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**AGRICULTURAL LAND CONSOLIDATION  
(AMENDING AND CONSOLIDATING) ORDINANCE  
1999**

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*This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.*

<b>Legislation incorporated in this Consolidation</b>	<b>Ordinance</b>	<b>Date in Force</b>
Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999	18/1999	20/09/1999
Agricultural Land Consolidation (Amendment) Ordinance 2005	29/2005	14/11/2005
Agricultural Land Consolidation (Amendment) Ordinance 2010	15/2010	08/06/2010
Agricultural Land Consolidation (Amendment) Ordinance 2011	5/2011	18/02/2011
<p><b><i>Transitional provision – Section 13</i></b></p> <p><i>(1) This section applies to a person who was elected under section 13(2) of the principal Ordinance no more than 2 years before the day on which this Ordinance comes into force.</i></p> <p><i>(2) The amendment made by section 3 is deemed to have been in force at the date of the election of every person to whom this section applies.</i></p>		
Agricultural Land Consolidation (Amendment) Ordinance 2012	28/2012	01/11/2012
Agricultural Land Consolidation (Amendment) Ordinance 2018	08/2018	21/09/2018

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AGRICULTURAL LAND CONSOLIDATION  
(AMENDING AND CONSOLIDATING) ORDINANCE  
1999

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An Ordinance to amend and consolidate the Agricultural Land Consolidation Ordinance.

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

**PART 1**

**Preliminary**

**Short title**

1. This Law may be cited as the Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999.

**Interpretation**

2. In this Ordinance unless the context otherwise requires:—

“affected area” means the area affected or likely to be affected by a land consolidation measure;

“agriculture” includes horticulture, fruit-growing, sowing, dairy farming, animal husbandry (including any kind of animal kept for producing food, wool or fur or for using same for cultivation), the use of land for pasture, the growing of reed for basket making, or as a meadow, orchard or nursery garden, or the use of land as forest where such use is ancillary to the cultivation of land for agricultural purposes and “agricultural” with its grammatical variations shall be construed accordingly;

“agricultural land” means land cultivated or used for any agricultural purpose; and “agricultural land ownership” shall be construed accordingly;

“Area Officer” means the Area Officer of the Area within the boundaries of which the land consolidation area lies;

“consolidation” means consolidation of agricultural land carried out by means of consolidation under this Ordinance;

“Court” means the Judge’s Court of the Sovereign Base Areas;

“cultivator”, with its grammatical variations, means any person fully or partly engaged either by himself or through his servants and agents in any branch of agriculture within a land consolidation area;

“entitled owner” means any person who owns, within a land consolidation area, an agricultural holding or an aggregate value, as registered or recorded in the books of the District Lands Office of the Republic, or as certified by the Chief Officer, or not less than two pounds;

“holding” means immovable property which is used wholly or partly for agricultural purposes and is owned by an owner within a land consolidation area and may consist of one or more plots of land or other property;

“land consolidation area” means the area within which land consolidation measures are carried out or are proposed to be carried out including, where appropriate, a contiguous Republican land consolidation area;

“Land Consolidation Association) (in the Ordinance referred to as the “Association”)(a) means a Land Consolidation Association established under the provisions of the Republican Law and recognised under the provisions of this Ordinance;

“Land Consolidation Committee” (in this Ordinance referred to as “the Committee”) of a Land Consolidation Association established under the provisions of this Ordinance;

“land consolidation measure” means any measure applied to property for the purpose of improving the conditions of agricultural utilization—

- (a) by the increase in the size of holdings;
- (b) by eliminating, in appropriate cases, of small holdings of ownership of property in undivided shares and of dual ownership of land and trees standing thereon; and
- (c) by the consolidation of holdings so as to form for each owner one holding or a small number of holdings grouped together, of an adequate size and regular shape, free of easements, situated in a place favouring their economic utilization for agricultural purposes and suitable for cultivation by modern agricultural techniques and for the carrying out and making the best use of works of land improvement in the area, including irrigation, drainage and soil conservation works and improvement of the means of access;

“owner”, with its grammatical variations, has the meaning assigned to such expression by section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance(b);

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

“provisional committee” means a committee constituted under the provisions of subsection (2) of section 5 of this Ordinance;

“publication”, with its grammatical variations, means publication by exhibiting a public place in the village within the boundaries of which lies the area which has been or will be subject to consolidation whether such village lies wholly or partly in the Areas;

“Republican law” means the Agricultural Land Consolidation Law of the Republic(c) and any law amending or substituted for the same;

“section”, “subsection” and “Part” means respectively section, subsection or Part of this Ordinance;

“valuation committee” means the valuation committee referred to in section 13;

“value” means the value which the property might be expected to realise if sold in the open market by a willing seller.

## PART 2

### Consolidation of Agricultural Land and Methods of Consolidation

#### Consolidation

3. Consolidation of agricultural holdings may be affected by any one of the follow methods—

- (a) voluntarily, by agreement among the owners;
- (b) compulsorily, by resolution of the majority of the owners; or
- (c) compulsorily, by order made by the Administrator.

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(a) Law No. 24/1969 (Republic)

(b) Cap. 222 (Laws of Cyprus) as amended

(c) Law No. 24/1969 (Republic)

## Land Consolidation by Agreement

### Consolidation by agreement

4.—(1) Where two or more owners agree and undertake to consolidate specific properties belonging to them, such agreement shall be drawn up in writing and signed by the owners concerned who shall, by an application in writing, inform the Area Officer of the agreement made and shall enclose such written agreement with such application.

(2) The Area Officer shall, subject to the provisions of section 28, submit such agreement directly to the Chief Officer who shall decide whether or not to approve such agreement:

Provided that if such agreement includes a property charged with the payment of money or against which there exists a right of way, privilege, liberty, servitude or other right or benefit registered or recorded in the books of the District Lands Office of the Republic, the Chief Officer shall not approve the agreement without the written consent of the beneficiary of such charge, or of such right of way, privilege, liberty, servitude or other right or benefit, as the case may be.

(3) In making his decision under the provisions of this section, the Chief Officer may take into account any provisions of the Republican Law(a) which would apply to the agreement if the properties to which it relates lay within the Republic.

(4) An agreement made in accordance with the provisions of this section shall not be implemented in such a way as to impeded the establishment of a Land Consolidation Association for the area in which the plots of land or parts thereof covered by such agreement are situated.

(5) The decision of the Chief Officer under the provisions of this section shall not be called in question in any Court.

### Compulsory Land Consolidation by Majority Resolution of the Owners

#### Preliminary meeting and provisional committee

5.—(1) Where it appears to the Area officer that a number of owners wish to apply land consolidation measures to their properties and it is desirable that they should do so, it shall be lawful for him to convene a preliminary meeting of the owners in the area likely to be consolidated.

(2) If the majority of the owners present at the preliminary meeting are in favour of land consolidation measures they shall proceed to elect three owners who, together with the Officers of the Republic designated in the First Schedule to this Ordinance, shall constitute the committee to be known as the provisional committee for the area.

#### List of owners

6.—(1) The provisional committee shall, as soon as possible, proceed to define the area to be consolidated and shall request and obtain from the District Lands Office of the Republic a list (hereinafter referred to as “the list of owners”) containing the names of the owners of the affected area, the total holding of each owner and the recorded details of each holding and its aggregate registered or recorded value as at the date of the request and shall ~~make the list of owners public~~ *publish the list of owners and a plan of the affected area* (b) and any person interested may, within twenty one days of the date of such publication, lodge an objection with the Chief Officer showing cause why any property shown in the list of owners should not be considered as owned by the owner named and also to show cause why his name should be included therein; upon such objection being made the Chief Officer shall as soon as possible investigate the same and give notice of his decision thereon to the objector and to all other interested persons and shall, if amended, republish the list of owners *and the plan of the affected area* (c) as so amended. Any

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(a) Law No. 24/1969 (Republic)

(b) Text deleted and new text inserted by Ordinance 28/2012 – came into force on 01 November 2012

(c) Text inserted by Ordinance 28/2012 – came into force on 01 November 2012

interested person aggrieved by such decision may appeal to the Court within twenty one days of the date of the communication of such decision to him:

Provided that—

- (a) an appeal to the Court, as hereinbefore provided, shall not prevent the convening of the first meeting of the owners or any other action to be taken under this Ordinance;
- (b) where an appeal to the Court is successful, the list of owners shall be amended in accordance with the judgment of the Court;
- (c) where an appeal to the Court is successful, the Court may, instead of ordering amendment to the list of owners, order the payment of compensation to any person whose name should have been included therein.

*(1A) The provisional committee may re-define the area to be consolidated at any time until the first meeting of owners under section 7. (a)*

(2) The Chief Officer shall maintain accurately the list of owners taking into account any amendments which may be effected under the provisions of paragraph (b) of the proviso to subsection (1) above and any transfers of properties made voluntarily, compulsorily or following the death of an owner after the compilation of the list by him.

### **First meeting of owners**

7.—(1) Where no objection is lodged with the Chief Officer under the provisions of section 6(1), the Area Officer shall convene a first meeting of those owners whose names appear on the list of owners within twenty one days from the date of the publication of the said list. Where an objection has been lodged with the Chief Officer and he has in consequence thereof made an amendment to the said list, the said meeting shall be convened within fifteen days from the publication of the amended list.

(2) At the first such meeting, the entitled owners attending shall be called upon to decide for or against any land consolidation measures being applied to their properties. If it appears to the Area Officer that the majority of all entitled owners of the area affected are in favour of such measure, he shall draw up a statement to be signed by them to that effect.

### **Land Consolidation Resolution and Land Consolidation Association**

8.—(1) Where the first such meeting, or subsequently, the said statement is signed by the majority of the entitled owners and where those who have so signed own properties which in the aggregate account for more than half of the total registered or recorded value of the affected area, it shall be deemed that a resolution to apply land consolidation measures (hereinafter referred to as a “land consolidation resolution”) has been adopted and that an Association has been established.

(2) A notice to that effect shall be published by the Area Officer in the Gazette.

(3) At the first meeting of the entitled owners or any subsequent meeting called to examine the possibility of the adoption of a land consolidation resolution, an entitled owner may be represented by an agent or an attorney, but no agent or attorney shall represent more than one twentieth of the total number of the entitled owners.

(4) A land consolidation resolution shall be binding on all the owners within the land consolidation area and shall be irrevocable except by an order of the Administrator.

(5) After the adoption of a land consolidation resolution, all owners within the land consolidation area shall become members of the Association.

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(a) Subsection (1A) inserted by Ordinance 28/2012 – came into force on 01 November 2012

## **Land Consolidation Committee**

**9.**—(1) All land consolidation measures shall be under the general control and supervision of the Committee, which shall comprise the Officers of the republic designated in the First Schedule to this Ordinance and the three entitled owners elected as provided in section 10 of this Ordinance. The Chairman of the Committee shall be the Officer of the Republic designated as such in the said Schedule.

(2) The Chairman of the Committee may in absence, for any reason, of any of the Officers of the Republic so designated as members of the Committee, appoint any other Officer of the Republic to represent such member, and such person shall be treated for all the purposes of this Ordinance as if he had been so designated in the said Schedule.

(3) At any properly convened meeting of the Committee a quorum shall be formed if the members present comprise the majority of the members of the Committee, provided that the Chairman is also present:

Provided that if there is no quorum at such a meeting, a subsequent meeting shall be held within fifteen days with the same agenda and any number of members present shall form a quorum, provided that the Chairman is also present.

(4) If an elected members of the Committee ceases to be an entitled owner or if without valid reason to the satisfaction of the Chairman fails to attend three consecutive meetings of the Committee, he shall cease to be a member thereof.

(5) Any vacancy for an elected member of the Committee shall be filled by the person who was runner-up at the election which took place under section 10 but if, for any reason, it is not possible to fill a vacancy with a runner-up, a further election under section 10 shall be held.

(6) Where the Chairman is absent due to illness or is otherwise prevented from attending, he shall be replaced by the Officer of the Republic designated as Vice Chairman in the First Schedule to this Ordinance.

(7) ~~The decisions of the Committee shall be taken by majority.~~ *The decisions of the Committee shall be taken by a majority of members present.* (a)

## **Election of elected members of the Committee**

**10.**—(1) After the adoption of a land consolidation resolution, either at the meeting convened as provided in subsection (1) of section 7 or at a subsequent meeting convened by the Area Officer, the entitled owners shall proceed to elect three of them to be members of the Committee:

*any person designated as a representative of one or more entitled owners may be appointed as a member of the above Committee.*(b)

(2) Each entitled owner present or represented as provided by subsection (3) of section 8 is entitled to one vote.

## **Powers and duties of the Land Consolidation Committee**

**11.**—(1) The Committee shall be responsible for organising and administering the affairs of the Association and generally shall take such action as is necessary for the proper carrying out of land consolidation measures in the affected area as provided by this Ordinance.

(2) The Committee shall act as agent of the Chief Officer in all matters affecting the Association and its members, including the purchase, exchange, sale, lease, mortgage, development and administration of any property within the affected area, the granting of loans to members and the collection of instalments for loans, other amounts due and surcharges from members.

(3) The Committee shall be responsible for preparing lists of entitled owners and cultivators, for the preparation of plans of roads and landscaping and of other development works and any other

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(a) Text deleted and new text inserted by Ordinance 29/2005 – came into force on 14 November 2005

(b) Proviso inserted by Ordinance 29/2005 – came into force on 14 November 2005

matters leading to and including the preparation of the consolidation plan, the execution of such plan, and any other activity provided in this Ordinance.

(4) The Committee shall be represented by its Chairman in all dealings with third parties:

Provided that agreements to make loans, the execution of works and the acquisition or disposal of property shall be the responsibility of the Chief Officer who shall sign all documents or contract pertaining thereto.

## Appeals

**12.**—(1) An owner not satisfied by a decision of the Committee made under the provisions of sections 17, 23 and 31, may within twenty one days from the date of notice to him of the decision, appeal in writing to the Chief Officer, stating the reasons for disputing such decision.

(2) The Chief Officer shall consider such appeal as soon as possible and, after hearing the appellant in support of the reasons for his appeal or after having given him the opportunity to be so heard, shall notify the appellant of his decision in writing.

(3) Notwithstanding the provisions of subsection (2) above the Chief Officer may authorise a committee comprised of Officers of the Republic and owners or representatives of agricultural organisations to consider the appeal and decide upon it.

(4) Any owner not satisfied by the decision of an appeal made under subsection (2) or (3) above may appeal to the Court within twenty one days from the date of notice to him of the decision.

(5) The decision of the Committee referred to in subsection (1) above shall not be effective until a decision is made on appeal to the Chief Officer or, if no such appeal is made, until the expiration of the said period of twenty one days prescribed in the said subsection (1).

## Valuation Committee

**13.**—(1) Any valuation under this Ordinance shall be made by a valuation committee which shall not act under the chairmanship of the Officer of the Republic designated as such in the First Schedule to this Ordinance and shall comprise the other Officers of the Republic designated in the said Schedule, and two members elected by the entitled owners ~~whose term of office shall be for a period of two years:~~ (a)

*any person designated as a representative of one or more entitled owners may be appointed as a member of the above Valuation Committee.* (b)

(2) The election of the members shall take place at a meeting of entitled owners convened for this purpose by the Area Officer. At such meeting two runners-up shall also be elected if this is possible:

Provided that vacancies of elected members shall be filled by the runners-up at the election under this section in the order of their election. If there are no runners-up or if they are prevented from acting as members of the valuation committee, a further election shall be held by the entitled owners to fill the vacancy.

(3) If the Chairman of the valuation committee is ill, absent or is otherwise prevent from attending, he shall be represented by one of the other Officers mentioned in subsection (1) above.

(4) If a member of the valuation committee, without good reason to the satisfaction of the Chairman, fails to attend at three consecutive meetings of the committee, he shall cease to be a member thereof.

(5) At any meeting of the valuation committee a quorum shall be formed if the members present constitute the majority of the members of the committee, including the Chairman or his representative. If no quorum is formed at any meeting, a further meeting shall be held with the same agenda.

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(a) Text deleted by Ordinance 5/2011 – came into force on 18 February 2011

(b) Proviso inserted by Ordinance 29/2005 – came into force on 14 November 2005

(6) The decision of the committee shall be taken by majority.

### **Valuations**

**14.—**(1) The valuation committee shall carry out the valuation of any property within the area selected by the Association at the request of the Committee.

(2) In carrying out any valuation, the valuation committee shall follow mutatis mutandis the rules set out in section 10 of the Land Acquisition Ordinance, without taking into consideration any new roads constructed as part of the land consolidation the measures or any plans for such roads.

(3) Upon the completion of any such valuation, the valuation committee shall prepare and publish a list showing the valuation of each property together with a plan showing the affected area subdivided into valuation categories. Any owner in the land consolidation area interested in any property may, within twenty one days of the publication of the list, make a reasoned objection to the valuation committee. The valuation committee shall examine the objection made and shall notify its decision to the objector and shall republish any part of this list and plan as may have been amended by its decision. Any person aggrieved by a decision of the valuation committee may, within twenty one days of the notification of the decision to him, appeal against it to the Court.

(4) Subject to the provisions of section 25, if the Committee subsequently considers that ~~the value of certain properties~~ *the value of some or all properties* (a) has altered, it may require the valuation committee to examine the matter, and if the valuation committee considers it justifiable, to review their value. In such a case, the procedure and principles set out in this diction shall apply.

### **Valuation plan and lists**

**15.—**(1) The Committee shall obtain from the District Lands Office of the Republic a plan showing the properties to be consolidated and the list referred to in subsection (2) of section 6 showing the names of the owners and their properties within the affected area, distinguished by reference to its particular locality and survey plan, and shall obtain from the valuation committee the final list showing the value of each property within the affected area.

(2) For the purposes of this Ordinance, the Chairman of the Committee or any other person authorised by him may by notice require any owner or any other person interested in the properties within the affected area to appear before him on such day, at such time and place as may be specified therein and to give such information in relation thereto as he may possess and to produce all relevant documents in his possession or under his control in relation thereto, provided such information or such documents are required for the purposes of this Ordinance.

(3) For the purpose of exercising the powers conferred upon it the Committee or any persons authorised by it shall have power to enter on, measure, survey, perambulate or value any property and dig pits for soil survey purposes and place such land marks thereon as it may think fit:

Provided that without the consent of the owner or occupier no such Committee or person authorised by it shall enter—

- (a) any dwelling house without a warrant issued by the Court authorising such entry;
- (b) any building other than a dwelling house, without previously giving to it occupier eight days' notice in writing of his intention so to do;

(4) As soon as may be convenient after such entry the Committee shall pay compensation for any damage thereby caused and in case of dispute as to the amount to be so paid such amount shall be determined by the Court.

(5) Any person who refuses or neglects to appear or to give information or to produce documents as provided in subsection (2) above or who wilfully obstructs any person lawfully

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(a) Text deleted and new text inserted by Ordinance 28/2012 – came into force on 01 November 2012

performing any duties or exercising any powers under subsection (3) above shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds.

### **Compensation for possible damages**

16. The Committee may, if it deems such action appropriate, pay compensation to owners in respect of any damage done to crops or where such measures impair the utilization of property in such a way as to cause loss to its owner. Such compensation shall be taken to be part of the cost of Land Consolidation Measures and shall be levied upon the owners as part of the fees payable in accordance with section 31 of this Ordinance.

### **Plan of roads, water-courses, channels and development works**

17.—(1) The Committee shall proceed to draw up a plan of new roads, water-courses, channels and other works, having regard to existing and possible future needs for access, irrigation, drainage and soil conservation works carried out or to be carried out and the overall development of the area.

(2) The said plan shall also indicate the existing roads, channels, water-courses and works connected therewith.

(3) When completed, the plan shall be published in the prescribed manner so that it may be open to inspection by interested parties. Anyone wishing to object to the said plan shall lodge an objection with the Committee within twenty one days of such publication.

(4) After the expiry of the said period the Committee shall examine any objections lodged with it and shall make such amendments to the plan as it deems proper and such plan if amended shall be republished. Any decision of the Committee in relation to an objection lodged with it shall be notified in writing by the Chairman to any person affected by it.

(5) The original plan may at a later stage be modified by a supplementary plan and in such a case the provisions of this section shall apply with regard to its approval and execution.

### **Land consolidation plan and reallocation of property**

18. The Committee shall prepare a land consolidation and reallocation plan for the affected area which shall, as far as possible, be in conformity with the provisions of the Third Schedule to this Ordinance, and the reallocation of property shall be carried out in accordance with the Second Schedule to this Ordinance. The Committee shall also prepare a plan for landscaping and for the protection of the environment.

### **Lease and compensation**

19.—(1) Any provision for modification, transfer or cancellation of an existing lease of a property within the affected area shall be published together with the land consolidation plan.

(2) Compensation payable following objections or appeals, whenever decided upon, shall be paid at once by the Committee and shall be recovered from any person who benefits from the modification, transfer or cancellation of an existing lease provided that then the Committee finds itself unable to decide whether any benefit accrues to any particular person from the new arrangements regarding leases, the compensation or the balance shall be taken as part of the costs of land consolidation measures.

### **Encumbrances etc.**

20.—(1) Any encumbrances on property within the affected area shall be ascertained and examined by the Committee who shall advise the owners on means open to them by which they can free the said property therefrom. At the time of the preparation of the land consolidation plan the Committee shall have the power to provide therein for the transfer of encumbrances on to the new holdings or for amending them or upon payment of compensation cancelling them.

(2) Any provisions for the transfer, amendment or cancellation of an existing encumbrance and any compensation considered payable by the Committee shall be published in the prescribed manner together with the land consolidation plan.

(3) When judgment has been given in any appeal, or, in the absence of any appeal, twenty one days after the publication provided in subsection (2) of this section, the Committee shall notify the Chief Officer of the transfers, amendments and cancellations of encumbrances on property within the affected area and such notification shall be authority for the Chief Officer to amend his records accordingly:

Provided that in amending his records the Chief Officer may make more than one registration in respect of any of the properties involved provided that each property shall be charged with the relevant encumbrances:

Provided further that where more than one registration has been made in accordance with the preceding proviso, the person in whose name such registrations have been made shall not be entitled to make any voluntary dealing in respect of any such properties. On the cancellation of any encumbrances the Chief Officer shall have power to cancel any existing separate registrations and make one combined registration in lieu thereof.

(4) All rights of way, privileges, liberties, easements or any other rights or advantages enjoyed in connection with roads, channels and water-courses which have been abolished shall be cancelled together with the roads, channels and water-courses abolished in accordance with the provisions of section 29.

#### **Representation of absent persons etc.**

21. Whenever representations are made that any person interested in any property consolidated or liable to be consolidated under the provisions of this Ordinance is, by reason of his being absent from the Island of Cyprus or of his being under a disability, likely to be prejudiced as regards the exercise of his rights, duties or obligations as an interested party under the provisions of this Ordinance, the Court may, on application of the Area Officer or the Chairman of the Committee or of its own motion, order that such person be duly represented, and may generally give such directions as may secure the proper and just exercise of his rights and duties.

#### **Compulsory acquisition of property**

22. All holdings in the affected area belonging to one person which in aggregate are less than the areas prescribed by paragraphs (b) and (c) or subsection (1) or subsection (2) as the case may be, of section 23 of the Immovable Property (Tenure, Registration and Valuation) Ordinance<sup>(a)</sup>, and trees and water owned by person who own no land may be acquired compulsorily by the Administrator in accordance with the Land Acquisition Ordinance for the purpose of land consolidation measures.

#### **Publication of the land consolidation plan**

23.—(1) When completed, the land consolidation plan shall be published in such manner as the Committee deems appropriate. It shall be accompanied by any plans for the landscaping of the area and for the protection of the environment thereof together with such provisions as are deemed necessary for installations of public benefit and common use and any arrangements necessary either for the cancellation of leases or encumbrances in the area or the transfer of such interests as provided in section 19 and 20.

(2) Any plans or documents so published may be inspected by interested parties for a period of twenty one days from their publication and any objections may be lodged with the Committee within such period.

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(a) Cap. 224 (Laws of Cyprus) as amended

(3) The Committee shall examine any objections and shall carry out such amendments to the plans and documents as it considers necessary. Where any amendments are made, the amended plan and documents shall be published in the same manner as the original plan. The decisions of the Committee on any objections shall be notified in writing to the affected owners by the Chairman.

(4) *Any plan for the landscaping of the area and for the protection of the environment may also be published irrespective of the land consolidation plan.* (a)

#### **Demarcation of consolidated holdings and registration**

**24.** The final land consolidation plan shall be deposited with the Chief Officer who shall proceed to demarcate holdings on the ground and register them in his records:

Provided that the Chief Officer may, in exceptional cases, until the above procedure is complete issue temporary title deeds in respect of the new holdings referred to in the final plan.

#### **Assumption of possession**

**25.** Possession of the new holdings by the parties concerned shall take place on a date fixed by the Committee with the approval of the Chief Officer. The parties concerned shall be informed of the date in question at least one month beforehand.

#### **Dealing following making of decision or reaching agreement**

**26.** During the period between the adoption of a land consolidation agreement and the approval thereof by the Chief Officer under the provisions of subsection (2) of section 4 and the assumption of possession of the new holdings under the agreement, no dealings affecting any property or alterations in the encumbrances on any property included in the affected area shall be permitted except with the written consent or authority of the Chief Officer after consultation with the appropriate Republican authority:

Provided that the foregoing provisions shall not affect sales under the provisions of the Immovable Property (Transfer and Mortgage) Ordinance (b), or sales by way of execution of judgments, under the Civil Procedure Ordinance (c):

Provided further that after any such sale, whether voluntary or not, the Committee shall have power to exercise with the consent of the Chief Officer a right of pre-emption of such property.

#### **Compulsory acquisition of property outside the affected area**

**27.** When the implementation of the land consolidation plan requires the execution of works located on any property outside the affected area, the Administration shall, in the absence of any agreement by the owners of such property concerned, have power to acquire compulsorily the said property in accordance with the provisions of the Land Acquisition Ordinance.

#### **Execution of plan for roads, water-courses, channels and development works**

**28.—**(1) Subject to the provisions of section 29, the Committee shall proceed to carry out the plan for construction of any new roads, water-courses, channels and other works and for the creation of any easements as provided in section 17. The fees therefore shall be levied upon the owners in accordance with the provisions of section 31 of this Ordinance.

(2) Subject to provisions of any legislation in force for the time being, the Chief Officer may take such action as is necessary to amend any land registry book or record, any plan, certificate of

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(a) Subsection (4) inserted by Ordinance 29/2005 – came into force on 14 November 2005

(b) Cap 224. (Laws of Cyprus) as amended

(c) Cap 6. (Laws of Cyprus) as amended

registration or any other document in consequence of the execution of the plan as provided in subsection (1) above, and, as the case may be, for cancelling existing roads, water-courses, channels or works and for the cancellation of existing easements.

#### **Approval for making or cancelling roads (a)**

~~29. Nothing in section 28 shall affect the requirement to obtain in advance any permit, approval or certificate required under any legislation in force for the time being, and in particular and without prejudice to the generality of the aforementioned—~~

- ~~(a) any permit, approval or certificate which is or may be provided in the Streets and Buildings Regulation (Consolidation) Ordinance (b) or any Ordinance amending or substituted for the same or in any regulations made thereunder:~~

~~Provided that no fee or charge provided by such Ordinance or regulation shall be payable for granting or issuing any such permit, approval or certificate;~~

- ~~(b) the approval of the Administrator required by the first proviso to section 18 of the Immovable Property (Tenure, Registration and Valuation) Ordinance for the exchange or alienation of part of a public road in cases where the plan provides for the abolition of existing roads.~~

#### **Exemption from requirement to obtain permits etc.**

*29.—(1) Without prejudice to the provisions of section 25 of the Streets and Buildings Regulation (Consolidation) Ordinance, the Committee may carry out the works referred to in section 28 of this Ordinance, without being required to ensure any permit, approval or certificate required under this Ordinance, provided that a plan has been approved by the Area Officer of that Area.*

*(2) Notwithstanding the provisions of subsection (1) of this section, the provisions of paragraph (b) of subsection (1) of section 18 of the Immovable Property (Tenure, Registration and Valuation) Ordinance 1946 shall apply for the exchange or alienation of part of a public road, in cases where the land consolidation and redistribution plan provides for the abolition of an existing road.*

#### **Duration of Land Consolidation Association**

**30.** The Association, the Committee and the valuation committee shall continue to exist until such time as the Administrator, after consultation with the appropriate Authorities of the Republic, deems that their services are no longer necessary.

#### **Appointment of fees**

**31.—(1)** The Committee shall ascertain the amounts to be levied as fees from owners under the provisions of section 16 and 28 of this Ordinance and prepare a list showing the names of each owner, the fees which shall be levied and the manner and date upon which such fees shall be levied and paid:

~~Provided that in determining such fees the Committee shall take into account the benefit each owner shall or may enjoy from the consolidation and reallocation of property. (c)~~

*(1A) For the purpose of ascertaining fees in accordance with subsection (1), the Committee must take into consideration—*

- (a) the benefit enjoyed or that may be enjoyed by each owner from the land consolidation measures;*

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(a) Section 29 repealed and replaced by Ordinance 29/2005 – came into force on 14 November 2005

(b) Ordinance 7/1984 as amended

(c) Proviso deleted by Ordinance 28/2012 – came into force on 01 November 2012

*(b) interest on amounts paid in advance on behalf of owners (whether financed by borrowing or from the budget of the Land Consolidation Department of the Republic) for the purposes of implementing the land consolidation measures. (a)*

(2) The list shall be published by the Committee and any owner thereby affected may, within ~~fifteen days~~ 21 days (b) of its publication, lodge an objection regarding the amount levied on him.

(3) After the period of ~~fifteen days~~ 21 days (c) the Committee shall examine any objections and the list, if amended, shall be republished.

(4) Any owner who believes that he has been adversely affected by the decision of the Committee may, within twenty one days from the date on which the decision of the Committee has been notified to him, appeal to the Chief Officer against the decision of the Committee.

(5) The Chief Officer shall consider the appeal, and if the list is amended as a result of the decision of the Chief Officer, the Committee shall republish such list.

(6) Any owner not satisfied by the decision on an appeal made under subsection (4) above, may appeal to the Court within twenty one days from the date of notice to him of the decision.

(7) In any case where no objection has been lodged, or if after the objection has been examined by the Committee, no appeal has been lodged, or if after the consideration of an appeal by the Chief Officer, his decision is not appealed before the Court, in each case within the periods prescribed in this Ordinance, the list published or republished under subsections (2),(3) or (5) above, shall be final:

Provided that the fees levied may at a later stage be increased if new costs arise which have not been anticipated or calculated before the day of publication of the original list. In such a case the procedure and the rights of appeal set out in this section shall apply as if the amended list was an original list approved by the Committee.

(8) Notwithstanding the provisions of any other ordinance, no transfer of property resulting from reallocation under this Ordinance or registration in the name of any heir of a deceased owner shall be permitted unless the fees levied in connection with such property under this section are duly paid:

Provided that in exceptional cases the Chief Officer may allow the transfer of property or the registration in the name of an heir of the deceased owner. In such case the unpaid fee shall remain as a charge upon the property and the entitled person or the heir, according to the circumstances, shall undertake in writing to pay any amount due under the same conditions of payment imposed on the previous owner.

~~(9) Where any owner fails to pay any fees due under this section by the date specified in the list issued by the Committee, the amount payable shall be increased by ten per cent and the original fees together with such increase shall be recoverable by the Chief Officer as a civil debt. (d)~~

(10) The Committee shall, with the approval of the Chief Officer, appoint a Treasurer for the collection of fees and any other debt under the Third Schedule of this Ordinance. The remuneration of such Treasurer shall be approved by the Chief Officer.

~~(11) Any charge on a property in respect of outstanding fees shall be registered by the Chief Officer upon written notification of the final list of fees. (e)~~

*(11) The Committee may—*

*(a) impose a charge on all or part of the owner's property in respect of the fees on such terms as the Committee may determine; and*

*(b) with the approval of the Chief Officer, determine the manner in which and the period within which the fees are to be paid.*

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(a) Subsection (1A) inserted by Ordinance 28/2012 – came into force on 01 November 2012

(b) Amended by Ordinance 28/2012 – came into force on 01 November 2012

(c) Amended by Ordinance 28/2012 – came into force on 01 November 2012

(d) Section 31(9) repealed by Ordinance 28/2012 – came into force on 01 November 2012

(e) Section 3(11) repealed and replaced by Ordinance 28/2012 – came into force on 01 November 2012

## **Compulsory Land Consolidation by order of the Administrator**

### **Declaration of land consolidation area**

**32.**—(1) Where it appears to the Administrator that land consolidation measures are necessary in order to provide for the construction of a dam or provide for irrigation or other land improvement works, the Administrator may, by order in the Gazette, declare the affected area as a land consolidation area.

(2) Land consolidation under this section shall be effected in the same manner as compulsory consolidation by majority decision of the owners as provided in section 5 to 31, save the number of the elected members shall be determined by the Administrator, and in the case of refusal of the owners to elect representatives to the various committees related to consolidation, the Chief Officer may appoint such representatives who may or may not be entitled owners.

## **PART 3**

### **Miscellaneous**

#### **Prohibition of partitioning of consolidated property and conditions in undivided shares**

**33.**—(1) Notwithstanding the provisions of any other Ordinance but subject to the provisions of section 27 of the Immovable Property (Tenure, Registration and Valuation) Ordinance, property consolidated under the provisions of this Ordinance, shall not be allocated, divided, consolidated, not have its boundaries readjusted without the written approval of the Chief Officer who may, for the purposes of proper utilization and development, impose conditions concerning—

- (a) the manner of allocation, division, consolidation or readjustment of its boundaries;
- (b) the number of new holdings resulting from its partition;
- (c) the manner of its irrigation; or
- (d) the provision of satisfactory access to the new holdings.

(2) Notwithstanding the provisions of any other Ordinance but subject to the provisions of the Immovable Property (Tenure, Registration and Valuation) Ordinance, the following provisions shall apply in relation to any property situated within a land consolidated area—

- (a) (i) no owner of such property shall transfer the ownership of a portion thereof;
  - (ii) no owner of such property shall transfer the ownership of such property to more than one person;
  - (iii) it shall not be lawful for two or more persons acting jointly to bid in any public auction carried out under this Ordinance or any other Ordinance relating to the forced sale of any immovable property, without the permission of the Chief Officer. The Chief Officer having regard to the provisions of subsection (2) of section 27 of the Immovable Property (Tenure, Registration and Valuation) Ordinance, may determine in the case of sub-paragraph (i) of this paragraph the minimum portion that may be transferred and in the case of sub-paragraphs (ii) and (iii) of this paragraph the maximum number of persons to whom such property may be transferred or who acting jointly may bid in a public auction, as the case may be;
- (b) no property granted under this ordinance to a person who subsequently dies shall be occupied by his heirs in undivided shares for a period exceeding six months, unless it is proved to the satisfaction of the Chief Officer after consultation with the appropriate Authorities of the Republic, that such property shall continue to be cultivated jointly by the co-owners and utilized as a single unit; in the event of a contravention of the provisions of this paragraph or where an individual share of any heir has been disposed to a third party, the Chief Officer may, after consultation with the appropriate Authorities of the Republic, direct that the whole property should be sold by public auction in

accordance with the provisions of any Ordinance relating to such sales and the rules of sale for the time being in force, and distribute the proceeds of sale among the co-owners.

(3) The provisions of paragraph (a) and (b) of subsection (2) of this section shall not apply to immovable property situated within a land consolidation area which after consolidation has been determined by the Chief Officer as not directly affected by the land consolidation measures.

### **Exempted properties**

(4) With regard to property which is exempt under paragraph 7 of the Second Schedule to this Ordinance or which is included in a part of a consolidated area which is certified by the Chief officer a not directly affected by such consolidation, the provisions of paragraphs (b) and (c) of subsection (1) of section 27 of the Immovable Property (Tenure, Registration and Valuation) Ordinance regarding minimum areas, shall apply instead of the provisions of paragraph (a) and (b) of subsection (2) of the said section.

### **Correction of mistakes**

(5) Subject to the provisions of the Immovable Property (Tenure, Registration and Valuation) Ordinance, the Chief Officer may correct any error or omission in the list or plans prepared by the Committee and may revoke any approval given or decision taken on the basis of such error or omission.

(6) If it is considered that any correction or revocation, as provided by subsection (5) above, may affect the interests of any person, the Chief Officer shall give written notice thereof to such person. If the address of such person is not known, such notice shall be published in at least two daily newspapers in Cyprus. Following such notice the affected person may, within thirty days of service upon him of such notice or of the publication thereof submit a written objection to the Chief Officer stating the reason on which his objection is based. The Chief Officer shall consider the objection and decide whether he shall make such correction or revocation. The decision of the Chief Officer shall be notified in writing to the person who submitted the objection.

### ***Alteration of land consolidation area after possession (a)***

*33A. Where the Administrative Secretary considers it expedient to do so, the Administrative Secretary may, with the approval of all affected owners, and subject to section 27 of the Immovable Property (Tenure, Registration and Valuation) Ordinance(b), add to, or remove from, the land consolidation area part of a holding or holdings after possession has taken place in accordance with section 25.*

### **Transfer of powers**

34. The Chief Officer may delegate any power or authority conferred upon him by this Ordinance to any person.

### **Regulations**

35. The Administrator may make Regulations for the better application of this Ordinance and for prescribing any matter which under this Ordinance requires to be prescribed.

### **Offences**

36.—(1) Any person who—

(a) wilfully interferes with any land consolidation measures within a land consolidation area;

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(a) Section 33A inserted by Ordinance 28/2012 – came into force on 01 November 2012

(b) Cap.224, Laws of Cyprus, 1959 ed. Section 27 was substituted by Ordinance 7/11. Legislation of the former Colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960. Schedule 2 to the Interpretation Ordinance 2012 provides for the interpretation of such legislation.

- (b) wilfully obstructs any member of the Committee or any person authorised by it or any person appointed to carry out any works under this Ordinance,

shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding two hundred pounds or to both such penalties.

### **Saving**

**37.**—(1) The provisions of this Ordinance shall not apply to any property—

- (a) belonging to the Crown in any capacity or the Republic of Cyprus;
- (b) ~~belonging to an Improvement Board, Village Commission, public corporation or public utility service and used or intended to be used for an undertaking of public utility;~~ (a)
  - (b) belonging to a Municipal Council, Community Council and used or intended to be used for an undertaking of public utility;*
- (c) belonging to a mining business and used or intended to be used for mining purposes, except with written consent of the owner thereof.

(2) For the purposes of paragraph (b) subsection (1) above, “an undertaking of public utility” shall include the undertakings specified in section 2 of the Land Acquisition Ordinance.

### **~~Relationship of Ordinance to Powers and Duties (Officers of the Republic of Cyprus)(Consolidation) Ordinance 1976 (b)~~**

**38.**—(1) ~~Powers conferred and duties imposed under the provisions of this Ordinance on Republican Officers specified in the First Schedule hereto, shall be deemed to have been included in an Order by the Administrator under the provisions of section 3 of the Powers and Duties (Officers of the Republic of Cyprus)(Consolidation) Ordinance 1976 and subject to the provisions of subsection (4) of this section, section 4 and 9 inclusive and sections 11 of that Ordinance shall apply to the said powers and duties.~~

(2) ~~The powers and duties referred to by this section may lawfully be performed in any place in the Areas and section 4 of the Powers and Duties (Officers of the Republic of Cyprus)(Consolidation) Ordinance 1976 shall be read as if any place in the Areas was “the appropriate place in the Areas” and any place in the Republic was “the appropriate Republican place”.~~

(3) ~~For the purposes of this Ordinance, the officers of the Areas specified in the First Schedule to this Ordinance, shall, in relation to the Republican Authorities and Officers specified in that Schedule opposite the specification of such person, be Officers of the Areas for the purposes of the Powers and Duties (Officers of the Republic of Cyprus)(Consolidation) Ordinance 1976 and may exercise any power or perform any duty under this Ordinance which may be performed by the Republican Authority or the Republican Officer to whom they are made equivalent under the provisions of the said Schedule.~~

(4) ~~The powers and duties exercisable by the Authorities and Officers of the Republic specified in the First Schedule to this Ordinance shall be subject to the restrictions and conditions set out in the Fourth Schedule to this Ordinance as if they had been imposed by Order made by the Administrator under the provisions of section 3 of the Powers and Duties (Officers of the Republic of Cyprus)(Consolidation) Ordinance 1976 and the Administrator shall have power to revoke or vary such Schedule by Order in the Gazette made under the provisions of this Ordinance to the same extent as if such Schedule were an Order made under the provisions of the said Ordinance.~~

(5) ~~Without prejudice to the generality of this section, the powers and duties conferred and imposed upon the Chief Officer under sections 4,6,11,12,25,28,32 and 33 and upon the Area Officer under the provisions of section 5,7,10 and 13 of this Ordinance, shall be regarded as if they had been included in an Order made by the Administrator under the provisions of section 3 of~~

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(a) Section 37(1)(b) repealed and replaced by Ordinance 29/2005 – came into force on 14 November 2005  
(b) Section 38 repealed and replaced by Ordinance 15/2010 – came into force on 08 June 2010

~~the Powers and Duties (Officers of the Republic of Cyprus)(Consolidation) Ordinance 1976, and the provisions of that Ordinance shall apply accordingly.~~

### ***Delegation to the Republic***

38.—(1) *The functions placed on the Administrator, the Chief Officer, the Administrative Secretary (a) and the Area Officer by sections 6(1), 6(2), 7(1), 7(2), 10(1), 11(4), 12, 13(2), 20(3), 24, 25, 26, 28(2), 30, 31(5), 31(8), 31(10), 31(11), 32(2), 33(1), 33(2)(a), 33(2)(b), 33(3), 33(5) and 33(6) 33(6) and 33A (b) are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(c).*

(2) *The functions placed on the Chief Officer and the Area Officer by sections 4(1), 4(2), 5(1) and 31(9) and 5(1) (d) are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.*

(3) *The functions placed on officers of the Republic by sections 5(2), 9(1), 12(3) and 13(1) are to be treated as if they are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.*

(4) *For the purposes of subsection (3), the equivalent officers of the Areas to the officers of the Republic specified in the First Schedule are the officers of the Areas on whom the qualified delegated function is placed and they are entitled to carry out that function.*

### **Repeal**

39. The Agricultural Land Consolidation Ordinance is hereby repealed without prejudice to anything done or left undone thereunder.

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(a) Text inserted by Ordinance 28/2012 – came into force on 01 November 2012  
(b) Text deleted and new text inserted by Ordinance 28/2012 – came into force on 01 November 2012  
(c) Ordinance 17/2007  
(d) Text deleted and new text inserted by Ordinance 28/2012 – came into force on 01 November 2012

## SCHEDULE 1

( (Section 5- Subsection (2); Section 9 - Subsection (1) and ~~Section 38—Subsections (1) and 3))  
Section 38 – Subsection (4) (a)~~)

### Republican Authorities and Officers exercising powers and equivalent Officers in the Areas (b)

<b>Republican Officers and Authorities</b>	<b>Equivalent Officer</b>
<b><del>LAND CONSOLIDATION COMMITTEE AND PROVISIONAL COMMITTEE:</del></b>	
<del>Head of the Land Consolidation Department (c) Director of the Land Consolidation Department (Chairman)</del>	<del>Chief Officer (d) Administrative Secretary</del>
<del>Director of the Department of Agriculture (Vice-Chairman)</del>	<del>Area Officer</del>
<del>District Officer Limassol</del>	<del>Area Officer</del>
<del>District Officer Larnaca</del>	<del>Area Officer</del>
<del>District Officer Famagusta</del>	<del>Area Officer</del>
<del>Director of Lands and Surveys Department</del>	<del>Chief Officer Administrative Secretary</del>
<del>Director of the Department of Water Development</del>	<del>Chief Officer Administrative Secretary</del>
<b><del>VALUATION COMMITTEE:</del></b>	
<del>Officer of the Lands and Surveys Department (Chairman)</del>	<del>Area Officer</del>
<del>Officer of the Land Consolidation Department</del>	<del>Area Officer</del>
<del>Officer of a District Administration</del>	<del>Area Officer</del>

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- (a) Amended by Ordinance 15/2010 – came into force on 08 July 2010  
 (b) Schedule 1 repealed and replaced by Ordinance 08/2018 – came into force on 21 September 2019  
 (c) Amended by Ordinance 28/2012 – came into force on 01 November 2012  
 (d) Chief Officer replaced with Administrative Secretary wherever it appears in the Schedule by Ordinance 15/2010 – came into force on 08 July 2010

Republican Officers and Authorities	Equivalent Officer
LAND CONSOLIDATION COMMITTEE AND PROVISIONAL COMMITTEE:	
Director of the Lands and Surveys Department (Chairman)	Chief Officer
Director of the Department of Agriculture (Vice-Chairman)	Area Officer
District Officer Limassol	Area Officer
District Officer Larnaca	Area Officer
District Officer Famagusta	Area Officer
Director of the Department of Water Development	Chief Officer
VALUATION COMMITTEE:	
Officer of the Lands and Surveys Department (Chairman)	Area Officer
Director of the Department of Agriculture	Area Officer
Officer of a District Administration	Area Officer
Officer of the Department of Water Development	Area Officer

## SCHEDULE 2

(Section 18)

### Land Consolidation Plan

1. The land consolidation plan may provide for the compulsory increase or decrease of the value of the property to be allocated to owners to such an extent as may be approved from time to time by the Chief Officer and for the non-granting of property to owners whose aggregate area of holdings is smaller than that provided in paragraphs (a) and (b) of subsection (1B) of section 27 of the Immovable Property (Tenure, Registration and Valuation) Ordinance.

2. The aim of consolidation is to create as far as possible a greater number of holdings which shall be economically viable. The Chief Officer shall prescribe annually the criteria for determining a holding as “economically viable” and for this purpose shall take into account that the income to be derived from such holding should be sufficient to support the family of the farmer who cultivates it, in the light of the consumers price index in force. Lands which result from the non-allocation of land to owners of small holdings or the purchase of land by the Association or from the property of the Republic approved by the land consolidation plan to be allocated, shall be utilised for this purpose, preference being given to those persons who farm their properties personally. Such lands may also be allocated to persons who are not owners in the land consolidation area, on their application, provided that such persons are residents in the village or villages in which such land is situated and are farmers, tenants of agricultural land or can prove that they are occupied in agriculture. Application by young person resident in the countryside who wish to remain in their villages and occupy themselves in agriculture may also be considered. For this purpose, the Committee shall prepare a list of farmers of property in the affected area where the farmer is not the owner of the land he cultivates.

3. Except in justifiable cases due to the nature of the lands or their utilization or due to their distance from the owner’s residence not more than one plot shall be granted to an owner of a small holding, not more than two plots to an owner of a medium holding and not more than three plots to an owner of a large holding. The Chief Officer shall, in consultation with the appropriate Authorities of the Republic, define the terms “small”, “medium” and “large” for holdings in the affected area and shall specify when a certain case shall be considered a justifiable exception.

4. The regrouping of the scattered plots in consolidated holdings shall be made in accordance with a plan which will allow the rational cultivation of lands, the mechanisation of agricultural activities, the execution of irrigation and soil conservation works and other land improvement works, the construction of farm buildings, the establishment of permanent plantations, the designating of areas reserved for the sinking of public and private wells and the construction of other water works and the setting aside of other areas intended for public use and generally the facilitation of the use of modern and improved methods of cultivation permitting or contributing to an increase in productivity.

5. All the consolidated holdings or plots must be readily accessible.

6. Small holders should as far as possible be allocated land near the village. Owners living outside the boundaries of the land consolidation area shall, as far as possible, be allocated land near the boundaries so as the distance between the land and their dwelling is as short as possible.

7. The Committee, in preparing the consolidation plan shall have regard to the fact that it may be considered advisable in exceptional cases to exempt from consolidation the following properties—

- (a) Property the value of which is high on account of installations or plantations existing thereon, or on account of the development which took place in the neighbouring area or which, in the opinion of the Chief Officer, is of special character, irrespective of its value.
- (b) Buildings of great value and the land around them that is necessary for the use of such buildings.

- (c) Property which belongs to a public institution or foundation recognised as such either by law or a decision of the Administrator, the purpose of which is the protection of the environment, places of historical interest or of antiquities, provided that their owners wish them to be so exempted:

Provided that in any of the foregoing cases, the Committee may make re-adjustments to the boundaries of the properties to be exempted where it considers it appropriate or necessary for the purposes of consolidating and reallocating the remaining holdings in the area.

**8.** It may be decided that an owner who has submitted an application for this purpose may be given compensation instead of being granted land.

**9.** In the case of holdings which are held in undivided shares, each co-owner, either with consent or, if the owners agree by drawing lots, or otherwise at the discretion of the Committee, shall receive an individual plot or plots after consolidation, to be held in single ownership, approximately equal in value to the value of his share before consolidation provided that the plot shall be in conformity with the provisions of section 27 of the Immovable Property (Tenure, Registration and Valuation) Ordinance as amended and this if this is not possible the provisions of paragraph 2 of the Third Schedule to this Ordinance shall apply. At the request of all co-owners or with a decision of the Committee taken of its own volition, a consolidated holding may be granted by the Committee to more than one person in undivided shares where the Chief Officer is satisfied that such holding will be cultivated by its owners in common and shall be utilised as an integrated unit or that such an arrangement shall serve the interests of land consolidation in the area.

**10.** Any trees on the land shall be allocated together with the land and never separately.

**11.** The Committee shall examine all existing leases within the affected area and in the interests of land consolidation shall have powers to maintain, modify, transfer or cancel any existing lease or assist in the making of a new lease.

**12.** In preparing the land consolidation plan the Committee may hold “preference sessions” at which each owner and cultivator may be invited to submit to the Committee his preference as regards the new plots to be allocated to him. For this purpose the Committee shall prepare a plan showing the affected area divided into no more than three framing or development zones in which the new holdings may be allocated to the owners.

## SCHEDULE 3

(Section 18)

### **Manner of consolidation of holdings**

1. Subject to the provisions of paragraph 2 below, each owner shall, after consolidation, where possible be granted property of an aggregate value which shall bear the same ratio to the value of the entire private property resulting from the land consolidation plan (after deducting the areas set aside for new roads, water courses, channels and other works and installations of public benefit and for common use and after adding the areas of roads, water courses, channels and other works which are abolished) as the ratio borne by the value of the property owned by him prior to consolidation to the total value of all private properties owned by all owners prior to consolidation:

Provided that in assessing the value of any immovable property subject to any diminution by reason of the deduction of the value of any lands designated for new roads, water courses, channels or other works or installations of public benefit or for common use, the Committee may, if it considers it appropriate—

- (i) disregard the value of any structure, well, bore-hole or other installation existing on the property; and
- (ii) where properties benefit from part only of the consolidation measures, determine the amount of diminution in their value in proportion to the benefit they will derive in comparison to the remaining properties.

2. Where it appears to the Committee that it is not practically possible to grant any properties having a value as provided in paragraph 1 above, the Committee may order that the owners receiving lands of a greater value than their due shall pay the Committee the difference in value and that owners receiving properties of a smaller value than their due or who receive no properties at all shall be paid such compensation as the Committee may determine having regard to their corresponding properties and the value fixed under section 14 of this Ordinance.

3. Where an owner who receives property of a greater value than is due to him fails to pay the difference in value to the Committee as in paragraph 2 above provided, the whole property of such owner or part thereof may be mortgaged in favour of the Committee under such terms and conditions as it may deem fit or may be charged in the prescribed manner by the Committee with the approval of the Chief Officer who shall have the power to prescribe the manner and period of time for the discharge of such charges:

Provided that if an owner fails to pay the difference in value within the period and in the manner to be prescribed as above, the Chief Officer may, upon the application of the Committee, put up the property charged for sale by public auction in accordance with the provisions of any law relating to sales by public auction and the rules of sale in force for the time being.

**~~Restrictions and Conditions applicable to powers exercisable by  
Republican Authorities and Officers~~**

~~The powers and duties conferred by this Ordinance upon the authorities and person specified in the First Schedule to this Ordinance, may be lawfully exercised or performed in or in relation to the Areas by such Authority or persons (hereinafter referred to as the “appropriate Republican Authority”), after consultation with the Chief Officer, or another Officer of the Areas designated by him for the purposes of this Schedule (hereinafter referred to as “the appropriate Officer of the Areas”) and may not be exercised if the Chief Officer of the appropriate Officer of the Areas notifies such appropriate Republican authority in writing that such exercise would be detrimental to military requirements or security needs, or would be contrary to the declared policy of Her Majesty’s Government regarding the Administration of the Sovereign Base Areas.~~

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(a) Schedule 4 repealed by Ordinance 15/2010 – came into force on 08 July 2010