

No. 71**THE IMMOVABLE PROPERTY (TENURE,
REGISTRATION AND VALUATION) ORDINANCE**

(Cap 224 (Laws of Cyprus) as amended by Ordinances 12/66,
11/84, 1//85, 12/85, 5/87, 18/87, 21/88, 8/90, 14/90,
13/93, 4/96 and 5/96)

REGULATIONS MADE UNDER SECTION 65N

In exercise of his powers under section 65N of the Immovable Property (Tenure, Registration and Valuation) Ordinance as amended, the Administrator hereby makes the following Regulations:—

Citation

1. These Regulations may be cited as the Immovable Property (Registration of Leases) Regulations 2006.

Interpretation

2. (1) In these Regulations, unless the context otherwise requires —
- “contract” includes a photocopy of the contract which has been certified as a true copy of the contract by an Area Officer;
- “lawful charges” means any charges payable in accordance with the Lands and Surveys (Fees and Charges) Ordinance 1971^(a);
- “Ordinance” means the Immovable Property (Tenure, Registration and Valuation) Ordinance;
- “plan” means a survey plan;
- “supplementary plan” means a plan or sketch showing details which do not customarily appear on a survey plan and which supplement the survey plan.

(2) Any terms which are not otherwise defined under these Regulations shall have the meaning assigned to them under the Ordinance or the Immovable Property (Transfer and Mortgage) Ordinance 1966^(b) as appropriate.

(3) Subject to subsection (4) below, any certification of an instrument in accordance with section 10(3) of the Immovable Property (Transfer and Mortgage) Ordinance 1966 shall be treated as duly certified for the purposes of these Regulations.

(4) Any certification of an instrument relating to Crown immovable property shall be accepted only where it is certified by the Chief Officer.

Registration of lease

3.—(1) In addition to the matters provided for in section 65B(2), an application for the registration of a lease shall be accompanied by—

- (a) the contract for the lease which shall refer to and have attached to it the plan of the property to which the lease relates and, where relevant, the supplementary plan; and
- (b) the lawful charge.

(a) Ordinance 8/71 as amended by Ordinances 12/73, 8/76 and 8/79.

(b) Ordinance 16/66 as amended by Ordinances 14/70 and 8/78.

(2) On receipt of an application to register the lease in accordance with section 65B of the Ordinance and of this regulation, the Area Officer shall record the date and time of its submission.

(3) Where, having regard to section 65B(4) the Chief Officer is of the opinion that the lease cannot be registered, he shall notify the applicant of this fact within 30 days from the date on which the application was submitted.

(4) Any lease which is registered in accordance with section 65B(3) shall be regarded as so registered from the date and time recorded in accordance with paragraph (2) above.

(5) Any lease which the Chief Officer declines to register shall be treated as unregistered for all purposes.

Registration of sub-lease

4.—(1) In addition to the matters provided for in section 65B(2), applied mutatis mutandis by section 65D(3), an application for the registration of a sub-lease shall—

- (a) be accompanied by the contract for the sub-lease which shall refer to and have attached to it the plan of the property to be sub-let and, where relevant, the supplementary plan;
- (b) where the sub-lease concerns only part of an immovable property the plan of the part of the property to be sub-let shall bear the signatures of the sub-lessor and sub-lessee properly authenticated; and
- (c) be accompanied by the lawful charge.

(2) On receipt of an application to register the sub-lease in accordance with section 65D of the Ordinance and of this regulation, the Area Officer shall record the date and time of its submission.

(3) Where, having regard to section 65D(2) the Chief Officer is of the opinion that the sub-lease cannot be registered, he shall notify the applicant of this fact within 30 days from the date on which the application was submitted.

(4) Any sub-lease which is registered in accordance with section 65D(3) shall be regarded as so registered from the date and time recorded in accordance with paragraph (2) above.

(5) Any sub-lease which the Chief Officer declines to register shall be treated as unregistered for all purposes.

Registration of the transfer of a lease

5.—(1) In addition to the matters provided for in section 65B(2), applied mutatis mutandis by section 65D(3), an application for the registration of the transfer of a lease shall –

- (a) be accompanied by the certificate of registration of the immovable property leased other than where the property is Crown immovable property;
- (b) bear the signatures of both the transferor and transferee properly authenticated; and
- (c) be accompanied by the lawful charge.

(2) On receipt of an application to register the transfer in

accordance with section 65D of the Ordinance and of this regulation, the Area Officer shall record the date and time of its submission.

(3) Where, having regard to section 65D(2) the Chief Officer is of the opinion that the transfer cannot be registered, he shall notify the applicant of this fact within 30 days from the date on which the application was submitted.

(4) Any transfer which is registered in accordance with section 65D(3) shall be regarded as so registered from the date and time recorded in accordance with paragraph (2) above.

(5) Any transfer which the Chief Officer declines to register shall be treated as unregistered for all purposes.

Registration of lease of building to be constructed etc.

6.—(1) An application for the registration of a lease of a building to be constructed or under construction or in respect of the partition of land shall –

- (a) be accompanied by the contract for the lease bearing the signatures of the lessor and the lessee properly authenticated; and
- (b) be accompanied by the lawful charge.

(2) On receipt of the required documents and lawful charge the Chief Officer shall enter the details of the lease in the book kept for this purpose known as the “Register of Leases of Buildings and Divided Land Plots” and shall provide confirmation of the entry to the person making the application.

Register of Leases

7. The Register of Leases and any certification of entry in such Register shall contain the following information –

- (a) the location in which the immovable property is sited;
- (b) reference to the plan submitted with the application;
- (c) details of the lease, sub-lease or transfer including –
 - (i) the date on which the lease, sub-lease or transfer was made;
 - (ii) the names and addresses of the parties to the lease, sub-lease or transfer;
 - (iii) the period of the lease or sub-lease;
 - (iv) the rent due under the lease or sub-lease;
 - (v) any advance payment provided for in the lease or sub-lease; and
 - (vi) any other particulars the Chief Officer deems necessary.

Existing leases or sub-leases

8. The coming into force of these Regulations shall not prejudice the ability to register any existing lease or sub-lease where the only deficiency relates to the ability to attach to the lease or sub-lease a copy of the plan and any supplementary plan.

Public access to Register of Leases and Register of Leases of Buildings and Divided Plots of Land

9. Any person may apply to the Chief Officer for information relating to an entry in the Register of Leases or the Register of Leases of Buildings and Divided Plots of Land on payment of the lawful charge.

Commencement

10. These Regulations shall come into force on the day of their publication in the Gazette.

Dated this 2nd day of October 2006.

By the Administrator's Command,

P. D. Draycott,
Chief Officer,

(SBA/AG/2/LD/137/3)

Sovereign Base Areas.

No. 72

CORRIGENDUM

With regard to Public Instrument 54 of 2006, published in Supplement No. 3 of Gazette No. 1424 of 9th August, 2006:

(a) the date on the second line of the first paragraph on page 112 reading "13th July 2006" should read "9th August 2006".

(b) the date on the third line of the first paragraph on page 113 reading "13th July, 2006" should read "7th July 2006".
