



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREA GAZETTE

No. 66 of 19th JUNE, 1963.

LEGISLATION.

ORDINANCE 13 OF 1963.

AN ORDINANCE

TO AMEND THE COMPENSATION (DEFENCE) ORDINANCE.

DENIS BARNETT,
ADMINISTRATOR.

15th June, 1963.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

1. This Ordinance may be cited as the Compensation Defence (Amendment) Ordinance, 1963, and shall be read as one with the Compensation (Defence) Ordinance (hereinafter referred to as the "principal Ordinance").

Short title.

Cap. 173 (Laws of Cyprus).

2. Section 2 of the principal Ordinance is hereby amended by inserting immediately after the definition of "requisition" appearing therein the following new definition:—

Section 2 of principal Ordinance amended.

“‘requisitioning authority’ means the Administration or any other authority entitled to requisition under the provisions of emergency powers;”.

3. Section 4 of the principal Ordinance is hereby amended:—

Section 4 of principal Ordinance amended.

(i) by deleting paragraph (b) of sub-section (1) thereof and substituting therefor the following paragraph:—

“(b) a sum equal to any diminution in the value of such land resulting either from the presence on or in or over such land of any building or other erection, structure or fixture erected, constructed or affixed by the requisitioning authority, or from any damage occasioned to such land

during the period for which possession thereof is so retained, no account being taken of fair wear and tear or of any damage made good by the requisitioning authority, and”;

(ii) by deleting the colon in paragraph (d) of sub-section (1) thereof and substituting therefor a comma and the word “and”;

(iii) by inserting immediately after paragraph (d) in sub-section (1) thereof the following new paragraph, to be lettered (e):—

“(e) where, at the date possession of the land was taken in the exercise of emergency powers, such land was, and but for the requisition would continue to be, used for the carrying on of any business, trade, profession or vocation, a sum equal to the loss, if any, directly sustained by reason of the requisition:”;

(iv) by deleting paragraph (i) of the proviso to sub-section (1) thereof and substituting therefor the following new paragraph:—

“(i) in computing for the purposes of paragraph (a) of this sub-section the rent which might reasonably be expected to be payable in respect of any land and in computing for the purposes of paragraph (c) of this sub-section any amount which might reasonably have been expected to be payable in addition to rent by an incoming tenant, and in computing for the purposes of paragraph (e) of this sub-section any loss to business, trade, profession or vocation, no allowance shall be made on account of the fact that possession of the land is taken in the exercise of emergency powers, and no account shall be taken of any appreciation of values due to the circumstances in which the requisition of such land became necessary; and”;

(v) by deleting paragraph (ii) of the proviso to sub-section (1) thereof and substituting therefor the following paragraph:—

“(ii) there shall not, by virtue of paragraph (b) of this sub-section, be payable in respect of damage to any land a sum greater than the value of such land at the time when possession thereof was taken

in the exercise of emergency powers, no account being taken of any appreciation in the value thereof due to the circumstances in which the requisition of such land became necessary.”;

- (vi) by inserting immediately after sub-section (5) thereof the following new sub-section, to be numbered (6):—

“(6) Any compensation under paragraph (e) of sub-section (1) of this section shall accrue due at the time when the loss in respect of which such compensation is payable is sustained and shall be paid to the person sustaining such loss.”.

4. The principal Ordinance is hereby amended by repealing Sections 15 and 16 thereof and substituting therefor the following two new sections:—

Sections 15
and 16 of
principal
Ordinance
repealed and
replaced.

“Apportionment
of compensation.

15.—(1) Where any sum by way of compensation is payable under the provisions of sub-section (3) of Section 4, sub-section (4) of Section 5, sub-section (5) of Section 6 or sub-section (4) of Section 8 of this Ordinance to the owner of any property requisitioned in the exercise of emergency powers, the following provisions shall have effect, that is to say—

- (a) if such property is, at the time when such sum accrues due, pledged or charged with the payment of any sum secured by a mortgage, registered judgment or any other encumbrance or charge under the provisions of any law 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 sum payable as aforesaid, 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) if such property is, at the time when such sum accrues due, the subject of a hire-purchase agreement, there shall be paid to the hire-purchaser such portion of the compensation payable as shall be sufficient to satisfy any claim he may have, under such hire-purchase agree-

ment, in respect of the matter for which such compensation is payable.

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

(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 property requisitioned in the exercise of emergency powers, 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 requisitioning authority or of any of the persons interested in such property.

Payment of
compensation.

16.—(1) Upon being agreed or determined, after it has accrued due, as provided in this Ordinance, the compensation payable shall be paid promptly and in cash to the person or persons interested, together with interest thereon at the rate of four per centum per annum from the date on which such compensation has accrued due to the date of payment:

Provided that for the purpose of calculating interest under this sub-section, any compensation payable under the provisions of paragraph (a) of sub-section (1) of Section 4, sub-section (2) of Section 5, paragraphs (a) and (b) of sub-section (1) of Section 6, paragraph (a) of sub-section (1) of Section 7 or sub-section (1) of Section 9 of this Ordinance shall be deemed to have accrued due at monthly intervals reckoned from the date on which possession of the property was taken in the exercise of emergency powers.

(2) At any time before the compensation payable is agreed or determined, the requisitioning authority shall, at the request of any person entitled to such compensation, pay to such person the three-fourths of any amount offered by the requisitioning authority in respect of such compensation which has accrued due; and any amount so paid shall be taken into account when, upon being agreed or determined, compensation is paid as provided in this section.

(3) If any of the persons interested does not consent to receive the compensation payable to him 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 requisitioning authority may, subject to any directions of the appropriate Tribunal, deposit the amount of such compensation with the Chief Officer, Sovereign Base Areas Administration, or some other officer authorised by him to receive such deposit.

(4) In making, under this section, payment of any compensation payable to the owner of any property, the requisitioning authority shall make deductions, from the amount payable, of any tax, rate, duty, fee or other similar charge in respect of the property requisitioned and shall pay the amount so deducted to the authority to whom such tax, rate, duty, fee or other similar charge is due.”

5. The principal Ordinance is hereby amended by inserting immediately after Section 16 thereof the following two new sections, to be numbered 16A and 16B respectively:—

New Sections
16A and 16B
added to
principal
Ordinance.

“Notice.

16A.—(1) Any notice or communication required to be given or made under the provisions of this Ordinance may either be served personally in the Areas or sent by registered post addressed to the last known place of residence of the person for whom the notice or communication is intended:

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

- (a) an infant, a mental patient or a person prohibited by a competent Court of the Areas or the Republic from the management of his affairs, the notice or communication shall either be served personally on, or be addressed by registered post to the last known place of residence of, his guardian or, if he has no guardian, such person as the Court may direct;
- (b) absent from the Island of Cyprus, in addition to a notice or communication addressed by registered post to his last known place of residence in the Island of Cyprus, a copy of such notice or communication shall be published in a newspaper circulating in Cyprus.

(2) Where any notice or communication is served personally under the provisions of this Ordinance, a certificate by the person who effected

the service, stating the date on which the same was served, shall be deemed to be **prima facie** evidence of such service.

(3) Any notice or communication sent by registered post under the provisions of this section shall be deemed to have been given to the person to whom it is addressed not later than the seventh day following the day on which the same has been posted:

Provided that where the person to whom such notice or communication is addressed is absent from the Island of Cyprus and, in addition to the notice or communication addressed by registered post a copy thereof is published in a newspaper circulating in Cyprus, such notice or communication shall be deemed to have been given to such person not later than the fiftieth day following the day on which the same has been posted or the copy thereof has been published as aforesaid, whichever is the later.

Agents.

16B. Whenever in this Ordinance it is provided that a person shall receive or give notice to do any act, the same may be received, or given or done by his duly appointed representative or agent, unless the context shall otherwise specify or require.”.

6. The principal Ordinance is hereby amended by repealing Section 18 thereof.

7. Where requisition proceedings in respect of any land have been taken before the date of the coming into operation of this Ordinance, compensation shall be assessed and, when agreed or determined, be paid in accordance with the provisions of the principal Ordinance as if this Ordinance had not been enacted.

I.M.G. WILLIAMS,
Chief Officer.

15th June, 1963.

ORDINANCE 14 OF 1963.

AN ORDINANCE

TO AMEND THE MINES AND QUARRIES (REGULATION) ORDINANCE.

DENIS BARNETT,
ADMINISTRATOR.

15th June, 1963.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

1. This Ordinance may be cited as the Mines and Quarries (Regulation) (Amendment) Ordinance, 1963, and shall be read

Section 18 of principal Ordinance repealed.

Transitional provisions.

Short title.

as one with the Mines and Quarries (Regulation) Ordinance (hereinafter referred to as the "principal Ordinance").

Cap. 270 (Laws of Cyprus).

2. Section 26 of the principal Ordinance is hereby amended by deleting sub-sections (3) to (10), inclusive, thereof and substituting therefor the following seven new sub-sections, to be numbered (3), (4), (5), (6), (7), (8) and (9) respectively:-

Section 26 of the principal Ordinance amended.

"(3) If the owner of the private land on which surface mining operations are to be carried out does not give his consent, as provided in sub-section (2) of this section, or if the lessee of the mining lease and the said owner cannot agree as to the purchase price of such land, or if the owner of the land is a person under disability or is absent from the Island of Cyprus, the lessee of the mining lease may apply to the Compensation Assessment Tribunal (hereinafter referred to as "the Tribunal") to determine the amount payable to the owner of the said land.

Cap. 216 (Laws of Cyprus).

(4) The amount assessed by the Tribunal under the provisions of sub-section (3) of this section shall, unless a sum has already been deposited with the Chief Officer under the provisions of sub-section (6) of this section, be paid within fifteen days of such assessment by the lessee of the mining lease into the Judge's Court, and the Court shall order that such amount shall be paid to such person as it may direct on application made in that behalf:

Provided that the Court shall order the whole or any portion of the sum paid into Court under the provisions of this sub-section or sub-section (6) to 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 land 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.

(5) Payment into the Court of the amount determined by the Tribunal shall be sufficient authority to the Chief Officer to cause registration of the said land to be made in the name of the lessee of the mining lease notwithstanding that such land may be subject to any lease, mortgage, charge or encumbrance. Any such lease, mortgage, charge or encumbrance shall, upon registration of the said land in the name of the lessee of the mining lease, cease and determine.

(6) Notwithstanding anything in this section contained, it shall be lawful for the lessee of a mining lease to carry out mining on any private land within the area for which the mining lease has been granted pending the assessment by the Tribunal of the value of such land if he obtains the consent in writing of the Chief Officer so to do and deposits with the Chief Officer such sums of money as in the opinion of the Chief Officer would be sufficient to cover the value of the land which may be assessed.

(7) Upon the assessment of compensation by the Tribunal under the provisions of sub-section (3) of this section, the Chief Officer shall pay the sum which has been deposited with him under the provisions of sub-section (6) of this section into Court, and the Court shall return to the lessee of the mining lease the amount, if any, by which the sum deposited exceeds the amount assessed.

(8) For the purposes of sub-section (3) of this section, the value of the land shall be taken to be the amount which the land, if sold in the open market, might be expected to realise without regard to any increase in value on account of mining operations being carried on in the vicinity, but allowance shall be made on account of the acquisition being compulsory:

Provided that the Tribunal, in estimating the value of the land, shall give consideration to all returns and assessments of capital or rental value for taxation made or acquiesced in by the owner or occupier.

(9) The provisions of sub-sections (2) to (8) of this section, inclusive, shall apply to any area which is reasonably required by the lessee of a mining lease for purposes of access to the area for which such mining lease has been granted as they apply to the area for which such mining lease has been granted."

I.M.G. WILLIAMS,

Chief Officer.

15th June, 1963.