



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 378 of 21st January, 1974
LEGISLATION

ORDINANCE 1 OF 1974.

AN ORDINANCE

TO PROVIDE FOR THE POSTPONEMENT
OF FORCED SALES OF IMMOVABLE PROPERTY
IN CERTAIN CASES.

JOHN AIKEN

17th January, 1974.

ADMINISTRATOR

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 Debtors (Postponement of Sales of Immovable Property) Ordinance, 1974. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.

“court” means the Judge’s Court ;

“creditor” includes also a mortgagee ;

“debtor” means a debtor who at the date of the coming into operation of this Ordinance—

- (a) derives his main source of livelihood from farming ;
and
- (b) engages in farming personally or through members of his family or through regular or casual workers in his employ ; and
- (c) is the registered owner of immovable property which is on sale or is intended to be sold to satisfy a debt which originates from a contractual or quasi contractual obligation ;

“farming” includes also gardening, fruit growing, dairy farming, animal husbandry and the use of any land for grazing ;

Cap. 224 (Laws of Cyprus) Ordinances 3/60 and 12/66.

“immovable property” has the meaning assigned to such expression by section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance ;

“judgment” means a judgment or order of a competent court ;

Cap. 224 (Laws of Cyprus) Ordinances 3/60 and 12/66.

“owner” in relation to any immovable property has the meaning assigned to such expression by section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance ;

Cap. 6 (Laws of Cyprus) Ordinances 13/66 and 9/70.

“sale” means a sale of immovable property which is to be carried out under a judgment or a writ of sale of immovable property or under Part XI of the Civil Procedure Ordinance or under Part VI of the Immovable Property (Transfer and Mortgage) Ordinance ;

Cap. 6 (Laws of Cyprus) Ordinances 16/66 and 14/70.

“writ of sale” means a writ of sale of immovable property issued under Part V of the Civil Procedure Ordinance.

Application for postponement of fixing of date for sale.

3.—(1) Any debtor against whose immovable property documents for sale have already been deposited at the Area Office or if such documents were to be deposited within a year of the coming into operation of this Ordinance may, within a month from the date of coming into operation of this Ordinance or within a month from the deposit of such documents, as the case may be, apply in writing to the Area Officer for the postponement of any proceedings or action relating to such sale :

Provided that a debtor shall satisfy the Area Officer that he falls within the definition of “debtor” as provided in Section 2 of this Ordinance.

(2) On the receipt of an application from a debtor by the Area Office under sub-section (1) of this Section of the Ordinance any proceedings or action relating to such sale shall be stayed until the decision of the Area Officer is notified as in Section 4 of this Ordinance provided, and, in the event of an appeal against such a decision, until the final judgment of the Court as in Section 7 of this Ordinance provided.

Decision of Area Officer on application.

4. The Area Officer shall consider every application submitted to him under sub-section (1) of Section 3 of this Ordinance and shall decide whether he will postpone any proceedings or action relating to such sale and shall communicate his decision to the creditor and debtor.

Criteria.

5. In exercising the powers conferred upon him under this Ordinance, the Area Officer shall take into consideration whether the owner of the immovable property under sale is a debtor within the definition of Section 2 of this Ordinance.

Appeal.

6. Any person who objects to any decision made by the Area Officer under the provisions of this Ordinance may, within thirty days from the date of such decision being served on him, appeal to the Court against such decision and the Court may issue such Order as it may deem fit :

Provided that the Court may extend the period within which such appeal may be made if the Court is satisfied that the appellant was not in a position to make an appeal in time owing to his absence from the Island of Cyprus or sickness or any other justifiable cause.

7.—(1) On the receipt of an appeal by the Court under Section 6 of this Ordinance and the delivery of a certified copy thereof at the Area Office any further proceedings or action relating to such sale shall be stayed until the issue of a final judgment thereon by the Court.

Postponement
of action.

(2) On delivery at the Area Office of any Order by the Court under the provisions of section 6 of this Ordinance, the fixing of a date of sale shall be postponed in accordance with the said Order.

8. The period of any postponement of sale of immovable property following a decision by the Area Officer or an Order of the Court under this Ordinance, as the case may be, and of any postponement under sub-section (1) of Section 7 of this Ordinance, shall not be counted for the purpose of computing the duration of the registration of a judgment relating to the said immovable property under the provisions of the Civil Procedure Ordinance or the duration of any writ of sale thereunder.

Period of
time for
prescription,
etc, unaffected.

Cap. 6 (Laws
of Cyprus)
Ordinances
16/66 and 14/70.

9. No postponement of fixing a date of sale of any immovable property may be decided upon in the event of a debt which has been contracted or has arisen after the date of the coming into operation of this Ordinance.

Non-application
in the event of
certain debts.

10. No postponement of fixing a date of sale of immovable property shall be decided upon for a period exceeding one year from the date of the coming into operation of this Ordinance.

Maximum
period of
postponement
of fixing of
date of sale.

11. This Ordinance shall remain in force for one year from the date of its coming into operation and shall then expire without prejudice to any act or omission thereunder.

Duration of
the Ordinance.

W.C. CURTIS

Chief Officer.

17th January, 1974.

(SBA/118/4)
