



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 194 of 29th DECEMBER, 1966.
LEGISLATION.

ORDINANCE 17 OF 1966.

AN ORDINANCE

TO AMEND AND CHANGE THE TITLE OF
THE DEPARTMENT OF LANDS AND SURVEYS
(FEES AND CHARGES) ORDINANCE.

GORDON JONES,
ADMINISTRATOR.

16th December, 1966.

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

1. This Ordinance may be cited as the Department of Lands and Surveys (Fees and Charges) (Amendment) Ordinance, 1966, and shall be read as one with the Department of Lands and Surveys (Fees and Charges) Ordinance (hereinafter referred to as "the principal Ordinance").

Short title.

Cap. 219 (Laws of Cyprus).

2. The short title of the principal Ordinance is hereby changed from the Department of Lands and Surveys (Fees and Charges) Ordinance to the Lands and Surveys (Fees and Charges) Ordinance.

Change of short title of principal Ordinance.

3. The First Schedule to the principal Ordinance is hereby amended as follows:-

First Schedule to the principal Ordinance amended.

- (a) by repealing item 3 thereof and substituting therefor the following item:-

“3. Mortgages—

- (a) on the registration of a mortgage (payable by the mortgagor)—

on the amount advanced or, where the mortgage is made for securing a future or contingent liability, including a liability in respect of money to be advanced by instalments or the balance due on a current account, on the maximum possible amount of such liability specified in the mortgage (excluding interest): 1 per cent.

Provided that where an existing mortgage is cancelled and on the same day a new mortgage is declared, the parties to the declaration and either the properties mortgaged or the amount secured, other than interest, being the same, the fee shall be either as hereinbefore provided or £ 1 *plus* 1 per cent. on the amount, if any, by which the amount secured under the new mortgage exceeds the amount secured under the previous mortgage (excluding in either case interest due or to become due), whichever is less;

- (b) on the transfer of a mortgage (payable by the transferee)—

on so much of the amount advanced under the mortgage as remains unpaid on the day of the transfer or, where the mortgage was made for securing a future or contingent liability, including a liability in respect of money to be advanced by instalments after the date of the transfer of the mortgage or the balance due on a current account, on the maximum possible amount of such liability specified in the mortgage (excluding interest due or to become due)—

(i) if the transfer is by parent to child $\frac{1}{2}$ per cent.

(ii) if the transfer is other than by parent to child 1 per cent.”;

- (b) by repealing item 4 thereof and substituting therefor the following item:—

“4. Transmission fees—

- (a) per declaration of transfer or mortgage made in one Area for transmission to another Area, payable by the transferee or the mortgagor, as the case may be 150 mils.
- (b) per memorandum requesting the release of immovable property from a mortgage or the discharge of a mortgage, produced in the Area Office of one Area for transmission to another Area, payable by the mortgagor 150 mils”;
- (c) by inserting immediately after item 13 thereof, the following new item to be numbered 13A:—
 - “13A. Notices—
 - for the giving of notice by the Chief Officer—
 - (a) to a mortgagee, that the immovable property mortgaged to him has been transferred to another person 200 mils.
 - (b) to a mortgagor, that the mortgagee has transferred the mortgage to another person 200 mils.
 - (c) to a mortgagee, that a prior mortgage subsisting on the same immovable property has been transferred to another person 200 mils.
 - (d) to a mortgagee, that an application has been made for the sale of the immovable property mortgaged to him in satisfaction of the amount secured by another mortgage thereon 200 mils”;
- (d) by substituting for the words “giving the evidence” in line 4 of item 14 thereof the words “providing the service”.

4. This Ordinance shall come into operation on a date to be appointed by the Administrator by notice published in the Gazette.

Date of coming into operation.

J. ROBERTS,
Chief Officer.

17th December, 1966.

AN ORDINANCE

TO AMEND THE CIVIL PROCEDURE ORDINANCE.

GORDON JONES,
ADMINISTRATOR.

16th December, 1966.

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

Short title.

Cap. 6 (Laws of Cyprus).

Section 23 of the principal Ordinance amended.

Section 28 of the principal Ordinance amended.

Section 58 of the principal Ordinance repealed and replaced.

1. This Ordinance may be cited as the Civil Procedure (Amendment) Ordinance, 1966, and shall be read as one with the Civil Procedure Ordinance (hereinafter referred to as "the principal Ordinance").

2. Section 23 of the principal Ordinance is hereby amended by deleting the word "Credit" in lines 7 and 8 of the second proviso thereto.

3. Section 28 of the principal Ordinance is hereby amended by adding thereto the following proviso (the full stop at the end thereof being replaced by a colon):-

"Provided that where the property is subject to two or more mortgages—

- (a) the provisions of paragraphs (a), (c), (d) and (e) shall be applicable in respect of all such mortgages, all monies secured thereby and all respective mortgagees;
- (b) should the mortgagee of any of such mortgages refuse to accept payment of the money secured by such mortgage upon tender by the judgment creditor as in paragraph (a) provided, the provisions of paragraph (b) of this section shall be applicable in respect of such mortgage, the respective mortgage and the money secured thereby."

4. The principal Ordinance is hereby amended by repealing Section 58 thereof and substituting therefor the following new section:-

"Effect where there is a previous declaration of transfer or mortgage.

58. Where a declaration of transfer or mortgage has been made, no registration of a judgment made after the time of such declaration shall have any effect—

- (a) upon the interest of the transferor; or
- (b) upon the interest of the mortgagor in priority to the mortgage declared, as the case may be, in the property so declared to be transferred or mortgaged:

Provided that where a registration of judgment is made after such transfer or mortgage has been declared but before the fees and charges leviable, under the provisions of any Ordinance in force for the time being, on the registration of such transfer or mortgage have been paid, the provisions of this section shall not apply unless such fees and charges are paid on the day on which the transfer or mortgage, as the case may be, has been declared.”.

5. Section 66 of the principal Ordinance is hereby amended by repealing the proviso thereof and substituting therefor the following new proviso:-

Section 66 of the principal Ordinance amended.

“Provided that where such property is registered in the name of some other person, it shall also be necessary—

- (a) if such person be living, that his consent in writing, duly authenticated, be produced;
- (b) if such person be dead, that the provisions of section 49 of the Immovable Property (Tenure, Registration and Valuation) Ordinance be, *mutatis mutandis*, applied.”.

Cap. 224
3 of 1960
(Laws of
Cyprus),
Ordinance
12 of 1966.

6. The principal Ordinance is hereby amended by inserting immediately after section 96 thereof the following two new sections, to be numbered 96A and 96B respectively:-

New sections
96A and 96B
to be added
to principal
Ordinance.

“Power of judgment creditor to protect immovable property charged.

96A. Any judgment creditor who has, under the provisions of Part V, levied execution on immovable property shall, during the period for which such immovable property is the subject of such execution, have concurrent and equal powers with the registered owner of such immovable property for the purpose of taking any action, whether by civil or criminal process, against any person for the protection of such immovable property against destruction or damage.

Destroying or damaging immovable property charged.

96B. Any person having an interest, whether as owner or heir, in immovable property on which execution has been levied under the provisions of Part V, who, during the period for which such immovable property is the subject of such execution, shall do any act, or shall order or wilfully permit any act to be done, whereby such immovable property is destroyed or materially damaged shall, unless he establishes to the satisfaction of the Court that he acted without any fraudulent intent, be guilty of an offence under

this Ordinance and shall be liable on conviction to a fine not exceeding one thousand pounds or to imprisonment for any term not exceeding two years or to both such fine and such imprisonment.”.

Date of coming into operation.

7. This Ordinance shall come into operation on a date to be appointed by the Administrator by notice published in the Gazette.

17th December, 1966.

J. ROBERTS,
Chief Officer.

ORDINANCE 19 OF 1966.

AN ORDINANCE

TO AMEND THE POWERS AND DUTIES
(OFFICERS OF THE REPUBLIC OF CYPRUS) ORDINANCE.

GORDON JONES,
ADMINISTRATOR.

23rd December, 1966.

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

Short title.

1. This Ordinance may be cited as the Powers and Duties (Officers of the Republic of Cyprus) (Amendment) Ordinance, 1966 and shall be read as one with the Powers and Duties (Officers of the Republic of Cyprus) Ordinance (hereinafter referred to as “the principal Ordinance”).

Ordinances 2 of 1960, 3 of 1961.

Long title of the principal Ordinance amended.

2. The long title of the principal Ordinance is hereby amended by deleting the words “in the Sovereign Base Areas of Akrotiri and Dhekelia” appearing therein and substituting therefor the words “in or in relation to the Sovereign Base Areas of Akrotiri and Dhekelia”.

Section 3 of the principal Ordinance amended.

3. Section 3 of the principal Ordinance is hereby amended:—

- (a) by deleting in the third and fourth lines thereof the words “in the Sovereign Base Areas” and substituting therefor the words “in or in relation to the Sovereign Base Areas”, and

- (b) by deleting in the twelfth line thereof the words "within the Areas" and substituting therefor the words "in or in relation to the Areas".

4. The principal Ordinance is hereby amended by inserting immediately after Section 3 thereof the following new section to be numbered 3A:-

New Section 3A
added to
principal
Ordinance.

"Officers of the Republic exercising or performing powers and duties under this Ordinance, and persons doing acts in relation to such powers or duties may exercise or perform such powers or duties or do such acts in the Republic in certain circumstances.

3A—(1) Where the Administrator has, by Order made under the provisions of Section 3 of this Ordinance, directed that any specified power or duty may be lawfully exercised or performed in relation to the Areas by an officer of the Republic, such power or duty may be lawfully exercised or performed by such officer either in the place in the Areas (hereinafter referred to in this section as "the appropriate place in the Areas") in which a similar power or duty may be lawfully exercised or performed by an officer of the Areas or in the appropriate Republican place; and any act required or permitted to be done by any person in relation to such power or duty may be lawfully done by such person either in the appropriate place in the Areas or in the appropriate Republican place.

(2) For the purpose of this Ordinance "the appropriate Republican place" shall be the place in the Republic in which a similar power or duty would be lawfully exercised or performed or in which a similar act in relation to such power or duty could be lawfully done under the provisions of any Republican law which deals in the Republic with the same matter or things as are dealt with in the Areas under the provisions of the appropriate enactment, as if the Areas were part of the Republic, and as if those parts of the Areas which before the 16th August 1960 lay within the districts of Limassol, Larnaca and Famagusta respectively, continued to lie within the same respective districts."

5. Section 7 of the principal Ordinance is hereby amended by deleting the word "within" in paragraph (a) thereof and substituting therefor the words "in or in relation to"

Section 7 of
the principal
Ordinance
amended.

28th December, 1966.

J. ROBERTS,
Chief Officer.

