil action.~~

Ownership of a building (b)

~~6.—(1) When a building consists of more than one storey, each storey or part of each storey which can properly and conveniently be held and enjoyed as a separate and self-contained tenement, may be owned, held and enjoyed separately as private property.~~

~~(2) The site on which the building is standing, the foundations thereof, the main walls supporting the whole building, its roof, the main staircase leading to the various storeys, the elevator, if any, the main corridors thereof, and any other part of the ground or building which is of common use to the owners of the various storeys or parts thereof and any part of the ground or building which may be prescribed or is specified as so being of common use to the owners in the permit for the partition of the building issued by the appropriate authority under the provisions of the Streets and Buildings Regulation Ordinance or the Regulations made thereunder shall be owned, held and enjoyed by all of them in undivided shares.~~

~~(3) The owner of each storey or part of each storey may make any alterations, additions or repairs to his storey or part of each storey provided that they do not prejudice the rights of the owner of any other storey or part of each storey and they do not unduly interfere with the enjoyment thereof by the owner of such other storey or part of each storey.~~

~~(4) Subject to any agreement between themselves, the owners of the several storeys or part of each storey shall maintain, repair, or restore any part owned, held and enjoyed by them in undivided shares as in subsection (2) of this Section provided and the cost thereof shall be borne by every such owner in proportion to the value of his storey as registered or recorded immediately before the need for incurring such cost had arisen :~~

~~Provided that, if any owner fails or neglects to comply with the requirements of this subsection, any other owner may do all such acts and incur such expense as may be reasonably necessary for the purpose and may recover the amount for which the owner in default may be liable, by civil action.~~

(a) Section 6 repealed and replaced by Ordinance 11/1984 – came into force on 22 October 1984

(b) Section 6 repealed by Ordinance 28/2014 – came into force on 30 August 2014

~~(5) The provisions of this Section shall apply, mutatis mutandis, to the use of group of buildings standing on a plot, even though the whole or part thereof is not partitioned horizontally, under such terms and conditions as may be prescribed by the appropriate authority.~~

~~(6) The Administrator may make Regulations for prescribing any matter which, according to the provisions of this Section, may or ought to be prescribed by Regulations and for the better carrying out of the purposes of this Section.~~

Lakes, etc., not privately owned to be vested in the Crown

7. All lakes, rivers, streams and natural watercourses which are not privately owned at the date of the coming into operation of this Law and the basins, beds, or channels thereof, and any land from which the sea or the water of any such lake, river, stream or watercourse has receded, with the exception of any such land as is privately owned at the date aforesaid, shall be vested in the Crown:

Provided that nothing in this section contained shall be construed as affecting any rights over any lake, river, stream or natural watercourse which-

- (a) have been exercised without interruption for the full period of thirty years before the date aforesaid; or
- (b) have been conferred by a Firman or other valid document of title made before the 4th June, 1878, which has been acted upon from the time when it was made; or
- (c) are exercised under the provisions of any Law in force for the time being.

Public roads and foreshores

8. All public roads and such part of the foreshore as is not privately owned at the date of the coming into operation of this Law shall be vested in the Crown for the use of the public.

No title by adverse possession as against Crown or registered owner

9. No title to immovable property shall be acquired by any person by adverse possession as against the Crown or a registered owner.

Title by adverse possession in certain cases

10. Subject to the provisions of section 9 of this Law, proof of undisputed and uninterrupted adverse possession by a person, or by those under whom he claims, of immovable property for the full period of thirty years, shall entitle such person to be deemed to be the owner of such property and to have the same registered in his name:

Provided that nothing in this section contained shall affect the period of prescription with regard to any immovable property which began to be adversely possessed before the commencement of this Law, and all matters relating to prescription during such period shall continue to be governed by the provisions of the enactments repealed by this Law relating to prescription, as if this Law had not been passed:

Provided further that notwithstanding the existence of any disability operating under such enactments to extend the period of prescription such period shall not in any case exceed thirty years in all even where any such disability may continue to subsist at the expiration of thirty years.

~~No title by adverse possession to certain immovable property (a) (b)~~

~~10A. Notwithstanding the provisions of Section 10 of the Ordinance, no title to any immovable property within the Areas which is inaccessible to its owner by reason of the conditions prevailing in the Island of Cyprus since 20th July 1974 shall be acquired by adverse possession~~

No title by adverse possession to certain immovable property

10A. Notwithstanding section 10, a person may not acquire title to immovable property if that property is inaccessible to its owner as a result of the conditions prevailing on the Island of Cyprus since 20 July 1974.

Rights of way, etc., over immovable property of another

11.—(1) No right of way or any privilege, liberty, easement, or any other right or advantage whatsoever shall be acquired over the immovable property of another except-

(a) under a grant from the owner thereof duly recorded in the books of the ~~District Lands Office Area Office~~; or

(b) where the same has been exercised by any person or by those under whom he claims for the full period of thirty years without interruption:

Provided that the provisions of this paragraph shall not apply to any immovable property which is Crown property or property vested in the Crown; or

(c) where the same has been recognised by a judgment of a competent Court ; or

(d) where the same has been conferred by a Firman or other valid document made before the 4th June, 1878, which has been acted upon from the time when it was made; or

~~(e) where the same has been created and acquired under the provisions of the Land Acquisition Law or of any other Law under which immovable property can be compulsorily acquired. (c)~~

(e) where the same has been acquired under the provisions of section 11A of this Ordinance; or

(f) where the same has been created and acquired under the provisions of the Land Acquisition Ordinance (d) or of any other Ordinance under which immovable property can be compulsorily acquired (e), or

(g) where the same has been reserved in writing by the owner of any immovable property upon the transfer thereof :

Provided that the aforesaid paragraph shall apply where a provision is included in connection with the use or development of any immovable property or with a restriction as to the use or development thereof. (f)

(2) No person shall exercise any right of way or any privilege, liberty, easement or any other right or advantage whatsoever over the immovable property of another except where the same-

(a) has been acquired as in subsection (1) of this section provided; or

(b) is exercised under the provisions of any Law in force for the time being; or

(c) is exercised under a licence in writing from the owner thereof..

(a) Section 10A inserted by Ordinance 5/1996 – came into force on 29 July 1996
(b) Section 10A repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2014
(c) Paragraph (e) repealed and replaced by Ordinance 12/1966 – came into force on 05 September 1966
(d) CAP. 226 as amended
(e) Paragraph (f) inserted by Ordinance 12/1966 – came into force on 05 September 1966
(f) Paragraph (g) inserted by Ordinance 11/1984 – came into force on 22 October 1984

Obligation to provide access (a)

11A.—(1) Notwithstanding the provisions of this Ordinance, if any immovable property is, for any reason, in such a way enclosed as to be deprived of the necessary access to a public road, or if the existing access is inadequate for the proper use, development or exploitation, of such immovable property, the owner of such immovable property shall have a right to claim an access over the intervening immovable properties to such public road on payment of reasonable compensation.

For the purpose of this sub-section “access” includes the right of conducting water or night soil or any other liquid (b) through the means of channels or pipes or any other suitable means.

(2) The route of the access and the extent of the right to the use thereof, as well as the compensation payable shall be specified by the Chief Officer, Sovereign Base Areas, after previous notice to all interested parties, (c) and if after such notice any of the interested parties fails to attend the local enquiry specified in the notice, the Chief Officer may proceed to take any action required in his absence.

(3) There shall be no obligation upon the neighbours to provide access if the access of immovable property to a public road has ceased through a voluntary act or omission of the owner thereof.

(4) If, because of the alienation of a part of immovable property, the access of the part alienated or of the remainder to a public road has been cut off, the owner of the part through which the access had heretofore been made shall be obliged to provide an access. The alienation of one or more immovable properties belonging to the same owner shall be dealt with in the same way as the alienation of a part.

~~(5) If, as a result of the opening of a new access or for any other reason, the need for the established access has ceased, the owner of the immovable property over which it exists shall have a right to claim that it shall be abolished on his returning the compensation paid.~~(d)

~~(6) (5) An access granted under this section shall be deemed to be a right, easement or advantage acquired under the provisions of Section 11 of this Ordinance and the provisions of this Ordinance shall apply to any such access.~~

~~(7) (6) The Administrator may make regulations regulating any matter requiring to be regulated for the better application of this section and, in particular, the procedure to be followed for the purposes thereof.~~

(7) The provisions of this Section shall not apply to Crown land without the written approval of the Administrator in any instance and on such terms and conditions as the Administrator may see fit to impose. (e)

Rights, etc., acquired or exercised in respect of immovable property

12.—(1) Where any right, privilege, liberty, easement or other advantage has been acquired as in subsection (1) of section 11 of this Law in respect of any immovable property, the same shall be deemed to be attached to such property and to be included in any dealing made with such property.

(2) Where any such right, privilege, liberty, easement or other advantage has been abandoned by notice in writing to the Area Office or has not been exercised for the full period of thirty years without interruption, the same shall be deemed to have lapsed.

(a) Section 11A inserted by Ordinance 12/1966 – came into force on 05 September 1966

(b) Text inserted by Ordinance 11/1984 – came into force on 22 October 1984

(c) Text following inserted by Ordinance 11/84

(d) Subsection (5) repealed and (6) and (7) renumbered by Ordinance 11/1984 – came into force on 22 October 1984

(e) Subsection (7) inserted by Ordinance 11/1984 – came into force on 22 October 1984

(3) *Where such right is a right of way, if by reason of laying out a public road or other passage or for any other reason there is no more need for its existence, the owner of the servient or dominant tenement shall be entitled to demand its abolition and the Chief Officer shall investigate the case, decide whether this right ought to be abolished or not, notify his decision to all interested persons and, if his decision is that the right ought to be abolished, proceed to its abolition after the expiry of thirty days from the date of the said notice:*

Provided that if any claim is submitted for the payment by the owner of the servient tenement of any compensation for the abolition of the said right the Chief Officer shall, taking into consideration the facts of each case, including the time of use of the said right, determine the compensation to be paid, if any, and notify the same to all interested persons and he shall not proceed to the abolition of the right until he is satisfied that the compensation assessed by him has been paid. (a)

Computation of period of thirty years

13. The period of thirty years prescribed in section 10, 11 and 12 shall be deemed and taken to be the period next before the date on which a claim under the said sections may be made.

Variation of position of right of way, etc., on application of owner of servient tenement (b)

14. ~~The Director may, on the application of the owner of the servient tenement and after thirty days' notice given therefore to the owner of the dominant tenement, fix or vary the position or direction of any right of way or watercourse or channel, but only so that the dominant tenement is not substantially affected or prejudiced thereby; and if after such notice the owner of the dominant tenement fails to appear the Director may proceed to act in his absence.~~

Fixing or variation of position of a right of way, etc.

14.—(1) *The Chief Officer may, on the application of the owner of the dominant tenement or the owner of the servient tenement, after thirty days' notice to all interested persons, fix or vary the position or direction of any relevant right of way, channel, watercourse, ditch, pipe, wire or any thing similar to the aforesaid so that, however no one of those two tenements is more adversely affected thereby than before.*

(2) The Chief Officer may proceed to the fixing or variation provided under subsection (1) of this Section, even though the owner of any one of the two tenements affected to whom the notice provided under the said subsection has been given, fails to attend on the day and time specified in such notice.

Watercourses and irrigation channels

15.—(1) Where any plots of land belonging to different owners are irrigated by a watercourse or channel, any owner may apply to the Director for the variation of the position or direction of such watercourse or channel in his plot and the Director may, after giving thirty days' notice to any owner whose land will be affected by such variation, vary the position or direction of the same, but only so that the interests of any such owner other than the applicant are not substantially affected or prejudiced thereby, If after such notice, the person to whom the notice has been given fails to appear, the Director may proceed to act in his absence.

(2) Where more persons than one are entitled to water flowing through a watercourse or channel, ~~all such persons shall~~ (c), with a view to preventing any waste of water—

- (a) *all such persons shall* (a) clean and keep in proper repair and condition such watercourse or channel, and each one of them shall be liable for the expense involved in proportion to his share in the water; and

(a) Subsection (3) inserted by Ordinance 11/1984 – came into force on 22 October 1984

(b) Section 14 repealed and replaced by Ordinance 11/1984 – came into force on 22 October 1984

(c) Text deleted by Ordinance 11/1984 – came into force on 22 October 1984

(b) *every such person shall* (b) close his main opening of the watercourse or channel as soon as his land has been irrigated or the time during which he is entitled to use the water has expired.

(3) If any person fails or neglects to comply with the provisions of subsection (2) of this section any other person or persons interested in the matter may take all such steps as may be reasonably necessary for the prevention of waste and may recover the amount for which the person in default may be liable, by civil action.

(4) The provisions of this section shall not apply to irrigation divisions formed under the Irrigation Divisions (Villages) Law. (c)

Wells (d)

15A. Where more persons than one are entitled to water drawn from a well, all such persons shall clean, and keep in proper repair and condition such well and each one of those persons shall be liable for the expenses involved in proportion to his share.

For the purposes of this Section the word "well" shall bear the meaning assigned thereto by Section 2 of the Wells Ordinance (e).

Extent of right of irrigation

16. Wherever any person acquires or possesses any right of irrigation, such right shall extend to a right in or over any artificial or other channel, watercourse, aqueduct, well or chain of wells formed for the distribution of the water to which such right relates; and a space of not more than five feet from either edge of such channel, watercourse, aqueduct, well or chain of wells as may be required for the cleaning, repairing or protection thereof shall be deemed to form part thereof, and such space shall not be interfered with, cultivated or planted by the owner of the land on either side of the channel, watercourse, aqueduct, well or chain of wells.

Plantations along public roads

17.—(1) No person shall plant any tree, shrub or reed on any immovable property adjacent to a public road at a distance less than five feet away from the boundary of such property along the public road without first obtaining a licence from such person as may be appointed by the Governor in that behalf (hereinafter in this section called "the authority").

(2) The Government may plant any tree, shrub or reed on any immovable property adjacent to a public road within five feet of the boundary of such property along the public road notwithstanding that such property belongs to another person; and any tree, shrub or reed so planted shall be the property of the Crown.

All trees, shrubs or reeds so planted before the commencement of this Law by or under the authority of the Government shall be deemed to have been lawfully planted under the provisions of this Law and shall be the property of the Crown.

(3) When the land upon which a tree, shrub or reed has been planted under the provisions of subsection (2) of this section is subsequently required for building or irrigation purposes and such tree, shrub or reed interferes with the reasonable use of the land for such purpose, the authority shall, at the request of the owner of the land, remove the same at the expense of the Government.

(4) Any tree, shrub or reed planted after the commencement of this Law in contravention of subsection (1) of this section may be removed by the authority at the expense of the person acting in contravention thereof.

(a) Text deleted by Ordinance 11/1984 – came into force on 22 October 1984

(b) Text deleted by Ordinance 11/1984 – came into force on 22 October 1984

(c) CAP. 342

(d) Section 15A inserted by Ordinance 11/1984 – came into force on 22 October 1984

(e) CAP.351 as amended

(5) Where the authority is satisfied that any tree, shrub or reed planted within the limits prescribed in subsection (1) of this section before the commencement of this Law causes any damage or undue interference with the reasonable use of any public road or the safety of travelling along any such road, he may, upon giving thirty days' notice to the owner thereof, remove the same at the expense of the Government.

~~Power to the Governor to exchange Crown Property, etc. (a)~~

~~18. The Governor may grant, lease, exchange or otherwise alienate any Crown property or immovable property vested in the Crown by virtue of the provisions of this Law, other than a public road or the foreshore, for any purpose and on such terms and conditions as he may deem fit~~
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~~Provided that the Governor may exchange or alienate any part of any public road if satisfied that other adequate public road has been provided in the place thereof or that such exchange or alienation will improve such public road:~~

~~Provided also that the Governor in Council may lease any part of the foreshore for the purposes of harbours, jetties, piers, wharves, fisheries and any other purpose of public utility subject to such conditions as he may think fit.~~

Power of the Administrator to exchange Crown property etc.

18.—(1) The Administrator may grant, lease, exchange or otherwise alienate any Crown property or immovable property, other than a public road or the foreshore, vested in the Crown under this Ordinance for any purpose and on such terms and conditions as the Administrator considers appropriate.

(2) The Administrator may exchange or alienate a public road if satisfied that—

- (a) some other adequate public road has been provided in place of the public road in question; or*
- (b) such exchange or alienation will improve the public road in question.*

(3) The Administrator may lease any part of the foreshore for the purposes of ports, jetties, piers, wharves, fisheries or ~~other purposes of public utility for the purpose of providing services to the public, including services provided on a commercial basis~~(b) and on such terms and conditions as the Administrator considers appropriate.

(4) A certificate signed by the Chief Officer is conclusive evidence of the facts stated in the certificate to the extent that the certificate certifies—

- (a) that the Administrator has granted, leased, exchanged or otherwise alienated immovable property to a particular person or authority; and*
- (b) (where applicable) the conditions on which the Administrator has granted, leased, exchanged or otherwise alienated the immovable property.*

(5) In a certificate referred to in subsection (4)—

- (a) the position of immovable property identified by reference to a chart or map referred to in the certificate is to be treated as a fact; and*
- (b) any map referred to in paragraph (a) signed by the Chief Officer and attached and clearly relating to the certificate is to be treated as part of that certificate.*

(6) If the Administrator makes a grant of Crown property or immovable property under this section, the Administrator may by order impose restrictions on the registration of that property in the name of the person to whom it is granted so as to ensure that the property

(a) Section 18 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011

(b) Text deleted and new text inserted by Ordinance 12/2014 – came into force on 30 August 2014

which has been granted stays in the ownership of recognised residents as defined in section 2 of the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960 (a).

(7) An order made under subsection (6) may provide that no sale, exchange or other disposal of the Crown property or immovable property granted may take place without the consent of the Chief Officer.

(8) If Crown property or immovable property is granted subject to an order made under subsection (6)—

- (a) a transfer contravening the restrictions is not to be carried out;*
- (b) any restriction provided in the order is to be entered—*
 - (i) against the relevant registration in the Land Register; and*
 - (ii) if possible, on the certificate of registration of immovable property concerned.*

(9) Despite section 8, if any part of the foreshore is leased under subsection (3) the Administrator may, by order—

- (a) prohibit or restrict use by the public of the relevant part of the foreshore;*
- (b) impose conditions on use by the public of the relevant part of the foreshore; or*
- (c) specify a person who may—*
 - (i) permit or restrict access to the relevant part of the foreshore; or*
 - (ii) impose conditions on any such access.*

Provisions as to communal property

19. Where by law or custom any immovable property (in this section referred to as “the communal property”) is held or enjoyed communally by any town, village or quarter, the following provisions shall have effect, that is to say:-

- (a) the inhabitants of such town, village or quarter shall have in common, to the exclusion of all persons not being inhabitants thereof, the right of holding or enjoying the communal property subject to any conditions under which the communal property is by law or custom held or enjoyed;
- (b) no person shall have or acquire at any time any private or exclusive right to the communal property or to any part thereof;
- (c) where the communal property or any part thereof is required for any of the following purposes, that is to say—
 - (i) the formation of a village or quarter;
 - (ii) reclamation;
 - (iii) soil conservation;
 - (iv) mining;
 - (v) an undertaking of public utility,

the Governor may, by notice in the Gazette, may declare that such property or part thereof shall cease to be communal property:

Provided that in every such case Crown property of equal utility as the communal property shall, if available, be assigned in lieu thereof or, if Crown property is not available, a sum equal to the value of the communal property, as determined by the Director, shall be provided and disposed of for the benefit of such town, village or quarter;

- (d) where by law or custom the communal property is held or enjoyed by any town, village or quarter for any particular use, the Governor may, upon a request from at least two-thirds

(a) Ordinance 5/1960

of the ~~male~~ (a) inhabitants of such town, village or quarter, who have attained the age of ~~twenty one years~~ *eighteen years*, (b) and upon being satisfied that such use is no longer in the interest of such town, village or quarter, terminate such use and either substitute some other use therefore or dispose of the property in such manner as he may deem fit:

Provided that any such alternative use or the proceeds of any such disposal shall be or disposed of for the benefit of such town, village or quarter.

Cultivation of land without the consent of the Crown or of registered owner

20. Where any person cultivates any land belonging to the Crown or to a person registered therefore without the consent in writing of the Crown or of such person, as the case may be, any produce thereof or any profit there from shall vest in and be the property of the Crown or of such person, as the case may be, without payment of any compensation whatsoever.

~~Erections etc., on immovable property held in undivided shares~~(c)

~~21. Where any immovable property is held in undivided shares, all the co-owners shall be entitled, in proportion to their respective shares, to-~~

- ~~(a) any building or other erection or structure erected upon, or affixed to, the property;~~
- ~~(b) any tree or vine planted or any well sunk therein;~~
- ~~(c) any permanent improvement effected therein,~~

~~whether erected, affixed, planted, sunk or effected by a co-owner or by any other person.~~

Erections etc., on immovable property held in undivided shares

21. *Where any immovable property is held in undivided shares, all the co-owners shall be entitled, in proportion to their respective shares, to-*

- (a) any building or other erection or structure erected upon, or affixed to, the property;*
- (b) any tree or vine planted or any well sunk therein;*
- (c) any permanent improvement effected therein,*

whether erected, affixed, planted, sunk or effected by a co-owner or by any other person.

Trees, etc., on land, deemed to be the property of the owner of the land

22.—(1) Anything growing in a wild state on any land shall be deemed to be the property of the owner of the land.

(2) The following provisions shall have effect with regard to-

- (a) any grafted wild tree on any land;
- (b) any tree or vine planted on any land;
- (c) any spring found, or any watercourse or channel opened or constructed in any land;
- (d) any building or other erection or structure erected on any land;
- (e) any fixture affixed to any land or to any building or other erection or structure,

that is to say—

- (i) if grafted, planted, found, opened, constructed, erected or affixed before the date of the coming into operation of this Law, it shall be deemed to be the property of the

(a) Deleted by Ordinance 12/1985 – came

(b) Amended by Ordinance 12/1985 – came into force on 19 August 1985

(c) Section 21 repealed and replaced by Ordinance 11/1984 – came into force on 22 October 1984

owner of the land unless another person is registered as the owner thereof or, being entitled to be so registered, applies for registration within two years from the date of the coming into operation of this Law or within two years from the date on which he became so entitled;

- (ii) if grafted, planted, found, opened, constructed, erected or affixed after the date of the coming into operation of this Law, it shall be deemed to be the property of the owner of the land,

and any dealing affecting such land shall be deemed to include any such wild tree, tree, vine, spring, watercourse, channel, building, erection, structure or fixture, being the property of the owner of the land.

(3) Nothing in this section shall apply to or affect-

- (a) any instrument or thing which is the subject of any hire-purchase agreement under any Law in force for the time being relating to such agreements;
- (b) any fixture affixed by a tenant to any land or building or other erection or structure for the purposes of trade or agriculture or for ornament and convenience, which the tenant has a right to sever and remove during the term or at the end of his tenancy.

Transfer or mortgage of trees, etc., separately registered to include transfer or mortgage of land

23. Where any trees, vines or other thing planted or growing upon any land though belonging to the owner of the land are separately registered in his name he shall not be entitled to transfer or mortgage the same unless he transfers or mortgages the land on which they stand; and any transfer or mortgage of any such trees, vines or other thing planted or growing upon any such land shall be deemed to include the transfer or mortgage of the land belonging to the same owner.

~~Option where trees and land belong to different persons(a)~~

~~24. (1) Subject to the provisions of section 26 of this Law, when any trees, vines or other thing or any buildings or other erections or structures are planted, grow, or are erected, upon any land belonging to a person other than the owner of any such trees, vines, thing, building, erection or structure and either of the said owners has made a declaration before the Area Office that he has agreed to sell his interest to a third party, the transfer of the interest shall not be registered unless-~~

- ~~(a) the owner selling his interest satisfies the Director that the other owner does not wish to purchase such interest at the price at which it is being sold; or~~
- ~~(b) the prospective purchaser advertises the proposed sale thereof or brings it to the knowledge of the other owner as in subsection (2) of this section provided and the other owner does not acquire the same under this section.~~

~~(2) The proposed sale shall be advertised in such form and in such newspaper or newspapers as the Director may require, or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require, and the owner of the other interest may, upon lodging in the Area Office, within thirty days of the advertisement or the service of the notice, the price at which the vendor's interest is being sold together with the registration fee, be registered for the same; and the amount so lodged shall thereupon be paid out to the party who joined in the declaration of sale as purchaser :-~~

~~Provided that where such other interest is owned in undivided shares and two or more of the co-owners thereof act as hereinbefore provided independently of one another, the Director shall register the vendor's interest in the name of such co-owners as have so acted in the proportion which their shares bear to one another; and he shall, thereafter, make the appropriate readjustments and refunds of the amounts lodged to the persons entitled thereto:~~

(a) Section 24 repealed by Ordinance 11/1984 – came into force on 22 October 1984

~~Provided further that where there are separately owned interests in immovable property standing on any land declared to be sold and two or more of the owners of such separately owned interests act as hereinbefore mentioned independently of one another, the Director shall cause the value of the interests of the owners who have so acted to be estimated and shall register the vendor's land in the name of the owner whose interest is of the greatest value and, where the interests of two or more owners who have so acted are equally of the greatest value or the interests of all such owners are of equal value, he shall register the vendor's land in the name of such owners in equal shares; and he shall, thereafter, make the appropriate re-adjustments and refunds of the amounts lodged to the persons entitled thereto.~~

~~(3) Before registering the transfer of any interest declared to be sold, the Director may require the person selling such interest and the prospective purchaser thereof to declare in writing whether any other interest belonging to a third party is connected with the interest agreed to be sold; and any person who knowingly and with fraudulent intent makes or causes to be made any false statement in such declaration shall be punishable in the same way as though he had given false evidence in any judicial proceeding.~~

~~(4) For the purposes of this section, "land" includes any trees, vines or other thing or any buildings or other erections or structures, planted, growing or erected upon any land and belonging to the owner of such land.~~

Options to co-owners of immovable property

25.—(1) Subject to the provisions of section 26 of this Law, when an owner of an undivided share in any immovable property makes a declaration before the Area Office that he has agreed to sell the same to a person who is not a registered co-owner in the same property, the transfer of such share shall not be registered unless-

- (a) the vendor satisfies the Director that the other registered co-owners do not wish to purchase his share at the price at which it is being sold *within sixty days from the date of the declaration of the sale*(a); or
- (b) the prospective purchaser advertises the proposed sale thereof or brings it to the knowledge of the other owner as in subsection (2) of this section provided within sixty days from the date of the declaration of the sale and no registered co-owner acquires the share thereunder.

(2) The proposed sale shall be advertised in such form and in such newspaper or newspapers as the Director may require, or shall be brought to the knowledge of the other owner by the service upon him of a notice in writing in such form as the Director may require, and any registered co-owner may, upon lodging in the Area Office, within thirty days of the advertisement or the service of the notice, the price at which the vendor's share is being sold together with the registration fee, be registered for such share; and the amount so lodged shall thereupon be paid out to the person who joined in the declaration of sale as purchaser:

Provided that if more than one registered co-owner acts as hereinbefore provided, the Director shall register, in the name of such co-owners as are willing to proceed with the purchase, the vendor's share in the proportion which their shares bear to one another. The Director shall, thereafter, make the appropriate re-adjustments and refunds of the amount lodged to the persons entitled thereto.

(3) If the action required under paragraph (a) or paragraph (b) of subsection (1) of this Section, as the case may be, is not taken and proof thereof is not produced to the Chief Officer within the period of sixty days from the date of the declaration of sale provided therein, the declaration shall be cancelled by the Chief Officer and it shall be deemed not to have been made and notice of its cancellation shall be given by the Chief Officer to the vendor and to the prospective purchaser appearing on the declaration.(b)

(a) Text inserted by Ordinance 11/1984 – came into force on 22 October 1984

(b) Subsections (3),(4),(5) and (6) inserted by Ordinance 11/1984 – came into force on 22 October 1984

(4) *The provisions of this Section shall not apply where an undivided share in any immovable property is held together with other immovable property wholly owned by the same owner as a single unit under the same registration in the Land Register and this unit is the subject matter of a declaration of sale as in subsection (1) of this Section.*

(5) *For the purposes of this Section “registered co-owner”, “other owner” and any other related expression means the person who was the registered co-owner at the time and date on which the declaration of sale referred to in subsection (1) of this Section was made.*

(6) *For the purposes of this Section where the prospective purchaser appearing in the declaration of sale believes that the sale price agreed and declared does not represent the value of the share of the immovable property on the day of the declaration of transfer by reason of an increase in the value of the immovable property in question since the date on which the sale was agreed, he may, by a written application to the appropriate Area Office on the date of the transfer, require that any registered co-owner who wishes to exercise the right to acquire the share transferred, pay such amount which in his opinion represents the value of the share transferred on the date of the transfer. Such request shall be stated in the advertisement or notice to the other co-owner provided under subsection (2) of this Section, as the case may be. Thereafter any registered co-owner who wishes to exercise the right to acquire the share transferred shall, within the period of thirty days provided by subsection (2) of this Section, lodge in the appropriate Area Office the price demanded by the prospective purchaser and the appropriate registration fees, ~~or he may apply to the Judge’s Court for the determination of the value payable and shall serve upon the appropriate Area Office a copy of his application to the Judge’s Court; or he shall lodge in the appropriate Area Office the price shown at the declaration at which the vendor’s share is being sold together with the appropriate registration fees and shall apply to the Judge’s Court, within the prescribed period, for the determination of any additional value payable and shall serve upon the appropriate Area Office a copy of his application to the Judge’s Court.~~(a)*

Provided that this Section shall apply where the declaration of transfer is accepted after the expiration of at least six months from the date on which the sale has been agreed, and a copy of the contract of sale has been lodged in the appropriate Area Office under the Sale of Land (Specific Performance) Ordinance (b):

Provided further that nothing in this subsection shall apply where the contract of sale was made before the date of the coming into operation of this subsection and a copy thereof has not been lodged in the appropriate Area Office under the Sale of Land (Specific Performance) Ordinance, unless such contract is produced to the appropriate Area Office within two months from the coming into operation of this subsection, so that the date of production thereof shall be noted thereon and such note of the date shall be conclusive evidence of the production of the contract.

Sections 24 and 25 to not apply in certain cases

26. Nothing in sections 24 and 25 contained shall apply to a declaration of sale made under a written contract of sale entered into before the coming into operation of this Law:

Provided that such contract is presented to the Area Office within three months from the date of the coming into operation of this Law by any party thereto for an endorsement thereon of the date of such presentation; and such endorsement shall be conclusive evidence that the contract had been so presented.

~~General provisions relating to division, etc., of immovable property (c)~~

~~**27.** (1) The following provisions shall have effect in all cases of division or partition of immovable property, and no division or partition thereof shall be lawful if it contravenes any one of such provisions, that is to say-~~

(a) Text deleted and new text inserted by Ordinance 1/1985 – came into force on 07 February 1985
(b) Ordinance 4/1973
(c) Section 27 repealed and replaced by Ordinance 11/1984 – came into force on 22 October 1984

- (a) ~~no building site shall be divided into separate holdings except in accordance with the provisions of any Law or regulation in force for the time being;~~
- (b) ~~no vineyard, orchard, grove, or land irrigated or capable of being irrigated from a perennial source of water shall be divided into holdings of less than one donum in extent or, if capable of being irrigated from a seasonal source of water, into holdings of less than two donums in extent;~~
- (c) ~~no land used for agricultural purposes which is not irrigated either from a perennial or a seasonal source of water shall be divided into separate holdings of less than five donums in extent;~~
- (d) ~~subject to the provisions of paragraphs (a), (b) and (c) of this subsection, no immovable property shall be divided into separate holdings unless in the opinion of the Director each such holding can properly and conveniently be held and enjoyed as a separate and self-contained tenement;~~
- (e) ~~no tree shall be allocated to more than one person;~~
- (f) ~~no land in which a person owns a share shall be allocated to such person as his separate property unless there is also allocated to him everything planted or growing thereon.~~

General provisions relating to division etc., of immovable property (a)

27. (1) The following provisions shall have effect in all cases of division or partition of immovable property, and no division or partition thereof shall be lawful if it contravenes any one of such provisions, that is to say—

- ~~(a) no immovable property suitable for building site purposes and no building shall be divided into separate buildings holdings(b) except in accordance with the provisions of any Ordinance or Regulation in force for the time being;~~
- ~~(b) no vineyard, orchard, grove, or land irrigated from a perennial or a seasonal source of water or capable of being irrigated from a perennial source of water shall be divided into holdings of less than one donum in extent or, if capable of being irrigated from a seasonal source of water, into holdings of less than two donums in extent;~~
- ~~(c) no land which is not irrigated or is not irrigable either from a perennial or a seasonal source of water shall be divided into separate holdings of less than five donums in extent;~~
- ~~(d) subject to the provisions of paragraphs (a), (b) and (c) of this subsection, no immovable property shall be divided into separate holdings unless in the opinion of the Chief Officer each such holding can properly and conveniently be held and enjoyed as a separate and self-contained tenement;~~
- ~~(e) no tree shall be allocated to more than one person;~~
- ~~(f) no land in which a person owns a share shall be allocated to such person as his separate property unless there is also allocated to him everything planted or growing thereon.~~

(2) Notwithstanding the provisions of section 9 of this Law, the provisions of this section shall apply to all cases of division or partition of immovable property made after the date of the coming into operation of this Law or within ten years immediately before such date, and where the property taken under any such division or partition contravenes the provisions of this section no title by adverse possession shall be acquired there for.

(a) Section 27 repealed and replaced by Ordinance 2/2010 – came into force on 04 February 2010
 (b) Text deleted and new text inserted by Ordinance 5/1987 – came into force on 24 March 1987

~~(1) (a) Notwithstanding the provisions of this or any other Ordinance where a building site of an area not less than 5,600 square feet, resulting from a division or partition of land under the provisions of the Streets and Buildings (Consolidation) Ordinance(a), is registered in the names of two persons in equal undivided shares, it shall be lawful for the Chief Officer, on the application of one of the registered co-owners, to cause a partition of the site into two separate plots and issue a title in the name of each one of the co-owners separately.~~

~~(b) In making the partition under the provisions of this Section, the Chief Officer shall, as far as possible, apportion the property in accordance with the wishes of the co-owners, and if the co-owners, though otherwise agreeing with the partition do not agree as to the plot or plots to be allotted to each one of them, the issue shall be finally determined by the drawing of lots by the Chief Officer, and upon completion of the partition the Chief Officer shall give notice thereof to both persons affected thereby.~~

~~(c) Where by reason of the nature of the property to be partitioned or for any other reason, it appears to the Chief Officer that it is not practicable to allot plots of equal value to the co-owners, the Chief Officer may order that the co-owner who takes a plot of greater value than his due, pays to the other co-owner who takes a plot of less value than his due, such compensation as the Chief Officer may determine having regard to their respective shares and the value which he allocates to the plots.~~

~~(d) Upon the making of an Order under the provisions of paragraph (c) of this subsection, the Chief Officer shall give notice thereof to both persons affected by the partition.~~

~~(e) If a co-owner ordered to pay compensation to the other co-owner under the provisions of this Section fails to pay the same within forty two days from the date of the final Order, the Chief Officer may put up the plot allotted to the co-owner in default up for sale by auction and pay such compensation out of the proceeds.~~

~~(f) Where compensation has been ordered to be paid by a co-owner, under the provisions of this Section, such co-owner shall not be entitled to deal with the plot allotted to him before the compensation ordered is paid except with the consent of the person to whom the same is payable:~~

~~Provided that a plot of an area less than 5,600 square feet which, on the date of the coming into operation of this Ordinance, is registered in the names of two persons in undivided equal shares, may be partitioned as provided in this subsection:~~

~~Provided further that no person may be registered as owner of more than one plot which resulted from a partition under the provisions of this subsection, unless its ownership is acquired by inheritance or as a gift from a spouse or a relative of a degree no more distant than the third degree as specified in the Second Schedule to the Wills and Succession Ordinance(b) or any provision of the said Ordinance or any other Ordinance amending or substituted for the same.(c)~~

~~(g) Where any building site is registered in the names of more than two persons, it shall be lawful for the Chief Officer, on the application by one of the Co-owners, to cause a subdivision of the site into separate plots in accordance with the number of co-owners and issue titles in the name of each separate co-owner, only if the separate plots resulting from the said subdivision are of an area in excess of 2,800 square feet:~~

~~Provided that where two or more co-owners, the separate share of any one of whom has an area below 2,800 square feet, agree to be jointly registered for a separate building site which after the partition shall have an area of a minimum of 2,800 square feet, the~~

(a) Ordinance 7/1984 as amended

(b) Cap 195 (Laws of Cyprus) as amended

(c) Subsection (1A) inserted by Ordinance 5/1987 – came into force on 24 March 1987

~~Chief Officer shall cause the partition of the said building site and issue a title in the names of the co-owners in fair shares.~~

~~(h) Where one of the undivided fair shares of a building site is registered in the names of two or more persons, the other being registered in the name of only one person, the Chief Officer, shall on the application by one of the registered co-owners cause the subdivision of the said building site into two separate building sites and issue separate titles in respect of each of them as follows:—~~

~~(i) A title in the names of the two or more persons who are registered co-owners of the one undivided fair share of the building site.~~

~~(ii) A separate title in the name of the person who is registered as the sole owner of the other undivided fair share of the building site.~~

~~(i) Where a building site which is registered in the names of two or more persons has on one of its sides a dwelling which was erected before the coming into force of this Ordinance by any of the registered co-owners, the Chief Officer, on the application by any of the registered co-owners, shall cause the subdivision of the said building site into two separate plots and issue separate titles in respect of each of them, if after the partition, both that part which contains the dwelling and the other part, can properly and conveniently be held and enjoyed as self-contained estates.~~

~~(j) The distribution of the property resulting from the subdivision referred to in paragraphs (g) to (i) shall be conducted in correspondence with the application of the provisions contained in paragraphs (b), (c), (d) and (e) of this subsection. (a) (b)~~

~~(1) (b) Notwithstanding the provisions of paragraphs (b) and (c) of subsection (1), the following provisions shall apply to any area where a Land Consolidation Association has been constituted or a consolidation has been effected under the Agricultural Land Consolidation Ordinance (e) or any Ordinance amending the same:—~~

~~(b) no vineyard, orchard, grove or land irrigated from a perennial or seasonal source of water or being irrigable from a perennial source of water shall be divided into holdings of less than two donums in extent, or, if being irrigable from a seasonal source of water, into holdings of less than four donums in extent;~~

~~(c) no land which is not irrigated or is not being irrigable from a perennial or seasonal source of water shall be divided into holdings of less than ten donums in extent:~~

~~Provided that the Chief Officer by a notification published in the Gazette, specifies, for the purposes of paragraphs (a) and (b) of this subsection, the areas within which, instead of the minimum extent provided by the said paragraphs, the minimum extent provided by paragraphs (b) and (c) of subsection (1) shall apply respectively.~~

~~(2) Notwithstanding the provisions of Section 9 this Ordinance, the provisions of this Section shall apply to all cases of division or partition of immovable property made after the date of the coming into operation of this Ordinance or within ten years immediately before such date, and where the property taken under any such division or partition contravenes the provisions of this Section no title by adverse possession shall be acquired therefor (d).~~

(a) Subsections (g),(h),(i) and (j) inserted by Ordinance 21/1988 – came into force on 10 November 1988

(b) Subsection (1A) repealed by Ordinance 14/1990 – came into force on 01 October 1990

(c) Ordinance 13/1985

(d) Subsection (1B) inserted by Ordinance 18/87 – came into force on 14 November 198. Originally subsection (1B) was erroneously labelled subsection (1A) but this error was corrected by Ordinance 21/87

General provisions relating to divisions, etc., of immovable property (a)

~~27.—(1) The following restrictions apply in all cases where immovable property is divided or partitioned, and a division or partition of immovable property is not lawful if it contravenes any such restrictions, namely—~~

- ~~(a) no immovable property which is suitable for building site purposes nor any building is to be divided into separate holdings except in accordance with the provisions of any Ordinance or Regulation in force for the time being;~~
- ~~(b) no vineyard, garden, forest, or land irrigated or capable of being irrigated from a perennial source of water is to be divided into holdings of less than one donum in extent or, if capable of being irrigated from a seasonal source of water, into holdings of less than two donums in extent;~~
- ~~(c) no land used for agricultural purposes which is not irrigated either from a perennial or a seasonal source of water is to be divided into separate holdings of less than five donums in extent;~~
- ~~(d) subject to paragraphs (a), (b) and (c) of this subsection, no immovable property is to be divided into separate holdings unless in the opinion of the Chief Officer each such holding can properly and conveniently be held and enjoyed as a separate and self-contained tenement;~~
- ~~(e) no tree is to be allocated to more than one person;~~
- ~~(f) no land in which a person owns a share is to be allocated to such person as his separate property unless there is also allocated to him everything planted or growing on that land.~~

~~(2) Notwithstanding subsection (1)(b) and (c), but subject to subsection (3), the following restrictions apply to any area where a Land Consolidation Association has been constituted or a consolidation of land has been effected under the Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999(b)—~~

- ~~(a) no vineyard, garden, forest or land irrigated from a perennial or seasonal source of water or capable of being irrigated from a perennial source of water is to be divided into holdings of less than two donums in extent or, if capable of being irrigated from a seasonal source of water, into holdings of less than four donums in extent;~~
- ~~(b) no land which is not irrigated or is not capable of being irrigated from a perennial or seasonal source of water is to be divided into holdings of less than ten donums in extent.~~

~~(3) The Chief Officer may, by a notice published in the Gazette specify that the minimum extents specified in paragraphs (b) and (c) of subsection (1) are to apply within an area instead of the minimum extents specified in paragraphs (a) and (b) of subsection (2) respectively.~~

~~(4) Notwithstanding section 9, this section is to apply to all cases of division or partition of immovable property made after the date of the coming into operation of this Ordinance or within 10 years immediately before such date and where the property taken under any such division or partition contravenes this section no title by adverse possession is to be acquired over that property.~~

General provisions relating to division etc. of immovable property

27.—(1) The following restrictions apply in all cases where immovable property is divided or portioned, and a division or partition of immovable property is not lawful if it contravenes any such restrictions, namely—

(a) Section 27 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011
(b) Ordinance 18/1999

- (a) *no immovable property which is suitable for building site purposes nor any building is to be divided into separate holdings except in accordance with the provisions of any Ordinance or public instrument in force for the time being;*
- (b) *no vineyard, garden, forest, or land irrigated or capable of being irrigated from a perennial source of water is to be divided into holdings of less than 1 donum in extent or, if capable of being irrigated from a seasonal source of water, into holdings of less than 2 donums in extent;*
- (c) *no land used for agricultural purposes which is not irrigated either from a perennial or a seasonal source of water is to be divided into separate holdings of less than 5 donums in extent;*
- (d) *subject to paragraph (a), (b) and (c) of this subsection, no immovable property is to be divided into separate holdings unless in the opinion of the Chief Officer each such holding can property and conveniently be held and enjoyed as a separate and self-contained tenement;*
- (e) *no tree is to be allocated to more than one person;*
- (f) *no land in which a person owns a share is to be allocated to such person as separate property unless there is also allocated to that person everything planted or growing on that land.*

(2) Notwithstanding subsection (1)(b) and (c), but subject to subsection (3), the following restrictions apply to any area where a Land Consolidation Association has been constituted or a consolidation of land has been effected under the Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999(a)—

- (a) *no vineyard, garden, forest or land irrigated from a perennial or seasonal source of water or capable of being irrigated from a perennial source of water is to be divided into holdings of less than 2 donums in extent or, if capable of being irrigated from a seasonal source of water, into holdings of less than 4 donums in extent;*
- (b) *no land which is not irrigated or is not capable of being irrigated from a perennial or seasonal source of water is to be divided into holdings of less than 10 donums in extent.*

(3) The Chief Officer may, by a notice published in the Gazette, specify that the minimum extents specified in paragraphs (b) and (c) of subsection (1) are to apply within an area instead of the minimum extents specified in paragraphs (a) and (b) of subsection (2) respectively.

(4) Notwithstanding section 9, this section is to apply to all cases of division or partition of immovable property made after the date of the coming into operation of this Ordinance or within 10 years immediately before such date and where the property taken under any such division or partition contravenes this section no title by adverse possession is to be acquired over that property.

Power to Director to sell property held in undivided shares in certain cases

28.—(1) Where immovable property is held in undivided shares but ~~the partition thereof among the co-owners cannot be made~~ *no division thereof can be made* (b) without contravening the provisions of section 27 of this Law, any co-owner may apply to the Director for a certificate to the effect that partition of the property is impossible by reason of the said provisions, and upon being furnished with such certificate such co-owner may serve a notice on the other co-owners in Cyprus together with a copy of such certificate informing them that, unless within thirty days after service they can agree to an arrangement whereby the property is allocated to one person ~~or~~

(a) Ordinance 18/1999

(b) Text deleted and new text inserted by Ordinance 11/1984 – came into force on 22 October 1984

~~divided in a manner which does not contravene any of the said provisions.~~(a) he will apply to the Director to put up the property for sale by auction; and the Director, upon proof of such service and upon being satisfied that no arrangement as hereinbefore has been agreed upon, may, at his discretion and without any further notice and notwithstanding the absence of any co-owner from Cyprus, proceed to sell the property by auction, and distribute the proceeds, after deducting the expenses of such sale, among the persons entitled thereto according to their respective rights in the property:

Provided that where, by reason of the value of the property or of the number of the co-owners or for any other reason, it appears to the Director that the service of the notice and copy of the certificate aforesaid on the other co-owners in Cyprus can be dispensed with, there may be published in lieu thereof, at the expense of any co-owner, a notice to the other co-owners in such form and in such newspaper or newspapers as the Director may require; and the date of publication in the newspaper or the last of the newspapers, as the case may be, shall be deemed to be the date of service of the notice for the purposes of this subsection.

(2) Where immovable property, the registered value of which is less than ten pounds, is held in undivided shares but ~~the partition thereof among the co-owners cannot be made~~ *no division can be made*(b)without contravening the provisions of section 27 of this Law, the Director may cause a notice to be posted up to the effect that, unless the Director is informed by the owners of the said property within thirty days of the posting up of such notice that they have agreed to an arrangement whereby the property is allocated to one person or divided in a manner which does not contravene the provisions of ~~subsection (1)~~(c) of section 27 of this Law, the Director shall put up the property for sale by auction; and the Director on being satisfied that no such arrangement as hereinbefore has been agreed on, may, at his discretion and without further notice, proceed to sell the property by auction and distribute the proceeds, after deducting the expenses of such sale, among the persons entitled thereto according to their respective rights in the property.

(3) The provisions of subsections (1) and (2) of this section shall apply to any immovable property which is held in undivided shares but cannot be partitioned among the co-owners without contravening the provisions of section 27 of this Law, notwithstanding that such property, together with other properties held in undivided shares by the same co-owners, might be partitioned as in subsection (2) of section 29 of this Law provided.

Partition of immovable property held in undivided shares

29.—(1) Where immovable property is held in undivided shares, it shall be lawful for the Director, on the application of any co-owner, to cause a partition of the property to be made amongst the several parties entitled thereto and to register the holdings into which the property is divided in the names of the persons to whom the same are respectively allotted.

(2) Where the property to be partitioned consists of several parcels, the total value of all such parcels shall be taken as the basis of the partition, and the partition may be carried out either by partitioning each parcel separately or by partitioning the parcels as a whole, whichever would, in the Director's opinion, be in the best interests of all persons concerned:

Provided that where a building is used as a dwelling house by any of the co-owners it shall not be included in the partition except with the consent of the co-owner or co-owners by whom it is so used.

(3) In making a partition under the provisions of this section the Director shall, as far as possible, apportion the property in accordance with the wishes of the several co-owners, and if the co-owners, though otherwise agreeing with the partition, do not agree as to the holding or holdings to be allotted to each one of them, the question shall be finally determined by the drawing of lots by the Director, *and upon completion of the partition, the Chief Officer shall give notice thereof to all persons affected thereby.*(d)

(a) Text deleted by Ordinance 11/1984 – came into force on 22 October 1984

(b) Text deleted and new text inserted by Ordinance 11/1984 – came into force on 22 October 1984

(c) Text deleted by Ordinance 11/1984 – came into force on 22 October 1984

(d) Text deleted and new text inserted by Ordinance 11/1984 – came into force on 22 October 1984

(4) Where by reason of the nature of the property to be partitioned or of the number of the parties interested therein or for any other reason, it appears to the Director that it is not practicable to allot holdings of a value corresponding to the respective shares of the co-owners, the Director may order that those co-owners who take holdings of greater value than their due shall pay to those who take holdings of less value than their due or take no holding at all, such compensation as the Director may determine having regard to their respective shares and the values which he allocates to the holdings.

(5) Upon the making of an order under the provisions of subsection (4) of this section the Director shall give notice therefor to all persons affected by the partition.

(6) If a co-owner ordered to pay compensation to another co-owner under the provisions of this section fails to pay the same within forty-two days after the date of the find order, the Director may put up the holding or holdings allotted to the co-owner in default to sale by auction and pay such compensation out of the proceeds.

(7) Where compensation has been ordered to be paid by a co-owner, under the provisions of this section, such co-owner shall not be entitled to deal with the holding allotted to him before the compensation ordered is paid except with the consent of the person to whom the same is payable.

(8) Notwithstanding anything contained in subsection (1) of Section 27 of this Ordinance, the provisions of subsection (1) of this Section shall apply also to any vertical division of a building site which may result from the division of land permitted by the Streets and Buildings Regulation (Consolidation) Ordinance(a), or in respect of any structure which may be located in such building site, providing:—

- (a) The Chief Officer is satisfied that each separate holding which may result from the partitioning may properly and conveniently be held and enjoyed as a separate and self-contained portion;
- (b) in the case of a building, the co-owner who requests the causing of the partition produces a certificate of approval which shall be issued in pursuance of the provisions of the Streets and Buildings Regulation (Consolidation) Ordinance(b) in relation to that part of the building which he owns and enjoys; and
- (c) none of the co-owners of the building site has previously been registered as the owner of any other building site which had been partitioned under the provisions of subsection (1) of this Section (except where possession of any other building site was acquired through succession of heritage or by way of a spouse to spouse donation as a gift, or equally, donated as a gift from any blood relative not exceeding the third degree of kindred).(c)

Re-adjustment where owner of trees and land is not the same person

30.—(1) Where any tree, vine, building or other erection is owned by a person other than the owner of the land whereon the same is standing, the Director may on the application of any person having an interest in the land, tree vine, building or other erection or structure, effect a re-adjustment of the interests of the parties therein so as to ensure that in case shall a tree, vine, building or other erection or structure be owned by a person other than the owner of the land whereon the same is standing.

(2) In making such re-adjustment, where any share to which any person would have been entitled is so small that a holding cannot be allocated to him without contravening the provisions of paragraphs (a), (b), (c) and (d) of subsection (1)(d) of section 27 of this Law, the Director may order that his share shall be allotted to any other owner of land, trees, vines, buildings or other erections or structures in respect of which the re-adjustment is made, upon payment to the person whose share is being so allotted of such compensation as the Director may determine.

(a) Ordinance 7/1984 as amended

(b) Ordinance 7/1984 as amended

(c) Subsection (8) inserted by Ordinance 14/1990 – came into force on 01 October 1990

(d) Text deleted by Ordinance 11/1984 – came into force on 22 October 1984

(3) Upon the making of an order under the provisions of subsection (2) of this section the Director shall give notice therefor to all persons affected by the re-adjustment and thereafter the provisions of subsections (6) and (7) of section 29 of this Law shall apply *mutatis mutandis* to this section as they apply to the said section.

(4) *This subsection applies where—*

- (a) *within the boundaries of a plot of immovable property there is a well or a small plot (including channels or tanks for the storage or the conveyance of water);*
- (b) *the Chief Officer considers that the well or the small plot inhibits or prohibits the development of the immovable property as a whole; and*
- (c) *at least one of the conditions specified in subsection (5) apply.***(a)**

(5) *The conditions are—*

- (a) *the well has been dry for at least 5 years;*
- (b) *the well or the small plot on which the well is situated is in an area where building or development is permitted in accordance with the legislation of the Areas, and the conditions imposed on using water from the well allow its use for the permitted development; or*
- (c) *channels or tanks on the small plot have not been used for the storage or conveyance of water for at least 5 years.*

(6) *Where subsection (4) applies, the Chief Officer may order, on the application of any person having an interest in the immovable property concerned, a readjustment in accordance with subsections (1) to (3)*

(7) *When making an order for readjustment, the Chief Officer—*

- (a) *must take account of the wishes of the owners of the immovable property, as far as is reasonably practicable;*
- (b) *must, as far as is reasonably practicable, readjust the boundaries of the plots of the immovable property so as to facilitate permitted development;*
- (c) *may sub-divide the plots of the immovable property.*

(8) *The restrictions in section 27 do not apply to divisions made in accordance with subsection (7).*

(9) *In this section “small plot” means a plot where, in accordance with the legislation of the Areas, no building is permitted or, where building is permitted, the building may not exceed 60 square metres.*

Partition or re-adjustment of immovable property subject to charge

31. Where immovable property to which section 29 or 30 of this Law applies or any share therein is subject to any charge under the provisions of any Law in force for the time being, it shall be lawful for the Director to proceed with the partition or re-adjustment of such property in accordance with the provisions of the section applicable thereto and to make such charge a charge upon that portion of the property which is allotted to the person against whom the charge operates:

Provided that any compensation payable under section 29 or 30 of this Law shall be paid to the person in whose favour the charge operates.

No partition or re-adjustment without notice

32. No partition or re-adjustment shall be made under the provisions of section 29 or 30 of this Law unless the Director gives thirty days' previous notice therefor to all parties affected thereby and if after such notice any person to whom such notice had been given fails to appear the Director may proceed to act in his absence.

(a) Subsections (4) to (9) inserted by Ordinance 28/2014 – came into force on 30 August 2014

Compulsory acquisition where re-adjustment impossible

33.—(1) Where on any land there are trees, vines, buildings or ether erections or structures belonging to a person other than the owner of the land and it is found impossible by the Director to make a re-adjustment under the provisions of section 30 of this Law, the following provisions shall have effect, that is to say-

- (a) the owner of such land may, if registered therefore and if the estimated value of such land or the estimated aggregate value of such land and any trees, tines, buildings or other erections or structures thereon belonging to the owner of the land is greater than the estimated value of the trees, vines, buildings or other structures belonging to the other person, acquire the same compulsorily upon payment to the owner thereof of their value:

Provided that where the land is owned in undivided shares, the right hereby conferred shall not be exercised except by all the co-owners acting together, and then only upon condition that each of them shall take the same share in the trees, vines, buildings or other erections or structures acquired hereunder as he owns in the land:

Provided also that where on any land there are separately owned trees, vines, buildings or other erections or structures, the right hereby conferred on the owner of the land may be exercised by him in respect of all the trees, vines, buildings or other erections or structures belonging to any one or more owners;

- (b) the owner of such trees, vines, buildings or other erections or structures may, if registered and if the estimated value of such trees, buildings or other erections or structures is greater than the estimated value of the land or the estimated aggregate value of the land and any trees, vines, buildings or other erections or structures thereon belonging to the owner of the land, acquire the land compulsorily upon payment to the owner thereof of its value:

Provided that where any such trees, vines, buildings or other erections or structures are owned in undivided shares, the right hereby conferred shall not be exercised except by all the co-owners acting together, and then only upon condition that each of them shall take the same share in the land acquired hereunder as he owns in such trees, vines, buildings or other erections or structures :

Provided also that, where by reason of any trees, vines, buildings or other erections or structures standing on any land being separately owned, two or more persons seek to acquire the same land independently of one another, there shall be preferred the person or persons whose trees, vines, buildings or other erections or structures are estimated to be of greater value than the trees, vines, buildings or other erections or structures belonging to another person or persons seeking to acquire the same and, where trees, vines, buildings or other erections or structures belonging to different person or persons seeking to acquire the same land are estimated to be of equal value, the land shall be acquired by them in equal shares.

(2) For the purposes of this section the value of any property which has to be estimated shall be estimated by the Director with the assistance of the mukhtar of the village or quarter within which the property is situate or of his representative, or where the interested parties belong to different communities, each having a mukhtar of its own, with the assistance of both mukhtars or their representatives:

Provided that the estimate made by the Director shall be valid for the purposes of this section even if any such mukhtar or his representative fails to give assistance in the making of the estimate.

(3) Upon the making of an estimate under the provisions of subsection (2) of this section the Director shall give notice therefor to all persons affected thereby.

(4) Proceedings under this section shall be in accordance with the Regulations in the First Schedule to this Law, which may be amended from time to time by the Governor in Council.

Compulsory acquisition: wells and small plots of land within larger plot(a)

33A.—(1) Where section 30(4) applies and the Chief Officer determines that readjustment in accordance with section 30 is not reasonably practicable, the Chief Officer may proceed in accordance with section 33.

Partition by co-owners

34. Where any immovable property held in undivided shares has been partitioned by the co-owners the Director may, on application for the registration of the property so partitioned, direct registration of the property to be effected in accordance with the terms of the partition if they do not contravene the provisions of section 27 of this Law:

Provided that where any property or any share therein involved in the partition is subject to any charge under the provisions of any Law in force for the time being, the partition shall not be registered unless the person in whose favour the charge operates gives his consent in writing.

Provided further that if the person in whose favour the charge operates refuses to give his consent, any one of the co-owners affected may apply to the Judge's Court for such an order as in the circumstances it may consider fit.(b)

Manner of sale

35. Every sale made under this Part of this Law shall be made in accordance with the provisions of any Law relating to sales by public auction and the Rules of Sale in force for the time being:

Provided that the Director may prescribe the maximum number of persons who, acting jointly, may be allowed to bid at an auction for a property put up for sale under the provisions of section 28 of this Law.

Provisions relating to Vakf Immovable Property

Making of immovable property Vakf

36.—(1) Any immovable property which lies within the areas specified, for the purposes of this section, on the survey map signed by the Director and deposited in the Area Office before the coming into operation of this Law and which is registered in the name of any person who professes the Moslem faith may, by a valid deed of dedication, be made Vakf.

(2) Any-immovable property which lies outside the areas mentioned in subsection (1) of this section registered in the name of any person who professes the Moslem faith which is sufficiently planted with trees or vines or covered with buildings, to the satisfaction of the Director, may, by a valid deed of dedication, be made Vakf:

Provided that a fee equal to one-fourth of the registered value of such property shall be paid into the revenue of the Colony by the owner, and that no such property shall be made Vakf until such fee has been paid.

Registration of Vakf in the name of trustee

37. Whenever any immovable property is made Vakf after the commencement of this Law, such property shall be registered in the name of the person entitled under the deed of dedication to be the trustee thereof for the time being.

(a) Section 33A inserted by Ordinance 28/2014 – came into force on 30 August 2014

(b) Proviso inserted by Ordinance 11/1984 – came into force on 22 October 1984

Trees, etc., held as Vakf on non-Vakf land and vice versa

38. Where any tree, vine, building or other erection or structure held as Vakf stands on land which is not Vakf, or *vice versa*, the Director may, on the application of any person having an interest in the land, tree, vine, building or other erection or structure, effect a re-adjustment of the interests of the parties so as to ensure that in no case shall a tree, vine, building or other erection or structure be held as Vakf independently of the land, or *vice versa*, and in making such re-adjustment there shall be applied the provisions of section 30 of this Law as far as possible.

PART 2A(a)

Joint owned buildings

Chapter 1

General Provisions

Interpretation of Part 2A

38A.—(1) *In this Part—*

“appropriate authority” means the appropriate authority for the purposes of the Streets and Buildings Regulation (Consolidation) Ordinance 1984(b);

“building” means a permanent building and includes the land on which it is built;

“licensed insurer” means an insurer which is licensed to conduct insurance business in accordance with the Republic’s Law 72(I) of 1984 (Insurance Companies Law);

“jointly owned building” has the meaning given in section 38B;

“jointly owned property” means any part of a jointly owned building which has not been registered as a unit;

“management committee” is the committee referred to in section 38U;

“model rules” means the rules in Schedule 4 to the corresponding Republican Law;

“owner” (in relation to a unit) or “unit owner” means the person entitled to be registered as the owner of the unit in accordance with this Ordinance, and includes the lessee of a lease registered under Part 3A, unless the lease expressly provides that the lessee is not the unit owner for the purpose of this Part;

“restricted jointly owned property” means a part of a jointly owned building ceded in accordance with section 38F(3) for the exclusive use of 1 or more units, but not all the units, in a jointly owned building;

“rules” means the rules for the management of jointly owned buildings described in section 38R;

“unit”, except in subsection (2), means any part of a jointly owned building which may be occupied and enjoyed as a full, separate and independent place for any purpose for which a building permit is issued, and includes—

(a) a floor;

(b) a section of a floor;

(c) a room;

(d) an office;

(e) a flat;

(a) Part 2A inserted by Ordinance 28/2014 – came into force on 30 August 2014

(b) Ordinance 7/1984; “appropriate authority” is defined in section 2 of Ordinance 7/1984 as the authority constituted to exercise powers under this Ordinance

(f) a shop.

(2) Any part of a jointly owned building which is not registered as a unit or jointly owned property (including where the building co-efficient is not fully utilised) is deemed to be a unit and may on application by the owner of the building be registered in the owner's name.

(3) A registration under subsection (2) may be amended in accordance with any subsequent grant of planning permission or a building permit for that part of the building so registered.

Jointly owned buildings

38B.—(1) A building is a jointly owned building where it is comprised of—

- (a) 5 or more units; or
- (b) 2 to 4 units, and at least 50% of the owners apply to the Chief Officer for the building to be registered as a jointly owned building.

(2) Each unit of a jointly owned building is owned, held and enjoyed as separate property and must be registered as a separate unit in accordance with section 38Z4.

(3) The Chief Officer must issue a separate certificate of registration for each unit.

(4) The only property, other than the unit, which may be included on the certificate referred to in subsection (3) is restricted jointly owned property ceded for the use of that unit.

Application of Ordinance to jointly owned buildings

38C. Subject to this Part, this Ordinance and all other Ordinances relating to immovable property apply to jointly owned buildings with all necessary modification.

Owners' rights to alter, add to or repair unit

38D.—(1) Subject to subsection (2) and to compliance with this Part, a unit owner may carry out works to alter, add to or repair the unit.

(2) The works referred to in subsection (1) must not adversely affect—

- (a) the rights of an owner of another unit in the jointly owned building or the enjoyment of the owner of that unit;
- (b) the functioning or enjoyment of jointly owned property in the jointly owned building;
- (c) the walls, frames, other structure of the jointly owned building so as to pose a risk to the safety, or to alter the external appearance, of the jointly owned building.

Application of Part to separate buildings

38E. This Part applies to separate buildings comprising more than 1 structure and to complexes of buildings on the same plot of land, including where the buildings or complexes of buildings are not wholly or partly horizontally divided.

Chapter 2

Units and jointly owned property

Ownership

38F.—(1) Subject to the following provisions, jointly owned property is owned, occupied and enjoyed by all the unit owners in the building in undivided shares in accordance with the proportions determined under section 38I.

(2) *The certificate of registration for a unit must refer to any jointly owned property which is ceded for the use of that unit.*

(3) *Where jointly owned property is ceded for the exclusive use of 1 or more units (“restricted jointly owned property”), this must be included on the certificate of registration for the unit or units.*

(4) *Except as may be specified in the rules, and subject to subsection (6), the Chief Officer may register any part of jointly owned property as restricted jointly owned property—*

- (a) at the request of least 75% of the unit owners in the jointly owned property; and*
- (b) where the Chief Officer is satisfied that the part is ceded to a unit or units for the exclusive use of the unit or units.*

(5) *Subject to subsection (6), the Chief Officer may register a part of a of jointly owned property as restricted jointly owned property despite the refusal of a unit owner to agree to such registration, where the Chief Officer is satisfied that—*

- (a) the part is jointly owned property; or*
- (b) the refusal is made in bad faith.*

(6) *Subsections (4) and (5) do not apply to the following parts of a jointly owned property—*

- (a) the staircase;*
- (b) the roof;*
- (c) the foundations;*
- (d) the supporting walls;*
- (e) the lifts;*
- (f) the corridors; and*
- (g) any other parts intended for use by all the unit owners.*

(7) *Registration of an area of a jointly owned building as restricted jointly owned property in contravention of subsection (6) is void.*

(8) *A contract or other agreement selling or otherwise dealing in a unit includes the jointly owned property and any restricted jointly owned property ceded to the unit, whether or not the contract or agreement includes an express reference to the jointly owned property or restricted jointly owned property, and any part of a contract or agreement purporting not to include such property is void.*

(9) *Subject to the Streets and Buildings Regulation (Consolidation) Ordinance 1984, the land which is part of a jointly owned property may be reduced or increased where all the unit owners of the jointly owned property agree.*

Undivided shares: non-application

38G.—(1) *The provisions in this Ordinance which relate to holding immovable property in undivided shares do not apply to a jointly owned property.*

(2) *Subsection (1) does not prevent more than 1 person being the registered owner of a unit.*

Area of unit

38H.—(1) *The area of a unit comprises the covered area enclosed by the external walls including covered and uncovered verandas and balconies.*

(2) *A wall between units or a wall between a unit and jointly owned property is divided in equal shares between the adjacent units or adjacent jointly owned property, as the case may be.*

Share of jointly owned property

38I.—(1) *The proportion (P) of any jointly owned property ceded to a unit is determined as follows, with any fractions of less than 1/100 disregarded—*

$$P = \frac{U}{B}$$

where—

U is the value of the unit; and

B is the value of the jointly owned building.

(2) *Subject to the following provisions, the owner of the jointly owned building in which the unit is situate is to determine the value of the unit and the value of the building.*

(3) *If the Chief Officer considers that the values determined under subsection (2) do not represent the actual values, they may be determined by the Chief Officer.*

(4) *Where a building permit for the jointly owned building or the unit in the jointly owned building was issued before 12 February 1993, the Chief Officer is to determine the values in accordance with the deemed values of the building or the unit, as the case may be.*

(5) *Where the building co-efficient has not been fully utilised, the Chief Officer is to determine the values taking into account the deemed total value of all the units which may be constructed in the jointly owned building.*

(6) *In this section “deemed value” and “deemed total value” is the value determined in accordance with Part 4.*

Division of jointly owned buildings

38J.—(1) *This section applies where a jointly owned building comprises more than 1 building or is a complex of buildings, and each building has its own entrance.*

(2) *Unless the rules otherwise provide, and subject to subsection (4), the Director may register any of the buildings as a separate jointly owned building at the request of at least 75% of the owners of the jointly owned property in the building to be so registered.*

(3) *Where a jointly owned building is registered in accordance with subsection (2), but shares jointly owned property with other jointly owned buildings, the jointly owned property is deemed to be ceded to all the units in all the jointly owned buildings, in proportion to the share each unit has in the jointly owned building.*

(4) *The appropriate authority must approve registration in accordance with subsection (2).*

(5) *The Director must make appropriate amendments to the land register to reflect registration under subsection (2) and apportionment under subsection (3).*

(6) *In this section, jointly owned property includes services and installations.*

Chapter 3

Maintenance and insurance

Maintenance and insurance of jointly owned buildings

38K.—(1) *A unit owner must pay for the maintenance, repair, insurance, management and any other costs associated with the jointly owned building in which the unit is situate as is required by this Part or in the rules.*

(2) *The proportion to be paid under subsection (1) is determined in the rules by reference to the area of the unit.*

(3) *If a unit owner does not pay the amount determined in accordance with this section, the management committee may recover the amount by way of an action for civil debt.*

Management committee to insure jointly owned buildings

38L.—(1) *The management committee must insure, and keep insured, the jointly owned building against the risk of fire, lightning and earthquake.*

(2) *The insurance policy must be underwritten by a licensed insurer and must be for an amount which the management committee deems is sufficient to cover the rebuilding of the jointly owned building.*

(3) *Subject to the agreement of at least 50% of all the unit owners in the jointly owned building, the management committee may insure against other risks.*

(4) *Despite subsection (3), the management committee must insure against other risks if so required by other legislation.*

Chapter 4

Damage, destruction or sale: interest of unit owners

Destruction of unit

38M.—(1) *Where a unit is damaged or destroyed, in whole or in part, the unit owner must repair or rebuild the unit to its original condition as soon as reasonably practicable and at the unit owner's expense.*

(2) *When repairing or rebuilding the unit in accordance with subsection (1), the unit owner must give priority to work which is required for the enjoyment of any jointly owned property which has been damaged or destroyed.*

(3) *Where a unit owner fails to comply with subsection (1) or (2), the owner must compensate other unit owners in the jointly owned building for loss of enjoyment of their unit or jointly owned property, as the case may be.*

Damage to jointly owned property

38N. *Where jointly owned property is damaged or partially destroyed, the management committee must repair or rebuild the property as soon as it receives compensation from the insurance policy for the jointly owned building.*

Total destruction of jointly owned building

38O.—(1) *A jointly owned building is deemed to be completely destroyed where there is a unanimous decision to that effect of all the unit owners in the building.*

(2) *Where a unanimous decision is taken under subsection (1), the unit owners may make a further unanimous decision about the steps to be taken.*

(3) *The decisions referred to in subsection (1) and (2) must be made at a general meeting convened for the purpose of making those decisions.*

(4) *Where the decisions are not unanimous, an interested party may file an application in the Resident Judge's Court seeking an order on the issues in dispute.*

(5) *In determining the issues under dispute the court must have regard to the rights and interests of all the unit owners in the jointly owned building whether or not they are parties to the application.*

(6) *A licensed insurer which has underwritten a policy in respect of the jointly owned building has the right to give evidence in the proceedings.*

(7) *In making an order, the court may include such directions and conditions as it considers are necessary and expedient to ensure that the consequences of the order are shared equitably between all the unit owners.*

(8) *Without limit to the discretion of the court, the court may order either or both of the following—*

- (a) *that the management committee disposes of monies received from an insurance claim in accordance with the order;*
- (b) *that the owners of some or all of the units contribute towards the cost of rebuilding.*

(9) *The court may make such order as to the costs of the proceedings as it deems necessary and appropriate.*

(10) *The court may amend or substitute an order.*

(11) *In subsection (4), “interested party” means the management committee, a unit owner and any person who has a registered encumbrance or right in respect of the jointly owned building.*

Sale of jointly owned building

38P. *A jointly owned building may be sold where all the unit owners in the building agree to the sale.*

Determination of interests of unit owners

38Q. *Where a jointly owned building is completely destroyed, sold or compulsorily acquired, the respective interest of the unit owners is determined in accordance with the proportions of their sale in the building as provided for in section 38I.*

Chapter 5

Management and rules

Rules for management of jointly owned buildings

38R.—(1) *The management of jointly owned buildings must be regulated in accordance with the rules made in accordance with this section.*

(2) *The rules must provide for the control, operation, management, administration, use and enjoyment of the units and regulate the relationship between the unit owners and their rights and obligations in relation to the jointly owned building and jointly owned property.*

(3) *The agreement of 75% of the unit owners in the jointly owned building is required to make the rules and to amend, revise or revoke them, unless a different percentage is required under this Part.*

(4) *The model rules apply in relation to a jointly owned building where a building permit has been issued, but the building has not been registered as jointly owned property, or where rules have not been made in accordance with subsection (3).*

(5) *The rules must comply with this Part.*

(6) *The rules must not—*

- (a) *prohibit or restrict the transfer of a unit by succession, lease, mortgage or any other transfer;*
- (b) *amend or purport to extinguish any easement or other right constituted under this Ordinance or any other legislation;*
- (c) *amend or purport to extinguish the rights of a unit owner;*
- (d) *without the consent of the unit owner, impose an obligation on the owner which is not required by this Part;*

- (e) *determine that any jointly owned property is restricted jointly owned property, otherwise than in accordance with section 38F.*

Registration of rules

38S.—(1) *The management committee must apply for the registration of the rules, including any amendment, revision or revocation of the rules, by sending a certified copy to the Chief Officer.*

(2) *The Chief Officer must record the registration in the lands register.*

(3) *On registration, the rules bind the owners of each unit in the jointly owned building to which they apply and the owners' successors in title.*

Model rules

38T.—(1) *Where there are no rules for a jointly owned building, the model rules are deemed to be the rules for the building.*

(2) *The model rules apply if a question arises for which there is no express provision in the rules.*

Management committee

38U.—(1) *A jointly owned building must have a management committee.*

(2) *The management committee is appointed in accordance with the rules and has the functions provided by this Part and by the rules.*

Initial temporary management committee

38V.—(1) *Upon first registration of a building as a jointly owned building, the unit owners may request the Chief Officer to appoint a temporary management committee.*

(2) *The persons appointed as members of the temporary management committee must be persons recommended by the unit owners, but if there are no such recommendations the Chief Officer may appoint 1 or more unit owners or 1 or more other appropriate persons, or a combination of both.*

(3) *Where the Chief Officer appoints a person to the temporary management committee who is not a unit owner, the Chief Officer may determine the appropriate remuneration for the person.*

(4) *A temporary management committee has all the functions of a management committee appointed in accordance with the rules.*

(5) *The term of office of the temporary management committee expires on the date prescribed in the rules.*

Procedure where no management committee

38W.—(1) *Subject to subsection (3), where there is no management committee or the management committee has ceased to function, the Chief Officer may appoint any person as a member of a management committee.*

(2) *Section 38V applies to an appointment under subsection (1), as it applies to the appointment of an initial temporary management committee.*

(3) *Subject to subsection (4), where the rules provide for the election of a management committee at a general meeting of all the unit owners in the jointly owned building, the Chief Officer must convene a general meeting for this purpose, if reasonably practicable.*

(4) *The Chief Officer may not appoint persons under subsection (1) unless the general meeting convened under subsection (3) does not elect a management committee, or the*

Chief Officer is satisfied that it is not reasonably practicable to convene a general meeting of all the unit owners.

Remuneration

38X. *Where a person appointed to a management committee is remunerated in accordance with section 38V(3) following an appointment under section 38V or 38W, the amount of remuneration is an expense to which the all the unit owners must contribute in accordance with section 38K.*

Management committee: functions

38Y.—(1) *The management committee has the functions provided by this Part and by the rules and must act on behalf of the unit owners in the jointly owned building.*

(2) *Without limiting subsection (1), the management committee may—*

- (a) *sue and be sued in connection with any issue relating to the jointly owned building or the jointly owned property;*
- (b) *sue for damages caused to the jointly owned property by any person;*
- (c) *make contracts in relation to the maintenance and management of the jointly owned building.*

Management committee: duties

38Z.—(1) *The management committee must—*

- (a) *inspect and manage the jointly owned property to ensure compliance with this Part and the rules;*
- (b) *maintain the jointly owned property;*
- (c) *convene a meeting of unit owners at least every 12 months, or as required by this Part or in the rules;*
- (d) *comply with any notification, order or decision of a competent administrative authority in connection with the jointly owned building;*
- (e) *insure the jointly owned property in accordance with section 38L, and pay the insurance premiums;*
- (f) *apply or dispose of monies from insurance policies in accordance with this Part;*
- (g) *carry out any other duties provided for by this Part or in the rules.*

(2) *For the purpose of section 38L, the management committee is deemed to have an insurable interest in the replacement value of the jointly owned building, and any other object insured in accordance with that section.*

(3) *The management committee may not offset an insurance policy concluded under section 38L against any other insurance policy, unless that policy was concluded in accordance with this Part or the rules for the same jointly owned building.*

Management committee: fund for expenses etc.

38Z1.—(1) *The management committee has the power to—*

- (a) *establish a fund (the “fund”) for the payment of management expenses and insurance premiums for the jointly owned building;*
- (b) *determine the amount to be retained in the fund and the amount to be contributed to the fund by the unit owners under section 38K;*
- (c) *to collect the amount to be contributed by the unit owners under section 38K;*
- (d) *to collect any additional amount from the unit owners required to comply with a notification received under 38Z(1)(d).*

(2) *The management committee may claim contributions from a unit owner by way of civil proceedings, where the unit owners at the time the decision to collect the contribution was made, and at the time any proceedings are filed, are jointly and severally liable.*

(3) *On application by a unit owner or a person authorised by the owner, the management committee must certify in writing —*

(a) *the amount which is due to be paid to the fund by the unit owner;*

(b) *the time and way in which the contributions to the fund are to be paid;*

(c) *the amount of contributions paid to the fund by the unit owner.*

(4) *A certification of a material fact under subsection (3) creates a rebuttable presumption that the material fact is as certified.*

General meeting of unit owners

38Z2. *Where a general meeting is not convened in accordance with the rules, the Chief Officer may convene a meeting at the request of a unit owner, and such a meeting is deemed to have been convened under the rules.*

Decisions of unit owners

38Z3.—(1) *The management committee must keep a record of decisions (the “record”) taken in accordance with the rules.*

(2) *The record binds a unit owner and the owner’s successors in title.*

(3) *A unit owner may inspect the record at any reasonable time.*

Chapter 6

Registration

Registration of jointly owned buildings etc.

38Z4.—(1) *A jointly owned building, a unit or jointly owned property may only be registered where all the relevant documents required by this Ordinance or any other Ordinance are sent to the Chief Officer.*

(2) *The application for registration may be made by the owner of the jointly owned building or the unit owners.*

(3) *If a person fails to apply for registration of a building as a jointly owned building in accordance with this section, the Chief Officer may investigate the circumstances and, if satisfied, register the building as a jointly owned building.*

(4) *Each unit must be registered with any jointly owned property or restricted jointly owned property ceded to it, where the ownership of such property is determined in accordance with this Part.*

Prior registration

38Z5.—(1) *The registration of immovable property before the day this Part comes in force in accordance with section 6 continues to be valid, as if this Part had not come into force.*

(2) *Sections 38L to 38Z3 (inclusive) apply to a jointly owned building registered in accordance with subsection (1).*

Power to make regulations

38Z6.—(1) *The Administrator may make regulations as a public instrument for the better application of this Part.*

- (2) Without limiting the generality of subsection (1), regulations may provide for —
- (a) any form of application, notice or other document required by this Part;
 - (b) fees and charges which may be imposed by the Chief Officer in relation to any matter regulated by this Part.

PART 3

Registration

Immovable property registration districts

39. The districts constituted under the Administrative Division Law, shall be immovable property registration districts for the purposes of this Part of this Law.

Validity of certain transactions affecting immovable property

40.—(1) No transfer of, or charge on, any immovable property shall be valid unless registered or recorded in the Area Office.

(2) No transfer or voluntary charge affecting any immovable property shall be made in the Area Office by any person unless he is the registered owner of such property:

Provided that the executor or administrator of an estate of a deceased person shall, for the purposes of this subsection, be deemed to be the registered owner of any immovable property registered in the name of the deceased.

~~Registration of immovable property in the name of religious corporation (a)~~

~~41.—(1) Any immovable property belonging or attached to a religious corporation at the date of the coming into operation of this Law which is not already registered in its name, and any immovable property which, though registered in the name of some person, is held for or on behalf of a religious corporation at that date, may be registered in the name of such corporation:~~

~~Provided that the corporation shall apply to the Area Office not later than eight years after that date for the property to be so registered, and, where the Director so requires, shall pay the fees prescribed for local inquiry.~~

~~(2) After the expiration of the period mentioned in subsection (1) of this section no claim of title to or in connection with any immovable property by any religious corporation shall be valid or shall be entertained or recognized in any Court or Area Office unless the corporation files together with the writ a certificate of the Director that it has applied to the Area Office within the period in subsection (1) of this section mentioned for the property to be registered in its name and, where the Director so required, paid the fees prescribed for local inquiry:~~

~~Provided that nothing in this subsection contained shall apply to any immovable property which is already registered in the name of the religious corporation or which has been lawfully acquired by such corporation by transfer from a registered person after the commencement of this Law.~~

~~(3) No transfer fee shall be levied upon the registration of any immovable property in the name of a religious corporation by transfer from a registered person who held the property for or on behalf of the corporation.~~

~~(4) Any transfer or voluntary charge affecting immovable property registered in the name of a religious corporation may be declared in the Area Office by the head of the corporation or his duly authorized representative.~~

(a) Section 41 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011

Registration of immovable property in the name of religious corporation

41.—(1) *Immovable property belonging to or connected with a religious corporation at the date of the coming into operation of this Ordinance which is not already registered in its name, and any immovable property which, though registered in the name of a person, is held for or on behalf of a religious corporation at that date, may be registered in the name of such corporation.*

(2) *The religious corporation is to apply to the Area Officer not later than 8 years after that date for the property to be so registered, and, if the Chief Officer so requires, is to pay the fees prescribed for a local inquiry.*

(3) *After the period referred to in subsection (2) has expired no claim of title to or in connection with any immovable property by any religious corporation is valid or is to be recognised in any court or Area Office unless the corporation files together with the writ a certificate of the Chief Officer that it applied to the Area Office within the period in subsection (2) for the property to be registered in its name and, if the Chief Officer so required, paid the fees prescribed for local inquiry.*

(4) *Subsection (3) does not apply to immovable property which is already registered in the name of the religious corporation or which has been lawfully acquired by such corporation by transfer from a person in whose name the property is registered after the commencement of this Ordinance.*

(5) *Immovable property (other than property to which section 22(2) applies) belonging to or connected with a religious corporation, including a church (whether or not in ruins), a church yard, a place of worship of the corporation or immovable property which is registered in the name of a particular person but occupied on behalf of the religious corporation, which is not registered in the name of a religious corporation on 23 July 2010 may be registered in the name of that corporation subject to subsections (6) and (7).*

(6) *The religious corporation must make an application no later than 22 July 2012 for the registration of the property in its name to the Area officer and must pay the fees and charges prescribed by or in accordance with the corresponding Republican Law for such an application under that Law.*

(7) *Following an on site investigation in connection with an application under subsection (6)—*

(a) *the religious corporation must publish a notice complying with subsection (8)—*

(i) *in a conspicuous place in the municipality, community or parish in which the immovable property is located at a place where notices to the public are usually published; and*

(ii) *in 2 daily newspapers (one of which is specified by the Chief Officer);*

(b) *a person may, within 60 days from the last date of publication of such a notice, appeal against the registration of the immovable property in the name of the religious corporation showing reasons why the immovable property should not be so registered.*

(c) *if an appeal is made within the period prescribed in paragraph (b) the Chief Officer may not proceed with the registration of the immovable property in the name of the religious corporation unless a court order is provided to the Chief Officer which recognises that the religious corporation is entitled to be registered as the owner of the immovable property.*

(d) *if no appeal is made within the period prescribed in paragraph (b), the Chief Officer is to register the immovable property in the name of the religious corporation, subject to any other conditions imposed by law.*

(8) *A notice complies with this subsection if it contains—*

(a) *a description of the immovable property;*

(b) *the name of the religious corporation in whose name the property is to be registered; and*

(c) a statement informing the public of the intention of the Chief Officer to register the immovable property in the name of the religious corporation.

(9) No transfer fee is to be levied upon the registration of any immovable property in the name of a religious corporation by transfer from a registered person who held the property for or on behalf of the corporation.

(10) Any transfer or voluntary charge affecting immovable property registered in the name of a religious corporation may be declared in the Area Office by the head of the corporation or by that person's duly authorised representative.

Compulsory registration of unregistered property

42. When any immovable property is not registered in the name of the person entitled to be registered as the owner thereof, the Director may, subject to the provisions of section 44 of this Law, compel the registration of such property to be made in the name of such person.

General registration

43.—(1) The Director may order a general registration to be made of all the immovable property in any town, village or quarter or any specified part thereof or any specific type of immovable property out of those set out in the definition of the word "immovable property" in Section 2 of the Ordinance(a) in the name of its respective owners:

Provided that no general registration shall be made of any such property where a general registration thereof has already been made whether under the provisions of this Law or under any other Law hereby repealed.

Procedure in individual cases

44.—(1) When the Director proposes to compel registration of any immovable property to be made in the name of any person under the provisions of section 42 of this Law, he shall give him notice thereof calling upon him, within sixty days from the date of the giving of the notice to cause such property to be registered in his name or to show cause why such registration should not be made. A notice to the like effect shall also be posted up.

(2) Every such notice shall contain a description of the immovable property, its extent, boundaries, situation, value, the share, interest and name of the person entitled to be registered and the grounds on which the right to be registered has accrued, together with a statement of the fees payable in respect of the registration.

Procedure on general registration

45. If the Director orders, under section 43 of this Law, a general registration to be made of all or a specified part of the immovable property in any town, village or quarter, he shall furnish the mukhtar of the town, village or quarter with a plan of the town or village lands or of the specified part thereof and of the various holdings as surveyed, together with a statement containing a description of the several holdings, their extent, boundaries, situation, value, the share, interest and name of the person entitled to be registered and the grounds on which the right to be registered has accrued together with a statement of the fees payable in respect of the registration and thereupon the following provisions shall have effect—

- (a) the Director shall publish in the Gazette and such other newspaper as the Director may deem necessary a notice informing the public that a general registration will be made giving particulars of the area in respect of which the notice is given, and that the plan and particulars relating to such property have been furnished to the mukhtar, and calling upon all owners generally within sixty days from the date of the publication of the notice in the

(a) Text inserted by Ordinance 11/1984 – came into force on 22 October 1984

Gazette to show cause why the property shown as belonging to each one of them in the statement of particulars furnished to the mukhtar should not be registered in his name or a new edition made in accordance with such particulars;

- (b) every person interested in any immovable property to which such notice relates may inspect the plan and statement of particulars at all reasonable times and the mukhtar in charge of such plans and particulars shall at all reasonable times allow any such person to make any extract therefrom or to take any copy thereof free of any charge.

Director may register upon failure of unregistered owner to register

46.—(1) If within the period in section 45 of this Law provided any objection is made but the Director is of opinion that the registration should nevertheless be effected in the name of the person given in the notice or statement of particulars, he shall give notice thereof to the objector who may, within thirty days from the date of such notice, apply to the Court for a declaration that he is the person entitled to registration as against the person proposed to be registered and shall give the Director notice of his application. If the objector does not so apply the Director may register the property in the name of the person given in the notice or statement of particulars.

(2) If any owner affected by any notice given by the Director under section 44 or 45 of this law fails to comply therewith within the time stated therein, the Director may proceed to register such property in the name of such owner or make such new edition.

Fee on compulsory registration

47.—(1) The registration fee shall be payable in three equal annual instalments, the first of which shall be due on the 13th day of March next following the date of registration and the remaining two on the 13th day of March in each of the succeeding years, and any such instalment may be recovered in the manner provided by the Tax Collection Law(a).

(2) The registration fee shall be a charge on the immovable property to which it relates and shall have priority over all other charges and incumbrances whatsoever, whether accruing before or after the date of registration; and where the property is to be sold for the satisfaction of any other charge or incumbrance, the sale shall be subject to a reserve price which shall not be less than any balance of the registration fee remaining unpaid, notwithstanding the fact that such balance has not become due and payable.

(3) Where any request is made for the transfer or mortgage of property charged with the payment of a registration fee before the same has been recovered in full, such transfer or mortgage shall not be made except upon payment of any balance of the fee remaining unpaid, notwithstanding the fact that such balance has not become due and payable.

(4) For the purposes of subsections (1), (2) and (3) of this section, “registration fee” includes the fee payable in respect of the issue of a certificate of registration under any Law in force for the time being.

Payment of fee in voluntary registration deferred in certain cases

48. Where any immovable property does not stand registered in the name of the owner thereof and application is made to the Area Office that the property be so registered, the Director may register the same in the name of the owner without requiring payment of the registration fee to be made in advance, and upon the property being registered the provisions of section ~~46~~ 47(b) of this Law shall apply thereto as they apply to registrations made under sections 42 to ~~47~~ 46, both inclusive, of this Law.

(a) Cap. 329

(b) Amended by Ordinance 11/1984 – came into force on 22 October 1984

Registration of property registered in the name of a deceased person, in name of persons claiming title thereto

49.—(1) Where application is made for the registration of immovable property in the name of a person who claims to be entitled thereto and such property is registered in the name of a deceased person, the Director may register the property in the name of the person so entitled on production of the consent in writing, duly authenticated, of the heirs of the person registered for the property:

Provided that where in the Directors opinion such consent is unreasonably withheld or it is impossible or impracticable to obtain, the Director may, at the applicant's expense, in lieu of such consent, publish in such newspaper as he may think fit and also post up a notice containing –

- (a) a description-of the property;
- (b) the name of the- person standing registered;
- (c) the name of the person proposed to be registered,

and calling upon any person interested in the property to show cause within sixty days from the date of the publication of such notice why the proposed registration should not be effected.

(2) If within the period aforesaid no objection to the proposed registration is made, the Director may, subject to the provisions of subsection (4) of this section, proceed to register the property accordingly.

(3) If within the period aforesaid any objection is made but the Director is of opinion that the registration should nevertheless be effected, Re shall give notice thereof to the objector who may, within thirty days from the date of such notice apply to the Court for a declaration that he is the person entitled to registration as against the person proposed to be registered and shall give the Director notice of his application. If the objector does not so apply the Director may register the property in the name of the person entitled thereto.

(4) Where an heir of the person registered for the property is absent from Cyprus, no registration shall be made under this section which the Director considers to be prejudicial to the interests of the absentee, unless thirty years have elapsed from the date of the death of the person registered.

Mode of determining area of registered land

50. The area of land covered by a registration of title to immovable property shall be the area of the plot to which the registration can be related on any Government survey plan or any other plan made to scale by the Director:

Provided that where the registration cannot be related to any such plan such area shall be the area of the land to which the holder of the title may be entitled by adverse possession, purchase or inheritance.

Adoption of new plans(a)

50A.—(1) *The Chief Officer may order the adoption of new plans for any village or quarter or for any part of a village specified by him to substitute the plans in use, whether such new plans (hereinafter in this Section referred to as “the new plans”) are on the same scale as the ones to be substituted or on a different one.*

(2) *When there is an order for the adoption of new plans under subsection (1) of this Section, the Chief Officer shall furnish the Chairman of the respective Village Commission with a copy of each of the existing plans in use and a copy of the new plan to be adopted in substitution therefore and a list showing the number and area of each plot of immovable property on the first and the corresponding number and area of a plot on the second; and thereafter the following provisions shall apply—*

(a) Section 50A. inserted by Ordinance 11/1984 – came into force on 22 October 1984

(a) *The Chief Officer shall publish in the Gazette and in at least two daily newspapers having a circulation within the area in respect of which the adoption of new plans is proposed and shall affix on conspicuous places within such area a notice informing the public of the proposed adoption of new plans, specifying the area in respect of which the adoption of new plans is proposed, slating that both the plans and the said list have been deposited with the Chairman of the respective Village Commission and calling on every owner of immovable property situated within the said area to show cause, within sixty days from the last publication of the notice, why the new plan should not be adopted with respect to his immovable property;*

(b) *any person who has a lawful interest in any immovable property situated within the area specified in the notice may inspect the said plans and the said list at all reasonable times and the Chairman of the respective Village Commission shall allow the inspection thereof at any such time and the taking of a copy of anything contained therein free of any charge.*

(3) If any objection is submitted within the period provided in paragraph (a) of subsection (2) of this Section, the Chief Officer shall consider the same and shall notify his decision thereon by a notice served on the person objecting and on any other person whose lawful interests may be affected by the objection of the decision thereon.

(4) After the expiry of the period provided under subsection (2) of this Section, or under Section 80 of this Ordinance, as the case may be, the Chief Officer shall proceed to adopt the new plans as they may have been amended by him after the submission of an objection under subsection (3) of this Section or as they may have been amended by an order of the Judge's Court under Section 80 of this Ordinance, as the case may be, and where any immovable property in the relevant area is already registered in the Land Register, the Chief Officer may relate the registration thereof to the new plan by amending or correcting the Land Register and any other book or record of the appropriate Area Office and the certificate of registration of that immovable property without imposing any fee or charge.

Register and other books(a)

~~51. There shall be kept in each Area Office—~~

- ~~(a) a separate Land Register for each town and village, or, if the Director so directs, for any quarter or block of a town or village in such form as he may determine, in which all registrations and transfers of immovable property shall be recorded; and~~
- ~~(b) such other books and abstracts as the Director may deem necessary.~~

Register and other books

51.—(1) There is to be kept by the Area Officer—

- (a) a separate land register for each district, municipality and community or, if the Chief Officer orders, for each municipality or community parish in such form as the Chief Officer decides, where all registrations and transfers of immovable property are entered;*
- (b) such other books and abstracts as the Chief Officer deems are necessary.*

(2) If a land register is kept partly in paper form and partly in electronic form, the date of registration is to be the earliest date of entry in the register.

(a) Section 51 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011

~~Information to be furnished~~(a) (b)

~~51A.—(1) Upon the payment of the prescribed fee, the Chief Officer shall furnish every interested person with any information with respect to any entry in any register or other book kept in the appropriate Area Office.~~

~~(2) For the purposes of subsection (1) of this Section “interested person” means the owner, his heirs, devisees and legatees, the owner of any trees, buildings or other objects on the land which belongs to another and vice versa, the person entitled to any right or interest in the immovable property, the person who satisfies the Chief Officer that he is a prospective purchaser or mortgagor, the plaintiff in any action against the owner of such property, the professional valuer who may require certain information for the purpose of valuing certain immovable property in a case relating to compulsory acquisition and includes an advocate who can produce proof that he was given the assignment by any of the aforesaid person to seek such information and (c) any person not thus specified to whom the Chief Officer may specifically order that any information be furnished.~~

Information to be furnished

51A.—(1) On payment of the prescribed fee, the Chief Officer is to give a person with an interest in immovable property any information relating to any entry in the land register or other book kept at the appropriate Area Office relating to that property.

(2) In this section, “a person with an interest in immovable property” means, in relation to any immovable property—

- (a) the owner, the heirs, devisees and legatees of the owner;
- (b) in relation to land on which there is a tree, building or other object belonging to another, the person who owns the tree, building or other object;
- (c) in relation to a tree, building or other object belongs to a person other than the person who owns the land, a person who owns the land;
- (d) a person entitled to any right or interest in the immovable property;
- (e) a person who seems to the Chief Officer to be a prospective purchaser or a mortgagor;
- (f) the plaintiff in any action against the owner of the immovable property in question;
- (g) a professional valuer requiring information for the purpose of valuing immovable property in circumstances relating to compulsory acquisition;
- (h) an advocate acting on the instructions of any person listed in paragraphs (a) to (g); or
- (i) such other persons not listed in paragraphs (a) to (h) to whom the Chief Officer may order that the information referred to in subsection (1) is given.

(3) The Chief Officer may provide a credit institution with information from the land Registry about a particular property where the credit institution—

- (a) applies for the information; and
- (b) provides reasons for its request relating to the credit institution’s interest in the property. **(d)**

(4) The Chief Officer may approve a credit institution (“approved credit institution”) for the purpose of applications under subsection (3), and where a request is made by an approved credit institution the Chief Officer is not required to verify the reasons for the request before providing the information.

(a) Section 51A inserted by Ordinance 11/1984 – came into force on 22 October 1984
(b) Section 51A repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011
(c) Text inserted by Ordinance 8/1990 – came into force on 14 June 1990
(d) Subsections (3) to (10) inserted by Ordinance 28/2014 – came into force on 30 August 2014

(5) A credit institution which makes an application under subsection (3), must notify the person with an interest in the immovable property of the application and the reasons for the application.

(6) After providing information to a credit institution under subsection (3), the Chief Officer, by sending a registered letter requiring a reply within 1 month, may require a credit institution to verify the reasons for its application and to supply a copy of its notification under subsection (5);

(7) Where a person (“the applicant”) with an interest in property for which the information was requested makes an application and pays the prescribed fee, the Chief Officer must—

(a) require the credit institution to verify the reasons for its application in accordance with subsection (6); and

(b) notify the applicant of the result of the enquiry.

(8) Where a credit institution does not reply to an enquiry under subsection (6) within 1 month, the Chief Officer may do one or both of the following—

(a) revoke the approval under paragraph (4) for a period not exceeding 2 years;

(b) impose an administrative penalty not exceeding €250,000.

(9) Where, following an enquiry under subsection (6), a credit institution is unable to verify the reasons for its request under subsection (3), the Chief Officer may do one or both of the things specified in subsection (8), and notify the credit institution accordingly by registered letter.

(10) Where an approval is revoked under subsection (8) or (9), on the expiry of the period of revocation, the Chief Officer may grant a new approval subject to such conditions and limitations as the Chief Officer considers appropriate.

Certificate of registration

52. Every certificate of registration shall contain such particulars and shall be in such form as the Director may determine.

Separate certificate for co-owners

53. The Director may require any co-owner of immovable property to obtain a separate certificate of registration for his share therein and pay the registration fee therefor.

Power to the Director to effect registration of shares

54. Where immovable property is held in undivided shares and application is made by one of the co-owners for the registration of his share therein, it shall be lawful for the Director to register all the shares in the property.

Record of easement in Register and certificate of registration

55. Where any land is subject to or enjoys any right, privilege, liberty, easement or other advantage as in section 12 of this Law, the same shall, on the application of any interested party, be recorded in the Land Register and in the certificate of registration relating to such land.

Certificate of registration to include certain properties

56. From and after the date of the coming into operation of this Law every registration made and every certificate issued in connection with any transfer of land or building or any devolution thereof by inheritance shall be deemed to include all immovable property connected therewith to which the transferor or deceased was entitled.

No separate registration for anything standing on land

57. From and after the commencement of this Law no separate registration for anything standing, planted or erected on land or for any right attached or subject to the land, shall be effected independently of such land, except where such thing or right belongs to a person other than the owner of the land.

Determination of disputes as to boundaries

58.—(1) Where any dispute arises as to the boundaries of any registered land, such dispute shall, in the first instance, be determined by the Director after notice given to the parties at least fourteen days in advance informing them of the time when the boundaries in dispute will be inspected and no Court shall entertain any action or other proceeding relating to such dispute unless the same has been determined in the first instance as in this section provided.

(2) The Director may decide on the dispute in the absence of any party notified as in subsection (1) of this section provided.

(3) On deciding a boundary dispute the Director shall give notice of his decision to the parties to the dispute and shall place such land marks as he may think fit to show the line of the boundary as by him decided and make such measurements and notes as may be required for identifying the position of the land marks.

(4) The cost of placing the land marks shall be borne by the party in who, the Director's opinion, is at fault and such cost may be recovered in the manner provided by the Tax Collection Law.

Lost or destroyed certificates

59. Upon proof to the satisfaction of the Director that any certificate issued by him relative to immovable property has been lost or destroyed, or is unlawfully withheld from the person entitled thereto, he may, on payment of the prescribed fee, issue another such certificate to the person entitled thereto, and the Director shall thereupon make an entry in the Register of the issue of another such certificate and every such certificate shall be valid and effective for all purposes.

~~Provided that where the property is affected by any charge or incumbrance, the fact that the property is so affected shall be noted on such certificate.~~ (a)

Power to require information, etc., in relation to immovable property

60. Subject to the provisions of this Law, the Director may by notice require any owner or other person making an application to have immovable property registered or any owner, mortgagee or other person interested in any immovable in respect of which any transfer, mortgage or other charge is about to be registered or recorded-

- (a) to appear before him at such reasonable time and place as may be specified therein and give such information in relation thereto as he may possess;
- (b) to produce all relevant instruments in his possession or under his control in relation thereto.

Power to correct errors and omissions

61.—(1) The Director may correct any error or omission in the Land Register or in any book *or plan* (b) of the Area Office, or in any certificate of registration, and every such register, book, *plan* (c) or certificate of registration so corrected shall have the like validity and effect as if such error or omission had not been made.

(a) Proviso deleted by Ordinance 11/1984 – came into force on 22 October 1984

(b) Text inserted by Ordinance 11/1984 – came into force on 22 October 1984

(c) Text inserted by Ordinance 11/1984 – came into force on 22 October 1984

(1A) Where by reason of mistake, omission, false declaration or false pretence made either in good faith or fraudulently, any registration is effected in any book of the appropriate Area Office, the Chief Officer may, after ascertaining the true facts, proceed to cancel such registration, as well as every certificate relating to that registration.(a)

(2) No amendment, *correction or cancellation(b)* shall be made under the provisions of subsection (1) *or (1A)(c)* of this section, unless thirty days' previous notice is given by the Director to any person who might be affected thereby, and any person may, within the period of thirty days from the date of the giving of such notice, lodge an objection with the Director who shall thereupon investigate the same and give notice of his decision thereon to the objector.

Seals

62.—(1) Every Area Office shall have a seal of such form as may be approved by the Governor.

(2) The seal shall be in the custody of such officer as the Director may direct, and shall be affixed by him to every instrument issued out of the office.

Mukhtar to report death of owner of immovable property

63. Upon the death of any person possessed of, or beneficially interested in, any immovable property, it shall be the duty of the Mukhtar of the town, village or quarter in which the deceased person last resided to report such death forthwith to the Area Office of his district.

Rewards to Mukhtars

64. It shall be lawful for the Director to grant to any mukhtar reporting a death as required by section 63 of this Law a fee not exceeding one hundred mils.

Court proceedings relating to claims to immovable property

65.—(1) Whenever an action or other proceeding is taken in any Court claiming the title to any immovable property, the Registrar of the Court shall require the plaintiff or applicant to furnish him with a certified copy of the writ of summons or other document by which the claim was made and the Registrar shall forward the same to the Area Office for the Director's information.

(2) A certified copy of a judgment or order of the Court shall be sufficient authority to the Director to make the registrations or alterations required by the judgment or order on payment of the prescribed fees.

PART 3A(d)

Registration of lease

Interpretation

65A.—(1) *In this Part, unless the context otherwise requires, the terms "prohibition", "appropriate Area Office", "encumbrance", "transfer" and "mortgage" shall have, mutatis mutandis, the meanings assigned to them respectively by the Immovable Property (Transfer and Mortgage) Ordinance, 1966(e).*

(2) *For the purposes of this Part the terms "lessor", "lessee" and "sub-lessee" shall, unless the context otherwise requires, include the respective heirs, personal*

(a) Subsection (1A) inserted by Ordinance 11/1984 – came into force on 22 October 1984
(b) Text inserted by Ordinance 11/1984 – came into force on 22 October 1984
(c) Text inserted by Ordinance 11/1984 – came into force on 22 October 1984
(d) Part 3A, 3B & 3C inserted by Ordinance 11/1984 – came into force on 22 October 1984
(e) Ordinance 16/1966 & 16/1970 as amended

representatives, administrators, guardians and trustees of such persons and the guardians of the properties of such persons, and-

- (a) in the case of a lessor, the owner for the time being of the immovable property leased; and
- (b) in the case of a lessee or sub-lessee, the owner for the time being of the real right acquire by the registration of the lease or sub-lease, as the case may be.

Registration of certain leases

65B.—(1) Where immovable property is leased for a term exceeding fifteen years, no real right shall be acquired by the lease unless, subject to the provisions of this Part, the same is registered in accordance with the provisions of this Section.

(2) In order to register a lease under this Section, there shall be produced to the appropriate Area Office:—

- (a) a copy of such contract bearing the signatures of the lessor and the lessee and properly authenticated in the prescribed manner;
- (b) the certificate of registration of the immovable property leased or a search certificate in the Land Register proving such registration:
Provided that no such certificate shall be required to be produced in the case of lease of Crown immovable property;
- (c) if only part of immovable property is leased, a survey plan issued by the Chief Officer on payment of the prescribed fee showing the property leased; and
- (d) any other document or particular which may reasonably be required by the Chief Officer.

(3) Subject to the provisions of subsection (4) of this Section, the Chief Officer shall, upon the production of the documents referred to in subsection (2) of this Section and upon notice being given to the other contracting party, cause the prescribed particulars to be registered in a book specially kept for the purpose (hereinafter in this Part referred to as “Register of Leases”) and a certificate of the registration of the lease to be issued in the prescribed form and except in the case of unregistered Crown immovable property a report of the registration so effected to be noted opposite the respective registration of the immovable property in the Land Register and, where this is possible, on the respective certificate of registration of the immovable property.

(4) No lease shall be registered under subsection (3) of this Section-

- (a) if the contract of lease is not a valid contract in accordance with the provisions of subsection (1) of Section 77 of the Contract Ordinance^(a);
- (b) if the contract of a lease does not expressly provide for registration of the lease under this Section;
- (c) save in the case of a lease of Crown immovable property, if the immovable property leased is not registered in the Land Register in the name of the lessor at the date of the production to the appropriate Area Office of the documents referred to in subsection (2) of this Section;
- (d) if only part of the immovable property is leased and such lease involves a parcellation of such immovable property in a manner not being in accordance, *mutatis mutandis*, with the provisions of Section 27 of this Ordinance and/or the provisions of the Streets and Buildings Regulation Ordinance^(b), as the case may be;
- (e) if the immovable property leased consists of an undivided share and the registered owners of the other shares therein do not participate as lessors in the contract of

(a) Cap.149 Laws of Cyprus as amended

(b) Cap. 96 Laws of Cyprus as amended

lease, unless any such remaining share of the whole is owned by the lessee and is registered in his name;

(f) if the lessor is under prohibition:

Provided that nothing in this paragraph shall affect the powers of any person authorised by or under the provisions of any Ordinance in force for the time being, to lease immovable property registered in the name of a person who is under prohibition;

(g) if the immovable property leased is subject to an encumbrance, unless the consent in writing of the person in whose favour such encumbrance operates is produced and, if such encumbrance is a mortgage, of the guarantor, if any;

(h) if the contract of lease does not provide for specific dates for the commencement (immediate or within twenty years from the date of the signing of the relevant contract or conditional upon the happening of a specific event) and the expiration of the term of the lease even though such expiration is conditional upon the happening of a specific event, provided that a provision may be included therein for the renewal of the lease for a clearly specified further term or terms but without the possibility of renewals in perpetuity;

(i) if the appropriate fees and charges for registration of the lease and issue of the respective certificate of registration thereof are not paid;

(j) if on the date of making the application for the registration of the lease, the unexpired period of such lease together with the further period or periods of renewal or extension of the lease, if any, expressly provided therein, do not exceed fifteen years.

Legal consequences of registration

65C.—(1) Upon the registration of a lease in accordance with Section 65B of this Ordinance, the lessee shall acquire a real right in the property leased in respect of which registration was made, in every other relevant immovable property of the lessor as referred to in Sections 22 and 23 of this Ordinance and in anything that may be planted, constructed, erected or affixed on the immovable property leased during the term of the lease.

(2) The real right referred to in subsection (1) of this Section shall be subject to the conditions contained in the contract of lease and may, subject to such conditions, be transferred or sub-leased as in Section 65D of this Ordinance provided, and be inherited, encumbered or disposed of by forced sale:

Provided that the reference in this subsection to the condition contained in the contract of lease shall not affect the charge other than by mortgage under the provisions of any Ordinance in force for the time being, or the disposal by forced sale of the real right acquired by the registration of the contract of lease.

Registration of transfer or sub-lease of real right

65D.—(1) Where a real right acquired under a contract of a lease registered in accordance with Section 65B of this Ordinance is, subject to the conditions of the said contract, transferred or sub-leased for a term exceeding fifteen years, such transfer or sub-lease shall not be deemed to create any real right unless the same is registered in accordance with subsection (3) of this Section.

(2) Registration of the transfer or sub-lease of a real right referred to in subsection (1) of this Section shall not be effected if —

(a) according to the conditions of the contract of lease such transfer or sub-lease is prohibited;

- (b) according to the conditions of the contract of lease such transfer or sub-lease is only allowed with the written consent of the lessor and he either refuses to give such consent or he is of unknown residence:

Provided that in any such case the lessee may apply to the Judge's Court which may, after the enforcement of any Order that it may deem fit to make regarding the service or publication of notice to the lessor, order the registration of the transfer or sub-lease without the production of the said consent;

- (c) the circumstances referred to in paragraphs (a) and (c) to (i) of subsection (4) of Section 65B of this Ordinance apply *mutatis mutandis*;
- (d) the prescribed fees and charges for the service of the notice provided by subsection (4) of this Section are not paid.

(3) Subject to the provisions of subsection (2) of this Section the registration of the transfer or sub-lease referred to in subsection (1) of this Section and the registration of any transfer by reason of inheritance or disposal by forced sale, as the case may be, of a real right acquired under this Part, shall be effected in accordance with the provisions of Section 65B of this Ordinance which apply, *mutatis mutandis*, to the registration of any such transfer or sub-lease as they apply to the registration of the original lease.

(4) Upon registration being effected as provided in subsection (3) of this Section, the Chief Officer shall notify the owner of the respective immovable property.

Legal consequences of transfer etc., or sub-lease of a real right

65E. Upon the inheritance or disposal by forced sale or registration of a transfer of a real right, as the case may be, in accordance with Section 65D of this Ordinance, that real right shall vest in the transferee for the unexpired term of the original lease of the respective immovable property and the same may be registered irrespective of the duration thereof, and upon the registration of a sub-lease of a real right in accordance with the provisions of the said Section 65D of this Ordinance, the same shall vest in the sub-lessee for the term of the sub-lease, and in any such case the provisions of Sections 65C, 65H, 65I, 65J, 65K, 65L and 65M of this Ordinance shall apply, *mutatis mutandis*, in respect of the transferee or sub-lessee, respectively, and of the real right acquired by him as they apply in respect of the original lessee and the real right originally acquired by him.

Amendments of registered leases and sub-leases

65F.—(1) Where a contract of lease registered in accordance with the provisions of Section 65B of this Ordinance (hereinafter in this Section referred to as the "original contract") is amended by a subsequent contract between the lessor and the lessee (hereinafter in this Section referred to as the "amending contract"), that amending contract may be produced to the appropriate Area Office, whereupon, after payment of the prescribed fees and charges, the appropriate Area Office shall effect an entry thereof opposite the registration of the original lease in the Register of Leases and on the respective certificate of registration thereof, and any necessary amendment of the particulars recorded on the said registration and the said certificate:

Provided that if the real right acquired by the registration of the original contract has been sub-leased by virtue of a sub-lease registered in accordance with the provisions of Section 65D of this Ordinance, or if the same or the real right acquired by a sub-lease that may have been so registered is subject to an encumbrance (such term having the meaning assigned to it by subsection (5) of Section 65F of this Ordinance), no entry or amendment shall be effected under this Section without the production of the written consent of the sub-lessee or the person in whose favour the real right operates, as the case may be, and if such encumbrance is a mortgage, of the guarantor, if any.

(2) No amending contract shall alter or otherwise affect the real right acquired by the registration of the original contract, unless that amending contract is produced to the

appropriate Area Office and the entries and necessary amendments, if any, provided by subsection (1) of this Section are effected.

(3) The provisions of subsections (1) and (2) of this Section shall apply, *mutatis mutandis*, to a contract between the lessee and sub-lessee amending the contract of sub-lease which has been registered in accordance with the provisions of Section 65D of this Ordinance.

(4) Nothing in this Section shall apply to any contract by which basic conditions of the lease, such as those relating to the term of the lease or sub-lease or the rentals involved, are amended, which shall be considered to be a new contract or lease for all the purposes of this Ordinance.

Cancellation of registration of a lease or sub-lease

65G.—(1) Upon the production of satisfactory proof of the determination of a lease registered in accordance with the provisions of Section 65B of this Ordinance, the Chief Officer shall cause the cancellation of the registration of the lease, as well as of any registered sub-lease of the real right acquired thereby, if any, and of all the notes and entries and encumbrances, if any, relevant to such lease and sub-lease, in the books of the appropriate Area Office and on the respective certificates of registration, and thereupon the real right acquired by any such registration of a lease and sub-lease, if any, as well as every encumbrance thereon, if any, shall cease to exist and the Chief Officer shall notify the interested parties of such cancellation.

(2) The provisions of subsection (1) of this Section shall apply, *mutatis mutandis*, to any surrender before the determination thereof of a lease registered under the provisions of Section 65B of this Ordinance but only upon the production of -

- (a) the written consent of the lessor and the lessee and the sub-lessee, if any, and any person in whose favour an encumbrance on the real right acquired by the registration of the lease or sub-lease, if any, may operate; or
- (b) a Judge's Court Order made on the application of any interested person, and if such be the case, providing, in the discretion of the Judge's Court, for damages or other protection of the interests of the sub-lessee, if any, and any person in whose favour an encumbrance on the real right acquired by the registration of the lease or sub-lease, if any, may operate.

(3) Upon the production of satisfactory proof of the determination of a sub-lease registered in accordance with the provisions of Section 65D of this Ordinance, the Chief Officer shall cancel the registration of the sub-lease and of all the notes and entries and encumbrances, if any, relevant thereto in the books of the appropriate Area Office and on the respective certificates of registration and registration of lease, and thereupon the real right acquired by any such registration of a sub-lease and every encumbrance thereon, if any, shall cease to exist and the Chief Officer shall notify the interested parties of such cancellation.

(4) The provisions of subsection (3) of this Section shall apply, *mutatis mutandis*, to the surrender in any way before the determination thereof, of a sub-lease registered in accordance with the provisions of Section 65D of this Ordinance, but only on production of—

- (a) the written consent of the lessee and the sub-lessee and any person in whose favour an encumbrance on the real right acquired by the registration of the sub-lease may operate; or
- (b) a Judge's Court Order made on the application of any interested person, and if such be the case, providing, in the discretion of the Judge's Court, for damages or other protection of the interests of any person in whose favour an encumbrance on the real right acquired by the registration of the sub-lease may operate.

(5) For the purposes of this Section, the term "encumbrance" shall also include prohibition of any of the forms in items 1, 4 and 5 of Part II of the First Schedule to the Immovable Property (Transfer and Mortgage) Ordinance, 1966.

Application of provisions of the Corporate Bodies

65H. Notwithstanding the definition of the words “immovable property” in Section 2 of the Corporate Bodies (Immovable Property Registration) Ordinance^(a), the provisions thereof regarding the procedure for the registration of immovable property in the name of a corporate body, as defined in the said Ordinance, shall apply, *mutatis mutandis*, to the case of registration creating a real right under this Part.

Creations of easement prohibited

65I. The owner of immovable property in which a real right was acquired by the registration of a lease in accordance with the provisions of Section 65B of this Ordinance, shall not be entitled under the provisions of paragraph (a) of subsection (1) of Section 11 of this Ordinance, to grant any right creating an easement over such immovable property and capable of being exercised at any time from the date of the contract of lease to the determination of the lease, or the term or terms for which the lease may be renewed or extended, as the case may be, according to the conditions of the contract of lease, save with the written consent of the lessee:

Provided that where a sub-lease of the real right of the lessee was registered under the provisions of Section 65D of this Ordinance and the right which is proposed to be granted as hereinbefore may be exercised at any time before the expiration of the term of the sub-lease, the written consent of the sub-lessee shall also be required in addition to the written consent of the lessee.

Taxation of leased immovable property

65J. Any taxes, fees or other charges in respect of any immovable property payable by the owner thereof under the provisions of any Ordinance or regulation in force for the time being, shall, in the case of immovable property, in respect of which a contract of lease in accordance with Section 65B of this Ordinance was registered, be borne by the lessee, and, subject to the conditions of the said lease, he shall be entitled to claim from the lessor or, where the real right thereof has been sub-leased under a sub-lease registered in accordance with the provisions of Section 65D of this Ordinance, from the sub-lessee, the return of the amount of any tax, fee or other charge paid.

Application of provisions of the Fraudulent Transfers Avoidance Ordinance

65K. Any lease of immovable property or any transfer or sub-lease of a real right, as the case may be, registered in accordance with the provisions of Section 65B or 65D of this Ordinance, respectively, shall, for the purposes of the Fraudulent Transfers Avoidance Ordinance^(b), be deemed to be a transfer of immovable property and the provisions of the said Ordinance shall apply, *mutatis mutandis*, to such lease, transfer or sub-lease and to the real right acquired by the registration thereof, as they apply to a transfer of immovable property and to such property.

Special provisions for leases of buildings under construction

65L. In the case of a lease of a building which is under construction or intended to be constructed or in the case of partition of land, the following provisions shall apply:

(1) Upon the production to the appropriate Area Office within three months from the signing of the contract of lease of a copy thereof, the same shall be entered in the prescribed manner and according to the prescribed procedure in the book specially kept for

(a) Cap. 215 Laws of Cyprus as amended
(b) Cap. 62 Laws of Cyprus as amended

the purpose and a confirmation of such entry shall be granted to the person applying therefor.

(2) That entry shall remain in force until a registration in accordance with Section 65B of this Ordinance is effected.

(3) During the time when the entry is in force, the holder of a confirmation issued to him under subsection (1) of this Section has the right to apply for specific performance of the contract of lease in accordance with the provisions of the Sale of Land (Specific Performance) Ordinance(a), which shall apply, mutatis mutandis, to the case of a lease entered under this Section as if instead of the words “contract of sale”, whenever those words appeared therein, there appeared the words “contract of lease”.

Powers of the lessee and sub-lessee for protection or development of immovable property

65M.—*(1) During the term of a lease of immovable property registered in accordance with the provisions of Section 65B of this Ordinance, the lessee, together with the lessor, shall have the same and concurrent powers to take any legal, administrative or other measure for the protection, improvement or development of the immovable property leased within the limits of the use which is provided for, or can reasonably be implied from, the contract of lease.*

(2) During the term of a sub-lease of immovable property registered in accordance with the provisions of Section 65D of this Ordinance, the sub-lessee together with the lessor and the lessee shall have the same and concurrent powers to take any legal, administrative or other measure for the protection, improvement or development of the immovable property sub-leased within the limits of the use which is provided for, or can reasonably be implied from, the contract of sub-lease.

Regulations

65N.—*(1) The Administrator may make Regulations for prescribing any matter which, in accordance with the provisions of this Part, may or is required to be prescribed by Regulations for the better carrying out of the purposes of this Part.*

PART 3B

Registration of Trusts

Trusts and registration thereof

65P.—*(1) No trust relating to immovable property shall be considered valid unless created by a trust deed signed by the beneficiary or by will.*

(2) The trust deed or will, as the case may be, shall be recorded in the Register of the appropriate Area Office.

Transitional provisions

(3) (i) Any lease of immovable property existing on the date of the commencement of this Ordinance may be registered, mutatis mutandis, subject to the provisions of Section 65B of this Ordinance, within six months from the said date, if-

- (a) the unexpired term of such lease together with the further periods or period of renewal or extension expressly provided for in the relevant contract, exceeds fifteen years;*

(a) Ordinance 4/1973

- (b) *the consent of the lessor to such registration (such term having the meaning assigned to it by subsection (2) of Section 65A of this Ordinance is produced:*

Provided that where it is not possible to find the lessor or if he died and no letters of administration of his estate have been issued or if there are no administrators of his estate or they cannot be found or if it is difficult to find the heirs of a deceased lessor or the beneficiaries of the immovable property which is subject to the lease, the production of the consent mentioned in this paragraph shall not be necessary;

- (c) *it is not possible to have the authenticity of the signatures of the lessor or the lessee or both on the copy of the relevant contract certified, provided that in that case the Chief Officer is satisfied in that behalf and he may require for this purpose the production of such other evidence, including an affidavit, or the service or publication at the expense of the lessee of such notices as the Chief Officer may in each case specify; and*
- (d) *the lessor, on being notified by the Chief Officer of his intention to register the lease, does not appeal against such decision in accordance with the provisions of Section 80 of the principal Ordinance, such provisions applying mutatis mutandis.*
- (ii) *The Provisions of subsection (1) of this Section shall apply, mutatis mutandis, to a sub-lease of a real right acquired by the registration of a lease effected under the said subsection.*

PART 3C

Registration of Restrictive Covenants

Interpretation

65Q. *For the purposes of this Part –*

“restrictive covenant” means a covenant between the owner of immovable property and the owner of other immovable property which contains any condition whereby the use or development of the first immovable property is restricted in favour of the second immovable property, but does not include a contract between a lessor and a lessee of immovable property.

Registration of restrictive covenants

65R.—(1) *Subject to the provisions of subsections (2) and (3) of this Section, a restrictive covenant shall be registered under this Section upon the application therefor by one of the owners of the immovable property affected thereby to the appropriate Area Office by the entry in the relevant column in the Register in respect of the immovable property charged with the restrictive covenant as well as of the immovable property in favour of which the restriction is imposed.*

(2) *The restrictive covenant shall specify all the immovable property affected by reference to the appropriate Area Office plan in use and shall be signed by the owner of the immovable property which is charged with the restrictive covenant and by the owner of the immovable property in whose favour the restriction is imposed, both having capacity to contract, the signatures of both being duly certified.*

(3) *If the immovable property which is charged with the restrictive covenant is not registered in the name of the person who signs as the owner thereof or if that person does not have the capacity to contract, no registration shall be effected. If such immovable property is charged with a charge, the written consent of the person in whose favour the charge exists and, where such charge is a secured mortgage, then the written consent of the guarantor, must be produced so that the registration shall be effected.*

Effect of registration of a restrictive covenant

65S. *From the deposit of the relevant documents for registration of the restrictive covenant under Section 65R of this Ordinance, the same shall, in case of registration, be a charge on the immovable property as from the date of the deposit and it shall bind all heirs of that owner in favour of the owner of the immovable property in whose favour such restriction was imposed and the heirs thereof.*

Termination or amendment of a restrictive covenant

65T. *A restrictive covenant may be terminated or amended by an order of the Judge's Court.*

In such a case, the relevant registration of the restrictive covenant shall be cancelled or amended accordingly.

Restrictions under the town planning legislation

65U. *The provisions of this Part shall apply, mutatis mutandis, to any restriction on the use of immovable property imposed for the protection and benefit of the public under any town planning legislation in force for the time being.*

PART 3D(a)

Updating of registration

Application and interpretation of Part 3D

65V.—(1) *If a provision in this Part is incompatible with a provision in any other part of this Ordinance or any other Ordinance relating to the registration of immovable property, this Part takes precedence.*

(2) *In this Part—*

“1984 Ordinance” means the Streets and Buildings Regulation (Consolidation) Ordinance 1984;

“2012 Ordinance” means the Immovable Property (Specific Performance) Ordinance 2012(b);

“alteration of immovable property” means any change to the immovable property which arises due to partition, building or other development, change of use, redistribution, readjustment of boundaries, the sinking of a well, compulsory acquisition, land consolidation, land distribution or any other cause;

“appropriate authority” means the appropriate authority under the 1984 Ordinance, or an authority which has the power under any other Ordinance to issue any permit or approval with regard to any alteration of an immovable property for which a permit or approval is required;

“building permit” has the meaning given in the 1984 Ordinance;

“irregularity” means alteration of immovable property in contravention of any Ordinance, and includes the breach of any term in a permit authorising alteration to immovable property;

(a) Part 3D inserted by Ordinance 28/2014 – came into force on 30 August 2014
(b) Ordinance 6/2012

“note of irregularity” means a note in the land register describing an irregularity in respect of the immovable property, which has been determined by an appropriate authority;

“unit” has the meaning given in section 38A;

“updating of registration”, and its grammatical variations, means to register immovable property by replacing an existing entry in the land register with a new entry due to the alteration of immovable property, and includes the registration of a jointly owned building and jointly owned property under Part 2A.

Application by registered owner to update registration

65W.—(1) *Subject to the provisions of section 38Z4, a registered owner of immovable property may submit an application and the prescribed fee to the Chief Officer to update the registration of the property.*

(2) *In order to consider an application under subsection (1), the Chief Officer may require the applicant to provide documents, plans or other information, including the following—*

- (a) *certificate of registration of the immovable property;*
- (b) *a plan, which shows the changes that have been made or may be made to the immovable property;*
- (c) *a building permit, a partition permit, a permit to sink a well, a certificate of approval and any other permits required by legislation.*

(3) *The Chief Officer is not required to consider the application until the prescribed fee has been paid.*

Power to direct updating of registration

65X.—(1) *Where the Chief Officer considers that the registration of immovable property requires updating, the Chief Officer may direct the registration to be updated whether or not an application is made under section 65W or subsection (2).*

(2) *Any person with an interest in the immovable property, including an appropriate authority, a mortgage creditor or a buyer, who has submitted the sale agreement in accordance with the 2012 Ordinance, may make an application for a direction under subsection (1).*

(3) *Where the registration to be updated under subsection (1) includes a division or distribution of the interests in immovable property, the Chief Officer must—*

- (a) *obtain approval from the appropriate authority; and*
- (b) *register the division or distribution based on 1 or more of the documents specified in subsection (4).*

(4) *The specified documents are—*

- (a) *a sales agreement accompanied by an agreement for distribution, which has been submitted to an Area Officer under the 2012 Ordinance;*
- (b) *a consideration agreement, accompanied with an agreement for distribution, which has been submitted to an Area Officer in accordance with the 2012 Ordinance;*
- (c) *a sales agreement in which the share of the immovable property to be sold is determined, and which has been submitted to an Area Officer in accordance with the 2012 Ordinance;*
- (d) *an application to develop the whole or part of the immovable property which has been submitted in accordance with the legislation of the Areas, the permission granted, and the approved plans;*

- (e) *an application for the issue of a permit for the whole or part of the immovable property which has been submitted under the 1984 Ordinance, the permit issued and the approved plans;*
 - (f) *a court order ordering the specific performance of an agreement under the 2012 Ordinance and which includes an order to take all necessary measures and procedures to create a separate registration for the disputed immovable property;*
 - (g) *a court order or judgment specifying the share of the immovable property together with any jointly owned property or restricted jointly owned property for which the issue of a separate title deed is ordered or decided.*
- (5) *When deciding whether it is appropriate to direct the updating of a registration, the Chief Officer must consider the following factors—*
- (a) *the time since the alteration of the immovable property;*
 - (b) *the extent or significance of the alteration; and*
 - (c) *the number of persons affected by the updating or non-updating of the registration.*
- (6) *Where the Chief Officer intends to direct the updating of a registration, the Chief Officer must give notice to the person eligible to be registered as owner, giving the person 60 days from the date of service of the notice —*
- (a) *to submit an application for updating of registration under section 65W; or*
 - (b) *to provide written reasons why the registration should not be updated.*
- (7) *The notice under subsection (6) must include—*
- (a) *a description of the immovable property;*
 - (b) *the name of the person eligible to be registered as owner;*
 - (c) *the reasons for the direction to update the registration; and*
 - (d) *the amount of the prescribed fee which is payable.*
- (8) *Where the owner fails to comply within the time specified in the notice, the Chief Officer may—*
- (a) *update the registration in accordance with this section and notify the owner accordingly;*
 - (b) *impose on the person to whom the notice is sent an administrative penalty of up to €10,000.00.*
- (9) *Where the owner provides reasons for not updating the registration which the Chief Officer deems to be inadequate, the Chief Officer may direct the registration to be updated in accordance with this section.*
- (10) *Where subsection (8) or (9) applies, and the owner does not provide information which the Chief Officer reasonably requires to update the registration, the Chief Officer may impose an administrative penalty of €10,000.00, which may be in addition to a penalty imposed under subsection (8)(b).*
- (11) *When deciding whether to impose a penalty under subsection (10), and the amount of the penalty, the Chief Officer must have regard to the factors specified in subsection (5).*
- (12) *Where the owner fails to pay the prescribed fee specified in a notice under subsection (7), the fees will constitute a charge against the property in accordance with section 5 of the Lands and Surveys (Fees and Charges) Ordinance 2010(a).*

Administrative penalties

65Y.—(1) *Before imposing an administrative penalty under section 65X(8)(b) or (10), the Chief Officer must give preliminary notice to the person on whom it is to be imposed giving reasons for the imposition of the penalty.*

(2) *The preliminary notice must give the person 15 days from the date of service to provide written representations as to why the penalty should not be imposed.*

(3) *The notice which imposes the administrative penalty under section 65X(8)(b) or (10) must—*

- (a) *specify the breach of section 65X;*
- (b) *provide written reasons for the decision to impose the penalty;*
- (c) *contain information about the right to lodge an appeal to Administrator under section 65Z4.*

Obligation to produce documents

65Z.—(1) *The Chief Officer may require an owner, an appropriate authority or any other person with an interest in the immovable property, to produce documents required to update registration under this Part.*

(2) *Where the owner or other person does not produce the documents required, the Chief Officer may obtain relevant documents held by the appropriate authority.*

Updating of registration

65Z1.—(1) *Registration is updated by substituting an entry or entries in the land register in respect of the immovable property, and updating the relevant plans.*

(2) *In the case of the registration of a unit in a jointly owned building, the unit's share in the jointly owned property is determined in accordance with section 38I, irrespective of whether there has been a breach of any legislative requirement in the division of the building which has altered the value of the unit.*

(3) *But, if a unit acquires additional area or additional jointly owned property, which increases the value of the unit, the increased value is taken into account for the purpose of determining the share of joint expenses to be attributed to the unit under Part 2A.*

(4) *Subject to the Immovable Property (Transfer and Mortgage) Ordinance 1966(a), where immovable property is charged with a right or a prohibition, the right or prohibition is transferred to the updated registration.*

(5) *The Chief Officer must notify the person with the burden of the right or the benefit of the prohibition of the updated registration.*

(6) *In this section, “jointly owned building”, “jointly owned property” and “unit” has the meaning given in section 38A.*

Note of irregularity

65Z2.—(1) *Where the Chief Officer is updating registration under this Part, and is notified by the appropriate authority of an irregularity, the Chief Officer may enter a note of the irregularity and a prohibition on voluntary transfer or charge in the land register.*

(2) *A certificate of approval issued under the 1984 Ordinance, which includes reference to an irregularity, is authority for the Chief Officer to enter a note of irregularity in the land register.*

(a) Ordinance 19/1966

(3) Where the appropriate authority certifies an irregularity in respect of immovable property, Chief Officer may enter a note of irregularity and a prohibition on voluntary transfer, and charge to the benefit of the appropriate authority.

(4) Subsection (3) does not apply to a transfer or charge which is not voluntary or a transfer due to hereditary succession or gift to the owner's spouse, child or relative of up to the 3rd degree.

(5) Where the transfer is for a reason specified in subsection (4), the prohibition on voluntary transfer and charge remains on the property and binds the new owner.

(6) In this section and section 65Z3, "voluntary transfer or charge" means a transfer of charge undertaken at the discretion of the owner and does not include a transfer or charge—

- (a) required and imposed by legislation;
- (b) which follows action taken under the 2012 Ordinance;
- (c) under a court order; or
- (d) following repossession by a mortgagee.

Removal of note of irregularity

65Z3.—(1) The Chief Officer may remove a note of irregularity, prohibition on voluntary transfer or charge, on the application of the appropriate authority made on the grounds that the irregularity has been rectified.

(2) An application under subsection (1) must include the relevant plans and documents relating to the rectification of the irregularity.

(3) The Chief Officer may require an inspection of the immovable property to which the application relates.

Appeal to Administrator against administrative penalty

65Z4.—(1) A person (the "appellant") may appeal against a notice under section 65Y(3) imposing an administrative penalty.

(2) The appeal must be made in writing to the Administrator within 30 days of the date of service of the notice.

(3) An appeal made in accordance with subsection (2) suspends the notice until the Administrator decides the appeal.

(4) The Administrator must consider representations (oral or in writing) from the Chief Officer and the appellant and make a decision within 30 days of receiving the notice of appeal.

- (5) The Administrator may decide to —
- (a) uphold the imposition of the penalty;
 - (b) set aside the imposition of the penalty;
 - (c) amend the penalty; or
 - (d) make a new decision.

(6) The Administrator must advise the appellant in writing of the decision under subsection (5).

PART 4

Valuation

Valuation of immovable property not previously valued

66. Any immovable property which has not been valued before the coming into operation of this Law and any immovable property coming into existence after the date of the coming into operation of this Law, may be valued in accordance with the provisions of this Part of this Law either at the instance of the Director or on the application of the registered owner thereof and upon such valuation such value shall be deemed to be the registered value of such property;

Provided that until such immovable property is valued and the value thereof is registered in accordance with the provisions of this Section, the Chief Officer may, for the purpose of imposition of taxation and Area Office fees and charges under the provisions of any other Ordinance in force for the time being, determine a provisional value thereof and enter the same in the books of the appropriate Area Office, provided that the value of immovable property situated in the same neighbouring or similar area, even though, for this purpose, the value to be determined shall not comply with the definition of the word "value" in Section 2 of the principal Ordinance:

Provided further that the Chief Officer may proceed to revise the provisional value so fixed where this is necessary, but without prejudice to any taxation or fees and charges imposed on the provisional value originally determined.(a)

Revaluation-(b)

~~**67.** Any immovable property valued at any time, whether before or after the coming into operation of this Law, may be revalued at any time being not less than five years from the date of the last valuation, either at the instance of the Director or on the application of the registered owner thereof:~~

~~Provided that any immovable property may be revalued at a time less than five years from the last valuation if—~~

- ~~(a) since the last valuation any such immovable property has been materially reconstructed or on any land there have been erected any buildings or planted any trees or vines so as to increase substantially the value of such property or land; or~~
- ~~(b) since the last valuation any such immovable property has been destroyed or damaged to such an extent as to affect substantially its value; or~~
- ~~(c) a general valuation under section 69 of this Law has been ordered.~~

Revaluation

67.—(1) Subject to subsection (2), the Chief Officer may require, or the registered owner may request, the revaluation of immovable property 1 year or more after the last valuation.

(2) A revaluation may be required or requested less than 1 year after the last valuation where—

- (a) there has been a material change to the immovable property, including a change to the permitted use of the property, such as to substantially increase or decrease the registered value;*
- (b) due to an error or omission in the conduct of a general valuation which materially affects the registered value of the immovable property; or*

(a) Proviso inserted by Ordinance 11/1984 – came into force on 22 October 1984

(b) Section 67 repealed and replaced by Ordinance 28/2014 – came into force on 30 August 2014

(c) *due to an error or omission in the conduct of a general valuation, the value of the immovable property is not recorded.*

(3) *In the case of paragraph (b) and (c), no fee is payable for a revaluation made at the request of the registered owner.*

Valuers

68.—(1) Every valuation or revaluation of immovable property under this Part of this Law shall be made by a valuer or valuers appointed in that behalf by the ~~Governor~~ *Administrator or Chief Officer.*(a)

(2) Every person appointed as valuer shall, before performing any duty of his office, take an oath before a member of the Court, in the form set out in the Second Schedule to this Law.

General valuation of immovable property

69.—(1) Where the Governor in Council is satisfied that, for the purposes of securing up-to-date and uniform valuation of immovable property in ~~any town, village or quarter~~, *Akrotiri village, an overlapping community or an overlapping municipality* (b) a general valuation in respect of all or any specified part of such property is necessary the Governor in Council may order a general valuation ,of such property.

(2) For the purposes of this section a "general valuation" means a valuation of the immovable property mentioned in subsection (1) of this section, irrespective of whether any valuation or revaluation thereof was previously made or not and irrespective of the date at which any such valuation or revaluation was made.

(3) *Notwithstanding anything contained in this Ordinance in assessing the value of the Immovable Property for the purposes of this Section, such property shall be treated as if it was vacant.*(c)

Procedure on general valuation

70.—(1) When a general valuation in respect of all or any specified part of the immovable property in ~~any town, village or quarter~~ *Akrotiri village, an overlapping community or an overlapping municipality*(d) has been ordered under section 69 of this Law, the following provisions shall have effect:—(e)

(a) the Director shall publish in the Gazette and in such other newspaper as he may deem necessary and also post up a notice, informing the public that a general valuation will be made, giving particulars of the area in respect of which the notice is given and of the date on which it shall commence, and calling on all owners therein to supply the valuer with such information, or with a return in writing containing such particulars, touching upon the immovable property to be valued, as the valuer may require, and to produce for inspection any document in their possession or under their control relating to the property which the valuer may require to be produced;

(b) ~~when the valuation has been made the Director shall deposit the lists with the mukhtar of the town, village or quarter concerned and shall cause to be published in the Gazette and to be posted up a notice to the effect that the lists have been so deposited;~~(f)

(b) *on completion of the general valuation, the Chief Officer must—*

(a) Text deleted and new text inserted by Ordinance 28/2014 – came into force on 30 August 2014

(b) Text deleted and new text inserted by Ordinance 28/2014 – came into force on 30 August 2014

(c) Subsection (3) inserted by Ordinance 1/1985 – came into force on 07 February 1985

(d) Text deleted and new text inserted by Ordinance 28/2014 – came into force on 30 August 2014

(e) Existing section renumbered as subsection (1) by Ordinance 28/2014 – came into force on 30 August 2014

(f) Subsection (1)(b) repealed and replaced by Ordinance 28/2014 – came into force on 30 August 2014

- (i) *publish a notice in the Gazette stating that the general valuation lists have been deposited at the offices of the community councils and the municipal councils; and*
 - (ii) *send a notice in writing to the registered owner of the immovable property valued under the general valuation stating the valuation of that property following the general valuation.;*
- (c) any person interested in any immovable property to which such notice relates may inspect the lists at all reasonable times and *the mayor or*(a) the mukhtar in charge of such lists shall at all reasonable times allow any such person to make any extract therefrom or take any copy thereof free of any charge;
- (d) ~~the valuation made by a valuer shall be final and conclusive unless the person affected objects thereto in writing to the Director within thirty sixy(b) days six months(c)from the date of the posting up of the notice posted up as in paragraph (b) hereof or unless the Director applies to the Court for the revision of the same as in paragraph (f) hereof provided;(d)~~
- (d) *The valuation in the general valuation list referred to in paragraph (b) is final unless—*
- (i) *the registered owner or other interested party sends an objection in writing to the Chief Officer within 6 months of the date the notice referred to in paragraph (b)(i) was published in the Gazette; or*
 - (ii) *the Chief Officer applies to the Resident Judge’s Court for a revision of the valuation in accordance with paragraph (f).*
- (e) the Director shall consider every objection made to him under paragraph (d) hereof and shall give notice of his decision to the person affected;
- (f) when the Director applies to the Court for the revision of a valuation as in paragraph (d) hereof provided, he shall proceed to do so with all reasonable speed and shall give notice of his application to the person affected thereby.
- (2) *The “general valuation lists” or “lists” referred to in this section and section 71 may be published in printed or electronic format, or both.(e)*

Procedure on valuation or revaluation of particular properties

71. Where valuation or revaluation is proposed to be made in respect of any particular property or properties the following provisions shall have effect-

- (a) the Director may give notice of the proposed valuation or revaluation to the person or persons affected calling upon him or them to supply the valuer with such information or with a return in writing containing such particulars touching upon the immovable property to be valued or revalued as the valuer may require and to produce for inspection any document in his or their possession or under his or their control relating to the property which the valuer may require to be produced:
- (b) ~~when the valuation or revaluation has been made, the Director shall give notice thereof to the person or persons affected and such valuation or revaluation shall be final and conclusive unless the person affected objects thereto in writing to the Director within thirty days from the date of his giving such notice or unless the Director applies to the Court for the revision of the same as in paragraph (d) hereof provided; (f)~~
 - (b) *when the valuation or revaluation has been made, the following provisions shall have effect:—*

(a) Text inserted by Ordinance 28/2014 – came into force on 30 August 2014
 (b) Amended by Ordinance 11/1984 – came into force on 22 October 1984
 (c) Amended by Ordinance 12/1985 – came into force on 19 August 1985
 (d) Subparagraph (d) repealed and replaced by Ordinance 28/2014 – came into force on 30 August 2014
 (e) Subsection (2) inserted by Ordinance 28/2014 – came into force on 30 August 2014
 (f) Subsection (b) repealed and replaced by Ordinance 13/1993 – came into force on 26 July 1993

~~(i) The Chief Officer shall give notice thereof to the person or persons affected;~~
~~or~~

~~(ii) deposit the lists with the Head of the Community of the town, village or quarter concerned and shall cause to be published in the Gazette and to be posted up a notice to the effect that the lists have been so deposited; and (a)~~

(i) The Chief Officer must—

(aa) send a notice in writing to the registered owner of the immovable property valued or revalued stating the valuation of that property; or

(bb) deposit lists with details of the valuation or revaluation at offices of the community councils or the municipal councils within whose boundaries the immovable property is situated.

(ii) In the case of subparagraph (i)(bb), the Chief Officer must publish a notice in the Gazette stating that the lists have been so deposited;

(iii) any person interested in any immovable property to which such notice relates, may inspect the lists at all reasonable times and ~~the Mayor or~~(b)the Head of the Community concerned, shall at all reasonable times allow such person to make any extract therefrom free of any charge;

(iv) the valuation or revaluation shall be final and conclusive unless the person affected objects thereto in writing to the Chief Officer within thirty days from the date of the giving of the notice provided for in sub-paragraph (i) of paragraph (b) hereof or within six months ~~from the date of the posting up of the notice provided for in sub-paragraph (ii) of paragraph (b), of the date the notice referred to in paragraph (b)(ii) was published in the Gazette~~(c) as the case may be, or unless the Chief Officer applies to the Court for the revision of the valuation or revaluation, as in paragraph (d) hereof provided.

(c) the Director shall consider any objection made to him under paragraph (b) hereof and shall give notice of his decision to the person affected;

(d) when the Director applies to the Court for the revision Of a valuation or revaluation as in paragraph (b) hereof provided, he shall proceed to do so with all reasonable speed and shall give notice of his application to the person affected thereby.

Valuation or revaluation of property held in undivided shares

72. Notwithstanding anything in this Law contained, where immovable property is held in undivided shares the following provisions shall have effect, that is to say-

(a) on valuation or revaluation the property shall be valued or revalued as a whole, no regard being paid to the fact that such property is held in undivided shares, and the value of any share shall be the amount bearing to the value of the whole property such ratio as that share bears to the whole;

(b) the whole property may be valued or revalued, in accordance with the provisions of sections 66 and 67 of this Law, respectively, on the application of any one or more of the registered co-owners thereof;

(c) the objection to a valuation or revaluation of the property referred to in sections ~~69~~ 70(d) and 71 of this Law, respectively, may be made by any one or more of the co-owners thereof;

(d) where on valuation or revaluation of the whole property an objection made by any of the co-owners to the Director is sustained or an appeal from the Director's decision thereon,

(a) Paragraphs (i) and (ii) repealed and replaced by Ordinance 28/2014 – came into force on 30 August 2014

(b) Text inserted by Ordinance 28/2014 – came into force on 30 August 2014

(c) Text deleted and new text inserted by Ordinance 28/2014 – came into force on 30 August 2014

(d) Amended by Ordinance 11/1984 – came into force on 22 October 1984

made by any of the co-owners to the Court is allowed, the valuation or revaluation shall be varied by the Director or the Court, respectively, in respect of the whole property.

Valuations to be effective until revised

73.—(1) Any valuation or revaluation made by a valuer shall be binding and effective for all purposes and shall be deemed to be the assessed value of the property to which it relates until revised by the Director and the decision of the Director shall similarly be binding and effective until revised by the Court and where any valuation or revaluation has been revised by the Director or the Court, any excess tax or fee paid on the basis of such valuation or revaluation before the same had been revised, shall be refunded.

(1A) The Chief Officer must notify the Fiscal Officer where a valuation is revised in accordance with this section or sections 70 to 72.(a)

(2) Notwithstanding anything in this Law contained, until a general valuation of all immovable property in the area of ~~any town, village or quarter~~ *Akrotiri village, an overlapping community or an overlapping municipality(b)* is made under the provisions of this Law, there shall be adopted and registered or recorded in the books of the Area Office as the assessed value of any immovable property in such area hereafter valued or revalued under the provisions of section 66 or 67 of this Law, respectively, such percentage of the value thereof as the Governor in Council may prescribe for immovable property in such area.

~~Deposits by person objecting to valuation or revaluation(c)~~

~~**74.** Any person who objects to any valuation or revaluation made by a valuer or to any decision thereon by the Director shall, together with his objection, lodge with the Director a fee at the rate of one per centum on the difference between the valuation or revaluation objected to and the valuation or revaluation claimed by the objector to be the correct one and neither the Director nor the Court, as the case may be, shall proceed to hear the objection unless such deposit has been made; if the objection is sustained the Director shall refund such deposit or a part thereof proportionate to the amount by which the objection was successful.~~

~~Fee for examination of objections to valuation of immovable property (d)~~

~~*74. Any person who objects to any valuation or revaluation or to any decision thereon by the Chief Officer, shall together with his objection, lodge with the Area Officer the sum of ten pounds as the fee for examination of such objection.*~~

Fee for examination of objections to valuation of immovable property

74.—(1) *Any person who objects to a valuation, revaluation or to a decision on a valuation or revaluation by the Chief Officer, must together with the objection, lodge with the Chief Officer the fee appropriate for examination of such objection, and reasons why the immovable property should be revalued.(e)*

(2) *The appropriate fee for the examination of an objection is the same fee as that charged in the Republic in respect of a similar or substantially similar matter.*

(a) Section (1A) inserted by Ordinance 28/2014 – came into force on 30 August 2014
(b) Text deleted and new text inserted by Ordinance 28/2014 – came into force on 30 August 2014
(c) Section 74 repealed and replaced by Ordinance 12/1985 – came into force on 19 August 1985
(d) Section 74 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011
(e) Text inserted by Ordinance 28/2014 – came into force on 30 August 2014

PART 5

Miscellaneous

Notices

75. Any notice or communication required to be given or made by the Director under the provisions of this Law may be given or made through the post by letter addressed to the last known place of residence of the person for whom the notice or communication is intended:

Provided that whenever practical the notice or communication shall be given or made by registered letter:

Provided also that where any person to whom a notice or communication is required to be given or made is—

- (a) an infant, mental patient or is prohibited by a competent Court from the management of his affairs the notice or communication shall be addressed to the last known place of residence of his guardian or if he has no guardian to such person as the Court, upon application of the Director in that behalf, may direct;
- (b) absent from the Colony, in addition to a letter addressed to his last known place of residence in the Colony there shall be posted up a copy thereof in the town or village in which the property is situate.

(2) The letter shall—

- (a) if the mother tongue of the person to whom it is addressed is Greek, be in Greek;
- (b) if the mother tongue of the person to whom it is addressed is Turkish, be in Turkish;
- (c) in every other case, be in English.

(3) The date of the posting of the letter shall be deemed to be the date on which the notice or communication is given or made and a certificate by the person posting such letter stating the date on which the same was posted shall be deemed to be *prima facie* evidence of such posting.

(4) Where any notice is required to be posted up under the provisions of this Law-

- (a) if the property affected is situate in any town, the notice shall be posted upon the notice board or the Area Office in such town;
- (b) if the property affected is situate in any village, the notice shall be posted up in a conspicuous place in the village,

and a certificate by the person posting up such notice, stating the date on which the same was posted up, shall be deemed to be *prima facie* evidence of such posting up.

(5) *With the permission of the Chief Officer, either generally or in relation to notices and communications under a particular Section of this Ordinance, the provisions of this Section shall apply, mutatis mutandis, with respect to notices or communications required to be given under the provisions of this Ordinance by persons other than the Chief Officer, provided that—*

- (a) *every such notice or communication sent by post shall be sent by registered post and, if the Chief Officer so requires, shall be accompanied by a request for giving proof of the receipt thereof by the person to whom it is addressed and in any case every relevant postal receipt shall be produced to the Chief Officer;*
- (b) *a declaration upon oath by the person posting up such notice or a certificate issued by the village authority of the village where the notice was posted up shall be produced to the Chief Officer as prima facie evidence of the posting up of any such notice.*(a)

(a) Subsection (5) inserted by Ordinance 11/1984 – came into force on 22 October 1984

Compensation to infants, etc.

76. Whenever any compensation has to be paid or any other payment made under the provisions of this Law—

- (a) to or for the benefit of an infant, mental patient or a person who is prohibited by a competent Court from the management of his affairs, the same shall be paid or made to his guardian;
- (b) to or for the benefit of a person absent from the Colony, the same shall be paid or made to his duly appointed representative or agent:

Provided that in either case the compensation may be paid or the payment made into the Court, and paid out to such person as the Court may direct, on application made in that behalf.

Agent to represent owner

77. Whenever in this Law it is provided that the owner of immovable property shall receive or give notice or make any application or do any act, the same may be received, given, made or done by his duly appointed representative or agent unless the context shall otherwise specify or require.

Power of entry, etc., to the Director or valuer (a)

~~78. With the object of exercising the powers conferred and performing the duties imposed upon him by this Law, the Director or any valuer shall have power at all reasonable times, to enter on, measure, survey, perambulate or value any immovable property and place such land marks thereon as he may think fit.~~

Power of entry to the Chief Officer of valuer

78. The Chief Officer, any valuer or other person authorised by the Chief Officer may enter onto, measure, survey, inspect, value or place marks on any immovable property for the purpose of performing a function under this Ordinance.

Offences (b)

~~79. (1) Any person who wilfully obstructs the Director or any valuer in the exercise of his powers or performance of his duties under this Law shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty *three* hundred(e) pounds or to both such imprisonment and fine.~~

~~(2) Any person who wilfully refuses or fails without reasonable excuse to supply the valuer with the information or the written return referred to in sections 70 or 71 of this Law, respectively, within ten days from the date on which the valuer has required him to do so, shall be guilty of an offence and shall be liable to a fine not exceeding ten *fifty*(d) pounds.~~

~~(3) Any person who knowingly makes a false statement in any information or return supplied by him under the provisions of section 70 or 71 of this Law, respectively, shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding fifty *three* hundred(e) pounds or to both such imprisonment and fine.~~

~~(4) Any person who prepares or authorizes the preparation of any false instrument or document, or falsifies any instrument or document in his possession or under his control and produces such false or falsified instrument or document to the Director or valuer when required to do so under~~

(a) Section 78 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011
(b) Section 79 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011
(c) Amended by Ordinance 11/1984 – came into force on 22 October 1984
(d) Amended by Ordinance 11/1984 – came into force on 22 October 1984
(e) Amended by Ordinance 11/1984 – came into force on 22 October 1984

~~the provisions of sections 60, 70 or 71 of this Law, shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding one hundred seven hundred and fifty (a) pounds or to both such imprisonment and fine.~~

Offences

79.—(1) A person who obstructs the Chief Officer, a valuer or other person authorised by the Chief Officer in the performance of a function under this Ordinance commits an offence and is liable to imprisonment for 6 months or a fine of ~~€1,281~~ €5,000(b) or both.

(2) A person who refuses or fails without reasonable excuse to supply a valuer or other person authorised by the Chief Officer with the information or written returns referred to in sections 70 or 71 within 10 days from the date on which the valuer or other person appointed by the Chief Officer has required that person to do so, commits an offence and is liable to a fine of ~~€427~~ €500.

(3) A person who knowingly makes a false statement in any information or written returns supplied by that person under sections ~~70 and 71~~ 70, 71 or 74 (c) commits an offence and is liable to imprisonment for 6 months or a fine of ~~€1,281~~ €5,000 or both.

(4) A person commits an offence and is liable to imprisonment for 1 year or a fine of ~~€1,708~~ €10,000 or both if that person—

(a) either—

(i) prepares or authorised the preparation of a false instrument or document; or

(ii) falsifies an instrument or document in that person's possession or under that person's control; and

(b) in accordance with sections 60, ~~70 or 71~~, 70, 71 or 74(d) produces that instrument or document to the Chief Officer or valuer or other person authorised by the Chief Officer.

Appeals from decisions of Director

80. Any person aggrieved by any order, notice or decision of the Director made, given or taken under the provisions of this Law may, within thirty days from the date of the communication to him of such order, notice or decision, appeal to the Court and the Court may make such order thereon as may be just but, save by way of appeal as provided in this section, no Court shall entertain any action or proceeding on any matter in respect of which the Director is empowered to act under the provisions of this Law.

Provided that the Court may, if satisfied that owing to the absence from {he Colony, sickness or other reasonable cause the person aggrieved was prevented from appealing within the period of thirty days, extend the time within which an appeal may be made under such terms and conditions as it may think fit

Decision of Court when final

81. When an appeal is made to the Court as in section 80 of this Law provided, the order of the Court shall be final and conclusive and no appeal shall lie therefrom save where a question of personal status is involved or where the amount in dispute exceeds twenty-five pounds.

Provided that any person, including the aggrieved by any order of the Court on any appeal under section 80 of this Law, may appeal therefrom to the Supreme Court on any point of law.

(a) Amended by Ordinance 11/1984 – came into force on 22 October 1984

(b) Fines in the section amended by Ordinance 28/2014 – came into force on 30 August 2014

(c) Amended by Ordinance 28/2014 – came into force on 30 August 2014

(d) Amended by Ordinance 28/2014 – came into force on 30 August 2014

Village authorities and certificates(a)

~~82.—(1) Every certificate of any village authority required by any law or custom to be produced to the Area Office as evidence of any fact relating to any matter affecting any immovable property shall be signed and sealed by the mukhtar and be signed also by not less than two azas of the quarter or village in which the property is situate;~~

~~Provided that where production of a certificate of the village authority of the quarter or village in which the property is situated is impossible or impracticable, the Chief Officer may in lieu thereof accept the certificate of any other village authority prepared as in this subsection provided.(b)~~

~~(2) The signature, seal or mark or any person to any document required to be furnished or produced to the Area Office in connection with any immovable property may be certified by the mukhtar and on aza of any town, village or quarter and such certification shall be effected by inscribing on the document a certificate in one of the forms A or B set out in the Third Schedule to this Law or to the like effect and by affixing thereto the signature and seal of the mukhtar and the signature of the aza:~~

~~Provided that no mukhtar or aza shall certify any signature, seal or mark unless—~~

- ~~(a) such signature, seal or mark is affixed to the document in his presence or is declared to him by the person who has affixed the same that the signature, seal or mark is his and had been affixed by him; and~~
- ~~(b) the person signing, sealing or marking the document is personally know to him or his identity is attested by two persons personally know to him which persons shall sign the document as witnesses to the signature, seal or mark of the principal party.~~

~~(3) Where the facts to be certified are not within the personal knowledge of the mukhtar or aza required to certify the same, but the certificate is based on information and statements of third parties, the mukhtar and aza shall so word the certificate as to make it clear on the face of the certificate that the certificate is so based on information and shall name the informants and he shall not certify unless he is satisfied that such informants are to his best knowledge and belief reliable persons.~~

Village authorities and certificates

82.—(1) Every certificate of a village authority required by any law or custom to be produced to the Area Office as evidence of a fact relating to a matter affecting immovable property is to be signed and sealed by the chair of the community council (the “chair”).

(2) If production of a certificate by the chair of the village in which the property is situated is not practicable, the Chief Officer may instead accept the certificate of any other chair of a community council prepared as prescribed in subsection (1).

(3) The signature, seal or mark of any person to a document which is to be produced to the Area Office in connection with immovable property may be certified by writing a certificate in the form set out in Schedule 3, to be signed and sealed by the chair.

(4) The chair is not to certify a signature, seal or mark unless—

- (a) either—*
 - (i) the document is signed, sealed or marked in the presence of the chair; or*
 - (ii) the person signing, sealing or marking the document declares in the presence of the chair that the signature, seal or mark is his or hers; and*
- (b) the person signing, sealing or marking the document is either—*
 - (i) personally known to the chair; or*
 - (ii) personally known to 2 persons (who must sign the document as witnesses to the signature, seal or mark) who are personally known to the chair.*

(a) Section 82 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011

(b) Proviso inserted by Ordinance 11/1984 – came into force on 22 October 1984

(5) *If the facts to be certified are not within the personal knowledge of the chair, but based on information and statements provided by other persons then the chair—*

- (a) *is not to issue a certificate unless satisfied that the persons providing the information and statements are reliable;*
- (b) *is to make clear on the face of the certificate that the certificate is based on facts and information and statements provided by other persons; and*
- (c) *is to identify the persons providing the information and statements on the certificate.*

Fees by village authorities (a)

~~83. The fees set out in the Fourth Schedule to this Law shall be payable to mukhtars and azas in respect of the several matters therein set out:~~

~~Provided that no fee shall be payable in respect of a certification of any matter which in the opinion of the Director could have been included in a certificate for which fees have already been paid.~~

Fees by village authorities

83. The fees payable to the chair in respect of the matters set out in this Ordinance are the same as those fees charged in the Republic in respect of similar or substantially similar matters.

Specimen signatures of mukhtars and azas (b)

~~84. Every mukhtar and every aza upon his appointments shall furnish a copy of his signature to the Area Office of the district.~~

Specimen signatures

84. On appointment, every chair is to provide a copy of his or her signature to the Area Officer.

Rules of Court

85. The governor may with the advice and assistance of the chief Justice make Rules of Court for any matter or proceeding had or taken before any Court under the provisions of this Law:

Provided that until such rules are made such matters and proceedings shall be regulated in accordance with the Rules of Court in force for the time being.

Delegation to the Republic (c)

86.—(1) *For the purpose of this section, if a function is conferred or a duty imposed on the Area Office, that function or duty is conferred or imposed on the Area Officer.*

(2) A power conferred or duty imposed on the Area Officer or the Fiscal Officer (d) by this Ordinance is a delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(e).

(a) Section 83 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011
(b) Section 84 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011
(c) Section 86 inserted by Ordinance 7/2011 – came into force on 13 June 2011
(d) Text inserted by Ordinance 28/2014 – came into force on 30 August 2014
(e) Ordinance 7/2007

(3) A power conferred or duty imposed on the Chief Officer by this Ordinance, other than under section 18, is a delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

(4) A power conferred or duty imposed on the Administrator by section 18(1) is a qualified delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

(5) A power conferred or duty imposed on the Administrator by section 62, 65Z4.(a), 68, 69 and 73, is a delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

(6) A function carried out by an officer of the Republic before 16 May 2011 is to be treated in all respects as having been lawfully delegated to that officer even if the consent of the Chief Officer was not obtained before that function was carried out.

Legal Proceedings(b)

87.—(1) A court of the Areas may take judicial notice of Republican law and of any other Republican document of any description granted or otherwise made under Republican law.

(2) The production of a copy of any part of a Republican enactment—

- (a) contained in a printed collection of enactments purporting to be printed and published by an authority of the Republic;
- (b) contained in an issue of the Official Gazette of the Republic; or
- (c) purporting to be printed by the Government Printer of the Republic, by whatever name called;

is evidence for all purposes, and may be held by a Court to be conclusive evidence, of the due and lawfull making of that enactment.

(3) For the purposes of this section, a version of any part of a Republican enactment in the English language—

- (a) purporting to be produced by an authority of the Republic;
- (b) certified as being accurate by an officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the Republican enactment was published in the Republic;
- (c) given or produced in the course of oral evidence of a person whom the Court considers to be a competent translator for the purpose; or
- (d) stated orally in court or produced in writing by a Registrar or official court interpreter;

may in any of those cases be held by the Court to be conclusive evidence for all purposes that such version is the accurate English version of the Republican enactment or part of the Republican enactment in question.

(4) For the purposes of this section, the production of—

- (a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant enactment under which the relevant document was made; or
- (b) an English translation of the relevant document, the accuracy of which is certified in writing by a translator of recognised competence;

may be held by the Court to be conclusive evidence for all purposes of the contents of such document.

(a) Text inserted by Ordinance 28/2014 – came into force on 30 August 2014

(b) Section 87 inserted by Ordinance 7/2011 – came into force on 13 June 2011

Transitory provision relating to general valuation

(1) Despite the general valuation ordered by the Administrator in the Immovable Property (General Valuation) Order 2013**(a)**, taxes in relation to immovable property for the tax year of 2014 must be determined in accordance with the value of the property, or deemed value of the property, on 1 January 1980.

(2) In this section, “tax year” has the meaning given in section 2 of Assessment and Collection of Taxes Ordinance 2003**(b)**.

(a) Ordinance 46/2014
(b) Ordinance 30/2003

SCHEDULE 1

(Section 33(4))

Regulations

1. In these Regulations—

“acquiring party ” means the registered owner or co-owners of property seeking to acquire compulsorily the property off another person under the provisions of section 33;

“interested party ” includes the acquiring party, the party whose property is to be acquired, and any person having a charge on such property in the books of the Area Office;

“property to be acquired ” means the property which it is sought to acquire compulsorily under the provisions of section 33.

2. The acquiring party shall serve a notice On the owner of the property to be acquired, notifying him of the intended acquisition and giving full description of his own property and of the property to be acquired.

3.The acquiring party shall, within sixty days after service of the notice mentioned in Regulation 2 furnish the Area Office with proof of service and apply that the value of the property to be acquired be estimated and pay the appropriate fees.

4.If the owner of the property to be acquired wishes to dispute the sight of the acquiring party to acquire his property, he may, within sixty days after service of the notice mentioned in Regulation 2, upon payment of the appropriate fees, apply to the Area Office that the value of the registered property of the acquiring party on which such party relies be estimated; and if he does not so apply within that period, he shall be deemed to admit such right.

5.Before the Director proceeds to estimate any property he shall give not less than seven days' notice to the mukhtar or mukhtars who are to assist him in making his estimate and to the interested parties, notifying them of the date on which he proposes to inspect the property.

6.After the lapse of thirty but before the lapse of sixty days from the date of the notice mentioned in subsection (3) of section 33 the acquiring party may pay the value estimated by the Director to the owner of the property to be acquired or lodge the same in the Area Office for payment to the owner and upon proof that such value has been so paid or lodged and, unless notice has been given to the Director under Regulation 7, the acquiring party may be registered as owner of the property to be acquired upon payment of the registration fees:

Provided that where the property to be acquired is charged with the payment of any money, its estimated value shall be lodged in the Area Office to be paid out to the persons having such charges, in accordance with their respective priorities as on the day of the lodgement any balance being paid to the owner of the property acquired.

7. Where an application is made to the Court to vary the Director's estimate, the applicant shall forthwith give notice thereof, and shall deliver to the Area Office a copy of his application; otherwise the Area Office may proceed to act as if no such application had been made and shall not be responsible for anything done in good faith before the delivery of such copy.

8.Where an application is made to the Court to vary the Director's estimate, the acquiring party may, within sixty days from the date of the order of the Court or from the date on which the application to the Court is withdrawn, as the case may be, pay the value stated in the order or estimated by the Director to the owner of the property to be acquire or lodge the same in the Area Office for payment to the owner; and upon production to the Area Office of a certified copy of the order or proof that the application to the Court has been withdrawn, as the case may be, and upon proof that the value has been so paid or lodged, the acquiring party may be registered as owner of the property to be acquired upon payment of the registration fees:

Provided that where the property to be acquired is charged with the payment of any money, its value shall be lodged in the Area Office to be paid out to the persons having such charges, in accordance with their respective priorities as on the day of the lodgement, any balance being paid to the owner of the property acquired.

9. After the acquiring party has applied to the Area Office, as provided in Regulation 3, that the value of the property to be acquired be estimated, no dealing affecting such property shall be permitted in the Area Office, unless the sixty days' time provided by Regulations 6 and 8 has elapsed and the acquiring party has failed to pay the value of the property to the owner thereof or lodge the same in the Area Office, as in the said regulations provided.

SCHEDULE 2

(Section 68)

Oath by Valuer

I, of , do solemnly swear that I shall faithfully and honestly and to the best of my skill and ability make any valuation required of me under the provisions of the Immovable Property (Tenure, Registration and Valuation) Law, Cap, 224.

Sworn this _____ day of _____

SCHEDULE 3(a)

(Section 82)

Certifications

Form A

Signed (sealed or marked) this day in my presence by A.B. who is personally known to me.

or

Declared by me A.B., who is personally known to me, that the above signature (seal or mark) is his / hers.

In testimony whereof I hereto set my signature and seal of the Community Council.

Seal

Signature (Chairman of Community Council)

Form B

Signed (sealed or marked) this day by A.B. in my presence and the presence of C.D. and E.F. who are respectively personally known to me and who have declared to me that they personally know A.B. and identified him/her to me.

(a) Schedule 3 repealed and replaced by Ordinance 7/2011 – came into force on 13 June 2011

or

Declared to me this day A.B. that the signature is his/her own, in the presence of C.D. and E.F. who are respectively personally known to me and who have declared to me that they personally know A.B.

In testimony whereof I hereto set my signature and seal of the Community Council.

Seal

Signature (Chairman of Community Council.

SCHEDULE 4 (a)

~~(Section 83)~~

Fees

THE FOLLOWING ENACTMENS WERE REPEALED BY THIS LAW

Enactments	Extent of Repeal
<p>1. The Ottoman Laws referred to in items (1) to (13). both inclusive, and (15) to (38), both inclusive, in the Fourth Schedule to the Courts of Justice Laws, 1935 to 1943.</p> <p>2.The Mejellé</p> <p>3.The Immovable Property Registration and Valuation Laws, 1907 to 1943.</p> <p>4.The Immovable Property Limitation Law, 1886.</p> <p>5. The Village Authorities (Fees Regulation) Order, 1943.</p>	<p>1. The whole, including such parts as have not been previously repealed.</p> <p>2.Articles 1 to 100, both inclusive, in so far as they are repugnant to or inconsistent with the provisions of this Law.</p> <p>Articles 1045 to 1191, both inclusive, in so far as they relate to immovable property.</p> <p>Articles 1224 to 1328, both inclusive.</p> <p>3. The whole.</p> <p>4.The whole.</p> <p>5.First Schedule paragraph B. Second Schedule paragraph A.</p>

(a) Schedule 4 repealed by Ordinance 7/2011 – came into force on 13 June 2011