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SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 942 of 11th September, 1991.
LEGISLATION

ORDINANCE 16 OF 1991.

AN ORDINANCE
TO AMEND THE IRRIGATION DIVISIONS
(VILLAGES) ORDINANCE.

A.F.C. HUNTER
ADMINISTRATOR

30th August, 1991.

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 Irrigation Divisions (Villages) (Amendment) Ordinance, 1991 and shall be read as one with the Irrigation Divisions (Villages) Ordinance (hereinafter referred to as “the principal Ordinance”).

Short title.

Cap. 342 – Laws of Cyprus.

2. Section 2 of the principal Ordinance is hereby amended as follows:—

Section 2 of the principal Ordinance amended.

(a) by the addition in the proper alphabetical order of the following definition:—

“waterworks” shall have the meaning given to this expression by Section 2 of the Public Waterworks Ordinance;

Cap. 341 – Laws of Cyprus and Ordinance 4/69.

(b) by the deletion in the definition of “irrigation works” of the words “or erosion”, by the insertion of a comma after the words “water-logging” and the addition of the following:—

“erosion or in respect of, or in connection with, the replenishment of aquifer or drainage of lands”;

(c) by the deletion of the semi-colon appearing at the end of the definition of the word “committee” and by the addition thereto of the following words “and includes any person appointed under the provisions of this Ordinance to perform the functions of the committee”.

Section 3 of the principal Ordinance amended.

3. Section 3 of the principal Ordinance is hereby amended by the addition at the end thereof of the following new paragraphs:—

“(d) the acquisition by purchase, lease, or otherwise, of water, including water belonging to the Government of the Republic of Cyprus from any waterworks and the regulation of the use, distribution and disposal thereof;

(e) the amalgamation of two or more irrigation divisions:

Provided that it shall be lawful to form an irrigation division which also shall include lands already included in another irrigation division, for any of the purposes set out in this Section”.

Section 4 of the principal Ordinance amended.

4. Section 4 of the principal Ordinance is hereby amended by the insertion after the words “in writing” appearing in the seventh and eighth lines thereof of the following:—

“and certified by the Head of the Community of the village or of the parish in which the authorising proprietor resides”.

Section 5 of the principal Ordinance amended.

5. Section 5 of the principal Ordinance is hereby amended by the addition at the end thereof of the following provisos:

“Provided that any person who shall be present at the meeting shall not be entitled to represent by proxy more than ten proprietors of the irrigation division:

Provided further that at any meeting called for the purpose of determining whether an irrigation division shall be formed, the attendance of at least 10 proprietors shall be necessary to form a quorum.”

Section 10 of the principal Ordinance amended.

6. Section 10 of the principal Ordinance is hereby amended as follows:—

(a) by deleting the word “five” appearing in the fifth line of subsection (1) thereof and substituting therefor the word “seven”;

(b) by inserting immediately after subsection (1) thereof the following two provisos:—

“Provided that for a meeting where an irrigation committee is to be elected, the number of proprietors necessary to form a quorum shall be double the number of committee members proposed for election:

Provided further that when a quorum is not formed at a meeting to elect an irrigation committee, it shall be postponed for at least one week. At the meeting following the postponement, the proceedings shall take place so long as the proprietors present thereat, are no fewer than the number of the members of the committee of the irrigation division concerned.”

(c) by adding the following new subsection to be numbered (9):—

“(9).-(a) Where the election of a committee as provided by this Ordinance and the Regulations made thereunder has not been possible by reason of

the non-attendance of the required number of proprietors or by reason that the proprietors have declined to elect a committee, or for any other reason, the Administrator acting in consultation with the appropriate authority of the Republic may, by order published in the Gazette, appoint a number of persons, in any case not less than three, to administer the affairs of the irrigation division and to exercise all powers and perform all the duties of the committee of the said division, during the period of office provided for the committee whose election was not made possible;

- (b) two months before the expiration of the period of office of the persons appointed under paragraph (a) of this subsection, the Area Officer shall make the necessary arrangements for the election of a committee as provided in this Ordinance and the Regulations made thereunder.”.

7. Section 11 of the principal Ordinance is hereby amended by inserting immediately after the words “breach of duty” appearing in the third line thereof the following:—

Section 11 of the principal Ordinance amended.

“or does not carry out properly any of his duties as provided by this Ordinance or the Regulations made thereunder”.

8. Section 13 of the principal Ordinance is hereby repealed and replaced by the following new Section:—

Section 13 of the principal Ordinance repealed and replaced.

“Powers of Committee.

13.—(1) The committee shall have the general supervision and control of the irrigation works, the administration and management of the irrigation division and the affairs thereof and, subject to the prior written consent of the Area Officer, shall have power to:—

- (a) contract a loan with any person for any purpose approved by the Area Officer in connection with the functioning of the irrigation division and to mortgage or pledge to the lender any property of the irrigation division, including the rates and other charges payable under the provisions of this Ordinance, for securing the discharge of such loan with the interest thereon;
- (b) decide the carrying out of any work in connection with the irrigation works in the irrigation division and appoint for this purpose suitable and qualified persons;
- (c) enter into an agreement with the committee of another irrigation division for the amalgamation thereof or the joint

carrying out of work with regard to the construction, execution, maintenance, improvement, repair, supervision, control and administration of any irrigation work necessary or beneficial for the purposes of any such divisions, including an agreement for arranging and fixing the contribution and obligations of each irrigation division for carrying out such work;

- (d) acquire by purchase, exchange or otherwise, any property necessary or useful for the irrigation division and sell, lease, exchange or otherwise dispose of any property or land of the irrigation division no longer necessary or useful for the irrigation division;
- (e) enter into agreements with the Government of the Republic of Cyprus for acquiring by purchase, lease, exchange or otherwise, water belonging to the said Government from any waterworks, for the purposes and requirements of the irrigation division;
- (f) enter into agreements with the committee of another irrigation division or with the committee of an irrigation division functioning under the Irrigation (Private Water) Association Ordinance, for purchasing, leasing or using water or irrigation works of such division or association and for the sale, lease, assignment of use or otherwise of water of the irrigation division to such division or association;
- (g) acquire compulsorily lands necessary or useful for any irrigation works of the irrigation division;
- (h) make recommendations regarding the requisitioning of lands necessary or useful for any irrigation works of the irrigation division;
- (i) Levy and prescribe rates and charges in exchange for and in connection with the provision of water, or of a benefit from the water provided, or of any other benefit accruing or capable of accruing by any irrigation works and generally in exchange for and in connection with the services rendered by the committee with regard to such provisions and benefit;
- (j) in general, exercise any other competence which may be necessary for achieving the purposes of this Ordinance or for the better carrying out of the provisions thereof.

(2) Any land purchased or acquired by the committee in any other manner under this Section, shall be registered in the name of the irrigation division concerned.”.

9. The principal Ordinance is hereby amended by repealing Section 15 thereof and substituting therefor the following new Section:

Section 15 of the principal Ordinance repealed and replaced.

“Committee to prepare lists of proprietors and lands.

15.—(1) As soon as possible after its formation and in any case not later than two months thereafter, the committee shall prepare a list of the names and addresses of the proprietors and recognised occupiers of the lands and the extent thereof which are to be benefited or are capable of being benefited in any manner by the irrigation works.

(2) Whenever water has been saved due to an improvement in the irrigation system, the committee shall prepare a supplementary list of names and addresses of the proprietors and recognised occupiers of the lands and the extent thereof which are to be benefited or are capable of being benefited in any manner by such saving of water and such list shall form an integral part of the list prepared under subsection (1) of this Section.

(3) Where, due to the construction of irrigation works for the purpose of replenishing an aquifer, proprietors or recognised occupiers of lands not included in the lists of subsections (1) and (2) of this Section shall be benefited in any manner, the committee shall prepare annually, a list of their names and addresses, their lands and extent thereof which are to be benefited or are capable of being benefited in any manner by such irrigation works and such list shall form an integral part of the list prepared under subsection (1) of this Section:

Provided that lands benefited or capable of being benefited in any manner by irrigation works of an irrigation division and not included or situated in such division, may be included mutatis mutandis in any of the lists of this Section together with the names and addresses of the proprietors or recognised occupiers thereof, irrespective of whether such lands are included or situated in any other irrigation division.”.

10. Section 16 of the principal Ordinance is hereby amended by deleting the word “list” wherever such word appears therein and substituting therefor the word “lists”.

Section 16 of the principal Ordinance amended.

11. Section 17 of the principal Ordinance is hereby amended as follows:—

Section 17 of the principal Ordinance amended.

- (a) by deleting the word “list” wherever such word appears therein and substituting therefor the word “lists”.

- (b) by deleting the proviso to paragraph (c) of subsection (2) thereof and substituting therefor the following new proviso:—

“Provided that the prescribing of such rates and charges may be made per donum or extent of land or in accordance with the type of plantation or the volume of, or the period of time for which the water was used or provided, and in prescribing same, regard shall be had to the proportion and degree of the benefit derived from any source whatsoever, or which could be derived by any persons or lands contained in the lists provided in Section 15 of the Ordinance, from the irrigation works”;

- (c) by adding immediately after paragraph (g) of subsection (2) thereof, the following proviso:

“Provided that in regulating such use, the supply of water to proprietors refusing or consistently failing to pay the rates and charges due by them, may be suspended until such rates and charges are paid.”;

- (d) by deleting the words “monies in the hands of the committee or the treasurer at the time of such dissolution” appearing in the fourth, fifth and sixth lines of paragraph (h) of subsection (2) thereof and substituting therefor the words “any kind of property owned by the irrigation division” and by inserting immediately thereafter the following proviso:—

“Provided that in the event of the dissolution of an irrigation division, the irrigation works thereof shall come under the control, administration and possession of the Government of the Republic of Cyprus but without prejudice to existing private rights of use or otherwise thereon.”;

- (e) by adding at the end of subsection (2) thereof the following new paragraph:—

“(i) prescribe any matter which under the Ordinance shall or may be prescribed.”.

12. The principal Ordinance is hereby amended by repealing Section 21 thereof and substituting therefor the following new Section:—

“Failure to pay rates or charges in time

21. Any proprietor who either refuses, fails or neglects to pay to the Treasurer of the irrigation committee the rates or charges due by him under paragraph (i) of subsection (1) of Section 13 of the Ordinance shall be guilty of an offence and shall be liable on conviction to the payment of a fine not exceeding fifty pounds.”.

13. The principal Ordinance is hereby amended by repealing Section 22 thereof and substituting therefor the following new Section:—

“Collection of rates and charges.

22. Where a person is convicted of having refused, failed or neglected to pay any rates or charges payable by him under paragraph (i) of

Section 21 of the principal Ordinance repealed and replaced.

Section 22 of the principal Ordinance repealed and replaced.

subsection (1) of Section 13, the Court may, in addition to imposing any fine, order such convicted person to pay the rates and charges which he had refused, failed or neglected to pay.”.

14. Section 29 of the principal Ordinance is hereby amended by the addition thereto of the following proviso:—

Section 29 of the principal Ordinance amended.

“Provided that no action or other legal proceedings may be brought by an irrigation division without the prior decision of the majority of the committee members and the written consent of the Area Officer therefor.”.

15. Section 30 of the principal Ordinance is hereby amended by deleting the words “moneys in the hands of the committee and the Treasurer at the time of such dissolution” appearing in the fifth, sixth and seventh lines thereof and substituting therefor the words “property of any kind owned by the irrigation division.”.

Section 30 of the principal Ordinance amended.

16. The principal Ordinance is hereby amended by repealing Sections 32 and 33 thereof and substituting therefor the following new Sections:—

Section 32 and 33 of the principal Ordinance repealed and replaced.

“Compulsory acquisition.

32.(1) Where it shall be deemed necessary to acquire land for any irrigation works by virtue of this Ordinance and this cannot be effected by agreement or otherwise, the committee as acquiring authority may acquire the same compulsorily, in accordance with the provisions of the Land Acquisition Ordinance.

Cap. 226 – (Laws of Cyprus), Ordinances 12/63, 9/64, 1/86, 4/87 and 19/88.

(2) Where it shall be deemed necessary to requisition property for any irrigation works and this cannot be effected by agreement or otherwise, the committee may apply through the Area Officer to the requisitioning authority, that is the Administrator, to requisition the same on behalf of and for the benefit of the committee, in accordance with the provisions of the Supplies and Services (Transitional Powers) (Continuation) Ordinance.

Cap. 175A – Laws of Cyprus.

Power to enter upon property.

33. Any person appointed by the committee for carrying out any work connected with an approved irrigation scheme or project under the provisions of this Ordinance or any Regulations made thereunder may, after prior consultation with the Area Officer, either by himself or his agents, servants or contractors, enter upon any land for the purpose of carrying out such work and for doing all things necessary for such work, including the cutting down or removal of trees, walls, hedges or other things as it may appear to him necessary to cut down or remove for the purpose of carrying out the work:

Provided that the said persons shall not enter—

- (a) any immovable property being a dwelling house, without a warrant issued by the Judge's Court on the application and at the instance of the committee;
- (b) any immovable property being premises but not a dwelling house, without at least eight days' prior notice given in writing to the occupier, of their intention to enter therein;
- (c) any other immovable property without prior notice of at least one day given in writing to the occupier thereof of their intention to enter therein; unless in any one of the three aforesaid cases, the occupier consents to such entry."

Section 34 of the principal Ordinance amended.

17. Section 34 of the principal Ordinance is hereby amended as follows:—

- (a) by deleting the word "proprietors" appearing in the third line thereof and substituting therefor the word "committee";
- (b) by repealing subsection (8) thereof and substituting therefor, the following new subsection:—

"(8) Any person prejudiced by any decision taken under subsections (4) and (7) of this Section may, within thirty days from the date of such decision, apply to the Court of the Sovereign Base Areas where the property which has been damaged is situated, to determine the amount of compensation or, where appropriate, for apportioning such amount among the persons who are entitled to compensation".

Section 35 of the principal Ordinance amended.

18. Section 35 of the principal Ordinance is hereby amended —

- (a) by deleting the words "shall be levied upon, and paid proportionately by the proprietors" appearing in the second and third lines thereof and substituting therefor the words "shall be paid by the committee";
- (b) by deleting the colon appearing at the end thereof, substituting same for a full stop; and
- (c) by repealing the proviso thereto.

Section 36 of the principal Ordinance amended.

19. Section 36 of the principal Ordinance is hereby amended by deleting the words "under this Law" appearing in the first and second lines thereof and substituting therefor the words "under Section 33 of the Ordinance."

Section 37 of the principal Ordinance amended.

20. Section 37 of the principal Ordinance is hereby amended as follows:—

- (a) by inserting at the commencement of the Section thereof, the words, "The committee through";
- (b) by deleting the words "verbally or" and "bona fide" appearing in the first and seventeenth lines respectively; and

- (c) by deleting the words "the Commissioner" appearing in the eighth and sixteenth lines thereof and substituting therefor the words "the committee".

21. Section 38 of the principal Ordinance is hereby amended as follows:-

Short title.
Section 38 of the
principal
Ordinance
amended.

- (a) by deleting the words "ten pounds" appearing in the ninth line of subsection (1) thereof and substituting therefor the words "one hundred pounds";
- (b) by deleting the words "to a fine of ten pounds" appearing in the eighth and ninth lines of subsection (2) thereof and substituting therefor the words "to imprisonment for a period of six months or to a fine of fifty pounds or to both such imprisonment and fine".

22. The principal Ordinance is hereby amended by repealing Section 40 thereof and by renumbering the existing Sections 41 to 44 as Sections 40 to 43 respectively.

Section 40 of the
principal
Ordinance
repealed.

23. Section 41 of the principal Ordinance is hereby amended by deleting subsection (2) thereof and substituting therefor the following subsection:-

Section 41 of the
principal
Ordinance
amended.

"(2) In this Section, "householder" means every inhabitant of the village, of not less than eighteen years of age."

30th August, 1991.

A.J.H. ADAMS,
Chief Officer.

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