

---

**IMMOVABLE PROPERTY  
(TENURE, REGISTRATION AND VALUATION)  
(AMENDMENT NO. 2) ORDINANCE 2014**

---

**CONTENTS**

1. Short title and commencement
2. Amendment to Immovable Property (Tenure, Registration and Valuation) Ordinance
3. Amendment to section 2 (interpretation)
4. Repeal of section 6 (ownership of storeys of building)
5. Amendment to section 30 (readjustment where owner of land and trees is not same person)
6. Insertion of section 33A
7. Insertion of Part 2A (jointly owned buildings)
8. Amendment to section 51A (information to be furnished)
9. Insertion of Part 3D (updating of registration)
10. Substitution section 67 (revaluation)
11. Amendment to section 68 (valuers)
12. Amendment to section 69 (general valuation of immovable property)
13. Amendment to section 70 (procedure on general valuation)
14. Amendment to section 71 (procedure on valuation or revaluation of particular properties)
15. Amendment to section 73 (valuations to be effective until revised)
16. Amendment to section 74 (fee for examination of objections to valuation of immovable property)
17. Amendment to section 79 (offences)
18. Amendment to section 86 (delegation of functions to the Republic)
19. Transitory provision relating to general valuation

---

**IMMOVABLE PROPERTY  
(TENURE, REGISTRATION AND VALUATION)  
(AMENDMENT NO. 2) ORDINANCE 2014**

---

An Ordinance to amend the Immovable Property (Tenure, Registration and Valuation) Ordinance

**P.J. Rushbrook**  
**DEPUTY ADMINISTRATOR**

*26 August 2014*

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

**Short title and commencement**

**1.** This Ordinance may be cited as the Immovable Property (Tenure, Registration and Valuation) (Amendment No. 2) Ordinance 2014 and comes into force on the day after publication in the Gazette.

**Amendment to Immovable Property (Tenure, Registration and Valuation) Ordinance**

**2.** The Immovable Property (Tenure, Registration and Valuation) Ordinance<sup>(a)</sup> is amended in accordance with sections 3 to 18.

**Amendment to section 2 (interpretation)**

**3.** In section 2, insert in the appropriate alphabetical place—

““credit institution” has the meaning given in the Republic’s Law 66(I) of 1997 (as amended) (Credit Institution Business Law);”;

---

<sup>(a)</sup> Cap 224, Statute Laws of Cyprus revised edition 1959, as applied in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/2012) provides for the interpretation of such legislation.

““prescribed fee” means the fees prescribed in the Lands and Surveys (Fees and Charges) Ordinance 2010(a);

**Repeal of section 6 (ownership of storeys of building)**

4. Section 6 is repealed.

**Amendment to section 30 (readjustment where owner of land and trees is not same person)**

5. Section 30 is amended by adding after subsection (3)—

“(4) This subsection applies where—

- (a) within the boundaries of a plot of immovable property there is a well or a small plot (including channels or tanks for the storage or the conveyance of water);
- (b) the Chief Officer considers that the well or the small plot inhibits or prohibits the development of the immovable property as a whole; and
- (c) at least one of the conditions specified in subsection (5) apply.

(5) The conditions are—

- (a) the well has been dry for at least 5 years;
- (b) the well or the small plot on which the well is situate is in an area where building or development is permitted in accordance with the legislation of the Areas, and the conditions imposed on using water from the well allow its use for the permitted development; or
- (c) channels or tanks on the small plot have not been used for the storage or conveyance of water for at least 5 years.

(6) Where subsection (4) applies, the Chief Officer may order, on the application of any person having an interest in the immovable property concerned, a readjustment in accordance with subsections (1) to (3)

(7) When making an order for readjustment, the Chief Officer—

- (a) must take account of the wishes of the owners of the immovable property, as far as is reasonably practicable;
- (b) must, as far as is reasonably practicable, readjust the boundaries of the plots of the immovable property so as to facilitate permitted development;
- (c) may sub-divide the plots of the immovable property.

(8) The restrictions in section 27 do not apply to divisions made in accordance with subsection (7).

(9) In this section “small plot” means a plot where, in accordance with the legislation of the Areas, no building is permitted or, where building is permitted, the building may not exceed 60 square metres.”.

**Insertion of section 33A**

6. After section 33 insert—

**“Compulsory acquisition: wells and small plots of land within larger plot**

**33A.**—(1) Where section 30(4) applies and the Chief Officer determines that readjustment in accordance with section 30 is not reasonably practicable, the Chief Officer may proceed in accordance with section 33.”.

---

(a) Ordinance 32/2010, as amended by Ordinance 5/2014.

**Insertion of Part 2A (jointly owned buildings)**

7. After section 38 insert the following—

**“PART 2A**  
Jointly owned buildings  
CHAPTER 1  
General provisions

**Interpretation of Part 2A**

**38A.—(1)** In this Part—

“appropriate authority” means the appropriate authority for the purposes of the Streets and Buildings Regulation (Consolidation) Ordinance 1984(a);

“building” means a permanent building and includes the land on which it is built;

“licensed insurer” means an insurer which is licensed to conduct insurance business in accordance with the Republic’s Law 72(I) of 1984 (Insurance Companies Law);

“jointly owned building” has the meaning given in section 38B;

“jointly owned property” means any part of a jointly owned building which has not been registered as a unit;

“management committee” is the committee referred to in section 38U;

“model rules” means the rules in Schedule 4 to the corresponding Republican Law;

“owner” (in relation to a unit) or “unit owner” means the person entitled to be registered as the owner of the unit in accordance with this Ordinance, and includes the lessee of a lease registered under Part 3A, unless the lease expressly provides that the lessee is not the unit owner for the purpose of this Part;

“restricted jointly owned property” means a part of a jointly owned building ceded in accordance with section 38F(3) for the exclusive use of 1 or more units, but not all the units, in a jointly owned building;

“rules” means the rules for the management of jointly owned buildings described in section 38R;

“unit”, except in subsection (2), means any part of a jointly owned building which may be occupied and enjoyed as a full, separate and independent place for any purpose for which a building permit is issued, and includes—

- (a) a floor;
- (b) a section of a floor;
- (c) a room;
- (d) an office;
- (e) a flat;
- (f) a shop.

(2) Any part of a jointly owned building which is not registered as a unit or jointly owned property (including where the building co-efficient is not fully utilised) is deemed to be a unit and may on application by the owner of the building be registered in the owner’s name.

---

(a) Ordinance 7/1984; “appropriate authority” is defined in section 2 of Ordinance 7/1984 as the authority constituted to exercise powers under the Ordinance

(3) A registration under subsection (2) may be amended in accordance with any subsequent grant of planning permission or a building permit for that part of the building so registered.

### **Jointly owned buildings**

**38B.**—(1) A building is a jointly owned building where it is comprised of—

- (a) 5 or more units; or
- (b) 2 to 4 units, and at least 50% of the owners apply to the Chief Officer for the building to be registered as a jointly owned building.

(2) Each unit of a jointly owned building is owned, held and enjoyed as separate property and must be registered as a separate unit in accordance with section 38Z4.

(3) The Chief Officer must issue a separate certificate of registration for each unit.

(4) The only property, other than the unit, which may be included on the certificate referred to in subsection (3) is restricted jointly owned property ceded for the use of that unit.

### **Application of Ordinance to jointly owned buildings**

**38C.** Subject to this Part, this Ordinance and all other Ordinances relating to immovable property apply to jointly owned buildings with all necessary modification.

### **Owners' rights to alter, add to or repair unit**

**38D.**—(1) Subject to subsection (2) and to compliance with this Part, a unit owner may carry out works to alter, add to or repair the unit.

(2) The works referred to in subsection (1) must not adversely affect—

- (a) the rights of an owner of another unit in the jointly owned building or the enjoyment of the owner of that unit;
- (b) the functioning or enjoyment of jointly owned property in the jointly owned building;
- (c) the walls, frames, other structure of the jointly owned building so as to pose a risk to the safety, or to alter the external appearance, of the jointly owned building.

### **Application of Part to separate buildings**

**38E.** This Part applies to separate buildings comprising more than 1 structure and to complexes of buildings on the same plot of land, including where the buildings or complexes of buildings are not wholly or partly horizontally divided.

## **CHAPTER 2**

### **Units and jointly owned property**

#### **Ownership**

**38F.**—(1) Subject to the following provisions, jointly owned property is owned, occupied and enjoyed by all the unit owners in the building in undivided shares in accordance with the proportions determined under section 38I.

(2) The certificate of registration for a unit must refer to any jointly owned property which is ceded for the use of that unit.

(3) Where jointly owned property is ceded for the exclusive use of 1 or more units (“restricted jointly owned property”), this must be included on the certificate of registration for the unit or units.

(4) Except as may be specified in the rules, and subject to subsection (6), the Chief Officer may register any part of jointly owned property as restricted jointly owned property—

- (a) at the request of least 75% of the unit owners in the jointly owned property; and
- (b) where the Chief Officer is satisfied that the part is ceded to a unit or units for the exclusive use of the unit or units.

(5) Subject to subsection (6), the Chief Officer may register a part of a of jointly owned property as restricted jointly owned property despite the refusal of a unit owner to agree to such registration, where the Chief Officer is satisfied that—

- (a) the part is jointly owned property; or
- (b) the refusal is made in bad faith.

(6) Subsections (4) and (5) do not apply to the following parts of a jointly owned property—

- (a) the staircase;
- (b) the roof;
- (c) the foundations;
- (d) the supporting walls;
- (e) the lifts;
- (f) the corridors; and
- (g) any other parts intended for use by all the unit owners.

(7) Registration of an area of a jointly owned building as restricted jointly owned property in contravention of subsection (6) is void.

(8) A contract or other agreement selling or otherwise dealing in a unit includes the jointly owned property and any restricted jointly owned property ceded to the unit, whether or not the contract or agreement includes an express reference to the jointly owned property or restricted jointly owned property, and any part of a contract or agreement purporting not to include such property is void.

(9) Subject to the Streets and Buildings Regulation (Consolidation) Ordinance 1984, the land which is part of a jointly owned property may be reduced or increased where all the unit owners of the jointly owned property agree.

#### **Undivided shares: non-application**

**38G.**—(1) The provisions in this Ordinance which relate to holding immovable property in undivided shares do not apply to a jointly owned property.

(2) Subsection (1) does not prevent more than 1 person being the registered owner of a unit.

#### **Area of unit**

**38H.**—(1) The area of a unit comprises the covered area enclosed by the external walls including covered and uncovered verandas and balconies.

(2) A wall between units or a wall between a unit and jointly owned property is divided in equal shares between the adjacent units or adjacent jointly owned property, as the case may be.

#### **Share of jointly owned property**

**38I.**—(1) The proportion (P) of any jointly owned property ceded to a unit is determined as follows, with any fractions of less than 1/100 disregarded—

$$P = \frac{U}{B}$$

where—

$U$  is the value of the unit; and

$B$  is the value of the jointly owned building.

(2) Subject to the following provisions, the owner of the jointly owned building in which the unit is situate is to determine the value of the unit and the value of the building.

(3) If the Chief Officer considers that the values determined under subsection (2) do not represent the actual values, they may be determined by the Chief Officer.

(4) Where a building permit for the jointly owned building or the unit in the jointly owned building was issued before 12 February 1993, the Chief Officer is to determine the values in accordance with the deemed values of the building or the unit, as the case may be.

(5) Where the building co-efficient has not been fully utilised, the Chief Officer is to determine the values taking into account the deemed total value of all the units which may be constructed in the jointly owned building.

(6) In this section “deemed value” and “deemed total value” is the value determined in accordance with Part 4.

### **Division of jointly owned buildings**

**38J.**—(1) This section applies where a jointly owned building comprises more than 1 building or is a complex of buildings, and each building has its own entrance.

(2) Unless the rules otherwise provide, and subject to subsection (4), the Director may register any of the buildings as a separate jointly owned building at the request of at least 75% of the owners of the jointly owned property in the building to be so registered.

(3) Where a jointly owned building is registered in accordance with subsection (2), but shares jointly owned property with other jointly owned buildings, the jointly owned property is deemed to be ceded to all the units in all the jointly owned buildings, in proportion to the share each unit has in the jointly owned building

(4) The appropriate authority must approve registration in accordance with subsection (2).

(5) The Director must make appropriate amendments to the land register to reflect registration under subsection (2) and apportionment under subsection (3).

(6) In this section, jointly owned property includes services and installations.

## **CHAPTER 3**

### **Maintenance and insurance**

#### **Maintenance and insurance of jointly owned buildings**

**38K.**—(1) A unit owner must pay for the maintenance, repair, insurance, management and any other costs associated with the jointly owned building in which the unit is situate as is required by this Part or in the rules.

(2) The proportion to be paid under subsection (1) is determined in the rules by reference to the area of the unit.

(3) If a unit owner does not pay the amount determined in accordance with this section, the management committee may recover the amount by way of an action for civil debt.

#### **Management committee to insure jointly owned buildings**

**38L.**—(1) The management committee must insure, and keep insured, the jointly owned building against the risk of fire, lightning and earthquake.

(2) The insurance policy must be underwritten by a licensed insurer and must be for an amount which the management committee deems is sufficient to cover the rebuilding of the jointly owned building.

(3) Subject to the agreement of at least 50% of all the unit owners in the jointly owned building, the management committee may insure against other risks.

(4) Despite subsection (3), the management committee must insure against other risks if so required by other legislation.

## CHAPTER 4

### Damage, destruction or sale: interests of unit owners

#### **Destruction of unit**

**38M.**—(1) Where a unit is damaged or destroyed, in whole or in part, the unit owner must repair or rebuild the unit to its original condition as soon as reasonably practicable and at the unit owner's expense.

(2) When repairing or rebuilding the unit in accordance with subsection (1), the unit owner must give priority to work which is required for the enjoyment of any jointly owned property which has been damaged or destroyed.

(3) Where a unit owner fails to comply with subsection (1) or (2), the owner must compensate other unit owners in the jointly owned building for loss of enjoyment of their unit or jointly owned property, as the case may be.

#### **Damage to jointly owned property**

**38N.** Where jointly owned property is damaged or partially destroyed, the management committee must repair or rebuild the property as soon as it receives compensation from the insurance policy for the jointly owned building.

#### **Total destruction of jointly owned building**

**38O.**—(1) A jointly owned building is deemed to be completely destroyed where there is a unanimous decision to that effect of all the unit owners in the building.

(2) Where a unanimous decision is taken under subsection (1), the unit owners may make a further unanimous decision about the steps to be taken.

(3) The decisions referred to in subsection (1) and (2) must be made at a general meeting convened for the purpose of making those decisions.

(4) Where the decisions are not unanimous, an interested party may file an application in the Resident Judge's Court seeking an order on the issues in dispute.

(5) In determining the issues under dispute the court must have regard to the rights and interests of all the unit owners in the jointly owned building whether or not they are parties to the application.

(6) A licensed insurer which has underwritten a policy in respect of the jointly owned building has the right to give evidence in the proceedings.

(7) In making an order, the court may include such directions and conditions as it considers are necessary and expedient to ensure that the consequences of the order are shared equitably between all the unit owners.

(8) Without limit to the discretion of the court, the court may order either or both of the following—

- (a) that the management committee disposes of monies received from an insurance claim in accordance with the order;

(b) that the owners of some or all of the units contribute towards the cost of rebuilding.

(9) The court may make such order as to the costs of the proceedings as it deems necessary and appropriate.

(10) The court may amend or substitute an order.

(11) In subsection (4), “interested party” means the management committee, a unit owner and any person who has a registered encumbrance or right in respect of the jointly owned building.

### **Sale of jointly owned building**

**38P.** A jointly owned building may be sold where all the unit owners in the building agree to the sale.

### **Determination of interests of unit owners**

**38Q.** Where a jointly owned building is completely destroyed, sold or compulsorily acquired, the respective interests of the unit owners is determined in accordance with the proportion of their share in the building as provided for in section 38I.

## **CHAPTER 5**

### **Management and rules**

#### **Rules for management of jointly owned buildings**

**38R.—**(1) The management of jointly owned buildings must be regulated in accordance with the rules made in accordance with this section.

(2) The rules must provide for the control, operation, management, administration, use and enjoyment of the units and regulate the relationship between the unit owners and their rights and obligations in relation to the jointly owned building and jointly owned property.

(3) The agreement of 75% of the unit owners in the jointly owned building is required to make the rules and to amend, revise or revoke them, unless a different percentage is required under this Part.

(4) The model rules apply in relation to a jointly owned building where a building permit has been issued, but the building has not been registered as jointly owned property, or where rules have not been made in accordance with subsection (3).

(5) The rules must comply with this Part.

(6) The rules must not—

- (a) prohibit or restrict the transfer of a unit by succession, lease, mortgage or any other transfer;
- (b) amend or purport to extinguish any easement or other right constituted under this Ordinance or any other legislation;
- (c) amend or purport to extinguish the rights of a unit owner;
- (d) without the consent of the unit owner, impose an obligation on the owner which is not required by this Part;
- (e) determine that any jointly owned property is restricted jointly owned property, otherwise than in accordance with section 38F.

#### **Registration of rules**

**38S.—**(1) The management committee must apply for the registration of the rules, including any amendment, revision or revocation of the rules, by sending a certified copy to the Chief Officer.

- (2) The Chief Officer must record the registration in the lands register.
- (3) On registration, the rules bind the owners of each unit in the jointly owned building to which they apply and the owners' successors in title.

### **Model rules**

**38T.**—(1) Where there are no rules for a jointly owned building, the model rules are deemed to be the rules for the building.

(2) The model rules apply if a question arises for which there is no express provision in the rules.

### **Management committee**

**38U.**—(1) A jointly owned building must have a management committee.

(2) The management committee is appointed in accordance with the rules and has the functions provided by this Part and by the rules.

### **Initial temporary management committee**

**38V.**—(1) Upon first registration of a building as a jointly owned building, the unit owners may request the Chief Officer to appoint a temporary management committee.

(2) The persons appointed as members of the temporary management committee must be persons recommended by the unit owners, but if there are no such recommendations the Chief Officer may appoint 1 or more unit owners or 1 or more other appropriate persons, or a combination of both.

(3) Where the Chief Officer appoints a person to the temporary management committee who is not a unit owner, the Chief Officer may determine the appropriate remuneration for the person.

(4) A temporary management committee has all the functions of a management committee appointed in accordance with the rules.

(5) The term of office of the temporary management committee expires on the date prescribed in the rules.

### **Procedure where no management committee**

**38W.**—(1) Subject to subsection (3), where there is no management committee or the management committee has ceased to function, the Chief Officer may appoint any person as a member of a management committee,

(2) Section 38V applies to an appointment under subsection (1), as it applies to the appointment of an initial temporary management committee.

(3) Subject to subsection (4), where the rules provide for the election of a management committee at a general meeting of all the unit owners in the jointly owned building, the Chief Officer must convene a general meeting for this purpose, if reasonably practicable.

(4) The Chief Officer may not appoint persons under subsection (1) unless the general meeting convened under subsection (3) does not elect a management committee, or the Chief Officer is satisfied that it is not reasonably practicable to convene a general meeting of all the unit owners.

### **Remuneration**

**38X.** Where a person appointed to a management committee is remunerated in accordance with section 38V(3) following an appointment under section 38V or 38W, the amount of remuneration is an expense to which all the unit owners must contribute in accordance with section 38K.

### **Management committee: functions**

**38Y.**—(1) The management committee has the functions provided by this Part and by the rules and must act on behalf of the unit owners in the jointly owned building.

(2) Without limiting subsection (1), the management committee may—

- (a) sue and be sued in connection with any issue relating to the jointly owned building or the jointly owned property;
- (b) sue for damages caused to the jointly owned property by any person;
- (c) make contracts in relation to the maintenance and management of the jointly owned building.

### **Management committee: duties**

**38Z.**—(1) The management committee must—

- (a) inspect and manage the jointly owned property to ensure compliance with this Part and the rules;
- (b) maintain the jointly owned property;
- (c) convene a meeting of unit owners at least every 12 months, or as required by this Part or in the rules;
- (d) comply with any notification, order or decision of a competent administrative authority in connection with the jointly owned building;
- (e) insure the jointly owned property in accordance with section 38L, and pay the insurance premiums;
- (f) apply or dispose of monies from insurance policies in accordance with this Part;
- (g) carry out any other duties provided for by this Part or in the rules.

(2) For the purpose of section 38L, the management committee is deemed to have an insurable interest in the replacement value of the jointly owned building, and any other object insured in accordance with that section.

(3) The management committee may not offset an insurance policy concluded under section 38L against any other insurance policy, unless that policy was concluded in accordance with this Part or the rules for the same jointly owned building.

### **Management committee: fund for expenses etc.**

**38Z1.**—(1) The management committee has the power to—

- (a) establish a fund (the “fund”) for the payment of management expenses and insurance premiums for the jointly owned building;
- (b) determine the amount to be retained in the fund and the amount to be contributed to the fund by the unit owners under section 38K;
- (c) to collect the amount to be contributed by the unit owners under section 38K;
- (d) to collect any additional amount from the unit owners required to comply with a notification received under 38Z(1)(d).

(2) The management committee may claim contributions from a unit owner by way of civil proceedings, where the unit owners at the time the decision to collect the contribution was made, and at the time any proceedings are filed, are jointly and severally liable.

(3) On application by a unit owner or a person authorised by the owner, the management committee must certify in writing —

- (a) the amount which is due to be paid to the fund by the unit owner;
- (b) the time and way in which the contributions to the fund are to be paid;
- (c) the amount of contributions paid to the fund by the unit owner.

(4) A certification of a material fact under subsection (3) creates a rebuttable presumption that the material fact is as certified.

#### **General meeting of unit owners**

**38Z2.** Where a general meeting is not convened in accordance with the rules, the Chief Officer may convene a meeting at the request of a unit owner, and such a meeting is deemed to have been convened under the rules.

#### **Decisions of unit owners**

**38Z3.**—(1) The management committee must keep a record of decisions (the “record”) taken in accordance with the rules.

(2) The record binds a unit owner and the owner’s successors in title.

(3) A unit owner may inspect the record at any reasonable time.

## **CHAPTER 6**

### **Registration**

#### **Registration of jointly owned buildings etc.**

**38Z4.**—(1) A jointly owned building, a unit or jointly owned property may only be registered where all the relevant documents required by this Ordinance or any other Ordinance are sent to the Chief Officer.

(2) The application for registration may be made by the owner of the jointly owned building or the unit owners.

(3) If a person fails to apply for registration of a building as a jointly owned building in accordance with this section, the Chief Officer may investigate the circumstances and, if satisfied, register the building as a jointly owned building.

(4) Each unit must be registered with any jointly owned property or restricted jointly owned property ceded to it, where the ownership of such property is determined in accordance with this Part.

#### **Prior registration**

**38Z5.**—(1) The registration of immovable property before the day this Part comes in force in accordance with section 6 continues to be valid, as if this Part had not come into force.

(2) Sections 38L to 38Z3 (inclusive) apply to a jointly owned building registered in accordance with subsection (1).

#### **Power to make regulations**

**38Z6.**—(1) The Administrator may make regulations as a public instrument for the better application of this Part.

(2) Without limiting the generality of subsection (1), regulations may provide for —

(a) any form of application, notice or other document required by this Part;

(b) fees and charges which may be imposed by the Chief Officer in relation to any matter regulated by this Part.”.

### **Amendment to section 51A (information to be furnished)**

**8.** Section 51A(a) is amended by adding after subsection (2)—

“(3) The Chief Officer may provide a credit institution with information from the land Registry about a particular property where the credit institution—

- (a) applies for the information; and
- (b) provides reasons for its request relating to the credit institution’s interest in the property.

(4) The Chief Officer may approve a credit institution (“approved credit institution”) for the purpose of applications under subsection (3), and where a request is made by an approved credit institution the Chief Officer is not required to verify the reasons for the request before providing the information.

(5) A credit institution which makes an application under subsection (3), must notify the person with an interest in the immovable property of the application and the reasons for the application.

(6) After providing information to a credit institution under subsection (3), the Chief Officer, by sending a registered letter requiring a reply within 1 month, may require a credit institution to verify the reasons for its application and to supply a copy of its notification under subsection (5);

(7) Where a person (“the applicant”) with an interest in property for which the information was requested makes an application and pays the prescribed fee, the Chief Officer must—

- (a) require the credit institution to verify the reasons for its application in accordance with subsection (6); and
- (b) notify the applicant of the result of the enquiry.

(8) Where a credit institution does not reply to an enquiry under subsection (6) within 1 month, the Chief Officer may do one or both of the following—

- (a) revoke the approval under paragraph (4) for a period not exceeding 2 years;
- (b) impose an administrative penalty not exceeding €250,000.

(9) Where, following an enquiry under subsection (6), a credit institution is unable to verify the reasons for its request under subsection (3), the Chief Officer may do one or both of the things specified in subsection (8), and notify the credit institution accordingly by registered letter.

(10) Where an approval is revoked under subsection (8) or (9), on the expiry of the period of revocation, the Chief Officer may grant a new approval subject to such conditions and limitations as the Chief Officer considers appropriate.”.

### **Insertion of Part 3D (updating of registration)**

**9.** After section 65U insert the following—

---

(a) Section 51A was repealed and replaced by Ordinance 7/2011.

## “PART 3D

### Updating of registration

#### **Application and interpretation of Part 3D**

**65V.**—(1) If a provision in this Part is incompatible with a provision in any other part of this Ordinance or any other Ordinance relating to the registration of immovable property, this Part takes precedence.

(2) In this Part—

“1984 Ordinance” means the Streets and Buildings Regulation (Consolidation) Ordinance 1984;

“2012 Ordinance” means the Immovable Property (Specific Performance) Ordinance 2012(a) ;

“alteration of immovable property” means any change to the immovable property which arises due to partition, building or other development, change of use, redistribution, readjustment of boundaries, the sinking of a well, compulsory acquisition, land consolidation, land distribution or any other cause;

“appropriate authority” means the appropriate authority under the 1984 Ordinance, or an authority which has the power under any other Ordinance to issue any permit or approval with regard to any alteration of an immovable property for which a permit or approval is required;

“building permit” has the meaning given in the 1984 Ordinance;

“irregularity” means alteration of immovable property in contravention of any Ordinance, and includes the breach of any term in a permit authorising alteration to immovable property;

“note of irregularity” means a note in the land register describing an irregularity in respect of the immovable property, which has been determined by an appropriate authority;

“unit” has the meaning given in section 38A;

“updating of registration”, and its grammatical variations, means to register immovable property by replacing an existing entry in the land register with a new entry due to the alteration of immovable property, and includes the registration of a jointly owned building and jointly owned property under Part 2A.

#### **Application by registered owner to update registration**

**65W.**—(1) Subject to the provisions of section 38Z4, a registered owner of immovable property may submit an application and the prescribed fee to the Chief Officer to update the registration of the property.

(2) In order to consider an application under subsection (1), the Chief Officer may require the applicant to provide documents, plans or other information, including the following—

- (a) certificate of registration of the immovable property;
- (b) a plan, which shows the changes that have been made or may be made to the immovable property;
- (c) a building permit, a partition permit, a permit to sink a well, a certificate of approval and any other permits required by legislation.

(3) The Chief Officer is not required to consider the application until the prescribed fee has been paid.

---

(a) Ordinance 16/2012.

### **Power to direct updating of registration**

**65X.**—(1) Where the Chief Officer considers that the registration of immovable property requires updating, the Chief Officer may direct the registration to be updated whether or not an application is made under section 65W or subsection (2).

(2) Any person with an interest in the immovable property, including an appropriate authority, a mortgage creditor or a buyer, who has submitted the sale agreement in accordance with the 2012 Ordinance, may make an application for a direction under subsection (1).

(3) Where the registration to be updated under subsection (1) includes a division or distribution of the interests in immovable property, the Chief Officer must—

- (a) obtain approval from the appropriate authority; and
- (b) register the division or distribution based on 1 or more of the documents specified in subsection (4).

(4) The specified documents are—

- (a) a sales agreement accompanied by an agreement for distribution, which has been submitted to an Area Officer under the 2012 Ordinance;
- (b) a consideration agreement, accompanied with an agreement for distribution, which has been submitted to an Area Officer in accordance with the 2012 Ordinance;
- (c) a sales agreement in which the share of the immovable property to be sold is determined, and which has been submitted to an Area Officer in accordance with the 2012 Ordinance;
- (d) an application to develop the whole or part of the immovable property which has been submitted in accordance with the legislation of the Areas, the permission granted, and the approved plans;
- (e) an application for the issue of a permit for the whole or part of the immovable property which has been submitted under the 1984 Ordinance, the permit issued and the approved plans;
- (f) a court order ordering the specific performance of an agreement under the 2012 Ordinance and which includes an order to take all necessary measures and procedures to create a separate registration for the disputed immovable property;
- (g) a court order or judgment specifying the share of the immovable property together with any jointly owned property or restricted jointly owned property for which the issue of a separate title deed is ordered or decided.

(5) When deciding whether it is appropriate to direct the updating of a registration, the Chief Officer must consider the following factors—

- (a) the time since the alteration of the immovable property;
- (b) the extent or significance of the alteration; and
- (c) the number of persons affected by the updating or non-updating of the registration.

(6) Where the Chief Officer intends to direct the updating of a registration, the Chief Officer must give notice to the person eligible to be registered as owner, giving the person 60 days from the date of service of the notice —

- (a) to submit an application for updating of registration under section 65W; or
- (b) to provide written reasons why the registration should not be updated.

(7) The notice under subsection (6) must include—

- (a) a description of the immovable property;
- (b) the name of the person eligible to be registered as owner;
- (c) the reasons for the direction to update the registration; and
- (d) the amount of the prescribed fee which is payable.

(8) Where the owner fails to comply within the time specified in the notice, the Chief Officer may—

- (a) update the registration in accordance with this section and notify the owner accordingly;
- (b) impose on the person to whom the notice is sent an administrative penalty of up to €10,000.00.

(9) Where the owner provides reasons for not updating the registration which the Chief Officer deems to be inadequate, the Chief Officer may direct the registration to be updated in accordance with this section.

(10) Where subsection (8) or (9) applies, and the owner does not provide information which the Chief Officer reasonably requires to update the registration, the Chief Officer may impose an administrative penalty of €10,000.00, which may be in addition to a penalty imposed under subsection (8)(b).

(11) When deciding whether to impose a penalty under subsection (10), and the amount of the penalty, the Chief Officer must have regard to the factors specified in subsection (5).

(12) Where the owner fails to pay the prescribed fee specified in a notice under subsection (7), the fees will constitute a charge against the property in accordance with section 5 of the Lands and Surveys (Fees and Charges) Ordinance 2010(a).

#### **Administrative penalties**

**65Y.**—(1) Before imposing an administrative penalty under section 65X(8)(b) or (10), the Chief Officer must give preliminary notice to the person on whom it is to be imposed giving reasons for the imposition of the penalty.

(2) The preliminary notice must give the person 15 days from the date of service to provide written representations as to why the penalty should not be imposed.

(3) The notice which imposes the administrative penalty under section 65X(8)(b) or (10) must—

- (a) specify the breach of section 65X;
- (b) provide written reasons for the decision to impose the penalty;
- (c) contain information about the right to lodge an appeal to Administrator under section 65Z4.

#### **Obligation to produce documents**

**65Z.**—(1) The Chief Officer may require an owner, an appropriate authority or any other person with an interest in the immovable property, to produce documents required to update registration under this Part.

(2) Where the owner or other person does not produce the documents required, the Chief Officer may obtain relevant documents held by the appropriate authority.

#### **Updating of registration**

**65Z1.**—(1) Registration is updated by substituting an entry or entries in the land register in respect of the immovable property, and updating the relevant plans.

(2) In the case of the registration of a unit in a jointly owned building, the unit's share in the jointly owned property is determined in accordance with section 38I, irrespective of whether there has been a breach of any legislative requirement in the division of the building which has altered the value of the unit.

---

(a) Ordinance 32/2010.

(3) But, if a unit acquires additional area or additional jointly owned property, which increases the value of the unit, the increased value is taken into account for the purpose of determining the share of joint expenses to be attributed to the unit under Part 2A.

(4) Subject to the Immovable Property (Transfer and Mortgage) Ordinance 1966(a), where immovable property is charged with a right or a prohibition, the right or prohibition is transferred to the updated registration.

(5) The Chief Officer must notify the person with the burden of the right or the benefit of the prohibition of the updated registration.

(6) In this section, “jointly owned building”, “jointly owned property” and “unit” has the meaning given in section 38A.

### **Note of irregularity**

**65Z2.**—(1) Where the Chief Officer is updating registration under this Part, and is notified by the appropriate authority of an irregularity, the Chief Officer may enter a note of the irregularity and a prohibition on voluntary transfer or charge in the land register.

(2) A certificate of approval issued under the 1984 Ordinance, which includes reference to an irregularity, is authority for the Chief Officer to enter a note of irregularity in the land register.

(3) Where the appropriate authority certifies an irregularity in respect of immovable property, Chief Officer may enter a note of irregularity and a prohibition on voluntary transfer, and charge to the benefit of the appropriate authority.

(4) Subsection (3) does not apply to a transfer or charge which is not voluntary or a transfer due to hereditary succession or gift to the owner’s spouse, child or relative of up to the 3rd degree.

(5) Where the transfer is for a reason specified in subsection (4), the prohibition on voluntary transfer and charge remains on the property and binds the new owner.

(6) In this section and section 65Z3, “voluntary transfer or charge” means a transfer of charge undertaken at the discretion of the owner and does not include a transfer or charge—

- (a) required and imposed by legislation;
- (b) which follows action taken under the 2012 Ordinance;
- (c) under a court order; or
- (d) following repossession by a mortgagee.

### **Removal of note of irregularity**

**65Z3.**—(1) The Chief Officer may remove a note of irregularity, prohibition on voluntary transfer or charge, on the application of the appropriate authority made on the grounds that the irregularity has been rectified.

(2) An application under subsection (1) must include the relevant plans and documents relating to the rectification of the irregularity.

(3) The Chief Officer may require an inspection of the immovable property to which the application relates.

### **Appeal to Administrator against administrative penalty**

**65Z4.**—(1) A person (the “appellant”) may appeal against a notice under section 65Y(3) imposing an administrative penalty.

---

(a) Ordinance 16/1966.

(2) The appeal must be made in writing to the Administrator within 30 days of the date of service of the notice.

(3) An appeal made in accordance with subsection (2) suspends the notice until the Administrator decides the appeal.

(4) The Administrator must consider representations (oral or in writing) from the Chief Officer and the appellant and make a decision within 30 days of receiving the notice of appeal.

(5) The Administrator may decide to —

- (a) uphold the imposition of the penalty;
- (b) set aside the imposition of the penalty;
- (c) amend the penalty; or
- (d) make a new decision.

(6) The Administrator must advise the appellant in writing of the decision under subsection (5).”.

### **Substitution section 67 (revaluation)**

10. For section 67 substitute the following—

#### **“Revaluation**

67.—(1) Subject to subsection (2), the Chief Officer may require, or the registered owner may request, the revaluation of immovable property 1 year or more after the last valuation.

(2) A revaluation may be required or requested less than 1 year after the last valuation where—

- (a) there has been a material change to the immovable property, including a change to the permitted use of the property, such as to substantially increase or decrease the registered value;
- (b) due to an error or omission in the conduct of a general valuation which materially affects the registered value of the immovable property; or
- (c) due to an error or omission in the conduct of a general valuation, the value of the immovable property is not recorded.

(3) In the case of paragraph (b) and (c), no fee is payable for a revaluation made at the request of the registered owner.”.

### **Amendment to section 68 (valuers)**

11. In section 68(1) for “Governor” substitute “Administrator or Chief Officer”.

### **Amendment to section 69 (general valuation of immovable property)**

12. In section 69 for “any town, village or quarter” substitute “Akrotiri village, an overlapping community or an overlapping municipality”.

### **Amendment to section 70 (procedure on general valuation)**

13.—(1) Section 70 is amended as follows.

(2) Renumber the existing section as subsection (1).

(3) In the 1st sentence of renumbered subsection (1), for “any town, village or quarter” substitute “Akrotiri village, an overlapping community or an overlapping municipality”.

(4) For renumbered subsection(1)(b) substitute—

“(b) on completion of the general valuation, the Chief Officer must—

- (i) publish a notice in the Gazette stating that the general valuation lists have been deposited at the offices of the community councils and the municipal councils; and
  - (ii) send a notice in writing to the registered owner of the immovable property valued under the general valuation stating the valuation of that property following the general valuation.”.
- (5) In renumbered subsection (1)(c) after “reasonable times and” insert “the mayor or”.
- (6) For renumbered subsection (1)(d) substitute—
- “(d) The valuation in the general valuation list referred to in paragraph (b) is final unless—
- (i) the registered owner or other interested party sends an objection in writing to the Chief Officer within 6 months of the date the notice referred to in paragraph (b)(i) was published in the Gazette; or
  - (ii) the Chief Officer applies to the Resident Judge’s Court for a revision of the valuation in accordance with paragraph (f).”.
- (7) After the renumbered subsection (1) add—
- “(2) The “general valuation lists” or “lists” referred to in this section and section 71 may be published in printed or electronic format, or both.”.

**Amendment to section 71 (procedure on valuation or revaluation of particular properties)**

- 14.**—(1) Section 71 is amended as follows.
- (2) For paragraph (b)(i) and (b)(ii)(a) substitute—
- “(i) The Chief Officer must—
- (aa) send a notice in writing to the registered owner of the immovable property valued or revalued stating the valuation of that property; or
  - (bb) deposit lists with details of the valuation or revaluation at offices of the community councils or the municipal councils within whose boundaries the immovable property is situated.
- (ii) In the case of subparagraph (i)(bb), the Chief Officer must publish a notice in the Gazette stating that the lists have been so deposited;”.
- (3) In subparagraph (b)(iii) after “reasonable times and” insert “the mayor or”.
- (4) In subparagraph (b)(iv) for “from date of the posting up of the notice provided for in subparagraph (ii) of paragraph (b),” substitute “of the date the notice referred to in paragraph (b)(ii) was published in the Gazette,”.

**Amendment to section 73 (valuations to be effective until revised)**

- 15.**—(1) Section 73 is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The Chief officer must notify the Fiscal Officer where a valuation is revised in accordance with this section or sections 70 to 72.”.
- (3) In subsection (2), for “any town, village or quarter” substitute “Akrotiri village, an overlapping community or an overlapping municipality”.

---

(a) Paragraph (b) was repealed and replaced by Ordinance 13/1993.

**Amendment to section 74 (fee for examination of objections to valuation of immovable property)**

16.—(1) Section 74(1)(a) is amended as follows.

(2) Omit the full stop after “objection” at the end of the subsection and insert “, and reasons why the immovable property should be revalued.”.

**Amendment to section 79 (offences)**

17.—(1) Section 79(b) is amended as follows.

(2) In subsection (1) for “€1,281” substitute “€5,000”.

(3) In subsection (2) for “€427” substitute “€500”.

(4) In subsection (3)—

(a) for “70 and 71” substitute “70, 71 or 74”;

(b) for “€1,281” substitute “€5,000”.

(5) In subsection (4)

(a) for “€1,708” substitute “€10,000”;

(b) for “70 or 71” substitute “70, 71 or 74”.

**Amendment to section 86 (delegation of functions to the Republic)**

18.—(1) Section 86(c) is amended as follows.

(2) In subsection (2) after “the Area Officer” insert “or the Fiscal Officer”.

(3) In subsection (5) insert “65Z4,” after “62,”.

**Transitory provision relating to general valuation**

19.—(1) Despite the general valuation ordered by the Administrator in the Immovable Property (General Valuation) Order 2013(d), taxes in relation to immovable property for the tax year of 2014 must be determined in accordance with the value of the property, or deemed value of the property, on 1 January 1980.

(2) In this section, “tax year” has the meaning given in section 2 of Assessment and Collection of Taxes Ordinance 2003(e).

---

(a) Section 74 was repealed and replaced by Ordinance 7/2011.  
(b) Section 79 was repealed and replaced by Ordinance 7/2011.  
(c) Section 86 was inserted by Ordinance 7/2011.  
(d) P.I. 46/2013.  
(e) Ordinance 30/2003.

## EXPLANATORY NOTE

*(This note is not part of the Ordinance)*

1. This explanatory note relates to the Immovable Property (Tenure, Registration and Valuation) (Amendment No. 2) Ordinance 2014 (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. It does not form part of the Ordinance.
2. The Ordinance amends the Immovable Property (Tenure, Registration and Valuation) Ordinance (Cap 224) (“the principal Ordinance”) to mirror amendments made by Laws 6(I)/1993, 57(I)/2005, 48(I)/2011, 45(I)/2012, 155(I)/2013 and 110(I)/2014 of the Republic of Cyprus to the corresponding Republican Law (Cap 224 Statute Laws of Cyprus revised edition 1959, as amended).
3. Sections 4 and 7 mirror the amendments made by Law 6(I)/1993 and further amended by Law 48(I)/2011. Section 4 repeals section 6 (ownership of storeys of building) of the principal Ordinance. Section 7 inserts a new Part 2A in the principal Ordinance (new sections 38A to 38Z6). This new Part makes provision relating to registration for units (e.g. flats or shops) in jointly owned buildings.
4. Sections 5 and 6 mirror the amendments made by Law 57(I)/2005. They amend section 30 of, and insert a new section 33A, in the principal Ordinance. These provisions relate to readjustment of the boundaries of plots where a small plot is within a larger one.
5. Section 8 mirrors the amendment made by Law 155(I)/2013. It amends section 51A of the principal Ordinance and provides a power for information about registered property to be provided to credit institutions (defined in an amendment to section 2 of the principal Ordinance by reference to the Republic’s law).
6. Section 9 mirrors amendments made by Law 48(I)/2011 and further amended by Law 45(I)/2012. It inserts a new Part 3D in the principal Ordinance (new sections 65V to 65Z4). This new Part makes provisions relating to updating the land register on application of the owner, an interested party or if directed by the Chief Officer.
7. Section 10 to 17 amend provisions in Part 4 of the principal Ordinance relating to the valuation of immovable property. They reflect amendments made by Law 110(I)/2014.
8. By virtue of section 86 of the principal Ordinance, the functions placed on the Chief Officer and an Area Officer by these amendments are general delegated functions for the purpose of the Delegation of Functions to the Republic Ordinance 2007. Section 18 makes minor amendments to section 86. The power of the Administrator to hear appeals against the imposition of administrative penalties under new section 65Z4 is a general delegated function (i.e. is delegated to the Republic), and the requirement to notify the Fiscal Officer of changes to a valuation under new subsection 73(1A) is also made a general delegated function.
9. Section 19 contains a transitory provision relating to the valuation of immovable property. Taxes on immovable property in the tax year 2014 are determined by reference to the value, or deemed value, on 1 January 1980.
10. The table below summarises how the insertion of the new Parts 2A and 3D relate to the corresponding Republican law.

.../table

<i>Immovable Property (Tenure, Registration and Valuation) Ordinance (Cap 224)</i>	<i>Immovable Property (Tenure, Registration and Valuation) Law (Cap 224)</i>
<i>Sovereign Base Areas</i>	<i>Republic of Cyprus</i>
Part 2A Jointly owned buildings Sections 38A to 38Z6	Part 2A Jointly owned buildings Sections 38A to 38ΑΓ
Part 3D Updating of registration Sections 65V to 65ZA	Part 6A Updating of registration Sections 65KA to 65KI

SBA/AG/2/LD/137

Published by the Sovereign Base Areas Administration  
The Sovereign Base Areas Gazette may be viewed on the official Sovereign Base Area Administration  
web site: <http://sbaadministration.org/>