
AGRICULTURAL LAND CONSOLIDATION (AMENDMENT) ORDINANCE 2012

An Ordinance to amend the Agricultural Land Consolidation (Amending and Consolidating)
Ordinance 1999

G. E. STACEY
ADMINISTRATOR

18th October 2012.

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

1. Short title

This Ordinance may be cited as the Agricultural Land Consolidation (Amendment) Ordinance 2012.

2. Commencement

This Ordinance comes into force on 1 November 2012.

3. Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999 amended

The Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999(a) is amended in accordance with sections 4 to 9.

4. Section 6 amended (list of owners)

(1) Section 6(1) is amended by—

- (a) omitting “make the list of owners public;” and substituting “publish the list of owners and a plan of the affected area;” and
- (b) inserting “, and the plan of the affected area,” after “republish the list of owners”.

(2) Section 6 is amended by inserting the following subsection after subsection (1)—

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

5. Section 14 amended (valuations)

Section 14(4) is amended by omitting “the value of certain properties” and substituting “the value of some or all properties”.

6. Section 31 amended (appointment of fees)

- (1) Section 31 is amended by repealing the proviso after subsection (1).
- (2) Section 31 is amended by inserting the following subsection after subsection (1)—
 - “(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;
 - (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 purpose of implementing the land consolidation measures.”
- (3) Section 31(2) is amended by omitting “fifteen days” and substituting “21 days”.
- (4) Section 31(3) is amended by omitting “fifteen days” and substituting “21 days”.
- (5) Section 31(9) is repealed.
- (6) Section 31(11) is repealed and the following subsection substituted—
 - “(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.”

7. New section 33A inserted

The following section is inserted after section 33—

“33A. Alteration of land consolidation area after possession

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.”

8. Section 38 amended (delegation to the Republic)

- (1) Section 38(1) is amended—
 - (a) by inserting “, the Administrative Secretary” after “the Chief Officer”; and
 - (b) by omitting “and 33(6)” and substituting “, 33(6) and 33A”.
- (2) Section 38(2) is amended by omitting “5(1) and 31(9) and substituting “and 5(1)”.

9. Schedule 1 amended (Republican authorities and officers exercising powers and equivalent officers in the Areas)

The table in Schedule 1 is amended by omitting “Head of the Land Consolidation Department” and substituting “Director of the Land Consolidation Department”.

Notes

(a) Ordinance 18/99, amended by Ordinances 29/05, 15/10 and 5/11.

(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.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

1. This explanatory note relates to the Agricultural Land Consolidation (Amendment) Ordinance 2012 (the “Ordinance”). It has been prepared by the Office of the Attorney-General and Legal Adviser in order to assist the reader of the Ordinance and should be read in conjunction with it.
2. The Ordinance amends the Agricultural Land Consolidation (Amending and Consolidating) Ordinance 1999 (the “principal Ordinance”) to reflect amendments made to equivalent legislation in the Republic of Cyprus by Law 42(I)/2012.
3. The principal changes made by the Ordinance are as follows—
 - In a case of land consolidation by majority resolution of owners, the provisional committee must publish a plan of the area to be consolidated (in addition to the list of owners) (see amended section 6(1) of the principal Ordinance).
 - The provisional committee may re-define the area to be consolidated at any time until the first meeting of owners under section 7 of the principal Ordinance (see new section 6(1A) of the principal Ordinance).
 - It is made clear that the Land Consolidation Committee may require the Valuation Committee to re-examine the valuation of property if the Land Consolidation Committee considers that the value of all, not just some, properties has altered (see amended section 14 of the principal Ordinance).
 - In determining the fees to be levied on owners, the Land Consolidation Committee must take into consideration interest on amounts paid in advance for land consolidation works (see new section 31(1A) of the principal Ordinance).
 - The time for an owner to object to fees levied by the Land Consolidation Committee is extended from 15 to 21 days (see amended section 31(2) and (3) of the principal Ordinance).
 - The Land Consolidation Committee may impose a charge on some or all of an owner’s property in respect of the fees levied for the land consolidation measures. (see new section 31(11) of the principal Ordinance). With the approval of the Chief Officer, the Committee may determine the manner in which and the period within which the fees are to be paid.
 - Where the Administrative Secretary considers it expedient to do so, the Administrative Secretary may, with the approval of all affected owners, add to, or remove from, the land consolidation area part of a holding or holdings even after possession of new holdings has taken place (see new section 33A of the principal Ordinance).
4. Many of the functions imposed on public officers of the Areas by the principal Ordinance are delegated to the Republic in accordance with section 38 of the principal Ordinance. The Chief Officer’s function of approving the manner in which and the period within which the fees for land consolidation measures are to be paid in accordance with new section 31(11), and the Administrative Secretary’s function of adding land to or removing land from the land consolidation area under new section 33A, are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007 (see amended section 38(1) of the principal Ordinance). The functions are delegated to the Director of the Land Consolidation Department of the Republic and the Director of the Department of Lands and Surveys of the Republic respectively.

