



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 166 of 25th FEBRUARY, 1966.
LEGISLATION.

ORDINANCE 3 OF 1966.

AN ORDINANCE

TO MAKE SPECIAL PROVISION FOR THE
ADMINISTRATION AND CONTROL OF
CERTAIN PROPERTY AND PRIVILEGES IN
AKROTIRI VILLAGE AND GENERALLY
TO MAKE SPECIAL PROVISION FOR THE
ADMINISTRATION OF AKROTIRI VILLAGE.

THOMAS PRICKETT,
ADMINISTRATOR.

18th February, 1966.

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

PART I - PRELIMINARY

1. This Ordinance may be cited as the Akrotiri Village (Special Provisions) Ordinance, 1966. Short title.

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

“appointed day” means a day after the 18th day of February, 1966 appointed by the Administrator by Notice in the Gazette;

“Committee” means the special Committee constituted under this Ordinance;

“communal owner” means a communal owner as described in subsection (1) of section 9 of this Ordinance who has not ceased to be a communal owner under the provisions of subsection (2) of that section;

Ordinance
6 of 1960.

“Cypriot” has the same meaning as in the Citizens of the Republic (Jurisdiction of Courts) Ordinance 1960;

“descended” or “descendant” means directly descended or a direct descendant through the male or female line:

Provided that for the purpose of this definition an illegitimate child shall not be deemed to be a descendant of either of his parents but an adopted child shall be deemed to be a descendant of each of his adoptive parents;

“disposition” includes sale, gift, mortgage, pledge, lease, licence, surrender of title upon lawful acquisition, or surrender of right of user under lawful requisition, transfer of title by will, intestary or otherwise upon death, disposition by way of trust or other settlement, or any other form of disposition;

“elected member” means a member of the Committee required to be elected by sub-section (2) of section 4 of this Ordinance;

Ordinances
1 of 1960, 8 of
1960, 4 of 1961
and 16 of 1962.

“law” means any Ordinance as defined in the Laws (Adaptation and Interpretation) Ordinance, 1960 and any United Kingdom legislation applicable to the Areas;

“qualified voter” means a male communal owner who has attained the age of twenty one years;

Ordinance
5 of 1960.

“Recognised Residents List” means the Recognised Residents List as defined or described in the Control (Entry, Settlement and Commercial Enterprises) Ordinance, 1960;

First Schedule.

“specified property” means the property and privileges described in the First Schedule to this Ordinance;

“Supervising Officer” means any person appointed by the Administrator after consultation with the appropriate authorities of the Republic as Supervising Officer for the purpose of this Ordinance.

PART II - ADMINISTRATION AND CONTROL OF SPECIFIED PROPERTY

Specified
property to
vest in
communal
owners.
First Schedule.

3. Notwithstanding the provisions of any other Ordinance, including any doctrine of Common Law or Equity, or any settlement, contract or other deed whatsoever, the immovable property described in the first part of the First Schedule to this Ordinance and the privileges described in the second part of the said Schedule (hereinafter together referred to as the “specified property”) shall, from the appointed day, be deemed to vest in the persons described in section 9 of this Ordinance (hereinafter referred to as the “communal owners”).

4.—(1) There shall be a Committee to be called the “Special Committee for the administration and control of specified property in Akrotiri village.”

Special committee to administer specified property.

(2) The Committee shall consist of seven persons, two of whom shall be Officers of the Republic nominated by the Administrator in consultation with the appropriate authorities of the Republic and specified by name or office; one of whom shall be the person for the time being holding the office of Mukhtar of Akrotiri village and four of whom shall be persons elected by a majority of the qualified voters.

(3) The Administrator shall appoint one of the officers of the Republic nominated under the provisions of subsection (2) of this section to be the Chairman of the Committee.

(4) The election of members, required to be elected by subsection (2) of this section shall, unless the Administrator otherwise provides by rules made under the provisions of this subsection, be governed by the provisions of the Second Schedule to this Ordinance.

Second Schedule.

(5) A certificate under the hand of the Supervising Officer that any elected member has been properly elected under the provisions of this Ordinance shall be final and shall not be called in question in any Court.

(6) The term of office of elected members shall be for three years from the appointed day, and thereafter for three years from each triennial anniversary of such day:

Provided that if any elected member before the expiration of his term of office dies, or by notice in writing addressed to the Chairman resigns his office, the Committee shall appoint, from among the qualified voters for the time being, a person who shall hold office as a member of the Committee for the unexpired portion of the term of office of the elected member who has died or resigned, and the member so appointed shall thereafter be deemed to be an elected member for the purpose of this proviso.

(7) Every decision of the Committee shall be by majority vote:

Provided that the Chairman shall, if the votes are evenly divided, have a casting vote in addition to his own vote.

(8) Subject to the provisions of this Ordinance and to rules which may be made by the Administrator under the provisions of this subsection, the Committee may govern its own procedure.

5. The Committee shall be a body corporate with a corporate seal and shall have power to sue or be sued.

Special committee to be a body corporate.

Committee to be deemed to be resident in the Areas.

6. The Committee shall be deemed to be resident in the Areas for the purposes of every law.

Specified property or proceeds thereof to be used for the benefit of communal owners and other purposes connected with Akrotiri village.

7.—(1) Subject to the provisions of this Ordinance, the Committee shall have power to hold, administer and control, and, subject to the provisions of subsection (2) of this section, dispose of the specified property on behalf of the communal owners and shall use the proceeds of any disposition thereof or any part thereof for the benefit of the said communal owners or for such purposes connected with Akrotiri village as may be specified by the Administrator.

(2) The Committee shall not dispose of any part of the specified property except in compliance with an order of acquisition or requisition for a public purpose made under the provisions of any law or except with the consent in writing of the Administrator.

Committee to be treated as the owner of the specified property for certain purposes including land acquisition.

8.—(1) Notwithstanding any other provision of this Ordinance, the Committee shall, for the purposes of every law, be treated as the owner of all the specified property.

(2) Notwithstanding any definition of land therein, the specified property shall be deemed to be land for the purposes of the Land Acquisition Ordinance:

Cap. 226 (Laws of Cyprus) Ordinance 12 of 1963.

Provided that notwithstanding the provisions of subsection (7) of section 4 of this Ordinance, Section 13A of the Land Acquisition Ordinance shall apply in relation to the acquisition of any part of the specified property, as if a reference to the members of the Committee were substituted for the reference to "owners of the land" in the sixth line of that section, but no other provisions relating to communal property in any Ordinance shall apply to the specified property.

Description of communal owners.

9.—(1) The following persons, being Cypriots of or above the age of eighteen years, shall be communal owners of the specified property for the purposes of this Ordinance:—

- (a) persons who were described in the Recognised Residents List as residing in Akrotiri village on the 16th day of August, 1960;
- (b) persons who are descended from, married to, or married to a descendant of, any of the persons described in paragraph (a) of this subsection and who are connected with Akrotiri village by occupation or employment or ownership of property.

(2) A person shall cease to be a communal owner if he—

- (a) dies;
- (b) ceases to be resident in the Island of Cyprus; or

- (c) ceases to be connected with Akrotiri village by occupation or employment or ownership of property.

(3) The land comprising on the appointed day the Phassouri Chiftlik or any land owned by the Crown and occupied by the Armed Services of the Crown on the said day shall be deemed not to be part of Akrotiri village for the purpose of this section.

(4) A certificate of the Administrator under his hand to the effect that a person is or is not or has ceased to be or was not at any time specified in such certificate a communal owner shall be final and shall not be questioned in any Court.

10. No communal owner, whether acting solely or jointly with other owners, shall have any power to administer or dispose of or exercise any power under the provisions of any law in respect of the specified property or any part thereof, or any part of the proceeds thereof, except with the consent of and on behalf of the Committee.

No communal owner to have any right to administer or dispose of or exercise any power in respect of the specified property.

11. No Court shall entertain any action against any communal owner if in the opinion of the Court:—

No communal owner to be personally liable in respect of any claim in relation to the specified property.

- (a) the subject matter of the said action arises solely or substantially out of the administration, control, disposal or ownership of the specified property; and
- (b) a similar action in respect of the same subject matter could lawfully be instituted against the Committee.

12.—(1) No person (including any communal owner) shall have any right of action in any Court against the Administrator, the Committee, any officer of the Administration or the Republic, or any past or present member of the Committee, any servant or agent of the Committee, any other communal owners or any other person or organisation in respect of any matter arising out of any act or omission or any direction of the Administrator, or the Committee or any member of the Committee or any other person to the extent that such act, omission or direction has directly affected the interests of any communal owner under the provisions of this Ordinance:

No person to have right of action in respect of any act or omission or any direction or decision of persons exercising powers under the Ordinance, affecting rights of communal owners under this Ordinance.

Provided only that nothing in this subsection shall deprive the Committee of any right of action against any person, including a past or present member of the Committee.

(2) A certificate under the hand of the Administrator that an act or omission, decision or direction was made under the provisions of this Ordinance shall be final and shall not be questioned in any Court.

Special committee to assume assets, liabilities, rights and obligations of certain other committees set up under certain Colonial Statutory Instruments in relation to part of the specified property. Third Schedule.

13. The Statutory Instruments made by the Governor of the Colony and set out in the Third Schedule to this Ordinance (which relate to property comprising part of the specified property) are, notwithstanding any provision of any other Ordinance, deemed to have been lawfully made but shall be cancelled from the appointed day:

Provided that, without prejudice to the generality of this Ordinance, all assets and liabilities which vest in either of the Committees referred to in the said Instruments on the appointed day shall on the said day vest in the Committee and such assets, shall, to the extent that they are not used for the satisfaction of such liabilities, be used for the purposes set out in subsection (1) of section 7 of this Ordinance.

PART III - SPECIAL PROVISIONS RELATING TO ADMINISTRATION OF AKROTIRI VILLAGE.

Communal owners to be inhabitants, householders or occupiers of Akrotiri village. Fourth Schedule.

14. Notwithstanding the provisions of any other Ordinance, every communal owner shall be deemed to be an inhabitant, a taxpaying inhabitant, a householder or occupier of Akrotiri village for the purposes of the Ordinances set out in the Fourth Schedule to this Ordinance.

Administrator may add to, delete from, or vary Fourth Schedule.

15.—(1) The Administrator may, at any time by order published in the Gazette, add to, delete from, or vary in any manner, the Fourth Schedule to this Ordinance.

(2) In making an Order under the provisions of subsection (1) of this section, the Administrator may declare that communal owners shall be deemed to be or cease to be, as the case may be, regarded as inhabitants, taxpaying inhabitants, householders, occupiers or any other designation connected with residence or ownership or possession of property in Akrotiri village for the purposes of any Ordinance specified in the said Order.

FIRST SCHEDULE

(Section 3).

- A. The village grazing ground known as Merra of Akrotiri including those parts thereof which were designated for the extraction of shingle and sand under Public Instruments No.465/55 and No.216/57 all of which area is recorded as plot No.1 on Government Survey plan No.LVIII.38 a copy of which is deposited at the Area Office, Akrotiri Sovereign Base Area.
- B. The privileges conferred upon the community of Akrotiri over the Main State Forest of Akrotiri under the terms of a Court settlement between the community and the Attorney-General of the Colonial Government following Action No.667 of 1943 in the District Court of Limassol which settlement was modified by an agreement between representatives of the community and the Legal Adviser to the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia dated 10th September 1963.

SECOND SCHEDULE

(Section 4 (4)).

ELECTION OF MEMBERS OF COMMITTEE.

1. For the purpose of electing the elected members of the Committee the Supervising Officer shall, subject to the provisions of paragraph 2, call a public meeting of the qualified voters.

2.—(1) The Supervising Officer, before calling a public meeting shall request the Mukhtar of Akrotiri village in writing to prepare a list of the qualified voters and the latter shall thereupon prepare, sign and seal such list in duplicate and shall forward it to the Supervising Officer within thirty days from the day on which he was requested to do so:

Provided that if for any reason no such list is prepared by the Mukhtar within the aforementioned period, the Supervising Officer shall prepare or cause such list to be prepared.

(2) The Supervising Officer shall cause a copy of such list to be posted in a conspicuous place within the Akrotiri village, the person posting the same inserting therein the date of the posting, and any person desiring to make any objection to the list shall apply within ten days of its posting to the Supervising Officer stating the grounds of his objection.

(3) The Supervising Officer, after considering the objections, if any, may cause such alterations or additions to be made to the list as he shall deem necessary, and thereupon such list shall be considered as the final list of the qualified voters of Akrotiri village for the purposes of the proposed public meeting; and the Supervising Officer shall give written notice to every person whose name has been either added to or deleted from the list.

3.—(1) Upon the completion of the final list of qualified voters as in paragraph 2 provided, the Supervising Officer shall call a public meeting of such qualified voters by causing a written notice to be posted in a conspicuous place in Akrotiri village not less than fifteen days before the meeting, stating the day, time, place and object of the meeting and calling upon such qualified voters to attend thereat.

(2) The Supervising Officer shall preside at such public meeting, and, if any question is raised as to the right of a person to attend and vote thereat, the Supervising Officer may there and then make such enquiry as he may deem requisite and declare whether such person has a right to attend and vote or not, and the decision so made shall be final and an entry shall be made in the minutes of the meeting of any such question and of the decision thereon.

(3) The Supervising Officer shall keep, or cause to be kept, minutes of the proceedings of such public meeting.

(4) The Supervising Officer may adjourn any public meeting from time to time to a day and place to be publicly declared by him at the meeting, and no further notice thereof shall be necessary.

4.—(1) The qualified voters shall proceed at any such public meeting to elect, as hereinafter provided, the requisite number of elected members from among themselves. Every candidate for such election shall be proposed and seconded in such manner as the Supervising Officer may direct.

(2) The election of a person who has been proposed and seconded as a candidate at the meeting at which the election is held, shall be by such mode of voting as the Supervising Officer may determine at the meeting.

(3) Every qualified voter present shall be entitled to give one vote for each candidate.

(4) At the conclusion of the voting, the Supervising Officer shall count the votes and shall declare as first elected member the candidate to whom the greatest number of votes has been given and then as second elected member the candidate to whom the next greatest number of votes has been given and so on in like manner until the number of the elected members of the Committee is completed:

Provided that, if for the election of the last elected member two or more candidates receive an equal number of votes, the election of such elected member shall be decided by the drawing of lots by such candidates under the supervision of the Supervising Officer and the candidate upon whom the lot shall fall shall be declared as the member elected.

(5) If a person elected as a member of the Committee declines to accept his election, the person who received the greatest number of votes next to such candidate shall be declared by the Supervising Officer to be a member of the Committee in the place of the candidate so declining to accept election.

(6) If the number of candidates is not greater than four, such candidates shall be considered to have been duly elected as members and, if one or more of them declines to accept his or their election, the Supervising Officer shall nominate another qualified voter to complete membership of the Committee.

(7) If the number of candidates is less than the number of persons required as members of the Committee, the Supervising Officer shall nominate another qualified voter to complete membership of the Committee.

THIRD SCHEDULE

(Section 13).

1. THE CYPRUS GAZETTE No. 3846 OF
4th AUGUST, 1955.

SUPPLEMENT No. 3.
SUBSIDIARY LEGISLATION.

No. 465.

Page 444

THE IMMOVABLE PROPERTY
(TENURE, REGISTRATION AND VALUATION) LAW.

* Cap. 231 and Laws 8 of 1953 and 4 of 1954.

* SUBSTITUTION OF USE OF COMMUNAL PROPERTY
UNDER SECTION 18 (d).

In exercise of the powers vested in him by paragraph (d) of section 18 of the Immovable Property (Tenure, Registration and Valuation) Law, His Excellency the Governor has been pleased to terminate the use of the area described in the Schedule hereto of the communal property held or enjoyed by the village of Akrotiri in the District of Limassol as grazing ground and has further been pleased to substitute for such use in respect of the said area the following use, that is to say, the extraction and sale of sand and gravel and other similar materials by a Committee authorized by at least two-thirds of the male inhabitants of the said village who have attained the age of 21 years.

Cap. 231, 8 of
1953, 4 of 1954.

SCHEDULE

All that area of land situated at Akrotiri village, in the District of Limassol at the locality "Merra of Akrotiri", being part of plot No.1 of the Government Survey Plan No.LVIII.38 more particularly defined as the area edged green on the Government Survey Plan Serial No.1637.

Dated this 27th day of July, 1955.

By Command of His Excellency the Governor,
J.W. SYKES,

(M.P. 8316/55)

Acting Colonial Secretary.

* Under the Statute Laws of Cyprus (Revised Edition 1959)
Section 19 (d) of Cap. 224 as amended by Law No. 3 of 1960.

2. THE CYPRUS GAZETTE No. 4032 OF
28th FEBRUARY, 1957.

SUPPLEMENT No. 3.
SUBSIDIARY LEGISLATION.

No. 216. Page 148

THE IMMOVABLE PROPERTY
(TENURE, REGISTRATION AND VALUATION) LAW.

* Cap. 231 and Laws 8 of 1953 and 4 of 1954.

* SUBSTITUTION OF USE OF COMMUNAL PROPERTY
UNDER SECTION 18 (d).

Cap. 231, 8 of
1953, 4 of 1954.

In exercise of the powers vested in him by paragraph (d) of section 18 of the Immovable Property (Tenure, Registration and Valuation) Law, His Excellency the Governor has been pleased to terminate the use of the area described in the Schedule thereto of the communal property held or enjoyed by the village of Akrotiri in the District of Limassol as grazing ground and has further been pleased to substitute for such use in respect of the said area the following use, that is to say, the extraction and sale of sand and gravel and other similar materials by a Committee authorised by at least two-thirds of the male inhabitants of the said village who have attained the age of 21 years.

SCHEDULE

All that area of land situated at Akrotiri village, in the District of Limassol at the locality "Merra of Akrotiri", being part of plot No. 1 of the Government Survey Plan No. LVIII.38 more particularly defined as the area edged green on the Government Survey Plan Serial No. 1676.

Dated this 19th day of February, 1957.

By Command of His Excellency the Governor,
A.F.J. REDDAWAY,

(M.P. 1639/55)

Administrative Secretary.

* Under the Statute Laws of Cyprus (Revised Edition 1959)
Section 19 (d) of Cap. 224 as amended by Law No. 3 of 1960.

FOURTH SCHEDULE

(Section 14).

1. The Recovery of Compensation for Injury to Property Ordinance (Cap. 84 - Laws of Cyprus).
 2. The Village Authorities Ordinance (Cap. 244 - Laws of Cyprus - and Ordinances 9 of 1961 and 26 of 1963).
 3. The Public Health (Villages) Ordinance (Cap. 259 - Laws of Cyprus - and Ordinance 5 of 1964).
 4. The Rural Constables Ordinance (Cap. 287 - Laws of Cyprus - and Ordinance 25 of 1963).
 5. The Water (Domestic Purposes) Village Supplies Ordinance (Cap.349 - Laws of Cyprus).
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18th February, 1966.

J. ROBERTS,
Chief Officer.

CORRIGENDUM.

The letter (m) in the third line of Section 3 (iii) of the Motor Vehicles and Road Traffic (Amendment) Ordinance, 1965, published in Supplement No. 2 to Gazette No. 161 of 31st December, 1965, should read "(n)".
