

CAP. 131.

CYPRUS

CITRUS INDUSTRY (AID)

CHAPTER 131 OF THE LAWS

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1959

CHAPTER 131.
CITRUS INDUSTRY (AID).

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A LAW FOR AFFORDING ASSISTANCE TO THE CITRUS
INDUSTRY OF THE COLONY.

[14th May, 1941.]

1949
Cap. 62.

1. This Law may be cited as the Citrus Industry Aid Law. Short title.

2. In this Law—

Interpreta-
tion.

“ the Board ” means the Citrus Industry Aid Board established under this Law ;

“ citrus land ” means an area of land which is fully planted with citrus trees, and includes any other trees thereon and any building, tank, well or water, erected, sunk or found on such area or appurtenant thereto, and all other lands appurtenant thereto and enjoyed therewith ;

“ owner ” means the registered owner of citrus land, and includes any person who has a legal right or duty to cultivate such citrus land on behalf of such owner or his estate, but does not include a lessee of such citrus land.

3. It shall be lawful for the Governor, from time to time, to advance out of the revenue of the Colony such sums as may be approved by the Secretary of State, to be used and applied solely in making advances, under this Law, to owners in respect of citrus land. Authority to advance money with approval of the Secretary of State.

4. There shall be established a Board which shall consist of not less than three and not more than nine members appointed by the Governor. The Governor shall appoint the Chairman of the Board and may from time to time remove all or any of the persons appointed under this section and appoint others in the stead of such of them as shall be removed, die, resign or depart from the Colony. Establishment of Board.

5. (1) Notwithstanding any temporary vacancy or vacancies in the body of members comprising the Board the same shall be deemed to be fully constituted for the purposes of this Law. Provisions relating to Board.

(2) The persons appointed as members of the Board shall be one body politic and corporate in deed and name by the name of the Citrus Industry Aid Board and by that name shall and may sue and be sued in all the Courts of the Colony and shall have perpetual succession and a common seal.

(3) No personal liability shall attach to any member of the Board in respect of anything done or suffered in good faith under the provisions of this Law.

(4) In the absence of the Chairman from any meeting the members shall from among their number elect a chairman for the purpose of such meeting.

(5) Three members including the Chairman or member elected chairman under the last preceding subsection shall form a quorum for the transaction of business and may do anything that the Board may do under this Law.

(6) The Chairman and the member elected chairman under subsection (4) of this section shall have the right to vote on any question and in the event of the division of votes being equal he shall have also a casting vote and the decision of the majority of the members present and voting shall prevail.

(7) The Chairman of the Board shall have full power to call meetings of the Board.

Advances
vested in
Board, and
advances to
owners of
citrus land.

6. The moneys advanced from the revenue of the Colony under the provisions of this Law shall be placed at the disposal of and vested in the Board for the purpose of making advances to owners of citrus land in such cases as the Board shall deem it advisable that such loans shall be made.

Powers of
Board.

7. It shall be lawful for the Board—

- (a) to appoint, with the approval of the Governor, a secretary ;
- (b) to arbitrate any matter in dispute or compromise any proceedings, and any money the payment of which is rendered necessary by such arbitration or compromise shall be paid out of the funds placed at its disposal ;
- (c) to pay out of the funds placed at its disposal all judgments and decrees for the payment of money and the costs incident thereto obtained against it, and any other expenses of whatever kind necessary in conducting the business of the Board ;
- (d) subject to the approval of the Governor in Council to make rules governing and regulating the transactions of the Board.

8. The accounts of the Board shall from time to time be audited by the Auditor who shall have access to the books of the Board at all convenient times. A report of the result of such audit shall be forwarded to the Administrative Secretary.

Accounts of
the Board.

9. (1) All applications for advances by owners of citrus land shall be in the form A in the schedule to this Law and shall be addressed to the Chairman of the Board and the particulars stated in such application shall be verified on oath.

Applications
for advances
by owners of
citrus land
and interest
on such
advances.

(2) The Chairman shall lay all applications before the Board and the Board shall consider each application on its merits and in its absolute discretion may grant or refuse any advance, and shall fix the amounts to be allowed and the interest thereon and the conditions on, and the times at which advances shall be made, and subject to the provisions of paragraph (a) of section 13 of this Law, the purposes to which such advances shall be applied.

Schedule.

(3) Advances made by the Board shall bear interest at such rate as may be fixed by the Board with the approval of the Governor.

10. (1) Upon the making of any advance the Chairman of the Board shall forthwith complete the form of Notification in the form B in the Schedule to this Law and shall sign and forward the same to the District Lands Officer of the District in which the citrus land specified in the Form of Notification is situate who shall record the same in a book to be kept for the purpose and such book shall be kept available for inspection by the public, during office hours, free of cost.

Notification
and
recording of
advances.
Schedule.

(2) The Board shall keep at its office a register of all advances made which shall contain a duplicate of the Form of Notification alphabetically indexed at the time of making the advance, and such register shall be open to the inspection of any person between the hours of 9 a.m. and 1 p.m. each weekday upon payment of a fee of fifty mils for each inspection not exceeding one hour.

(3) Everything required to be done or signed by the Chairman under subsection (1) of this section may be done or signed by the Secretary and shall be as valid and effectual as if done or signed by the Chairman.

Advance to be charged on citrus crops and citrus land of owner.

11. Subject as hereinafter provided all moneys advanced to an owner under the authority of this Law with the interest thereon shall be—

(a) a first and preferential charge upon the citrus crops growing or to be grown on the citrus land specified in the Notification in the form B in the Schedule to this Law ;

Schedule.

(b) a first charge on the citrus land of the owner and on all machinery erected and standing thereon belonging to the owner and used and worked in connection with such citrus land :

Provided, however, that the charge hereby created on the said citrus land and machinery shall be subject to all encumbrances, estates, interests and rights affecting such citrus land and machinery, subsisting or outstanding at the date when the advance is made under this Law.

Constructive notice of advance to persons dealing with citrus land subject to the charge.

12. Notwithstanding anything in any other Law contained or any provision of law, or rule of equity, to the contrary, immediately upon the making to an owner of an advance authorised by this Law, all persons dealing with the citrus crops, citrus land or machinery, subject to the charges created by this Law, or any interest therein, shall be deemed to have notice of such advance, and any such dealing shall, subject to the provisions of this Law, be subject to the charges created by this Law.

Conditions of advance.

13. (1) Every owner to whom an advance shall be made under this Law shall observe the following conditions, namely :—

(a) he shall expend the said advance in maintaining the citrus cultivation on the citrus land subject to the charge ;

(b) he shall out of the profits and proceeds of the citrus land subject to the charge repay any amount due and payable in respect of the said advance with interest at the rate and at the times specified in the notification in the form B in the Schedule to this Law ;

Schedule.

(c) he shall repay the said advance with interest at the rate and at the times specified in the said notification ;

- (d) he shall produce at such intervals as may be required by the Board or by any person thereunto authorised in writing by the Board an account showing an expenditure of the moneys advanced from time to time, vouched on oath, or in such other manner as may be required by the Board or by such person ;
- (e) he shall at all times allow inspection by the Board, of the citrus land subject to the charge and of the citrus cultivation thereon ;
- (f) he shall at all times whilst any portion of the advance remains unpaid uphold and maintain the citrus cultivation on the citrus land subject to the charge so that the security shall not deteriorate in value ;
- (g) he shall furnish to the Board, or to any person authorised by the Board in writing, full information as to any sale or sales of citrus crops subject to the charge and shall inform the Board or such person of any contract or contracts for the sale of such citrus crops.

(2) Any person who contravenes or fails to comply with any of the provisions of paragraphs (d), (e) and (g) of subsection (1) of this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty-five pounds.

14. The Board may out of the moneys vested in it under this Law advance to any person authorised by the Board under the provisions of this Law to carry out the purposes of this Law any expenses that may be incurred in carrying out the provisions of this Law.

Expenses
of person
authorised
by Board.

15. On repayment by an owner of all advances made to him under this Law, and of all interest payable thereon, the Board shall give a discharge for the same, and thereupon the charges created by this Law in respect of such advance and interest shall be released, and the District Lands Officer of the District in which the citrus land is situate shall, upon production to him of such discharge, cancel every record in the District Lands Office of the charge on the citrus land relating to such advances.

Release of
charges on
repayment
of advance.

Enforcement
of security.

16. (1) Subject to the provisions of section 17 of this Law, if an owner shall make default in the payment of any moneys due and payable by him to the Board under this Law, the Chairman of the Board may forward to the Registrar of the District Court of the District in which the citrus land is situate a certificate under his hand in the form C in the Schedule to this Law containing the particulars therein set out.

Schedule.

(2) Upon receipt of a certificate as in subsection (1) of this section provided the Registrar shall file the same in the District Court and thereafter such certificate shall be deemed to be a judgment of the Court and the Court shall be empowered to issue in respect thereof all writs or orders of execution which the District Court is empowered to issue in respect of its own judgments.

Enforcement
of security
against
owners
affected
by the
Agricultural
Debtors
Relief Law.
Cap. 36.

17. (1) Where the owner is a person—

- (a) in respect of whom an award has been or is, after the coming into operation of this Law, lodged under the Agricultural Debtors Relief Law, and
- (b) who makes default in the payment of any moneys due and payable by him to the Board under this Law, and such default continues for a period exceeding twelve months after it has become due and payable ;

the Chairman of the Board may forward to the Registrar of the District Court of the District in which the award is lodged a certificate under his hand in the form D in the Schedule to this Law containing the particulars therein set out, and thereupon, notwithstanding anything in any other Law contained, the default made in the payment of any moneys due and payable under this Law shall be deemed to be a default made in the payment of an amount due and payable under the award lodged with the Registrar in respect of such owner and the District Court shall make an order declaring that all the amounts payable under the award shall be payable forthwith and the provisions of sections 30 and 31 of the Agricultural Debtors Relief Law, shall apply *mutatis mutandis* to this Law as they apply to that Law.

Schedule.

Cap. 25.

(2) Where the owner is a person against whom an order is made by the District Court under the provisions of subsection (1) of section 30 of the Agricultural Debtors Relief Law and the Court proceeds to the sale of the

Cap. 25.

immovable and movable properties of such person, in accordance with the provisions of subsection (2) of section 30 of the said Law, the whole amount of the advance made to such owner under this Law, and any interest due thereon, shall become due and payable forthwith, notwithstanding that the same may be payable by instalments and that no instalment is due and payable to the Board.

(3) Any proceeds realised from the sale of the citrus land, machinery and the citrus crops (if any) in respect of which a charge has been created under this Law shall be included in the separate account lodged with the Registrar of the District Court as set out in section 30 (4) of the Agricultural Debtors Relief Law as if such charges were charges shown as subsisting in the lists included in the award under paragraphs (a) and (b) of subsection (1) of section 27 of that Law. Cap. 25.

18. Subject to the provisions of section 17 of this Law, nothing contained in the Agricultural Debtors Relief Law, shall apply to any advance made by the Board under the provisions of this Law to any owner of citrus land. Non-application of the Agricultural Debtors Relief Law.
Cap. 25.

19. Any person who—

(a) wilfully applies any money advanced under this Law to any use or purpose other than those specified in paragraph (a) of section 13 of this Law ;

(b) having obtained an advance under this Law afterwards wilfully does any act or permits any act to be done whereby any property subject to a charge created by this Law is destroyed or materially damaged,

Offences and penalties.

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding twenty-five pounds or to imprisonment for any term not exceeding three months or to both such fine and imprisonment.

20. No prosecution for any offence under this Law shall be begun or proceeded with after the secured advances, interest and expenses shall have been satisfied. No prosecution after repayment of advance, etc.

21. There shall be no obligation on the Board to see to the due application by an owner of any advance made to him under the provisions of this Law and the misapplication or non-application of such advance shall not affect the security for the same given by this Law. Security not diminished by failure of Board to see to proper application of advance.

Attorneys.

22. For the purposes of this Law any person appointed by the owner under a power of attorney to carry on the cultivation of citrus land within the meaning of this Law may exercise on behalf of the owner all and singular the powers conferred on such owner under this Law in the same manner as such owner could exercise them.

SCHEDULE.

FORM A.

The Citrus Industry Aid Law, Cap. 131.

APPLICATION UNDER SECTION 9 (1).

No.

Application for an advance from the Citrus Industry Aid Board by the owner of citrus land situate in the District of .

1. Name of Applicant

(Write in Block Letters in full)

2. Address in full

3. District

4. Total area of citrus land

Area fully planted with citrus trees

Type of Citrus

Age of citrus trees

5. Is title in name of Applicant ?

(If not, give full particulars)

6. Fill in the following details regarding the citrus land :—

<i>Town or village</i>	<i>Quarter or locality</i>	<i>Registration No.</i>	<i>Survey Reference.</i>		
			<i>Sheet.</i>	<i>Plan.</i>	<i>Plot No.</i>

7. Fill in the following details regarding mortgages and other encumbrances (other than to the Board) :—

<i>Registration No. of property.</i>	<i>Kind of encumbrance.</i>	<i>Amount secured thereby.</i>
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8. Machinery, if any *(give short particulars)*

9. Citrus fruit is contracted to

10. I have/have not made an application under the Agricultural Debtors Relief Law, Cap. 25.

11. Amount of loan now applied for

12. Amount now owing to Board, if any

Dated this day of , 19 .

Signature of Applicant

(NOTE.—The title deed to the citrus land should be attached to this form if the citrus land is not mortgaged.)

VERIFICATION

I, _____, of _____, declare on oath that the information given in the foregoing statement of particulars which are tendered in support of an application made to the Citrus Industry Aid Board for an advance to me under the provisions of the Citrus Industry Aid Law, Cap. 131, is true.

In token whereof I do hereunder subscribe my signature.

Signature of Applicant.

Sworn before me this _____ day of _____, by the said _____, whom I do personally know (or who has been identified to me on oath by _____, whom I do personally know).

*Signature of Judge, Magistrate or Registrar
before whom oath is taken.*

FORM B.

The Citrus Industry Aid Law, Cap. 131.

NOTIFICATION UNDER SECTION 10 (1).

To the District Lands Officer of the District of _____

1. No of application
2. Name, address of owner and description of ownership as stated in paragraph 5 of the application for the advance
3. Particulars of citrus land charged with the repayment of advance made to the owner :—

Town or village.	Quarter or locality.	Registration No.	Survey Reference.		
			Sheet.	Plan.	Plot No.

4. Amount of advance to the owner
5. Date for repayment of advance and if to be repaid by instalments, date for payment of each instalment
6. Amount of interest and date or dates for payment thereof

Date

Chairman of the Citrus Industry Aid Board.

FORM C.

The Citrus Industry Aid Law, Cap. 131.

CERTIFICATE UNDER SECTION 16 (1).

To the Registrar of the District Court of _____

This is to certify that _____, of _____, has made default in the payment of the following moneys due to the Citrus Industry Aid Board under the provisions of the Citrus Industry Aid Law, Cap. 131 :—

Amount of advance	..	..	..	..	..	£
Interest @	%	from	to			£

Total amount due and payable together with interest on £ _____ @ _____ % as from this day.

Dated this _____ day of _____, 19 _____.

Chairman of the Citrus Industry Aid Board.

FORM D.

The Citrus Industry Aid Law, Cap. 131.

CERTIFICATE UNDER SECTION 17.

To the Registrar of the District Court of

This is to certify that _____, of _____, being a person in respect of whom an award has been lodged under the provisions of the Agricultural Debtors Relief Law, Cap. 25, has made default in the payment of the following moneys due to the Citrus Industry Aid Board and that such default has continued for a period exceeding twelve months after it has become due and payable.

Amount of advance	..	..	..	..	..	£
Interest @	% from		to			£
						£
Total amount due and payable	..	..	..	..	..	£
together with interest on £		@		% as from this date.		
Dated this	day of		, 19			

Chairman of the Citrus Industry Aid Board.