AN ORDINANCE

CONTAINING TEMPORARY PROVISIONS RELATING TO THE CREATION OF ENCUMBRANCES AND THE EFFECT OF PROHIBITIONS ON IMMOVABLE PROPERTY IN THE AREAS.

R. D. AUSTEN-SMITH

ADMINISTRATOR

29th September, 1977.

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 Encumbrances and Prohibitions (Temporary Provisions) Ordinance, 1977.

2.—(1) In this Ordinance, unless the context otherwise requires—

"encumbrance" shall have the meaning assigned to it under sub-section (5) of section 12 of the Immovable Property (Transfer and Mortgage) Ordinance, 1966 but shall not include a mortgage;

"prohibition" shall have the meaning assigned to it under sub-section (5) of section 12 of the Immovable Property (Transfer and Mortgage) Ordinance, 1966.

(2) Expressions not otherwise defined in this Ordinance, unless the context otherwise requires, shall have the meaning assigned to them in the Immovable Property (Transfer and Mortgage) Ordinance, 1966.

3. Notwithstanding anything contained in any other Ordinance in force for the time being, where it is intended that an encumbrance is to be created on any immovable property or a prohibition is to take effect upon the owner of any immovable property, in respect of which the land register or other land registration books are not available—
(a) the necessary notice relating to the encumbrance or prohibition may be given, or the document in respect of the encumbrance or prohibition may be declared or produced to the Chief Officer or may be registered or deposited with him;

(b) the notice or document referred to in paragraph (a) of this section of this Ordinance may contain a simple description of the immovable property or may refer to all the immovable properties of an owner situated in any village without any reference to the registration number or numbers in the land register concerned or without any other particulars of the immovable property or properties.

4. The Chief Officer shall accept the notice or document referred to in section 3 of this Ordinance and shall acknowledge in writing thereon such acceptance and shall record the date and time thereof.

5. The encumbrance or prohibition referred to in sections 3 and 4 of this Ordinance shall be registered by the Chief Officer in a special register kept for encumbrances or prohibitions, as the case may be, and a certificate in respect of such registration shall be issued.

6. Every registration of an encumbrance or prohibition made under this Ordinance shall have the same effect as if the necessary notice in respect of the creation of an encumbrance or the effect of a prohibition had been given, or the necessary document had been declared or produced or registered or deposited at the appropriate Area Office.

7. With regard to any immovable property in respect of which the land register or other land registration books are not available, every transaction carried out at the appropriate Area Office after the 19th July, 1974, and before the date of the enactment of this Ordinance, which was intended to create an encumbrance on such immovable property or to effect a prohibition on the owner thereof including the serving of the necessary notice or declaration, production, registration or deposit of the necessary document, shall be deemed to have been carried out under this Ordinance.

8. All the provisions of Ordinances in force from time to time relating to the creation of an encumbrance or the effect of a prohibition which are not in conflict with the express provisions of this Ordinance shall apply mutatis mutandis.

9. Any person who shall knowingly make or cause to be made any false statement or declaration shall be guilty of an offence under this Ordinance and shall be liable on conviction to the same penalty as if he had given false evidence in any judicial proceedings.

P.G. ADAMS
Chief Officer.

29th September, 1977.
(118/2)