



**SUPPLEMENT No. 2**  
**TO**  
**THE SOVEREIGN BASE AREAS GAZETTE**  
**No. 490 of 23rd January, 1978.**  
**LEGISLATION**

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ORDINANCE 1 OF 1978.

**AN ORDINANCE**

CONTAINING TEMPORARY PROVISIONS RELATING  
TO TRANSFERS AND MORTGAGES OF IMMOVABLE  
PROPERTY IN THE SOVEREIGN BASE AREAS.

R. D. AUSTEN-SMITH  
ADMINISTRATOR

*20th January, 1978.*

**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 Mortgage of Immovable Property (Temporary Provisions) Ordinance, 1978. Short title.

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

“contract” means a written agreement relating to mortgage.

(2) Expressions not otherwise defined in this Ordinance, unless the context otherwise requires, shall have the meaning assigned to them in the Immovable Property (Transfer and Mortgage) Ordinance, 1966. Ordinances  
16/66 and 14/70.

3. Notwithstanding anything contained in the Immovable Property (Transfer and Mortgage) Ordinance, 1966, where it is intended to mortgage any registered immovable property in respect of which the land register or other land registration books are not available, the Chief Officer may accept the production of a contract instead of a declaration of mortgage. Temporary provisions  
in respect  
of production  
of contracts  
instead of  
declarations  
of mortgage  
Ordinances  
16/66 and 14/70.

Declaration to accompany the contract.

4. The contract shall be deposited with the Chief Officer by the mortgagor and mortgagee and shall be accompanied by a written declaration in a form prescribed by the Chief Officer, which shall contain a description of the immovable property by reference to locality and plot number on the Government Survey plan, an assurance by the mortgagor to the effect that the immovable property exists and is registered in his name and is free from any encumbrance and that the mortgagor is not under any prohibition.

Acceptance of contract.

5. After the acceptance of the contract by the Chief Officer, a written note shall be made by him to the effect that the contract has been accepted and the date and time of such acceptance shall also be recorded.

Registration of contract and issue of certificate.

6. The contract shall be registered by the Chief Officer in a special register kept for the purpose and a certificate of registration of the contract shall be issued to the mortgagor as well as to the mortgagee, on which the Chief Officer shall make a note that he will cause the mortgage to be registered and that a certificate of registration of mortgage under the terms and conditions provided in Section 7 of this Ordinance will be issued.

Registration of mortgage.

7. If at the time of acceptance of the contract the immovable property was registered in the name of the mortgagor and was free from any encumbrance and the mortgagor was not under any prohibition, as soon as the land registers or other land registration books become available, the Chief Officer may carry out the necessary registration in the appropriate land register and issue the requisite registration certificate of mortgage :

Provided that all requirements envisaged in any legislation in force for the time being relating to the registration of mortgage shall be complied with.

Acceptance of the production of a contract instead of a declaration of mortgage in appropriate circumstances.  
Ordinances 16/66 and 14/70.

Ordinance 11/75.

Ordinance 11/75.

Ordinances 8/71 and 12/73.

Ordinances 16/16 and 14/70.

8.—(1) Notwithstanding anything contained in the Immovable Property (Transfer and Mortgage) Ordinance, 1966 whenever the mortgage of immovable property acquired conditionally under the Transfer of Immovable Property (Dhekelia Sovereign Base Area) (Temporary Provisions) Ordinance, 1975 the Chief Officer may, instead of a declaration of mortgage, accept the production of a contract under and in accordance with the provisions of this Ordinance subject to the necessary modifications, accompanied by the certificate of registration of contract issued under section 6 of the Transfer of Immovable Property (Dhekelia Sovereign Base Area) (Temporary Provisions) Ordinance, 1975 as well as an assurance by the mortgagor that the immovable property is free from any encumbrance and that he is not under any prohibition and fees and charges under the Lands and Surveys (Fees and Charges) Ordinance, 1971 shall be levied and taken as if it were a declaration of mortgage under the Immovable Property (Transfer and Mortgage) Ordinance, 1966.

(2) After the acceptance of the production of a contract by the Chief Officer as provided in sub-section (1) of this section of the Ordinance, the provisions of sections 5, 6, 7 and 9 shall apply, *mutadis mutandis*, as if they would apply to cases of production and acceptance of a contract under sections 3 and 4 of this Ordinance.

9.—(1) All the provisions of the Immovable Property (Transfer and Mortgage) Ordinance, 1966 relating to declarations of mortgage which are not in conflict with the express provisions of this Ordinance shall apply *mutadis mutandis*.

Application of provisions of other Ordinances.

Ordinances 16/66 and 14/70.

(2) All the provisions of the Lands and Surveys (Fees and Charges) Ordinance, 1971 shall apply *mutadis mutandis*.

Ordinances 8/71 and 12/73.

10. Any person who shall knowingly make or cause to be made any false statement or declaration shall be guilty of an offence under this Ordinance and shall be liable on conviction to the same penalty as if he had given false evidence in any judicial proceedings.

Offences and penalties.

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20th January, 1978.

P. G. ADAMS

Chief Officer.

(118/2)

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