AN ORDINANCE

CONTAINING TEMPORARY PROVISIONS RELATING TO TRANSFERS AND MORTGAGES OF IMMOVABLE PROPERTY IN THE SOVEREIGN BASE AREAS.

R. D. AUSTEN-SMITH
ADMINISTRATOR

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 Mortgage of Immovable Property (Temporary Provisions) Ordinance, 1978.

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

"contract" means a written agreement relating to mortgage.

(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 the Immovable Property (Transfer and Mortgage) Ordinance, 1966, where it is intended to mortgage any registered immovable property in respect of which the land register or other land registration books are not available, the Chief Officer may accept the production of a contract instead of a declaration of mortgage.
4. The contract shall be deposited with the Chief Officer by
the mortgagor and mortgagee and shall be accompanied by a
written declaration in a form prescribed by the Chief Officer,
which shall contain a description of the immovable property by
reference to locality and plot number on the Government Survey
plan, an assurance by the mortgagor to the effect that the
immovable property exists and is registered in his name and
is free from any encumbrance and that the mortgagor is not
under any prohibition.

5. After the acceptance of the contract by the Chief Officer,
a written note shall be made by him to the effect that the contract
has been accepted and the date and time of such acceptance
shall also be recorded.

6. The contract shall be registered by the Chief Officer in a
special register kept for the purpose and a certificate of
registration of the contract shall be issued to the mortgagor
as well as to the mortgagee, on which the Chief Officer shall
make a note that he will cause the mortgage to be registered and
that a certificate of registration of mortgage under the terms
and conditions provided in Section 7 of this Ordinance will be
issued.

7. If at the time of acceptance of the contract the immovable
property was registered in the name of the mortgagor and was
free from any encumbrance and the mortgagor was not under
any prohibition, as soon as the land registers or other land
registration books become available, the Chief Officer may carry
out the necessary registration in the appropriate land register
and issue the requisite registration certificate of mortgage:

Provided that all requirements envisaged in any legislation in
force for the time being relating to the registration of mortgage
shall be complied with.

8.—(1) Notwithstanding anything contained in the Immovable
Property (Transfer and Mortgage) Ordinance, 1966 whenever the
mortgage of immovable property acquired conditionally under
the Transfer of Immovable Property (Dhekelia Sovereign Base
Area) (Temporary Provisions) Ordinance, 1975 the Chief Officer
may, instead of a declaration of mortgage, accept the production
of a contract under and in accordance with the provisions of this
Ordinance subject to the necessary modifications, accompanied by
the certificate of registration of contract issued under section 6
of the Transfer of Immovable Property (Dhekelia Sovereign Base
Area) (Temporary Provisions) Ordinance, 1975 as well as an
assurance by the mortgagor that the immovable property is free
from any encumbrance and that he is not under any prohibition
and fees and charges under the Lands and Surveys (Fees and
Charges) Ordinance, 1971 shall be levied and taken as if it were a
declaration of mortgage under the Immovable Property (Transfer
and Mortgage) Ordinance, 1966.

(2) After the acceptance of the production of a contract by
the Chief Officer as provided in sub-section (1) of this section
of the Ordinance, the provisions of sections 5, 6, 7 and 9 shall
apply, mutatis mutandis, as if they would apply to cases of
production and acceptance of a contract under sections 3 and 4
of this Ordinance.
9.—(1) All the provisions of the Immovable Property (Transfer and Mortgage) Ordinance, 1966 relating to declarations of mortgage which are not in conflict with the express provisions of this Ordinance shall apply *mutatis mutandis*.

(2) All the provisions of the Lands and Surveys (Fees and Charges) Ordinance, 1971 shall apply *mutatis mutandis*.

10. 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.