
LAND ACQUISITION LAW
CAP. 226

This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Land Acquisition Law	Cap. 226	
Land Acquisition (Amendment) Ordinance 1963	12/1963	17/06/1963
Land Acquisition (Amendment) Ordinance 1964	9/1964	15/07/1964
Land Acquisition (Amendment) Ordinance 1986	1/1986	07/04/1986
Land Acquisition (Amendment) Ordinance 1987	4/1987	30/03/1987
Land Acquisition (Amendment) Ordinance 1988	19/1988	23/09/1988
Land Acquisition (Amendment) Ordinance 1993	10/1993	09/06/1993
Land Acquisition (Amendment) Ordinance 2001	1/2001	23/04/2001
Land Acquisition (Amendment) Ordinance 2010	36/2010	01/01/2011
Land Acquisition (Amendment) Ordinance 2014	20/2014	16/05/2014

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SCHEDULE 1

LAND ACQUISITION LAW
CAP. 226

To facilitate the Acquisition of Land and other Immovable Property for public purposes

Short title

1. This Law may be cited as the Land Acquisition Law.

Interpretation

2. In this Law—

“ Acquiring Authority ” means the Government or any Department concerned in the acquisition of land, or Her Majesty’s Naval, Military or Air Force Authorities, or Her Majesty’s Government in the United Kingdom, or any public body concerned, as the case may be, carrying out an undertaking of public utility under the provisions of this Law;

“Commissioner ” means the Commissioner of the district within which the land acquired or to be acquired is situate;

“ land ” includes-

- (a) land with the grazing rights on or over such land;
- (b) land with all water and water rights on, over or under such land;
- (c) buildings and other erections;
- (d) trees, vines and standing crops;
- (e) easements, privileges and liberties over any land and rights restrictive of the use of any land which either lawfully subsist at the time of the acquisition or, though not subsisting at such time, are required to be created for any undertaking of public utility; *and for the purpose of this paragraph the expression “privileges” shall include any right in respect of any Crown land granted or acceded to by the Government of the former Colony before 16th August, 1960 (other than by licence revocable at will under the provisions of any Ordinance or otherwise) to any person or community by or under any contract, contract by record, deed or other instrument whatsoever;* (a)
- (f) water and water rights, held independently of land, where the acquisition thereof—
 - (i) is required for the construction or service of any railway or harbour, provided that there shall not be any other reasonably accessible means of obtaining such water as is necessary for the purposes of such railway or harbour, or
 - (ii) is required for the purposes of any land already acquired or which is being acquired under the provisions of this Law;
- (g) *any land by law or custom held or enjoyed communally by any town, village or quarter notwithstanding anything in sections 2 or 19 of the Immovable Property (Tenure, Registration and Valuation) Ordinance; and accordingly the inhabitants of any such town, village or quarter shall be deemed to be the “owners” of such land for the purpose of this Ordinance;* (b)

“Tribunal” means the Compensation Assessment Tribunal set up under the provisions of The Compensation Assessment Tribunal Law(c);

(a) Inserted by Ordinance 12/1963 – came into force on 17 June 1963
(b) Paragraph (g) inserted by Ordinance 12/1963 – 17 June 1963
(c) Cap.216 as amended

“undertaking of public utility” means any undertaking of a public nature, civil, naval, military or air force, which the Governor shall by notification in the Gazette declare to be an undertaking of public utility, whether the cost of such undertaking is to be borne by the public funds of Cyprus or by Her Majesty’s Naval, Military or Air Force Authorities or by Her Majesty’s Government in the United Kingdom, or by a public body recognized as such for the purposes of this Law by an instrument under the hand of the Governor.

Governor may authorize public works for which land required

3. Where any land is needed for any undertaking of public utility the Governor may by notification in the Gazette authorize the carrying out of the undertaking under the provisions of this Law.

Preliminary investigation

4.—(1) Whenever any land is needed for any undertaking of public utility it shall be lawful for the Acquiring Authority and his servants and workmen to do all or any of the following things—

- (a) to enter upon and survey and take levels of any such land;
- (b) to dig or bore into the subsoil;
- (c) to do all other acts necessary to ascertain whether the land is suitable for such purpose and the value of the land and of the buildings, trees and crops thereon;
- (d) to clear the land proposed to be acquired and to set out and mark the boundaries of such land and the work, if any, proposed to be made thereon:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days notice of his intention to do so.

(2) As soon as conveniently may be after any entry made under subsection (1) the Acquiring Authority shall pay for all damage done and in case of dispute as to the amount to be paid either the Acquiring Authority or the person claiming compensation may refer such dispute to the Tribunal whose decision shall be final.

Recommendation to acquire land

5. From and after the publication of the aforesaid notification the Director of Public Works or other officer entrusted by the Governor with the supervision of any undertaking so authorized may recommend that any land be acquired for the purpose of carrying out the undertaking.

On any such recommendation the officer by whom it is made shall forward to the Commissioner a copy of the recommendation, together with a plan or particulars of the land to be acquired.

Notice to persons interested (a)

~~6.—(1) The Commissioner before submitting the recommendations and plans or particulars to the consideration of the Governor shall cause a public notice in the form set out in the Schedule hereto to be published in the Gazette and also to be posted at convenient places on or near the land to be acquired:~~

~~Provided that the period set out in such Schedule may, with the approval of the Governor be abridged to ten days. (b)~~

(a) Section 6 repealed and replaced by Ordinance 1/2001 – came into force on 23 April 2001
(b) Subsection (1) repealed and replaced by Ordinance 4/1987 – came into force on 30 March 1987

~~6.—(1) The Area Officer before submitting the recommendations and plans or particulars to the consideration of the Administrator shall cause a public notice in the form set out in the Schedule hereto to be published in the Gazette containing the description of the lands intended to be acquired and calling upon any person interested in such property to submit within the time specified therein, being not less than two weeks from the date of the publication thereof, any objection which he may wish to raise to such acquisition, and also shall cause such notice to be posed at convenient places on or near the land to be acquired.~~

~~Provided that the period set out in such Schedule may, with the approval of the Administrator which may be signified by the Area Officer in such notice, be abridged to ten days.~~

~~(2) At the expiration of the period set out in the notice the Commissioner shall forward to the Governor the recommendations and plans or particulars, together with the objections made, if any.~~

Notice to persons interested

6.—(1) The Area Officer before submitting the recommendations and plans or particulars to the consideration of the Administrator shall cause a public notice in the form set out in the Schedule hereto, hereinafter known as “a notice of acquisition”, to be published in the Gazette containing the description of lands intended to be acquired and calling upon any person interested in such property to submit within the time specified therein, being not less than thirty days from the date of the publication thereof, any objection which he may wish to raise to such acquisition:

Provided that the period set out in such “notice of acquisition” may, with the approval of the Administrator which may be signified by the Area Officer in such notice, be abridged to twelve days.

(2) The Area Officer shall also cause to be served on the person of every interested party, a copy of the said notice of acquisition together with a copy of the corresponding entry in the Gazette.

(3) In the case where the whereabouts of an interested party cannot be established on reasonable enquiry by the Area Officer, he may cause to be published in at least two Cypriot daily newspapers with a circulation with the Areas, a copy of the said notice and a copy of the corresponding entry in the Gazette, and such publication shall be deemed to be good and proper service for the purposes of this section.

(4) At the expiration of the period set out in the said notice the Area Officer shall forward to the Administrator the recommendations and plans or particulars, together with the objections made, if any.

(5) Where, due to unforeseen circumstances, it becomes necessary to alter the plans and specifications of an undertaking of public utility and thereby to acquire additional land in order properly to execute the said undertaking, then providing an amendment to the notice of acquisition is published forthwith in the Gazette, it shall be deemed to form part of the original notice and shall take effect from the date of the publication of the original notice in the Gazette.

Sanction by Governor of acquisition

7.—(1) If the governor approves the plan or particulars submitted and considers it expedient, having regard to all the circumstances of the case, that the land in question shall be acquired, he may by notification in the Gazette sanction the acquisition of the land; and thereupon the land may be acquired and compensation, which may include compensation for damage occasioned by determination of a lease, may be awarded for its acquisition in manner hereinafter provided.

(2) Where the land to be acquired is an easement, privilege or liberty over any land or a right restrictive of the use of any land, such easement, privilege, liberty or right shall, if it does not

subsist at the date of the sanction, be deemed to be created by such sanction and thereupon the provisions of subsection (1) of this section relating to acquisition and compensation shall apply.

Revocation and abandonment of acquisition (a)

~~7A.—(1) At any time after the publication of a notice as provided in sub-section (1) of Section 6 of this Ordinance and before the acquisition is sanctioned, the Area Officer may, by publication in the Gazette, revoke such notice either generally or in respect of any particular land or part of land referred to therein; and thereupon all proceedings consequential to such notice shall abate and the acquisition shall be deemed to have been abandoned either generally or in respect of such particular land or part of land, as the case may be. (b)~~

7A.—(1) At any time after the publication of a notice of acquisition and before the payment or the deposit of compensation as in this Ordinance provided, the Administrator may by an Order published in the Gazette, revoke such notice and any relative order of acquisition that may have been published, either generally or in respect of any particular land or part of land referred to therein; and thereupon all proceedings consequential to such notice or order of acquisition shall abate and the acquisition shall be deemed to have been abandoned either generally or in respect of such particular land or part of land, as the case may be.

~~(2) Where no sanction of the acquisition of any land referred to in any notice published under the provisions of sub-section (1) of Section 6 of this Ordinance is notified under the provisions of sub-section (1) of Section 7 of the said Ordinance within twelve ~~ten~~ (e) months of the date of the publication of such notice in the Gazette, all proceedings consequential to such notice shall abate and the acquisition shall be deemed to have been abandoned in respect of such land or part of land, as the case may be. (d)~~

(2) Where an order of acquisition in respect of any property or any part of any property, referred to in any notice of acquisition, is not published within ~~ten~~ twelve (e) months from the publication of such notice in the Gazette, or if within ~~ten~~ fourteen (f) months from the publication of such notice ~~compensation estimated is not offered, an offer of the compensation estimated is not served~~ (g) the proceedings consequential to such notice shall abate and the acquisition of the said property or part of property, as the case may be, shall be deemed to have been abandoned.

(3) Where the acquisition of any land or any part of any land is deemed to have been abandoned under the provisions of sub-section (1) or sub-section (2) of this section, the Acquiring Authority shall pay to any person interested in such land any costs or expenses reasonably incurred by such person, and shall compensate him for any loss he has suffered since the publication of the said notice under the provisions of sub-section (1) of Section 6 of this Ordinance and in consequence of such notice; and in the event of any dispute as to the amount to be paid as aforesaid, such amount shall be determined by the Tribunal.

Vesting of land

8. When the Governor has notified his sanction to the acquisition of any land, the land shall thereupon vest absolutely in the Government or Her Majesty's Naval, Military or Air Force Authorities or Her Majesty's Government in the United Kingdom or in the public body concerned, as the case may be, free from all encumbrances; and the notification of the governor's sanction shall be sufficient authority to the Director of Lands and Surveys

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- (a) Section 7A inserted by Ordinance 12/1963 – came into force on 17 June 1963
 - (b) Subsection (1) repealed and replaced by Ordinance 10/1993 – came into force on 09 June 1993
 - (c) Amended by Ordinance 4/1987 – came into force on 30 March 1987
 - (d) Subsection (2) repealed and replaced by Ordinance 19/1988 – came into force on 23 September 1988
 - (e) Amended by Ordinance 1/2001 – came into force on 23 April 2001
 - (f) Amended by Ordinance 1/2001 – came into force on 23 April 2001
 - (g) Text deleted and new text inserted by Ordinance 36/2010 – came into force on 01 January 2011

to cause amendments of registration to be effected in accordance with the plan and particulars so approved by the Governor:

~~Provided that the Governor may, before notifying his sanction to the acquisition of any land, require the value of the land and the amount to be paid by way of compensation for it to be first ascertained, in manner hereinafter provided; and, in any such case, unless agreement is reached between the Acquiring Authority and the person interested as to the compensation, the Acquiring Authority shall refer the question to the Tribunal and it shall be determined thereby in manner provided by this Law:~~

~~Provided further that the Governor may, in notifying his sanction, prescribe the period within which the works to which the sanction relates shall be completed and may extend such period from time to time as he may deem fit. (a)~~

~~Vesting of property the value of which is less than £20 (b) (c)~~

~~8A. Where the value of the acquired property or of the interest in such property, as assessed in accordance with the provisions of Section 10 of this Ordinance, does not exceed the sum of twenty pounds, then, on payment to the owner, or, where he does not consent to receive the same, on deposit of such sum with the Chief Officer, registration of such property may be made in the name of the acquiring authority in accordance with the provisions of Section 8.~~

~~Vesting of property the value of which is less than £1,000 or the compensation assessed is less than £500~~

~~8A. Where the value of the acquired property or of the interest in such property as assessed in accordance with the provisions of Section 10 of the Ordinance does not exceed the sum of one thousand pounds or the compensation estimated does not exceed the sum of five hundred pounds, then on payment to the owner or, where he does not consent to receive the same, on deposit of such sum with the Chief Officer, registration of such property may be made in the name of the acquiring authority in accordance with the provisions of Section 8 of the Ordinance.~~

Reference to Tribunal

~~9.—(1) If within three months from the date of the notification of such sanction, or from the date of the aforementioned requirements of the Governor being notified to the Director of Lands and Surveys, the persons interested do not agree with the Director of Lands and Surveys as to the compensation for the land so acquired, the Acquiring Authority shall apply to the Tribunal to determine the compensation payable in accordance with the provisions of the Compensation Assessment Tribunal Law, or of any Law amending or substituted for the same:~~

~~Provided that if no such application is made to the tribunal by the Acquiring Authority within the aforesaid period then such application may be made by any of the persons interested. (d)~~

~~9.—(1) If within ~~three (e) ten(f)~~ fourteen months of the date of the notification of the sanction of the Administrator under the provisions of Section 7 of this Ordinance the persons interested do not agree with the acquiring authority as to the compensation for the land so acquired, or if, notwithstanding that the said period of three months has not~~

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- (a) Repealed by Ordinance 9/1964 – came into force on 15 July 1964
 - (b) Section 8A inserted by Ordinance 4/1987 – came into force on 30 March 1987
 - (c) Section 8A repealed and replaced by Ordinance 10/1993 – came into force on 09 June 1993
 - (d) Subsection (1) repealed and replaced by Ordinance 9/1964
 - (e) Amended by Ordinance 4/1987 – came into force on 30 March 1987
 - (f) Amended by Ordinance 1/2001 – came into force on 23 April 2001

~~elapsed,~~ (a) no such agreement can in the circumstances be foreseen, the acquiring authority or the persons interested may apply to the Tribunal for the determination of the compensation payable.

(2) Where any land to be acquired under the provisions of this Law has either before or after the coming into operation of this Law by agreement between the Director of Lands and Surveys and the persons interested or by the leave and licence of the persons interested been entered upon prior to the acquirement thereof, but in anticipation of such acquirement the Tribunal may add to the amount of any compensation in respect of the value of such land such a sum of money as shall compensate the persons interested for the use and occupation of the said land before the acquirement thereof and for the reimbursement of any expenditure incurred immediately prior to the said use and occupation of the land for the user of the same which said expenditure has been rendered fruitless by reason of such use and occupation.

Rules of assessment of compensation

10. In estimating the compensation to be awarded for any land, the Tribunal shall, ~~subject to the provisions of section 14 of this Law,~~ (b) act in accordance with the following rules—

- (a) no allowance shall be made on account of the acquisition being compulsory;
- (b) the value of the land shall, subject as hereinafter provided, be taken to be the amount which the land, if sold in the open market by a willing seller, might be expected to realize:

Provided that the Tribunal in estimating such compensation shall assess the same according to what it shall find to have been the value of such land at the time when the notice under section 6 of this Law is published and without regard to any improvements or works made or constructed thereafter or to be made or constructed thereafter on the said land:

Provided further that where Her Majesty's Naval, Military or Air Force Authorities or Her Majesty's government of the United Kingdom or any department has been in possession of the land, by virtue of a title less than absolute ownership, compensation shall be estimated without regard to any increase in value on account of works constructed on the said land by the said Authorities or any of them or by any Department:

Provided further that the Tribunal, in estimating such compensation, shall give consideration to all returns and assessments of capital or rental value for taxation made by or acquiesced by the claimant.

- (c) the special suitability or adaptability of the land for any purpose shall not be taken into account if it is a purpose to which it could be applied only in pursuance of powers derived from legislation or for which there is no market apart from the special needs of a particular purchaser or the requirements of the Acquiring Authority;
- (d) where the land is and but for the compulsory acquisition would continue to be devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the Tribunal is satisfied that re-instatement in some other place is bona fide intended, be assessed on the basis of the reasonable cost of such equivalent re-instatement;
- (e) ~~where part only of the land belonging to any person is acquired under this Law the Tribunal shall take into consideration any enhancement of the value of the residue of the land by reason of the proximity of any improvements or works made or constructed or to be made or constructed by the Acquiring Authority;~~ (c)

(a) Text deleted by Ordinance 4/1987 – came into force on 30 March 1987

(b) Text deleted by Ordinance 4/1987 – came into force on 30 March 1987

(c) Paragraphs (e) and (f) deleted and replaced by Ordinance 12/1963 – came into force on 17 June 1963

- (e) *where part only of the land belonging to any person is acquired under this Ordinance, the Tribunal shall take into consideration any increase or decrease in the value of other land held by that person together with the part so acquired by reason of the proximity of any improvements or works made or constructed, or to be made or constructed, by the Acquiring Authority;*
- ~~(f) the Tribunal shall also have regard to the damage, if any, to be sustained by the owner by reason of the severance of the land acquired for public purposes from other land belonging to such owner or other injurious effect on such other land by the exercise of the powers conferred by this Law;~~
- (f) *the Tribunal shall also have regard to the damage, if any, to be sustained by the owner by reason of the severance of the land acquired for public purposes from other land held by such owner together with the land so acquired or other injurious effect on such other land by the exercise of the power conferred by this Ordinance.*
- (g) *where an easement, privilege or liberty over any land or a right restrictive of the use of any land is acquired under this Law, the Tribunal shall take into consideration any diminution of the value of the land to which such easement, privilege, liberty or right appertained, or, where such easement, privilege, liberty or right did not subsist at the time of the acquisition, any diminution of the value of the land over which it is required to be exercised.*
- (h) *where the value of the land is increased by reason of the use thereof in a manner which could be restrained by any Court, or is contrary to law or is detrimental to the health of the occupiers or to the public health, the amount of the increase shall not be taken into account; (a)*
- (i) *where, at the date of the publication of a notice as provided in sub-section (1) of Section 6 of this Ordinance, the land referred to therein was, and but for the acquisition would continue to be, used for the carrying on of any business, trade, profession or vocation, account shall be taken of the loss, if any, directly sustained by any person interested by reason of his being dispossessed of the land under this Ordinance;*
- (j) *the provisions of paragraph (b) of this section shall not affect the assessment of compensation for any other matter not directly based on the value of the land acquired;*
- (k) *the compensation payable shall carry an interest at the rate of ~~nine per centum~~ 3% (b) per annum from the date of publication of a notice as provided in subsection (1) of Section 6 of this Ordinance to the time of payment of such compensation. (c)*

For the purposes assessment of compensation under paragraphs (e) and (f) of this section, account shall be taken of the existing facts at the time of publication of a notice as provided in subsection (1) of Section 6 of this Ordinance.

~~Sanction for the acquisition of land to be notified (d)~~

~~11. Where the decision of the Tribunal is made in pursuance of the first proviso to section 8, before the Governor has formally notified his sanction for the acquisition of the land referred to in the award, a copy of the award shall be transmitted to the Administrative Secretary for the information of the Governor, in order to enable him to determine whether it is in the public interest that the land should be acquired at the cost specified in the decision of the Tribunal; and if the Governor does not notify his sanction for the acquisition of the land within three months after the date when the copy is so transmitted, it shall be deemed that he does not sanction the acquisition, and that the proceedings are terminated; and, in that case, the costs of the proceedings shall be paid by~~

(a) Paragraphs (h), (i) and (j) inserted by Ordinance 12/1963 – came into force on 17 June 1963
 (b) Amended by Ordinance 20/2014 – came into force on 16 May 2014
 (c) Paragraph (k) and following general paragraph inserted by Ordinance 4/1987 – came into force on 30 March 1987
 (d) Section 11 repealed by Ordinance 9/1964 – came into force on 15 July 1964

~~the Government or Her Majesty's Naval, Military or Air Force Authorities or of Her Majesty's Government in the United Kingdom by the public body concerned as the case may be.~~

Decision of the Tribunal

12. The Tribunal shall order the Acquiring Authority to pay the sum awarded in accordance with the terms of its decision. Such sum shall be paid from the public funds of Cyprus or by Her Majesty's Naval, Military or Air Force Authorities or by Her Majesty's Government in the United Kingdom or by the public body concerned, as the case may be.

~~The Acquiring Authority, in paying the sum, may make deductions on account of immovable property tax, which may be due to Government in respect of the land with regard to which compensation is awarded and shall pay the amount so deducted to the Comptroller of Inland Revenue:~~

~~Provided that the Tribunal shall order that the whole or any portion of the compensation be paid to any mortgagee of the land in satisfaction in whole or in part of the sum secured by the mortgage, or to any lessee of the property, as compensation in respect of the determination of his tenancy, or to any judgment creditor who has registered his judgment in the manner provided by law, in satisfaction in whole or in part of the sum due under the judgment:~~

~~Provided also, that if any person refuses to accept any sum ordered to be paid to him under the provisions of this Law, or is absent from Cyprus, the Acquiring Authority may pay the sum into the District Court of the District in which the land in question is situated. (a)~~

Persons entitled to compensation (b)

12A.—(1) The person entitled to the payment of compensation in respect of any land acquired under the provisions of this Ordinance is the owner of such land (which expression shall, in relation to any land, include the person entitled to be registered as the owner thereof):

Provided that—

- (a) where any land in respect of which compensation is payable under this Ordinance is pledged or charged with the payment of any sum secured by a mortgage, registration of judgment or any other encumbrance or charge under the provisions of any Ordinance in force for the time being, there shall be paid to the respective pledgee, mortgagee, judgment creditor or other person in whose favour such encumbrance or charge operates, as the case may be, the whole or such portion of the compensation payable as shall be sufficient to satisfy, in whole or in part, the sum due thereunder, according to the respective priority of such pledge, mortgage, registration of judgment or other encumbrance or charge;*
- (b) where any land in respect of which compensation is payable under this Ordinance is under any lease, tenancy, hiring or hire-purchase agreement, there shall be paid to the lessee, tenant, hirer or hire-purchaser such portion of the compensation payable as shall be sufficient to compensate him for the termination of his lease, tenancy, hiring or hire-purchase agreement, as the case may be.*

(2) Notwithstanding anything in sub-section (1) contained, compensation may also be paid to any person establishing, by virtue of an order of a competent Court of the Areas or of the Republic, a right or interest in the land in respect of which such compensation is payable.

(a) Deleted by Ordinance 12/1963 – came into force on 17 June 1963

(b) Section 12A inserted by Ordinance 12/1963 – came into force on 17 June 1963

(3) In the event of any dispute as to the person entitled to the payment of the whole or any portion of the compensation in respect of any land acquired under the provisions of this Ordinance, or as to the amount to which such person may be entitled, such dispute shall be determined by the Judge's Court on the application of the Acquiring Authority or of any of the persons interested in such land.

(4) If any person refuses to accept any sum ordered to be paid to him under the provisions of this Ordinance, or if on account of his disability or absence from the Island of Cyprus the payment of such compensation to him cannot be effected, the Acquiring Authority may pay the sum into the Court of the Areas.

~~*(5) In making any payment under this section the Acquiring Authority shall make deductions, from the amount payable, of any tax, rate, duty, fee or other similar charge in respect of the property acquired and shall pay the amount so deducted to the authority to whom such tax, rate, duty, fee or other similar charge is due. (a)*~~

(5) (a) The payable compensation shall not be subjected to any tax, duty or any other deduction;

(b) In making any payment under this Section the Acquiring Authority shall make deductions from the amount payable of any tax, rate, duty, fee or other similar charge due prior the acquisition and in respect of the property acquired and shall pay the amount so deducted to the authority to whom such tax, rate, duty, fee or other similar charge is due.

Sale of surplus land (b)

~~**13.—**(1) Subject to subsection (2), the Government or Her Majesty's Naval, Military or Air Force Authorities or Her Majesty's Government in the United Kingdom or the public body concerned, as the case may be, shall, within one year from the completion of the works or at the expiration of the period prescribed for the completion of the works, or from the abandonment of the undertaking in connection with which the land had been acquired, sell and dispose of any land which is found to be in excess of the extent actually required or to be no longer required for the purpose for which it has been acquired, unless, in the meantime, such land is required for another undertaking of public utility in respect of which a notification has been published in the Gazette under the provisions of this Law, in which case such land may be retained for the purposes of such other undertaking.~~

~~(2) (a) Before any sale as in subsection (1), the land shall, unless—~~

~~(i) it has, in the meantime, been built upon or used for building purposes; or~~

~~(ii) the abandonment, as in the said subsection provided, takes place more than ten years after the date of the acquisition;~~

~~be offered for sale, as in paragraph (b) of this subsection provided, to the person from whom the land has been acquired who shall signify his desire to purchase the land within six weeks from the date when the offer was made, otherwise he shall be deemed to have refused the offer;~~

~~(b) the offer for sale in paragraph (a) of this subsection mentioned shall be made by notice under the hand of the Director of Lands and Surveys to be delivered to the previous owner;~~

~~Provided that, if the previous owner cannot be conveniently found, the notice shall be left at his usual place of abode with any adult inmate thereof;~~

~~Provided further that, where the previous owner is absent from Cyprus or is dead or where it is impossible or impracticable to ascertain the person to whom the offer should be made, the notice shall be published in the Gazette and in not less than two newspapers published in Cyprus and shall also be posted up in a conspicuous place near or upon the land to which the notice relates;~~

(a) Repealed and replaced by Ordinance 1/1986 – came into force on 07 April 1986

(b) Section 13 repealed and replaced by Ordinance 12/1963 – came into force on 17 June 1963

~~(c) in case the offer is accepted, if the parties fail to agree as to the price, such price shall be determined by the Tribunal and for the purposes of this paragraph the rules set out in section 10 of this Law shall, so far as possible, apply to any arbitration proceedings instituted hereunder;~~

~~(d) upon signification by the person concerned of his desire to purchase the land as aforesaid, the land shall not be transferred to his name, unless the price agreed upon or determined as aforesaid is paid and, if such price is not paid within two months from the date it has been agreed upon or determined, such person shall be deemed to have refused the offer and the land may be sold accordingly without prejudice to the liability of the person concerned to pay any costs that may have been awarded against him in the proceedings.~~

~~(3) Except where the land is sold to the person from whom it has been acquired as in subsection (2) provided, every sale under this section shall be by public auction to the highest bidder.~~

Disposal of immovable property acquired

13.—(1) Where any land has been acquired and, within three years of the date on which such land has vested in the Acquiring Authority, the purpose for which it has been so acquired is not attained, or the attaining of such purpose is abandoned by the Acquiring Authority, or the whole or any part of such land is found by the Acquiring Authority to be in excess of its actual requirements, the following provisions shall have effect, that is to say—

(a) the Acquiring Authority shall, by a notice in writing, offer such land, at the price at which it has been acquired, to the person from whom such land has been acquired, or, if dead, to his legal personal representatives or heirs who shall, within three months of the giving of such notice, by a notice in writing addressed to the Acquiring Authority, signify acceptance or non-acceptance of the offer; and if no reply to the offer is given within the period aforesaid, such offer shall be deemed not to have been accepted:

Provided that, where, during the period of the occupation of any land for the purpose for which it has been acquired under the provisions of this Ordinance, there has been any addition to, or deduction from, such land or any other alteration thereof, or where only a part of any land acquired under the provisions of this Ordinance is offered by the Acquiring Authority under the provisions of this section, a reasonable price therefor shall be fixed by the Acquiring Authority and indicated in the notice hereinbefore mentioned; and the person to whom such notice has been given may, in his notice signifying acceptance of the offer of the land, dispute the price therefor fixed and indicated as aforesaid, whereupon the price shall, in default of agreement, be determined by the Tribunal;

(b) where the person to whom a notice under paragraph (a) of this sub-section has been given has signified acceptance of the offer referred to therein as aforesaid, such person shall, within a further period of three months of such signification of acceptance or, in the circumstances envisaged in the proviso to the said paragraph (a), within a period of three months of the date on which the price at which the land shall be returned to him is agreed between him and the Acquiring Authority or determined by the Tribunal, as the case may be, pay to the Acquiring Authority the price due for the return of the land aforesaid; and the Acquiring Authority shall, thereupon, promptly cause ownership of the land to be transferred to him.

(2) In any of the following circumstances, that is to say—

(a) where a person to whom a notice under paragraph (a) of sub-section (1) of this section has been given does not accept the offer of any land referred to therein; or

(b) where a person who has accepted the offer of any land as in paragraph (a) of sub-section (1) of this section fails to pay the price within the period specified in paragraph (b) of the said sub-section; or

(c) where the whole or any part of any land acquired under this Ordinance is, at any time after the attainment of the purpose for which it has been so acquired, considered by the Acquiring Authority to be no longer required for such purpose,

the Acquiring Authority shall sell such property by public auction.

(3) The provisions of sub-sections (1) and (2) of this section shall not apply to any land or part thereof which is required for another undertaking of public utility in respect of which a notification has been published in the Gazette under the provisions of this Ordinance, in which case such land may be retained for the purposes of such other undertaking.

Special provisions where property held communally is acquired (a)

13A.—(1) *In relation to the acquisition under this Ordinance of any land held or enjoyed as mentioned in section 2(g) of this Ordinance, the Administrator shall take such steps as he may deem fit to select, as may from time to time be necessary, from among the owners of the land one or more persons whom he is satisfied represent the interests of the owners and who shall be treated as representing the owners for the purposes of this Ordinance.*

(2) The Administrator shall publish by notice in the Gazette the names of the person or persons so selected who shall be treated as representing the owners for all the purposes of this Ordinance or for such of those purposes as may be specified in the Notice.

Betterment charge in certain cases (b)

~~**14.**—(1) Where, by the acquisition of any land under this Law for the purpose of making a new road or of widening or straightening an existing road or part of it., any other land is increased in value, the Acquiring Authority shall, if he makes a claim for that purpose within one year of the execution of the work, be entitled to recover from any person whose land is so increased in value a contribution towards the cost of the work, not exceeding one fourth of the amount of that increase.~~

~~(2) Where any land acquired under this Law has, previous to such acquisition, been made into a road or been used to widen or straighten an existing road or part thereof by Her Majesty's Naval, Military or Air Force Authorities whilst any such authority had possession of or had used such land by virtue of a title less than absolute ownership, and as a result of such work any other land has been increased in value, the Acquiring Authority shall, if he makes a claim for that purpose within one year of the date of the notification sanctioning the acquisition of the land, be entitled to recover the same contribution as if he had made the claim under subsection (1).~~

~~(3) Where a contribution is imposed under this section, compensation shall be paid for any land which has been acquired; and the amount of compensation may be set off against the contribution due under this section.~~

~~(4) Any question whether any land is increased in value within the meaning of this section and as to the amount of such increase shall, in default of agreement, be determined by the Tribunal.~~

~~(5) In default of agreement, the contribution due from the owner towards the cost of the work shall be payable in not less than four equal annual instalments and shall be recoverable as a civil debt by the Acquiring Authority from the owner of the land for the time being.~~

Saving as to places of public worship

15. The provisions of this Law relating to the acquisition of land shall not extend to the acquisition of any building in which public worship is habitually held.

(a) Section 13A inserted by Ordinance 12/1963 – came into force on 17 June 1963

(b) Section 14 repealed by Ordinance 12/1963 – came into force on 17 June 1963

Accommodation work

16. Whenever the construction of any undertaking authorized under this Law causes the interruption of any right of way or of any right to the passage of water, the Governor, instead of sanctioning the acquisition of the right, shall, wherever he considers it practicable so to do, provide for the construction and maintenance of such crossings, bridges, culverts, watercourses or other passages as may be necessary for the purpose of making good the interruption and enabling the right to be enjoyed as before the construction of the work or as nearly as may be.

For the purpose of furnishing such accommodation the Acquiring Authority shall have power to acquire land under the provisions of this Law as if it were required for the original undertaking.

Preservation of property, offences and penalties (a)

17.—(1) *No land referred to in a notice published under the provisions of sub-section (1) of Section 6 of this Ordinance shall be destroyed or damaged at any time between the publication of such notice and the completion or the abandonment of the acquisition to which the notice relates, as the case may be.*

(2) Any person who acts, or allows any other person to act, in contravention of the provisions of sub-section (1) of this section shall be guilty of an offence under this Ordinance and shall, on conviction, be liable to imprisonment not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

Proceedings not invalidated by alienation etc.

18. *Where any land to which a notice published under the provisions of sub-section (1) of Section 6 of this Ordinance relates is, at any time after the publication of such notice, alienated, leased, attached or charged with the payment of any sum, the alienation, lease, attachment or charge aforesaid shall not operate to extend any period prescribed by this Ordinance or specified in any notice given thereunder or to invalidate or delay the relative compulsory acquisition proceedings or any proceedings that may have been taken under this Ordinance.*

Service of documents (b)

19.—(1) *A document to be served on a person under this Ordinance is to be served either by personal service on the person or by registered letter to the last known address of the person (whether or not that address is on the Island of Cyprus).*

(2) A document may be served on a person whose whereabouts cannot be established (whether or not that person is thought to be absent from the Island of Cyprus) by registered letter to the last known address of the person on whom the document is to be served and in addition is to be—

- (a) published in a newspaper with a circulation in the Island of Cyprus; and*
- (b) attached to a prominent place within the town or village where the person to whom it is addressed was last known to reside.*

(3) If a document to be served relates to immovable property in respect of which ownership cannot be ascertained, that document may be served by—

- (a) publishing it in a newspaper with a circulation in the Island of Cyprus; and*
- (b) attaching it to a prominent place within the town or village where the property concerned is situated.*

(4) If a document to be served relates to immovable property in respect of which ownership is disputed, that document is to be served on all of the parties to the dispute.

(a) Section 17 and 18 inserted by Ordinance 12/1963 – came into force on 17 June 1963

(b) Section 19 inserted by Ordinance 36/2010 – came into force on 01 January 2011

(5) If a document has been served on a person by personal service, a certificate stating the date of service and signed by the person effecting such service is evidence of such service.

(6) If a document has been served in accordance with subsection (2)(b) or (3)(b), a certificate stating the date on which the document was attached and signed by the person attaching the document is evidence of such service.

(7) Subject to subsection (8), a document served by registered post is deemed to have been served on the person to whom it is addressed—

- (a) 7 days from when it was posted if addressed to a person on the Island of Cyprus; or
- (b) 50 days from when it was posted if addressed to a person elsewhere.

(8) A document served by registered post under subsection (2) is deemed to have been served 50 days from the latest of the date when the document was—

- (a) posted by registered post;
- (b) published in a newspaper with a circulation in the Island of Cyprus; or
- (c) attached to a prominent place within the town or village where the person to whom it is addressed was last known to reside.

(9) A copy of a public notice is published for the purposes of subsection (2)(a) or (3)(a) if it has been published in accordance with section 6(3).

(10) In this section “document” includes any notification, announcement or other communication.

(11) In this section the day on which a document is posted, published in a newspaper or attached to a prominent place does not count for the purpose of calculating time.

(12) If it is not possible to send a registered letter to an address not on the island of Cyprus then the letter need not be registered.

SCHEDULE 1

(Section 6)

Notice is hereby given that the following lands [*describe lands, giving measurements and showing boundaries whenever practicable*] are required for an undertaking of public utility.

Any person claiming to have any right or interest in the said land who object to the acquisition is require within ~~six~~(a) two weeks from the date of this notice to send to me a statement of his right and interest and of the evidence thereof, and of any claim made by him in respect of such right or interest.

The [*name of Acquiring Authority*] is willing to treat for the acquisition of the said lands.

A plan showing the land described above is available for inspection at
.....
.....

Theday of

Commission of

(a) Amended by Ordinance 4/1987 – came into force on 30 March 1987

